

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 456
Thursday, January 23, 1986, 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 Garriott, Protective Inspections Bybee, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, January 21, 1986, at 11:45 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 1:00 p.m.

MINUTES:

On MOTION of WILSON and SECOND by WHITE, the Board voted 3-2-0 (Chappelle, White, Wilson, "aye"; Bradley, Clugston, "nay"; no "abstentions"; none "absent") to CONTINUE approval of the Minutes of January 9, 1986 (No. 455) to February 6, 1986, to allow Ms. Wilson sufficient time to review her copy of the minutes which was delayed in the mail.

UNFINISHED BUSINESS

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 John Moody, 4100 Bank of Oklahoma Tower, Tulsa, Oklahoma, who submitted a site plan (Exhibit A-1). Mr. Moody stated that the owner of the property, R. C. Cunningham, is proposing a mobile home sales business on the subject tract, which has a 490' frontage on Admiral Place, with a depth of 150'. He explained that the property is located approximately 200' east of the intersection of Mingo and Admiral and to the north is a shopping center, south is an apartment complex, east is a credit union office and west a 150' vacant tract of land. He pointed out that the area is predominately commercial. He informed that there is a screening fence on the south boundary

Case No. 13879 (continued)

between this site and the apartments. Mr. Moody informed that this property has been owned by Mr. Cunningham for a number of years and had remained vacant until 1982 when this Board approved a special exception to permit mobile home sales on the lot. This use continued for more than 2 years, but the tenant has since gone out of business. Mr. Cunningham has had inquiries from Connor Homes who are interested in using the lot for sales purposes. Mr. Moody stated that there was a condition imposed on the previous application, which was approved by the Board, limiting the use to that tenant only. He submitted a list of development specifications (Exhibit A-2) which would be imposed upon the property to insure that it will be used in a quality fashion. He pointed out that in a CS district there is no sideyard setback requirement. There will be a 20' building setback line on the east, as well as the west, leaving over a 100' separation between the mobile homes and the office use. Mr. Moody informed that grassy areas will be maintained to give the business more of a residential appearance. A 6' screening fence will be erected on the 75' eastern boundary and a 95' long screening fence will be placed on the west end where the larger units will be displayed. Mr. Moody stated that there will be no signs erected on the property until a detail sign plan has been submitted and approved by the Board.

Comments and Questions:

Ms. Bradley asked if there will be screening to the south and Mr. Moody stated that there is a fence already in place at this time.

Mr. Clugston remarked that he is curious as to the difference between this case and the previous one.

Mr. Gardner informed that the applicant is asking for approximately 6 more mobile homes, but none of the mobiles will be parked with a side view from the street except those in front of the business, which will be completely skirted. The underneath side of the units in the back will not be visible from the street.

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 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1217) to allow mobile home sales in a CS zoned district; per site plan submitted; subject to the number of mobile homes not to exceed 20 standard units and 2 double wides (22 units); subject to the mobile homes being placed on gravel or grassy areas, with driveway and parking area being hard surfaced and providing parking for a minimum of 8 cars; subject to the homes being placed in the configuration as shown on the site plan, with the hitch area of the mobiles being skirted and disguised; subject to no flags or banners being permitted over the entrance; subject to the building setback lines and the open grassy areas being as shown on the site plan;

Case No. 13879 (continued)

subject to a 6' high screening fence being erected on the east (south 75') and west boundary lines (South 95') and the existing southern fence maintained by the owner; and subject to no signs being erected or permitted on the property until a detailed sign plan has been submitted to and approved by the Board of Adjustment; on the following described property:

A part of Lot 2, Block 1; of Lots 1, 2, and 3, Block 1; the Amended Plat of Rosewood Center Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, more particularly described as follows: Beginning at the northwest corner of Lot 2, Block 1; thence south 150' to the southwest corner of Lot 2, Block 1; thence east along the south line of said Lot 2, Block 1, a distance of 493.08' to a point; thence north 19°35'0" east a distance of 7.56' to a point; thence north 0°35'0" west a distance of 73'; thence north 4°0'0" west a distance of 70' to a point on the north line of said Lot 2, Block 1; thence west along the north line of Lot 2, Block 1, a distance of 489.84' to the point of beginning.

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', a variance of the rear yard setback from 40' to 0', a variance of lot width from 200' to 100', a variance of lot area from 2 acres to .26 acre, a variance of land area from 2.2 acres to .40 acres in order to permit a lot-split for a telephone equipment office, located west of the NW/c of 101st Street South and South Garnett.

