

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 454
Thursday, December 19, 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 White Wilson		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, December 17, 1985, at 3:18 p.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 1:04 p.m.

MINUTES:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-0-1 (Bradley, Chappelle, White, "aye"; no "nays"; Wilson, "abstaining"; Clugston, "absent") to **APPROVE** the Minutes of December 5, 1985.

UNFINISHED BUSINESS

Case No. 13523

Action Requested:

Variance - Section 1214.4 - Off-Street Parking and Loading Requirements - Request a variance of the parking requirements to allow for expansion of shopping center in the future, located south of the SW/c of 21st Street and 145th East Avenue.

Presentation:

The applicant, Ronald Ray, Jr., requested by letter (Exhibit A-1) that Case No. 13523 be continued until March 20, 1986.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **CONTINUE** Case No. 13523 to March 20, 1986.

12.19.85:454(1)

Case No. 13847

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request a variance from the required 35' front yard setback, located at 3756 South Florence.

Presentation:

The applicant, Patrick Fox, 116 East 26th Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit B-1) and photographs (Exhibit B-2) of a proposed veranda, which is to be added to an existing structure. Mr. Fox explained that the house sets diagonally on the lot and the veranda will encroach on the setback at two points.

Comments and Questions:

Ms. Wilson asked the applicant if the addition will be all around the house and he informed that it will be 7' wide and wrap around the house.

Ms. Bradley asked how much the veranda will encroach and Mr. Fox replied that the distance at the midpoint of the porch is approximately 47' from the property line. He noted that the existing house encroaches on the setback.

Ms. Wilson asked Mr. Fox to address the hardship and he replied that the hardship is the corner lot and the configuration of the existing house on the property.

Protestants: None.

Board Action:

On MOTION of WHITE and SECOND by WILSON the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts) from the required 35' front yard setback; per plot plan submitted; finding a hardship demonstrated by the corner lot and the configuration of the existing house; on the following described property:

Lot 7, Block 5, Indian Meadows Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13860

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 and 1206 - Request a special exception to construct a single-family dwelling in a CH zoned district in conjunction with a mini-storage facility, located at 135 South Memorial.

Case No. 13860 (continued)

Presentation:

The applicant, James Wilson, 6116 South Memorial, Tulsa, Oklahoma, who submitted a site plan (Exhibit C-1), stated that he is allowed the mini-storage by right and asked the Board to allow him to construct a house in a CH zoned district.

Comments and Questions:

Ms. Bradley asked Mr. Wilson if the dwelling will be a mobile home or a house. He replied that he is going to construct a 2-bedroom home with an office.

Ms. Wilson asked Mr. Gardner if this is a typical arrangement and he explained that having a dwelling as a part of a mini-storage is a customary use, since it is usually needed for security purposes.

Protestants: None.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 and 1206) to construct a single-family dwelling in a CH zoned district in conjunction with a mini-storage facility; per plot plan; on the following described property:

Beginning at a point 165' south and 35' east of the SW/c of the NW/4 of the NW/4 of Section 1, T-19-N, R-13-E, thence east 625', thence south 165', thence west 625', thence north 165' to POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13862

Action Requested:

Special Exception - Section 1215.3 - Use Conditions - Use Unit 15 - Request a variance of the screening requirements, located at 1237 South Memorial Drive.

Presentation:

The applicant, Karen Vanschoyck, 1648 South Boston, Tulsa, Oklahoma, represented Billiards of Tulsa, and stated that this is a portion of the case that was heard by the Board on December 5, 1985. She asked that the screening requirements be waived on the subject tract. Ms. Vanschoyck informed that Stormwater Management stated that a screening fence on the property would block the flow of floodwaters and increase flooding to adjacent landowners. A letter (Exhibit D-1) from that office was submitted.

Comments and Questions:

Ms. Wilson asked the applicant if the detention pond is going to be directly behind the protestant that spoke at the last meeting. She

Case No. 13862 (continued)

replied that the location of the pond will probably be either under the building or to the east of the project, but if it is next to him it will be only 2' deep and will not be objectionable.

Ms. Bradley asked if the fence could be built up the same height as the building. Ms. Hubbard informed that an elevated fence would require more structural poles which could catch debris and it is the determination of Stormwater Management that this collected debris would prohibit the flow of floodwater.

Protestants: None.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 3-1-0 (Chappelle, White, Wilson, "aye"; Bradley, "nay"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 1215.3 - Use Conditions - Use Unit 15) to remove the screening requirements; on the following described property:

Lot 4, Block 3, Forrest Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 13845

Action Requested:

Variance - Section 430 - Bulk and Area Requirement in Residential Districts - Use Unit 1206 - Request a variance of the lot area from 6,900 sq. ft. to 3,000 sq. ft., land area from 8,400 sq. ft. to 4,800 sq. ft., and the livability space from 4,000 sq. ft. to 2,000 sq. ft. in order to permit a lot split, located at 1923 West Brady.

Presentation:

The applicant, Linda McLaughlin, 4621 South 33rd West Avenue, Tulsa, Oklahoma, submitted a location map (Exhibit E-1) and stated that she represents the owners of the property in question. She informed that the property had the same owner from 1920 to 1966 and during that time 2 buildings were built on 1 lot (1 duplex and 1 home). In 1966 the property was sold to 2 different people without acquiring a lot-split. Ms. McLaughlin stated that the property has again been sold and the variance is needed to clear the title.

Protestants: None.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Variance (Section 430 - Bulk and Area Requirement in Residential Districts -

Case No. 13845 (continued)

Use Unit 1206) of the lot area from 6,900 sq. ft. to 3,000 sq ft., land area from 8,400 sq. ft. to 4,800 sq. ft., and the livability space from 4,000 sq. ft. to 2,000 sq. ft. In order to permit a lot split; finding that the 3 dwellings have existed for many years on the subject properties; on the following described property:

Lot 7, Block 19, Irving Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13869

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1202 - Request a special exception to allow for a Driver's Examination Station affiliated with the Oklahoma Department of Public Safety, located at 4600 North Elgin.

Comments and Questions:

Mr. Gardner informed that Staff received a call from State Senator McIntire informing that he is supportive of the application, as is the surrounding neighborhood.

Presentation:

The applicant, Keith Stevens, was represented by Vincent Scott, 4600 North Elgin, Tulsa, Oklahoma, who informed that Mr. Stevens is the owner of the property and it will be used for testing and issuing Driver's License by the State of Oklahoma. A copy of the Building Permit (Exhibit F-1) was submitted.

Additional Comments:

Ms. White asked Mr. Scott to state the hours of operation and he replied that the office would be open from 8 a.m. to 5 p.m., Monday thru Friday.