Presentation:

The applicant, Marshall Young, was represented by John Bryce, 803 North Elm Place, Broken Arrow, Oklahoma, who submitted a plat of survey (Exhibit B-1). Mr. Bryce explained that he is the Real Estate agent representing General Telephone Company, who is proposing to build a telephone equipment office at the above stated location.

Comments and Questions:

Mr. Jones informed that a lot-split has been applied for and approved by TMAPC.

Mr. Gardner pointed out that the Planning Commission looks at the size and dimensions of the lot and that has been approved, but this Board needs to determine if the building setbacks requested will be compatible with the area in the future.

Case No. 13880 (continued)

Ms. Bradley asked Mr. Gardner if the subject tract is included in the primary node. He replied that the property is in the node and explained that the Board will have to address the specific location of the building on the lot. He stated that a 40' rear yard setback is required because the lot is presently located in an AG district, but if zoned for office or commercial, only 10' would be required. Mr. Gardner suggested that if the front setback is waived, other property owners in the node will want the same relief. He pointed out that the proposed building will be set back 25' from the property line and commented that the Board would need to determine if there is something unique about this property that would warrant the granting of the variance request.

Ms. Bradley asked Mr. Bryce if this is the first development in the node and he answered in the affirmative.

Mr. Clugston commented that he is concerned that development to the west and north will be residential and suggested that in the future the phone company could build up to the boundary line with a housing addition directly behind the building. He stated that he is also opposed to the front setback and asked the applicant to address the hardship.

Mr. Bryce stated that a large portion of the property in the area is in the flood zone and the proposed location is ideal for the proposed switch room and is centrally located.

Mr. Gardner advised that 101st Street is a primary arterial street which could be 6 lanes sometime in the future and if so, the applicant needs the reduced setback to the rear in order to fit the building on the lot. He pointed out that if the entire 10-acre node was zoned office or commercial there would be no setback on the back of the subject lot. Mr. Gardner stated that if all the setback variances are denied, the building will not fit on the property, but if the front setback is denied, the building can be moved back on the lot. Mr. Gardner stated that this intersection will probably be zoned commercial or office in the future, in accordance with the Comprehensive Plan.

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 Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Use Unit 1204) of the rear yard setback from 40' to 0', a variance of lot width from 200' to 100', a variance of lot area from 2 acres to .26 acre, a variance of land area from 2.2 acres to .40 acres in order to permit a lot-split for a telephone equipment office; and to DENY a Variance of setback from the centerline of 101st Street South from 95' to 75'; finding that the office use would be permitted in a

Case No. 13880 (continued)

CS district as set out in the Comprehensive Plan and with this zoning a setback would not be required on the north; finding that a hardship was not demonstrated which would warrant the granting of a 75' setback from the centerline of 101st Street; on the following described property:

A tract or parcel of land in the SW/c of the E/2 of the SE/4 of the SE/4 of Section 19, T-18-N, R-14-E, Tulsa County, Oklahoma more particularly described as beginning at a point 660' west of the SE/c of Section 19, T-18-N, R-14-E, Tulsa County, Oklahoma to the point of beginning, thence north a distance of 175'; thence east a distance of 100'; thence south a distance of 175'; thence west a distance of 100' 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 by letter (Exhibit C-1) that Case No. 13892 be withdrawn.

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 WITHDRAW Case No. 13892.

Case No. 13900

Action Requested:

Special Exception - Section 420.1 - Accessory Uses in Residential Districts - Use Unit 1211 - Request a special exception to allow a home occupation for photographing purposes, located south of the SE/c of Sheridan Road and East 76th Street.

Variance requested to allow one person, other than a family member, to answer the phone since Mr. Huff is a bachelor.

Presentation:

The applicant, David Huff, 7601 South Sheridan Road, Tulsa, Oklahoma, submitted photographs (Exhibit D-1) of his home and the surrounding area, and asked the Board to allow him to work out of his home. He informed that he is a wedding photographer and does approximately 95% of his business in churches, having about 2 customers each day. Mr. Huff pointed out that the land is a unique piece of property, with the house setting off the street 132' and the nearest neighbor being 135' away.

Case No. 13900 (continued)

There is a creek behind the house and dense trees separate the subject property from the residential area. He noted that there is a large parking area and beauty shop next door and that he has 8 parking spaces on his 2-acre tract. Mr. Huff submitted a petition (Exhibit D-2) signed by surrounding property owners that support the home occupation. He asked the Board to allow 1 employee to do bookkeeping and help in the office.

Comments and Questions:

Mr. Jackere asked the applicant to state the nature of the commercial use that abutts the property in question. Mr. Huff replied that there is a beauty shop to the south, with a parking lot that will accomodate approximately 20 to 30 cars.

Ms. Bradley asked if customers will come to the house and the applicant replied that most of his work will be done away from the location, however, the customers would occasionally come by to pick up photographs or inquire about the services offered.

Mr. Clugston asked if there will be a studio in the house and the applicant replied that there will not be one at this time, but that he will do some photographing on the grounds.

Ms. Wilson asked Mr. Huff if he is familiar with the Home Occupation Guidelines and he answered in the affirmative.

Ms. Wilson asked if there are signs on the property at this time and Mr. Huff answered that there is a sign with his name.

At the request of Ms. White, the applicant informed that the days and hours of operation would be from Monday to Friday, 10 a.m. to 5 p.m.

Mr. Clugston commented that, in his opinion, the land use is appropriate, but voiced a concern that there is no hardship for the variance requested.

Mr. Chappelle stated that a letter (Exhibit D-3), opposing the photography business in the area, has been received by Code Enforcement.

Mr. Gardner pointed out that the sign and the parking lot make it apparent that a business is being operated on the property. He asked Mr. Huff if he sells supplies or camera equipment and he stated that he does not. He stated that he has the parking spaces for his parents and grandparents who help him take care of the property.

Ms. Wilson asked Mr. Huff if his relatives help him with the processing of the film and he replied that he sends all of the film out to be processed.

Case No. 13900 (continued)

Ms. Bybee, Code Enforcement, remarked that there was only 1 complaint received concerning this property and that, after the complaint, she observed the site very closely. She stated that she has never seen more than 3 cars parked in the parking lot.

Ms. Wilson commented that there were 4 cars parked on the premises when she reviewed the property.

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 420.1 - Accessory Uses In Residential Districts - Use Unit 1211) to allow a home occupation for photographing purposes; and to DENY a Variance requested to allow one person, other than a family member, to answer the phone since Mr. Huff is a bachelor; subject to Home Occupation Guidelines; and subject to days and hours of operation being Monday thru Friday, 10 a.m. to 5 p.m.; finding that the photography business is compatible with the area, but finding that the applicant did not demonstrate a hardship that would justify the granting of the variance requested; on the following described property:

Beginning at a point on the west boundary line of Section 11, T-18-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being the SW/c of Valley South, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof: thence south 0°2'41" east 232.21' to the SW/c of the NW/4, of Section 11, T-18-N, R-13-E; thence north 89°59'54" east 464.72'; thence north 58°2'18" west 438.77', thence south 89°57'19" west 92.64' to Point of Beginning and known as 7601 South Sheridan, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13901

Action Requested:

Variance - Section 1221.3(f) - General Use Conditions for Business Signs - Request a variance of setback for 4 on-premise signs: (1) from 50' to 42' on west side of property (No. 1 on Exhibit A), (2) from 60' to 42' on south side of property at west end (No. 2 on Exhibit A), (3) from 60' to 53'6" on south side of property at east end (No. 3 on Exhibit A), (4) from 60' to 42' on south side near middle of property (No. 4 on Exhibit A).

Variance - Section 1130.2(b) 2 and 3 - Accessory Use - Request a variance to allow ground signs to be located within 150' of a residential area and a variance of the required minimum 100' separation from any other ground sign, located on the NW/c of South Lewis Avenue and East 21st Street.

Case No. 13901 (continued)

Presentation:

The applicant, James Adair, 1783 South Canton, Tulsa, Oklahoma, represented the Bank of Oklahoma and submitted elevations of proposed signage and an amended plot plan (Exhibit E-1). He informed that the owners of the building met with the residential neighborhood association and decided to delete sign No. 3 from the variance request at this time. Mr. Adair stated that the quantity and square footage of signs being asked for, fall within the guidelines of the Code. He pointed out that the setback from Lewis is 50' from the center of the street and the setback from 21st Street is 60', however, the existing building sets closer to the street than either of these setbacks. The applicant submitted photographs (Exhibit E-2) of various signs in the area that encroach on the 50' setback and have been granted variances.