Ms. Wilson asked Mr. Scott how much traffic will be generated in the area as a result of the station. He replied that he is not sure.

Mr. Jackere asked how large the building is that will house the examination station and Mr. Scott replied that he does not know the total square footage.

Mr. Gardner informed that the location is appropriate and convenient, and suggested that the operation could be limited to the existing building. If more space is needed the applicant could return to the Board with a plot plan at a later date. He noted that there is approximately 3 1/2 acres available.

Board Action:

Ms. White's motion for approval, subject to the use being restricted to the present building, died for lack of a second.

Case No. 13869 (continued)

On MOTION of BRADLEY and SECOND by WILSON, the Board voted 2-2-1 (Bradley, Wilson, "aye"; Chappelle, White, "nay"; Clugston, "abstaining"; none, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1202) to allow for a Driver's Examination Station affiliated with the Oklahoma Department of Public Safety.

The motion failed for lack of 3 affirmative votes.

Mr. Jackere suggested that it might be appropriate to continue the application to allow the applicant to present further information concerning the case.

Board Action:

On MOTION of CLUGSTON and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to CONTINUE Case No. 13869 to January 9, 1985.

Case No. 13870

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1217 - Request a special exception to allow automotive sales, located north of 51st and west of Lewis Avenue.

Presentation:

The applicant, Tom Olzawski, 1530 South 79th East Avenue, Tulsa, Oklahoma, explained that the property in question has been used for the past 15 years for the sale and service of motorcycles and asked the Board to allow automobile sales on the lot. He noted that the lot is 240' by 240' and the building has approximately 9,600 sq. ft. An aerial photograph was submitted (Exhibit G-1).

Comments and Questions:

Mr. Chappelle asked Mr. Olzawski how many automobiles would be on the lot and he answered that he is not sure how many the lot will accomodate.

Ms. Bradley asked the applicant to state the uses to the east and west of the subject lot. He replied that there is a restaurant to the east and a vacant lot to the west, with a garage further west.

Ms. White asked if the property is screened on the south and Mr. Olzawski replied that it faces 51st Street and is not screened.

Ms. Wilson inquired if the parking lot is made of a hard surface and the applicant answered in the affirmative.

Case No. 13870 (Continued)

Ms. Bradley asked Mr. Gardner how many cars could be parked on the subject lot. Mr. Gardner stated that approximately 200 cars could be parked on the lot, but that the Board could stipulate the number that could be stored in front of the business and require the remainder to be placed behind or inside the building. Mr. Olzawski informed that there is a space to the west with paved parking, which would accomodate approximately 35 to 40 cars.

Protestants: None.

Board Action:

On MOTION of BRADLEY and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to allow automotive sales; subject to no more than 35 automobiles being parked on the west side of the building, on the existing paved surface, with the remainder being stored inside or behind the building; on the following described property:

Beginning 440' west of the SE/c, SE/4, thence north 240', west 220', south 240', east 220' to beginning, Section 30, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13872

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow a mobile home in a RM-1 zoned district.

Variance - Section 440.6(a) - Special Exception Uses in Residential Districts, Requirements - Request a variance to permit the mobile home for an unlimited time, located at 1227 North St. Louis.

Presentation:

The applicant, Jim Sanders, 2023 South 1st Place, Broken Arrow, Oklahoma, represented his mother, who owns the property in question. He asked the Board to allow the mobile home that is now located on the lot to remain in order that her elderly sister will have a home nearby. An aerial photograph (Exhibit X-1) was submitted.

Comments and Questions:

Ms. Bradley inquired as to how long the mobile home has been at the present location. Mr. Sanders replied that it has been on the lot since 1981.

Mr. Clugston asked the applicant if there are other mobiles in the area and he replied that there are no others.

Case No. 13872 (continued)

In reply to Ms. Bradley's inquiry, the applicant stated that the mobile home is the only structure on the lot.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow a mobile home in a RM-1 zoned district; and to APPROVE a Variance (Section 440.6(a) - Special Exception Uses In Residential Districts, Requirements) to permit the existing mobile home for a time period of 3 years only; on the following described property:

Lot 12, Block 2, Wildman's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13873

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted In Office Districts - Use Unit 1206 - Request a special exception to allow an existing single-family residence and a request to build a 720 sq. ft. detached accessory building (garage) in the rear yard, located at 2323 East 13th Place.

Presentation:

The applicant, Mark Fore, requested that Case No. 13873 be continued until January 9, 1985.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to CONTINUE Case No. 13873 to January 9, 1985 to allow the applicant to advertise for additional relief.

Case No. 13875

Action Requested:

Variance - Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of setback from the centerline of East 56th Place from 55' to 41.8' in order to permit an existing encroachment, located at 3417 East 56th Place.

Presentation:

The applicant, Colleen Humphrey, 7363 East 59th Street, Tulsa, Oklahoma, submitted a plat of survey (Exhibit H-1) and stated that she is a Real Estate agent, representing the owners of the property. She informed that the variance is needed to clear the title and that the house in question was built in 1959.

Case No. 13875 (continued)

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance (Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of setback from the centerline of East 56th Place from 55' to 41.8' in order to permit an existing encroachment; per survey submitted; on the following described property:

Lot 17, Block 2, Lou North Woodland Acres Fifth Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13876

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 home, located on the NW/c of Marshall Street and Urbana Avenue.

Presentation:

The applicant, Peggy Calderwood, 6797 East 27th Place, Tulsa, Oklahoma, stated that she is proposing a day care center next door to the Robert E. Owen Elementary School. She informed that the interior of a 1,300 sq. ft. house is being remodeled and a fence installed. Ms. Calderwood stated that the center will have 28 children and 3 employees.

Comments and Questions:

Mr. Chappelle asked the applicant to state the days and hours of operation for the day care center. Ms. Calderwood replied that the business will be open Monday thru Friday, from 6 a.m. until 6 p.m.

Ms. White asked Ms. Calderwood to state where the employees will park. She answered that the employees will park in the driveway and that she will install a circle drive for parents to use when delivering the children.

Ms. Wilson asked the applicant if she resides in the home which will be used for the center. Ms. Calderwood stated that she does not live in the home, but is purchasing the house from her father.

Protestants:

Rae Williams, 1224 North Urbana, Tulsa, Oklahoma, submitted a petition (Exhibit XX-1) with the signatures of 55 homeowners, who oppose the location of a day care center in their neighborhood. She pointed out that there are 2 child care facilities already in the area and feels that they adequately serve the community.

Mr. Clugston asked Ms. Williams if there are signs which advertise the 2 child care centers that are now in operation and she answered that there are small signs in front of these businesses.

Case No. 13876 (continued)

Ms. Bradley asked the applicant how far she lives from the property in question. Ms. Williams replied that her home is 6 houses to the north of the proposed center.