Comments and Questions:

Mr. Clugston asked the applicant if he has researched the history of these signs and knows for a fact that variances have been granted. Mr. Adair replied that he has been before the Board and received approval for 3 or 4 of the signs.

Mr. Clugston asked the distance between the sidewalk and the building and the applicant informed that the distance is approximately 12' and the signs will be located in this space.

Mr. Adair pointed out that the existing building is 50' from the centerline of 21st Street and Lewis Avenue, which would make the signs inside the building if that setback was not waived on either of these streets.

Mr. Adair commented that the signs on the corner will be located behind the edge of the building in order that visibility of motorists will not be blocked, but they cannot be seen from the residential neighborhood.

Mr. Clugston asked if any consideration has been given to locating the signs on the building. Mr. Adair stated that the colors of the sign would vary too much with that of the building, and pointed out that the sign from the previous location could have been moved to this new location, but it was decided that new, lower signs would be installed.

Mr. Chappelle informed that a letter (Exhibit E-3) of opposition to the application has been received.

Mr. Adair submitted a letter (Exhibit E-4) from Stormwater Management which approved the drainage easement required.

Case No. 13901 (continued)

Ms. Bradley asked the applicant to state the distance the sign is from the residential area and he replied that it is approximately 110' from the residences to the north.

Interested Parties:

Earl Smith, 2502 East 19th Street, Tulsa, Oklahoma, who represented the Lewiston Gardens Homeowner's Association, stated that the residents were concerned that there would be a 17' lighted sign on the corner of 21st and Atlanta.

Mr. Jackere assured Mr. Smith that this sign request has been withdrawn.

Ken Bode, Protective Inspections, stated that the signs have been rearranged and that the applicant has received clearance from Traffic Engineering and Stormwater Management.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-1 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; Clugston, "abstaining"; none, "absent") to APPROVE a Variance (Section 1221.3(f) - General Use Conditions for Business Signs) of setback for 3 on-premise signs: one sign from 50' to 42' on west side of property (No. 1 on Exhibit A), one sign from 60' to 42' on south side of property at west end (No. 2 on Exhibit A), and one sign from 60' to 42' on south side near middle of property (No. 4 on Exhibit A); and to WITHDRAW a Variance request of one sign from 60' to 53'6" on south side of property at east end (No. 3 on Exhibit A); and to APPROVE a Variance (Section 1130.2(b) 2 and 3 - Accessory Use) to allow ground signs to be located within 150' of a residential area and a variance of the required minimum 100' separation from any other ground sign; per amended plot plan and sign plans submitted; finding a hardship imposed by the size and shape of the lot; on the following described property:

Lot 1, Block 1, 2021 South Lewis Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 13905

Action Requested:

Use Variance - Section 1223.2 - Warehousing and Wholesaling - Uses Included - Request a variance to allow temporary outdoor storage of building materials in a CS zoned district, located at 6308 East 17th Street.

Presentation:

The applicant, Robert Cutsinger, 6308 East 15th Street, Tulsa, Oklahoma, an employee of Taylor Precision Manufacturing Company, stated that the property in question has been used during the last

Case No. 13905 (continued)

few years for the storing of materials and receiving and shipping. He informed that the company has been cited by Code Enforcement. Mr. Cutsinger stated that the 15th Street side of the company does not have a suitable place for shipping or receiving, however, 17th Street is a suitable location for this. He noted that they employ approximately 60 people and are involved in manufacturing and sub-contracting for major aircraft companies. On the south and east of the subject property are vacant lots and on the west and southwest are residential areas. Building materials and manufacturing materials are stored on the lots, but the building materials will be used for inside renovation at some future date.

Comments and Questions:

Mr. Chappelle asked the applicant how long the temporary storage would be needed. He replied that the manufacturing materials are usually not outside more than 60 days after delivery.

Mr. Clugston pointed out that the application addresses the building materials and the applicant replied that the materials were accumulated by tearing down other structures and would have already been used, but the economic situation delayed the plans.

Ms. Wilson asked if the materials have been there since 1977 and Mr. Cutsinger answered that they have been there 2 years.

Ms. Wilson inquired if screening has been considered and the applicant said that 1 1/2 years ago they attempted to install screening and it was torn down by vandals.

Ms. Bradley commented that large machinery is stored on the lot. Mr. Cutsinger explained that this machinery will go inside the building.

Mr. Gardner informed that the CS property can be used for industrial offices, access to and from the industrial zoned area or parking, but it cannot be used for outside storage (industrial use) without approval of this Board.

Protestants:

Doris Alexander, 6209 East 17th Street, Tulsa, Oklahoma, stated that her property abutts the subject tract on the west and the materials and concrete blocks have been stored there over 2 1/2 years. She pointed out that there has been no maintenance on the property until the last month. Ms. Alexander said that wild cats are living in the debris and that the owner has no concern for the neighborhood.

Board Action:

On MOTION of BRADLEY 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 **Use Variance** (Section 1223.2 - Warehousing and Wholesaling - Uses Included) to allow temporary outdoor storage of building materials in a CS zoned

Case No. 13905 (continued)

district; finding that the outside storage of these materials is detrimental to the neighborhood and not in harmony with the spirit and intent of the Code; on the following described property:

A part of the NE/4 of the NE/4 of the SE/4 of Section 10, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit:

Beginning at a point 50' west of the east line of said Section 10; thence S 0°27'15" W, and parallel with the east line of said Section 10 a distance of 507.84'; thence S 89°58'02" W and parallel with the south line of said NE/4, NE/4, SE/4 a distance of 281.86' to the point of beginning; thence S 0°27'15" W a distance of 152.62' to a point on the south line of the NE/4, NE/4, SE/4; thence S 89°58'02" W a distance of 331' to the SW/c of the NE/4, NE/4, SE/4 of said Section 10; thence N 0°26'22" E a distance of 660.34' to a point on the north line of said NE/4, NE/4, SE/4; thence N 89°57'22" E along the north line of said NE/4, NE/4, SE/4 a distance of 150' to a point; thence S 0°26'22" W a distance of 330.18'; thence N 89°57'50" E a distance of 150'; thence south 0°26'22" W a distance of 217.64'; thence east a distance of 31.17', more or less, to the point of beginning, less the north 40' thereof dedicated for roadway.

AND

The west 331.00' of Lot 1, Block 1, Lynn Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Case No. 13907

Action Requested:

Minor Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of the lot width from 60' to 50' in order to permit a lot split, located at 1412 East 35th Place.

Comments and Questions:

Mr. Jones informed that TMAPC approved the lot-split January 22, 1986.

Presentation:

The applicant, David Reeh, 1341 East 36th Street, Tulsa, Oklahoma, stated that he has a 100' lot with a house built on the west 50' and he intends to place another house on the east portion at a later date.

Case No. 13907 (continued)

Additional Comments:

Mr. Chappelle asked if there are other 50' lots in the area and Mr. Reeh 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 **Minor Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the lot width from 60' to 50' in order to permit a lot split; on the following described property:

Lot 11, Block 5, Oliver's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13908

Action Requested:

Variance - Section 430 - Bulk and Area Requirements to Residential Districts - Use Unit 1206 - Request a variance of the required 25' setback to 24' from Indianapolis; a variance of the 5' side yard setback to 4' on the south; and a variance of the 35' setback (rear yard abutting a public street) from Harvard to 34' to allow for the brick veneer encroachment, located on the SW/c of 86th Street South and Indianapolis.

Presentation:

The applicant, Builders Association of Metropolitan Tulsa, was represented by Howard Kelsey, 11545 East 43rd Street, Tulsa, Oklahoma, who informed that a parade house was built without brick, but when the brick was added it encroached .4' on the east, west and south setbacks.

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 to Residential Districts - Use Unit 1206) of the required 25' setback to 24' from Indianapolis; a variance of the 5' side yard setback to 4' on the south; and a variance of the 35' setback (rear yard abutting a public street) from Harvard to 34' to allow for the brick veneer encroachment; on the following described property:

Lot 1, Block 4, Harvard Pointe Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13909

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Use Unit 1211 - Request a special exception to allow a home occupation (office use) in an RS-2 zoned district and a Variance - Section 440.2(a) - Special Exception Uses in Residential Districts, Requirements - To allow 2 remaining clerical staff at this residence on a temporary basis while closing the business down, located at 10339 East 15th Street.

Presentation:

The applicant, David Kumpe, was not present.

Comments and Questions:

Mr. Jones stated that the applicant requested by letter (Exhibit G-1) that Case No. 13909 be continued until February 6, 1986.

Protestants:

A. C. Bickerstaff, 10323 East 15th Street, Tulsa Oklahoma, stated that he lives next door and had to take off work to attend this meeting.