Board Action:

On MOTION of WHITE and SECOND by WILSON the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow a day care center in an existing home; on the following described property:

Lot 12, Block 5, Morgan Homes Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13877

Action Requested:

Use Variance - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1212.4 - Request a use variance to allow a dance hall and a variance in the required number of parking spaces, located at 11545 East 43rd Street.

Presentation:

The applicant, Sammy Pagna, requested by letter (Exhibit I-1) that Case No. 13877 be withdrawn.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to WITHDRAW Case No. 13877.

Case No. 13878

Action Requested:

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1206 - Request a variance to allow 3 existing dwellings on 1 lot of record (2 garage apartments and a typical residence), located on the NW/c of 16th and Newport.

Presentation:

The applicant, Ed McCullough, 1503 South Denver, Tulsa, Oklahoma, submitted a site plan (Exhibit J-1) and photographs (Exhibit J-2). Mr. McCullough stated that he is representing the owners, who bought the property in April, and are upgrading the 3 existing buildings.

Comments and Questions:

Ms. Bradley inquired as to the uses of the buildings. Mr. McCullough stated that one is the owners home, one is a rental unit and the other a proposed guest house or rental unit.

Case No. 13878 (continued)

Ms. Wilson asked if there are other multi-family dwellings in the area and the applicant stated that there are several in the area.

Ms. White inquired if there are houses in the area with 2 additional structures on the lot. Mr. McCullough explained that the lot in question is actually a double lot and larger than others in the area.

Ms. Wilson asked where the occupants of the units will park and the applicant replied that almost everyone parks on the street.

Protestants:

Grant Hall, 1202 East 18th Street, Tulsa, Oklahoma, who represented the Mapleridge Association, stated that he has no objection to upgrading the property, but is opposed to the granting of the variance which would allow 2 rental properties on the lot.

Allan McDonald, 1609 South Newport, Tulsa, Oklahoma, stated that he is concerned with the 2 rental properties on one lot.

Mr. Clugston pointed out that there are actually 2 lots to accommodate the 3 buildings.

Mr. Jackere noted that the typical 50' lot in the area has 2 dwelling units and that the Board should consider that the property in question would have less density than the smaller lots.

William Simmons, 1115 East 16th Street, Tulsa, Oklahoma, owner of the property, stated that he intends to raise his children in the neighborhood and plans to upgrade the property. He pointed out that he is renovating an unsightly building, but cannot afford to make the improvements if he is not allowed to rent the property. Mr. Simmons informed that a portion of the property next door was purchased with the existing servant quarters, making the subject lot larger than others in the area. He stated that he would not do anything to harm the neighborhood.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 3-2-0 (Bradley, White, Wilson, "aye"; Chapelle, Clugston, "nay"; no "abstentions"; none "absent") to DENY a Variance (Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1206) to allow 3 existing dwellings on 1 lot of record (2 garage apartments and a typical residence); finding that the applicant failed to demonstrate a hardship that would justify the granting of the variance request; on the following described property:

Lots 5 and 6, Block 16, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13879

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow mobile home sales in a CS zoned district, located 150' East of the SE/c of 101st East Avenue and East Admiral Place.

Presentation:

The applicant, Connor Homes Corporation, was represented by Attorney John Moody, who requested that Case No. 13879 be continued to allow sufficient time to obtain a site plan.

Board Action:

On MOTION of BRADLEY and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to CONTINUE Case No. 13879 until January 9, 1986.

Case No. 13880

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture District - Use Unit 1204 - Request a variance of setback from the centerline of 101st Street South from 95' to 75' to allow for a telephone equipment office and a rear yard setback from 40' to 0', located west of the NW/c of 101st Street South and South Garnett.

Presentation:

The applicant, Marshall Young, was represented by Larry Glenn, 2300 South 1st Place, Broken Arrow, Oklahoma, who submitted a plot plan (Exhibit K-1). Mr. Glenn stated that he is a representative for General Telephone Company and explained that the telephone company would like permission to place an equipment office on property they are in the process of purchasing.

Comments and Questions:

In response to Ms. Wilson's inquiry as to the surrounding uses, Mr. Glenn stated that these properties are agriculture, except for the Cedar Ridge Country Club which is located across the road.

Ms. Bradley expressed a concern that, if this variance request is granted, a precedent may be set for the development of the entire node.

Mr. Jones informed that the subject property is located in a 10 acre node and that this use is permitted by right in the area.

Mr. Glenn informed that an expansion of the building is planned, but assured the Board that they will not build to the property line. He stated that the telephone company needs 100' by 100' usable space.

Case No. 13880 (continued)

Mr. Jackere asked the applicant to state the size of the building. Mr. Glenn replied that the present building is to be 50' by 53' and a 20' to 30' extension is planned within a 10 year period.

Ms. Wilson inquired as to the type of equipment that will be located in the building. Mr. Glenn explained that it will be a switch room, with one employee that will make a routine visit to the site each month.

Mr. Jackere pointed out that a 200' lot width is required in an AG district and Mr. Glenn needs additional variances for this request. He suggested that the lot may not be large enough to support the project.

Mr. Clugston stated that a hardship has not been demonstrated and that he is not inclined to approve the variance requested.

Protestants: None.

Board Action:

On MOTION of CLUGSTON and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to CONTINUE Case No. 13880 until January 23, 1986, to allow the applicant sufficient time to advertise for additional relief.

Case No. 13881

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1219.2 - Request a special exception to allow an enclosed commercial recreation center in an IL zoned district, located at 5150 South 94th East Avenue.

Presentation:

The applicant, Terry Henshaw, 7521 East 55th Street, Tulsa, Oklahoma, submitted an aerial photograph (Exhibit L-1) and a brochure (Exhibit L-2) of a proposed recreation center. He explained that this will be an enclosed baseball training facility for elementary, junior high and high school boys and girls. Mr. Henshaw informed that the center will occupy 8,100 sq. ft. of a 22,500 sq. ft. building.

Comments and Questions:

Ms. Bradley asked how many parking spaces in the parking area will be designated for use by the recreation center. Mr. Henshaw replied that there are 40 parking spaces directly in front of the center.

Ms. Wilson inquired of the applicant as to the days and hours of operation for the facility. He answered that the facility will be open Monday thru Friday, 12 p.m. to 10 p.m. during the months that school is in session, 10 a.m. to 10 p.m. in the summer and on Saturday and 1 p.m. to 7 p.m. on Sunday.

Case No. 13881 (continued)

Ms. Bradley voiced a concern that there would not be sufficient parking for the facility.

Mr. Gardner pointed out that the applicant has not asked for a variance of the off-street parking, so will be required to provide parking under Use Unit 19.