Mr. Jackere asked what kind of business is operating in the building and Mr. Bickerstaff stated that it is listed in the telephone book as a construction company.

Mr. Chappelle stated that Code Enforcement has received complaints concerning the business in question, and that office submitted photographs (Exhibit G-2) of a sale sign, with equipment displayed in the yard. A letter from Code Enforcement (Exhibit G-3) was submitted.

Ms. Wilson asked how long the business has been operating at the present location and he informed that they have occupied the building since July of 1985.

Ms. Bradley commented that she is not inclined to support the special exception request and Mr. Chappelle agreed with Ms. Bradley.

A petition (Exhibit G-4) of opposition to the business was submitted by property owners in the audience.

Board Action:

On MOTION of BRADLEY 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 420 - Accessory Uses in Residential Districts - Use Unit 1211) to allow a home occupation (office use) in an RS-2 zoned district; and **DENY** a **Variance** (Section 440.2(a) - Special Exception Uses in Residential Districts, Requirements) to allow 2 remaining clerical staff at this residence on a temporary basis while closing

Case No. 13909 (continued)

the business down; finding that it is evidenced by the advertising signs and yard displays that this is a business, and not a home occupation, operating on the property at this time; on the following described property:

Lot 10, Block 3, Crescent Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13910

Action Requested:

Variance - Section 240.2(a) - Permitted Yard Obstructions - Use Unit 1205 - Request a variance to allow a 6' roof overhang of a carport into the required yard, located at 7030 East 31st Street South.

Presentation:

The applicant, Bob Swanson, 2700 East 51st Street, Tulsa, Oklahoma, who submitted a location map (Exhibit H-1) and photographs (Exhibit H-2), informed that he is the architect for Woodlake Assembly of God and asked the Board to allow the roof of a carport to overhang the required setback. The proposed east wing will have a carport for loading and unloading passengers and only a portion of the roof overhangs the setback.

Comments and Questions:

Ms. Bradley asked if the carport will be located where construction is now in progress and Mr. Swanson answered in the affirmative.

Mr. Gardner pointed out that only 6' of the roof overhangs into the required setback.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 4-1-0 (Bradley, Chappelle, White, Wilson, "aye"; Clugston, "nay"; no "abstentions"; none, "absent") to APPROVE a Variance (Section 240.2(a) - Permitted Yard Obstructions - Use Unit 1205) to allow a 6' roof overhang of a carport into the required yard; per photographs submitted; finding a hardship demonstrated by the irregular shape of the lot; on the following described property:

Lot 1, Block 1, Woodlake Village Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13911

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 15 - Request a special exception to allow a wholesale, retail, building material sales in a CS district; or

Case No. 13911 (continued)

Use Variance - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 23 - Request a use variance to allow wholesale/retail exterior building material sales in a CS zoned district, located on the SE/c of 11th Street and 107th East Avenue.

Presentation:

The applicant, Robert Nichols, 111 West 5th Street, Tulsa, Oklahoma, who represented Forrest Siding Supply, a contract purchaser for the lot at the above stated location, submitted a plot plan (Exhibit 1-1) and explained that his client sells siding supplies primarily, with approximately 6% of the business wholesale. Mr. Nichols suggested that, if the Board determines that the special exception requested does not fit the business, a use variance may be needed to permit this operation in the CS zoned district under Use Unit 23. He remarked that this use is a lighter one than those in the surrounding neighborhood.

Comments and Questions:

Ms. Clugston asked if the railroad cars will be removed from the lot and Mr. Nichols replied that they will be moved from the lot and a new facility constructed.

Ms. Wilson inquired if this business is connected with the Green Country Siding Company to the east and Mr. Nichols answered that they are different businesses.

Mr. Jackere stated that the Board would have to determine if the wholesale is accessory to the retail or if the business is principally wholesale. If the case is the former it is by special exception and if the latter, by a variance.

Mr. Nichols stated that his client has informed him that 94% of the business is retail and 6% is wholesale.

Mr. Nichols commented that the business is now operating at 1350 North Louisville, but has outgrown that building and the owner would like to relocate on the subject tract.

Mr. Clugston asked if the new business will be conducted the same as the one that is now in operation on Louisville and Mr. Nichols replied that it is the same type of business and that his client would like to operate under Use Unit 15.

Mr. Garriott, Code Enforcement, stated that his office would view the business as a Use Unit 15.

Ms. Wilson asked where the entrance to the parking lot would be located and Mr. Nichols informed that there are curb cuts on 107th East Avenue and 11th Street.