Ms. White asked what other businesses are adjoining the building in question. Mr. Henshaw replied that there is a transmission shop, a landscape business and Moore's Funeral Home in the area.

The Board discussed required parking for the center.

Protestants: None.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1219.2) to allow an enclosed commercial recreation center in an IL zoned district; subject to the center meeting the parking requirements; on the following described property:

Lot 3, Block 1, Amended Plat of Skyland Addition, a Resubdivision of Lot 1, Block 1, Skyland, Section 36, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13882

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1221 - Request a variance of setback front the centerline of 11th Street from 50' to 35' to allow a pole sign, located at 4304 East 11th Street.

Presentation:

The applicant, Tri-M Signs, Inc., was represented by Mohammad Johageri, 509-E North Walnut, Broken Arrow, Oklahoma, who submitted photographs (Exhibit M-1) and asked the Board to allow a business sign at the above stated location. An aerial photograph (Exhibit M-2) was submitted.

Comments and Questions:

Ms. Bradley asked Mr. Johageri if there are other signs in the area that are as close to the street as the sign in question and he answered in the affirmative.

Ms. Wilson asked if an existing sign will be replaced and he replied that a new sign will be erected at the same location.

Case No. 13882 (continued)

Ms. Bradley asked Mr. Johagerl to state the size of the sign and he said that the sign will be 6' by 10', advertising the Mini-Mart.

Ken Bode, Protective Inspections, stated that the sign application is not for the sign that Mr. Johagerl is proposing to install. He informed that a removal contract would be needed, since it will be located between the 50' designated right-of-way and the 35' acquired right-of-way. He pointed out that the 140' frontage on 11th Street would accomodate 2 signs.

Protestants: None.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to CONTINUE Case No. 13882 until January 9, 1986, in order that the applicant can submit a sign drawing to the Board.

Case No. 13883

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to permit an existing school and an expansion of school for a pre-school, located at 2200 South Lewis Avenue.

Presentation:

The applicant, Jim Hawkins, 9740 East 54th Street, Tulsa, Oklahoma, explained that he is representing the Harwood Company, who is constructing an expansion, approximately 9,000 sq. ft., to the Monte Cassino School.

Interested Parties:

William Thornton, represented the Benedictine Sisters, who are in support of the special exception.

Comments and Questions:

Ms. Hubbard informed that the school has been at the present location since 1908, but there were no past records of Board of Adjustment action. She pointed out that they are before the Board at this time to ask permission to have the existing school and the expansion.

Ms. Bradley asked Mr. Hawkins if he has a plot plan for the addition and he informed that the plans are in Ms. Hubbards office. At the request of the Board, the plans were brought from that office.

Case No. 13883 (continued)

Harwood Rice, 9740 East 54th Street, Tulsa, Oklahoma, explained that he is proposing to construct the addition to the school behind the existing gymnasium and adjacent to the chapel. He pointed out that the building will not be visible from 21st Street and barely visible from Lewis.

Mr. Clugston asked if the building will be 1-story and Mr. Rice answered in the affirmative.

Protestants: None.

Board Action:

On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to permit an existing school and to permit an expansion of the facilities to accommodate a pre-school; per plot plan submitted; on the following described property:

Lot 1, Block 1, Benedictine Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13884

Action Requested:

Special Exception - Section 420.1 - Accessory Uses in Residential districts - Use Unit 1217 and 1225 - Request a special exception to allow a home occupation (car repair shop) in an RM-1 zoned district, located at 504 East Ute Street.

Presentation:

The applicant, Clyde Patterson, 1933 North Frankfort, Tulsa, Oklahoma, submitted photographs (Exhibit N-1) and explained that for the past 5 years he has operated a 1 man car repair shop at his home. He asked the Board to allow him to continue the home occupation.

Comments and Questions:

In answer to Ms. Wilson's question as to the number of cars serviced each day, Mr. Patterson replied that he services about 1 car per day.

Ms. Bradley asked how many cars are on the property waiting for service and the applicant answered that he is not allowed to park them in the yard, therefore, only takes cars by appointment.

Mr. Chappelle asked if there are employees working in the repair shop and Mr. Patterson replied that there are none.

Mr. Chappelle asked the applicant if he is familiar with the Home Occupation Guidelines and submitted a letter (Exhibit N-2) from Code

Case No. 13884 (continued)

Enforcement stating that they have received a complaint concerning the repair shop. Mr. Patterson stated that he has read the the Home Occupation requirements.

Protestants:

Blossom Wilson, 1932 North Frankfort, Tulsa, Oklahoma, stated that the applicant sands cars and the paint drifts across the street to her home. She stated that there are 6 or 7 cars, and sometimes a city bus, parked at the Patterson residence and she, at times, does not have access to her driveway because of the congestion. Ms. Wilson said that the applicant works late at night and disturbs her sleep.

Comments and Questions:

Ms. White asked Ms. Wilson if the automobile painting is done inside or outside the garage. She replied that it is done inside with the door open and a fan on the east side of the garage which blows the paint toward her house.

Ms. Wilson asked if cars are parked on the driveway and on the street. The protestant answered that cars are parked in the driveway, on the street and in the yard. She added that she had observed other people helping in the garage.

Applicant's Rebuttal:

The applicant informed that, after a complaint was filed, his garage was inspected by the Environmental Protection Agency and their representative explained to him the procedure for installing an expensive exhaust fan with a filter, which he did. He said that he had been instructed to close the doors.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to DENY a Special Exception (Section 420.1 - Accessory Uses In Residential districts - Use Unit 1217 and 1225) to allow a home occupation (car repair shop) in an RM-1 zoned district; finding that the garage is not compatible with the residential neighborhood; on the following described property:

Lot 16, Block 1, Meadow Brook Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13885

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205 - Request a special exception to allow for a day care center in an existing church building, located at 2001 West Newton.

Case No. 13885 (continued)

Presentation:

The applicant, Debbie Terrill, 2911 West Cameron, Tulsa, Oklahoma, asked the Board to allow a day care center in an existing church. She stated that a special exception had been acquired at an earlier date, but the center was not opened at that time.

Comments and Questions:

Ms. Wilson asked how many children will be served at the center. Ms. Terrill replied that she intends to have approximately 24 children and will be open Monday thru Friday, 7 a.m. to 6 p.m.

Mr. Clugston asked the applicant if all property owners within 300' of the proposed day care center had been notified and she replied that the neighborhood had been properly notified.

Protestants: None.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow for a day care center in an existing church building; per state requirements; subject to days and hours of operation being Monday thru Friday, 7 a.m. to 6 p.m.; on the following described property:

The east 1/2, SE/4 of the SW/4, Section 27, T-20-N, R-13-E, City of Tulsa, Osage County, Oklahoma.

Case No. 13886

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1205 - Request a variance of the lot area from 13,500 sq. ft. to 12,842 sq. ft. and a variance of the required setback from 5' to 3' on the east side yard, located at 2703 Birmingham Place South.

Presentation:

The applicant, Vaden Bales, 201 West 5th Street, Tulsa, Oklahoma, submitted a plat of survey (Exhibit O-1) and stated that a tract of land was bought by Mr. Walters and a lot split was acquired. One lot with an existing house was sold to Dr. Hawkins, with the understanding that there would be at least 15' between Dr. Hawkins' house and the side lot line of the adjoining lot. Later it was determined that he did not have the 15' which was agreed upon. Mr. Walters has built a house on the other lot and is now trying to give Dr. Hawkins the 15' of land. Mr. Bales informed that utility poles and a sprinkling system have been removed and asked the Board to grant the variance request for the lot area and the side yard setback.

Case No. 13863

Action Requested:

Appeal - Section 1650 - Appeals from the Building Inspector - Request an appeal to the Building Inspector's office for issuance of Building Permit No. 43424, issued to Hycore, Inc. due to the structure being located within 75' of an abutting R district, located east of the NE/c of 100th East Avenue and 61st Street.

Presentation:

The applicant, Andrew Dalton, 1437 South Main, Tulsa, Oklahoma, represented Mr. and Mrs. A. E. Brentlinger, who have appealed the issuance of a Building Permit to allow construction to the rear of their property. He explained that one of a series of buildings is in violation of the 75' setback requirement. Mr. Dalton submitted a petition (Exhibit L-1) opposing the construction, a letter (Exhibit L-2) from the City-County Health Department and a packet (Exhibit L-3) containing documents and photographs. He informed that the owner of the subject property came before the Board in 1983 and was denied a variance of the setback to permit the construction of buildings closer than 75' to the Brentlinger property. He informed that toward the end of summer his clients noticed some preparation for building on the subject tract and called the Building Inspector at that time to verify that the previous variance denial was a part of the record. Ms. Brentlinger was assured by that office that the previous action was a part of the record. Mr. Dalton informed that his clients were called out of the City at the end of October and when they returned on November 1, construction was in process. Ms. Brentlinger conferred with the Building Inspector's office and was told that a mistake had been made in the issuance of the permit and it was indeed a violation of the 75' setback requirement. Mr. Dalton informed that he asked the Building Inspector to stop construction and was advised that this was done; however, this instruction was countermanded and it was allowed to proceed. He pointed out that his client has been forced to pay the costs to appeal the issuance of the Building Permit. Mr. Dalton asked that these fees be refunded. It was noted that there is a sewage (septic system) problem in the neighborhood, which is the result of businesses next to a residential area. He stated that, if the building is allowed to be completed, it will be within 2' to 3' of the Brentlinger property.

Protestants:

Max Heitenrich, 6112 South Florence, Tulsa, Oklahoma, stated that he is the owner of Hycore, Inc. and the builder of the project. He pointed out that, after the rezoning of the property to IL, and the setback denial, the plans were changed and construction was started on the 3 million dollar project. It was pointed out by Mr. Heitenrich, that he acquired a Building Permit and was not aware that there was a problem.

Case No. 13863 (continued)

Comments and Questions:

Ms. Wilson asked Mr. Helttenrich to state the name of the architect for the project. He replied that Architectural Resources drew the plans and that a representative of that company is available for questions.

Mr. Jackere asked if the architects were advised of the previous denial of the variance of the 75' setback and he answered in the affirmative.

Ms. Bradley asked the architect if he was aware of the 1983 Board action. Jim Stanton, Architectural Resources, 7318 South Yale, Tulsa, Oklahoma, replied that he was not aware of this action, and that the front portion along 61st Street to the west is a portion that is zoned IL and does not require a setback. During the time the plans were being prepared, he stated that he encountered the problem of determining if the setback turns a radius with the corner where the 2 zones meet. Mr. Stanton noted that he was told by an employee at INCOG that there was no problem.

Mr. Clugston asked Mr. Stanton to state what his interpretation was of this problem. He replied that the way the buildings set is the way he interpreted it.

Mr. Gardner pointed out that INCOG personnel do not issue Building Permits or Interpret the Code, as this is the job of the Building Inspector.

Board Action:

On MOTION of CLUGSTON and SECOND by BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, Wilson, White, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE an Appeal (Section 1650 - Appeals from the Building Inspector) to revoke Building Permit No. 43424, Issued by the Building Inspector's office to Hycore, Inc.; finding that the Building Permit was issued in error; and finding that the proposed building construction is located within 75' of an abutting R district; on the following described property:

The east 120' of the W/2 of the SW/4 of the SE/4 of the SW/4, Section 31, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13864

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow a mobile home in an RS-1 district.

Case No. 13864 (continued)

Variance - Section 440.6 - Special Exception Uses for Residential Districts, Requirements - Request a variance of the 1 year time limitation to 5 years, located at 17208 East 11th Street.

Presentation:

The applicant, Ilene Phillips, 1806 South 126th Street, Tulsa, Oklahoma, was represented by Brian Phillips, who asked the Board to grant him permission to place a mobile home on his lot for a period of 5 years. Mr. Phillips stated that he intends to build a house on the property, but needs the mobile to live in at this time.

Comments and Questions:

Ms. Bradley asked Mr. Phillips if there is a sewer on the lot and he replied that the trailer would have a septic system.

Mr. Clugston asked if there is a trailer on the lot at this time and Mr. Phillips answered that the tract is vacant, but pointed out that there are numerous mobile homes in the area.

Protestants:

Stacy Bevan, 17212 East 11th, Tulsa, Oklahoma, stated that he owns property in the area and feels that adding more mobile homes in the area will reduce the value of the property.

Interested Parties:

Richard Johnson, 17006 East 11th Street, Tulsa, Oklahoma, stated that the protestant, Mr. Bevan, lives in a mobile home on his property and asked the Board to approve the special exception request.

Mr. Clugston asked Mr. Johnson if he is related to the applicant and he replied that she is his daughter.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, Wilson, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow a mobile home in an RS-1 district; and to **DENY** a **Variance** (Section 440.6 - Special Exception Uses for Residential Districts, Requirements) of the 1 year time limitation to 5 years; subject to a removal bond, Building Permit and Health Department approval; finding that there are other mobiles in the area and that the granting of the special exception request will not be injurious to the neighborhood and does not violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

East 39.7' of Lot 4, West 79.5' of Lot 5, Block 1, Lynn Lane Estates Addition to the City and County of Tulsa, Oklahoma.