Case No. 13911 (continued)

Mr. Nichols stated that he would like to withdraw the use variance request.

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 710 - Principal Uses Permitted in Commercial Districts - Use Unit 15) to allow a retail, building material sales business with minor wholesaling in a CS district; per plot plan submitted; finding that building material sales is compatible with the area and is in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

W/2 of Lot 1, Mingo Valley Acreage Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13912

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow a body shop in a CS zoned district.

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1217 - Request a use variance to allow a body shop because of the small portion of the lot which falls within a RS-3 zoned district, located at 4501 North Peoria Avenue.

Presentation:

The applicant, Raymond Reed, 5123 North Frankfort, Tulsa, Oklahoma, submitted a plot plan (Exhibit J-1) of a proposed body shop. He explained that a screening fence is not shown on the drawing, but one is planned in the back (east), one on the south side and a partial one on the north (from the back of the lot to the body shop).

Comments and Questions:

Ms. Wilson asked the applicant if there is a building on the lot at this time and he replied that there is not, but a 3,000 sq. ft. building will be constructed. Mr. Reed informed that he plans to employ 4 to 6 people and have the business open Monday thru Friday, 8 a.m. to 6 p.m.

Mr. Gardner informed that the area is a mixture of light to moderate type usage and that the use proposed by the applicant is compatible with the neighborhood.

Mr. Reed stated that he intends to purchase the lot if the Board grants the special exception to allow the body shop.

Case No. 13912 (continued)

Ms. Wilson asked the applicant if he plans to be open on Saturday and he replied that he is a full time employee at Rockwell and would rather have the business open only 5 days each week.

Mr. Clugston stated that he is concerned with the visible storage of wrecked cars on the property.

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 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to allow a body shop in a CS zoned district; and to APPROVE a Use Variance (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1217) to allow a body shop because of the small portion of the lot which falls within a RS-3 zoned district; per plot plan; subject to a screening fence being installed behind the building on the east of the property; subject to outside storage of cars being restricted to the rear of the building within the enclosed, fenced area; finding that the body shop will be compatible with the area and the use will not cause substantial detriment to the public good or impair the spirit, purposes and intent of the Code; on the following described property:

The south 100' of the north 450' of the east 190' of the west 240' of Lot 1, Section 18, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 13768

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 1205 - request a special exception to allow a church and related activities in an AG zoned district.

Special Exception 410 - Principal Uses Permitted in the Residential District - Use Unit 1205 - Request a special exception to allow a church and related activities in an RS-3 zoned district, located at 8900 South Union.

Presentation:

The applicant, Duane Snapp, was not present.

Comments and Questions:

Mr. Jones explained that, at a previous hearing, the church was approved to be located on 3 acres of an 85-acre tract. He informed that a drainage problem has developed and it has been requested that they be allowed to construct the building on an abutting 3 acre tract.

Case No. 13768 (continued)

Ms. Wilson remarked that there were protestants at the previous hearing that should be notified of the change in the location of the church.

Mr. Jackere stated that, in his opinion, there should be a new application filed. Mr. Chappelle commented that he is in agreement with Mr. Jackere.

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. 13768 to February 20, 1986. The Board requested that the protestants that appeared at the previous hearing be notified of this new hearing date.

Case No. 13718

Action Requested:

The applicant, Kenny Smith, requested refund of filing fee.

Presentation:

Mr. Jones informed that the Case No. 13718 was not processed and a full refund is in order.

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 refund of application fee of \$125.00.

Case No. 8342

Action Requested:

Charles Norman, representing Oral Roberts University, requests permission to substitute an amended plot plan for that submitted as part of the Boards approval in Case No. 8342 to reflect the reconstruction of the larger dwelling at the same location as the one being replaced.

Presentation:

Charles Norman was not present.

Comments and Questions:

Mr. Jones informed that Mr. Norman has requested permission to substitute plot plans on a case that was heard in 1974.

Mr. Gardner explained that there were 8 dwellings built in 1974 which complied with the plot plan, and now permission is requested

Case No. 8342 (continued)

to remove the smallest dwelling and replace it with a larger one.
The houses are located on a privately owned 10-acre tract.

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 CONTINUE Case No. 8342 to allow Mr. Norman time to obtain and submit a plot plan for the new construction.

There being no further business, the meeting was adjourned at 3:30 p.m.

Date Approved 2-6-86


Chairman