Case No. 13865

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Use Unit 1210 - Request a variance of required setback from the centerline of South Utica Avenue from 100' to 65' to permit the construction of a detached parking garage, located on the NW/c of 19th and Utica.

Presentation:

The applicant, Lewis Reynolds, was represented by Charles Norman, Suite 909, Kennedy Building, Tulsa, Oklahoma, who submitted a plot plan (Exhibit M-1) and photographs (Exhibit M-2). Mr. Norman explained that his client is buying a house for office use and is proposing to construct a 3 car garage which will encroach on the right-of-way along Utica. He pointed out that the Utica Bank building and St. John's Hospital, which are located to the south, are both closer to the right-of-way line than the property in question.

Comments and Questions:

Ms. Bradley asked Mr. Norman to state the size of the garage. He replied that it would be approximately 40' by 50'.

Protestants: None.

Board Action:

On MOTION of WHITE and SECOND by BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, Wilson, White, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Variance (Section 630 - Bulk and Area Requirement sin the Office Districts - Use Unit 1210) of required setback from the centerline of South Utica Avenue from 100' to 65' to permit the construction of a detached parking garage; per plot plan submitted; finding that the house is located in an older area of the City and there are many other structures encroaching on the setbacks; on the following described property:

Lot 6, Block 2, Swan Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13866

Action Requested:

Special Exception- Section 610 - Principal Uses Permitted in Office Districts - Use Unit 5 - Request a special exception to allow church in an office district, located at 3745 East 31st Street.

Presentation:

The applicant, Sam West, 6835 South Canton, Tulsa, Oklahoma, represented the owner of the property in question, and asked the Board to allow his client to lease a portion of a residence to the Christ Fellowship Church. He informed that the property is presently zoned OL. Mr. West stated that the church would have

Case No. 13866 (continued)

meetings on Sunday and Wednesday and has made arrangements with the Tulsa Public School System, which owns the property to the east, to use their parking lot.

Comments and Questions:

Mr. Chappelle asked Mr. West how many members will be meeting in the house and he answered that there will be approximately 25 people.

Ms. Wilson asked if the owner has a beauty shop in part of the house and Mr. West answered in the affirmative.

Mr. Jackere asked the applicant to state the size of the meeting room and he replied that it is approximately 14' by 20'.

Mr. Jones informed that approximately 9 parking spaces are required for a 14' by 20' room.

Mr. Clugston asked Mr. West to state the number of parking spaces that are on the lot. He stated that there are 7 spaces on the front of the property.

Protestants:

Robert Renkes, 3602 East 70th Street, Tulsa, Oklahoma, stated that he works at 3739 East 31st Street, which is adjacent to the subject property. He informed that the 7 parking spaces are for the beauty salon and the church. He pointed out that the people affiliated with the law firm that was previously in the building, parked in their parking lot. Mr. Renkes stated a concern with the liability factor of people walking across their property to the church and parking in their parking lot.

A letter (Exhibit N-1) opposing the granting of the special exception was submitted by Mr. Chappelle and several protestants were in the audience.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 4-1-0 (Bradley, Chappelle, Wilson, White, "aye"; Clugston, "nay"; no "abstentions"; none, "absent") to **DENY** a **Special Exception** (Section 610 - Principal Uses Permitted in Office Districts - Use Unit 5) to allow a church in an office district; finding that the granting of the special exception request would be detrimental to the neighborhood and would violate the spirit and intent of the Code and the Comprehensive plan on the following described property:

Lot 14, Block 4, Loma Linda Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13867

Action Requested:

Use Variance - Section 1670 - Variances - Use Unit 1223 - Request a use variance to allow parking trucks in an RS-3/AG district and to allow a construction company in the future, located at 1846 East 46th Street North.

Presentation:

The applicant, Alfonso Medrano, Route 2, Box 109, Inola, Oklahoma, submitted a plat of survey (Exhibit 0-1) and asked the Board to allow him to park trucks on a lot 100' by 600'. He stated that he parks 2 large trucks with a trailer, 3 pickups and a van on the property. Mr. Medrano informed that he is in the process of remodeling the house and has constructed a fence on the lot so the vehicles cannot be seen.

Comments and Questions:

Mr. Clugston asked Mr. Medrano how long he has owned the property in question and he replied that he bought it 2 years ago.

Protestants:

Leolla Harnesberry, 1839 East 46th Street North, Tulsa, Oklahoma, stated that she lives across the street and is opposed to the trucks going in and out of the dirt road all through the day. She pointed out that she is not able to leave the windows open in the summer because of the dust.

El Brooks, 1825 East 46th Street North, Tulsa, Oklahoma, stated that the dust and noise created by the trucks is offensive.

A letter opposing the use variance (Exhibit 0-2) was submitted.

Applicant's Rebuttal:

Mr. Medrano stated that he is sorry that he has caused a problem for his neighbors. He pointed out that there were many cars on the lot when he purchased it and that it was in worse condition than it is at this time.

Ms. Wilson asked the applicant if there is a mobile home on the property and he replied that there was one there, but it has been removed.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, Wilson, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **DENY** a Use Variance (Section 1670 - Variances - Use Unit 1223) to allow parking trucks in an RS-3/AG district; finding that the granting of the use variance request would be detrimental to the neighborhood; on the following described property:

W/2, W/2, NE/4, NW/4, of the NE/4 of Section 18, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13868

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1221 - Request a variance of the 60' setback from the centerline of Yale to 45' and from the centerline of 41st Street to 45' to allow for visibility of each proposed sign, located at 4107 South Yale Avenue.

Presentation:

The applicant, Craig Neon, Inc., was represented by Richard Craig, 1889 North 105th East Avenue, Tulsa, Oklahoma, submitted a site plan (Exhibit P-1) and photographs (Exhibit P-2) for 2 signs that will be constructed at the Southland Shopping Center, which is being restyled and will be called Tulsa Promenade. He stated that the smaller of the 2 signs will be placed on Yale and the larger one on 41st Street. He asked that the variance be granted in order that the signs can be seen from the street.

Comments and Questions:

Ms. Bradley asked the size of the sign that will be placed on Yale and Mr. Craig replied that this sign will be 5' by 11'6".

Mr. Clugston asked if the sign will be removed from the retaining wall and Mr. Craig answered in the affirmative.

Ms. Wilson asked Mr. Craig to state the size of the sign on 41st Street. He replied that the large sign will be 19' by 24'6".

Ken Bode, Protective Inspections, stated that, according to previous court action, the 45' setback would be in the street right-of-way.

Mr. Jackere informed that part of the street has been vacated and Southland now owns 40' of the 90' that was dedicated. He pointed out that, in the past signs have been allowed in the untraveled portion of the right-of-way. He explained that the court case was done so the buildings could be constructed closer to the street. He noted that they are asking to place the signs 5' inside the right-of-way.

Mr. Gardner stated that the City Commission, even though they approve the Zoning Code, cannot waive the Code. If this Board approves this request, Mr. Craig will still have to go to the City for approval since the signs will be on City right-of-way and they own this property.

Mr. Craig asked, if the request was amended to a 50' setback instead of 45', would it be required to be heard by the City Commission. Mr. Bode answered that it would not, and Mr. Craig asked that the request be amended.

Protestants: None.

Case No. 13868 (continued)

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-1-0 (Bradley, Chappelle, Wilson, White, "aye"; Clugston, "nay"; no "abstentions"; none, "absent") to APPROVE a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1221) of the 60' setback from the centerline of Yale to 50' and from the centerline of 41st Street to 50' to allow for visibility of each proposed sign; per site plan; finding a hardship imposed on the applicant by the elevation of the land; on the following described property:

A tract of land lying in the NW/4 of Section 27, T-19-N, R-13-E of the Indian Base and Meridian in Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described by metes and bounds as follows: Beginning at a point that is the NW/c of said Section 27, said beginning point being the intersecting point of the center line of East 41st Street with the center line of South Yale Avenue; thence south 89°58'18" east along the north line of Section 27 and the center line of East 41st Street, a distance of 1320' to a point for corner; thence due south along a line parallel to the west line of Section 27, a distance of 240' to a point for corner; thence south 89°58'18" east along a line parallel to the north line of Section 27 a distance of 150' to the west R.O.W. line of Darlington Avenue, being point for corner; thence due south along the west R.O.W. line of Darlington Avenue a distance of 603.52' to point of curve of a R.O.W. curve to the left and continuing along said curve having a central angle of 15°00'00" a radius of 310', a distance of 81.16' to a point of tangency, and continuing along the west R.O.W. line of Darlington Avenue at a bearing of south 15°00'00" east a distance of 54.19' to the North R.O.W. line of East 43rd Street, being point for corner; thence south 72°34'51" west along the north R.O.W. line of East 43rd Street a distance of 650.98' to point of curve of a R.O.W. curve to the right and continuing along said curve having a central angle of 17°25'09" a radius of 400', a distance of 121.61' to the point of tangency, and continuing along the north R.O.W. line of East 43rd Street at a bearing due west, a distance of 513.72' to point for corner; thence due north along a line parallel to the west line of Section 27 a distance of 150' to point for corner; thence due west for a distance of 240' to the center line of south Yale Avenue and to the west line of Section 27, being point for corner; thence due north along the center line of South Yale Avenue and along the west line of Section 27, a distance of 1040.04' to the place of beginning.

and

Case No. 13886 (continued)

Protestants: None.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance (Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1205) of the lot area from 13,500 sq. ft. to 12,842 sq. ft. and a variance of the required setback from 5' to 3' on the east side yard; per plot plan; finding a hardship demonstrated by the irregular shape of the lot; on the following described property:

A part of Lot 3, Block 4, Woody-Crest Subdivision, an addition to the City of Tulsa, Tulsa County, State of Oklahoma according to the recorded plat thereof, being more particularly described as follows, to-wit; beginning at a point on the southwesterly line of said Lot 3, a distance of 115.73' northwest of the point of tangent 166.9' northwesterly from the common west corners of Lots 6 and 3 of said Block 4, thence N 65°30' W and along the southwesterly line of Lot 3 for 74.27', thence on a curve to the right, having a radius of 32.2' for 69.3', thence N 54°38' E for 89.4', thence N 52°07'57" E for 0.00', thence on a curve to the left having a radius of 255.8' for 35.64', thence S 81°10' E for 44.59', thence S 24°30' W for 169.35' to the point of beginning.

Case No. 13887

Action Requested:

Variance - Section 430 - Bulk and Area Requirements In a Residential District - Use Unit 1206 - Request a variance of setback from the centerline of 27th Place from 50' to 47' to allow for an existing porch and a variance of the rear yard setback from 20' to 10' to allow for an addition to an existing dwelling, located at 222 East 27th Place.

Presentation:

The applicant, Ken Tooman, was represented by, Mrs. Ken Tooman, 216 West 19th Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit P-1) and stated that their existing 3-bedroom home is located on a lot with a rental unit behind the house. She pointed out that the neighborhood primarily consists of 2-story homes, with a wide variety of architectural styles. Ms. Tooman informed that they are proposing to increase the size of the house in the back by approximately 800 sq. ft. and correct the encroachment of the porch. She stated that the rental unit will be removed and a bedroom and bath added as a second level to the existing house, with a carport beneath. She said that the neighbors are supportive of the project, if their privacy is maintained; therefore, no windows will be installed which will face their yards.

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Case No. 13887 (continued)

Comments and Questions:

Ms. Wilson asked Ms. Tooman if alterations will be made to the front porch. She stated that they plan to enclose it to make an entryway to the living room.

Protestants: None.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance (Section 430 - Bulk and Area Requirements in a Residential District - Use Unit 1206) of setback from the centerline of 27th Place from 50' to 47' to allow for an existing porch and a variance of the rear yard setback from 20' to 10' to allow for an addition to an existing dwelling; per plot plan submitted; finding a hardship imposed on the applicant by the irregular shape of the lot; on the following described property:

Lot 9, Block 18, Sunset Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13888

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the required front yard setback from 85' to 50' from the centerline of 31st Street South in order to build a brick and wrought iron fence at the north property line approximately 6' in height for security, located east of the SE/c of 31st Street South and Trenton Avenue.

Presentation:

The applicant, Jack Arnold, was represented by Allen Madewell, 7318 South Yale, Tulsa, Oklahoma, stated that the property in question is one of 4 lots that is being developed and asked the Board to allow a brick fence to be built on the property line. A location map (Exhibit Q-2), photographs (Exhibit Q-3) and letters of support (Exhibit Q-1) from property owners in the neighborhood were submitted. Mr. Madewell pointed out that there are similar fences in this area of large homes and many are closer to the street than the one proposed at this location.

Comments and Questions:

Ms. Bradley asked Mr. Madewell if Reverend Powers lives in the house abutting the subject property. He replied that Mr. Powers owns the property to the west, but does not reside there.

Protestants: None.

Case No. 13888 (continued)

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required front yard setback from 85' to 50' from the centerline of 31st Street South in order to build a brick and wrought iron fence at the north property line approximately 6' in height for security; per site plan submitted; finding that there are other fences in the area which are closer to the street than the fence in question; on the following described property:

The east 70' of the north 133' of a tract beginning 341.7' west and 50' south of the NE/c of the NE/4 of the NW/4 of Section 19, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof; thence west 158.3' to the NE/c of Lot 1, Block 1, Leland Terrace Addition; thence south 266' to the SE/c of Lot 6, Block 1 of said addition; thence east .52' to a point of curve; thence along a curve to the left with a radius of 75' for 48.26' to a point of reverse curve; thence along a curve to the right with a radius of 50' for 84.54'; thence east 39.47'; thence north 266' to the Point of Beginning.

Case No. 13889

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the required front yard setback from 85' to 50' from the centerline of 31st Street South in order to build a brick and wrought iron fence at the north property line approximately 6' in height for security, located east of the SE/c of 31st Street South and Trenton Avenue.

Presentation:

The applicant, Jack Arnold, was represented by Allen Madewell, 7318 South Yale, Tulsa, Oklahoma, stated that the property in question is one of 4 lots that is being developed and asked the Board to allow a brick fence to be built on the property line. A location map (Exhibit Q-2), photographs (Exhibit Q-3) and letters of support (Exhibit Q-4) from property owners in the neighborhood were submitted. Mr. Madewell pointed out that there are similar fences in this area of large homes and many are closer to the street than the one proposed at this location.

Protestants: None.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance (Section 430 -

Case No. 13889 (continued)

Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required front yard setback from 85' to 50' from the centerline of 31st Street South in order to build a brick and wrought iron fence at the north property line approximately 6' in height for security; per site plan submitted; finding that there are other larger homes in the area that have fences closer to the street than the fence in question; on the following described property:

The west 70' of the north 133' of a tract beginning 341.7' west and 50' south of the NE/c of the NE/4 of the NE/4 of the NW/4 of Section 19, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; thence west 158.3' to the NE/c of Lot 1, Block 1, Leland Terrace Addition; thence south 266' to the SE/c of Lot 6, Block 1 of said addition; thence east .52' to a point of curve; thence along a curve to the left with a radius of 75' for 48.26' to a point of reverse curve; thence along a curve to the right with a radius of 50' for 84.54'; thence east 39.47'; thence north 266' to the Point of Beginning.

Case No. 13890

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the required front yard setback from 75' to 57' from the cul-de-sac on 31st Place to allow for construction of a residence and a variance to leave the existing fence which is in place at the south property line, located east of the SE/c of 31st Street and Trenton Avenue.

Presentation:

The applicant, Jack Arnold, was represented by Allen Madewell, 7318 South Yale, Tulsa, Oklahoma, who submitted a plot plan (Exhibit R-1) and photographs (Exhibit R-2). He explained that the house will be located on a cul-de-sac, which is not being used as such, with access to the home being a private road from 31st Street.

Comments and Questions:

Mr. Gardner asked Mr. Madewell if the cul-de-sac gives access to the property in question and he replied that it is not used for an access road.

Protestants: None.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required frontyard setback from 75' to 57' from the cul-de-sac on 31st Place to allow for construction of a residence

Case No. 13890 (continued)

and a variance to leave the existing fence which is in place at the south property line; per plot plan submitted; on the following described property:

The east 79.3' of the south 133'; and the west 9.3' of the east 79.3' of the north 133' of a tract beginning 341.7' west and 50' south of the NE/c of the NE/4 of the NE/4 of the NW/4 of Section 19, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; thence west 158.3' to the NE/c of Lot 1, Block 1, Leland Terrace Addition; thence south 266' to the SE/c of Lot 6, Block 1 of said addition; thence east .52' to a point of curve; thence along a curve to the left with a radius of 75' for 48.26' to a point of reverse curve; thence along a curve to the right with a radius of 50' for 84.54'; thence east 39.47'; thence north 266' to the Point of Beginning.

Case No. 13891

Action Requested:

Variance - Section 430 - Bulk and Area Requirement in Residential Districts - Use Unit 1206 - Request a variance of the required front yard setback from 75' to 67' from the cul-de-sac on 31st Place to allow for construction of a residence and a variance to leave the existing fence which is in place at the south property line, located east of the SE/c of 31st Street South and Trenton Avenue.

Presentation:

The applicant, Jack Arnold, was represented by Allen Madewell, 7318 South Yale, Tulsa, Oklahoma, who submitted a plot plan (Exhibit R-1) and photographs (Exhibit R-2). He explained that the house will be located on a cul-de-sac, which is not being used as such, with access to the home being a private road from 31st Street. He asked the Board to permit the setback and allow the fence to remain at its present location

Protestants: None.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance (Section 430 - Bulk and Area Requirement in Residential Districts - Use Unit 1206) of the required front yard setback from 75' to 67' from the cul-de-sac on 31st Place to allow for construction of a residence and a variance to leave the existing fence which is in place at the south property line; per plot plan submitted; on the following described property:

The west 79' of the south 133'; and the east 9' of the west 79' of the north 133' of a tract beginning 341.7' west and 50'

Case No. 13891 (continued)

south of the NE/c of the NE/4 of the NE/4 of the NW/4 of Section 19, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the the U. S. Government Survey thereof; thence west 158.3' to the NE/c of Lot 1, Block 1, Leland Terrace Addition; thence south 266' to the SE/c of Lot 6, Block 1 of said addition; thence east .52' to a point of curve; thence along a curve to the left with a radius of 75' for 48.26' to a point of reverse curve; thence along a curve to the right with a radius of 50' for 84.54'; thence east 39.47'; thence north 266' to the Point of Beginning.

Case No. 13892

Action Requested:

Minor Variance - Section 430 - Bulk and Area Requirements in Residential districts - Use Unit 1206 - Request a minor variance of the lot area from 9,000 to 7, 845 sq. ft. in order to allow a lot split, located on the NE/c of 26th Street and Delaware Place.

Presentation:

The applicant, Ray Baumgarten, requested that Case No. 13892 be continued to January 9, 1986, to allow him to change the configuration of lots for a lot split.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to CONTINUE Case No. 13892 until January 9, 1986.

SPECIAL REQUEST

Case No. 13874

Action Requested:

The applicant, Ron Hanlon, 5307 East 33rd Street, Tulsa, Oklahoma, requested by letter (Exhibit S-1) that the application fee of \$125.00 be refunded.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to REFUND the application fee of \$125.00; finding that the application was withdrawn before processing began.

OTHER BUSINESS

Formulation and Consideration of Policies and Procedures for the Tulsa Board of Adjustment.

The Board discussed the proper procedure for continuing and rehearing cases. It was suggested by Mr. Gardner that each member assemble a list of policies and procedures for further study and submit these to staff.

This information will be reviewed by Staff and the Legal Department, then discussed at the next meeting scheduled for January 16, 1986.

There being no further business, the meeting adjourned at 5:40 p.m.

Date Approved

1-9-86


Chairman

REPORT

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