

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 461  
Thursday, March 20, 1986, 1:00 p.m.  
City Commission Room, Plaza Level  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Chappelle, Chairman White Wilson	Clugston	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, March 18, 1986, at 9:37 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 WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** the Minutes of March 6, 1986, subject to corrections. Ms. Wilson pointed out that Ms. Bradley second the motion for Case No. 13939 - 45 - 50 and 58 and made the motion for denial on Case No. 13957.

**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., was not present.

**Board Action:**

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **STRIKE** Case No. 13523.

03.20.86:461(1)

**Case No. 13650**

**Action Requested:**

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required 30' street frontage to 20' to permit a lot split in an RS-1 zoned district, located North of the NE/c of Peoria and 29th Street.

**Presentation:**

Michael Parrish, 7802 East 79th East Avenue, Tulsa, Oklahoma, submitted a location map (Exhibit A-1) and asked the Board to approve a lot split at the above stated location. Mr. Parrish informed that there are various lots in the area that have been granted similar lot splits.

**Comments and Questions:**

Ms. Bradley asked the applicant how many feet he will have on Peoria and he replied that he will have 20'.

Mr. Gardner pointed out that the lot to the north of the subject tract is exactly the same shape. He noted that TMAPC has approved the lot split and explained that the Board had previously denied this application without prejudice because Mr. Parrish's case had been on the agenda for 2 or 3 meetings, but he had not been present.

**Protestants:** None.

**Board Action:**

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** a **Variance** (Section 207 - Street Frontage Required - Use Unit 1206) of the required 30' street frontage to 20' to permit a lot split in an RS-1 zoned district; finding that there are other lots in the area that are similar in shape and some that are smaller in size than the lot in question; on the following described property:

Lots 9 and 10, Block 4 of Wilmac-Knoll Addition and Lots 6 and 7, Block 2 of Gilbert Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 13849**

**Action Requested:**

Use Variance - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1206 - Request to allow a revision to the previously approved application to consist of construction of a shop area and restroom within the office of an approved detached accessory building and a minor change in the location of the cabana, located at 6144 South Oswego.

03.20.86:461(2)

Case No. 13849 (continued)

Presentation:

The applicant, Ken Alexander, was represented by Dave Miller, 6130 South Maplewood, Tulsa, Oklahoma, builder of the house in question, who submitted a plot plan (Exhibit X-1) and a petition of support (Exhibit X-2) for the application. Mr. Miller asked permission to move the cabana to the north, 10' from the property line, and to allow a studio and restroom above the garage.

Comments and Questions:

Mr. Gardner asked the applicant to explain what type of office/studio the garage would be used for and he stated that the attic over the garage is very large and his client would like to have a workshop and restroom in this area.

Ms. White asked if there is a business operating on the property and Mr. Miller replied that there is not.

Ms. Wilson asked the applicant why the workshop was referred to as an office and Mr. Miller stated that this was probably a typographical error since he did not ask for an office in his application.

Mr. Jones informed that the area is to be used for a type of studio use for the owners private hobbies.

Board Action:

On MOTION of WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1206) to allow a revision to the previously approved application to consist of construction of a shop area (hobby room) and restroom above the garage and a minor change in the location of the cabana; subject to the area above the garage being used for a home shop and restroom only (no business); per plot plan: on the following described property:

Lot 3, Block 3, Braeswood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13913

Action Requested:

Variance - Section 1221.7(L) and 1221.5(a) - Use Conditions for Outdoor Advertising Signs and Business Signs - Request a variance of display surface area in IL District to allow 2,400 sq. ft.

Variance - Section 1221.7(b) - Use Conditions for Outdoor Advertising Signs - Request a variance of spacing between signs from 1200' to 0'.

03.20.86:461(3)

Case No. 13913 (continued)

Variance - Section 1221.7(e) - Request a variance of sign face size from 672 sq. ft. to 1,200 sq. ft.

Variance - Section 1221.7(J) - Request a variance to allow more than one support pole.

Variance - Section 1221.7(k) - Request a variance of sign height from 50' to 150'.

Variance - Section 1430.1(a) - Nonconforming Signs - Outdoor Advertising Signs - Request a variance of the removal ordinance, located on the SW/c of Mingo Valley Expressway and Broken Arrow Expressway.

Presentation:

The applicant, Bill Stokely, 10111 East 45th Place, Tulsa, Oklahoma, of Stokely Outdoor Advertising, submitted a petition (Exhibit B-2) of property owners in the area that support the heliport restaurant.

Comments and Questions:

Ms. White asked the applicant if this is the same petition that was presented to the Board at a previous meeting and he stated that it is the same petition.

Mr. Jackere pointed out that the Board would have to accept the petition as being one for the restaurant which has already been approved, and not signs which is the subject of today's meeting.

Mr. Stokely asked the Board to allow him to return to the Board at a later date with a petition of support for the signs.

Mr. Jackere stated that the applicant would be required to demonstrate a hardship for the variances requested.

Ms. Bradley made a motion to continue Case No. 13913 to April 3, 1986.

The motion died for lack of a second.

Protestants:

Michael Kraft, 4023 South Vandalla, Tulsa, Oklahoma, stated that he has been to 4 meetings concerning the case and objected to a continuance.

Ms. White remarked that, in her estimation, the subject of signage for the project could be heard at this time.

Mr. Stokely stated that he is in agreement with the new Sign Code and believes that it is working.

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Case No. 13913 (continued)

A letter (Exhibit B-3) from Ray Green gave a detailed explanation of the variances requested by Mr. Stokely.

Interested Parties:

Edward Cox, 7338 South 69th East Court, Tulsa, Oklahoma, stated that he circulated the petition of support for the heliport restaurant and feels that the project will be an asset to the community. He informed that he has not encountered any of the property owners who are opposed to the application.

Ms. Bradley pointed out that the restaurant has been approved and the question of signs is before the Board today.

Mr. Cox replied that Mr. Stokely is removing more signs than he is erecting.

Gary Flenner, 9602 South Maplewood, Tulsa, Oklahoma, informed that the area was zoned industrial in the 1960's and feels that any investments made in the area would be an asset. He asked that the Board approve the signage for the new restaurant.

Hank Bailey, 1232 North Cypress, Broken Arrow, Oklahoma, stated that he owns Bailey Automotive which is around the corner from the proposed heliport. Mr. Bailey informed that Mr. Stokely's signs help light the area around his business and asked the Board to approve the application.

Jim Brackett, 3110 South Toledo, Tulsa, Oklahoma, noted that he owns property in the Alsuma district and that this area is in transition. He pointed out that Mr. Stokely's project will be a positive economic benefit to Alsuma.

Protestants:

Allen Kraft, 7992 East 41st Street, Tulsa, Oklahoma, stated that he owns the business next door and objects to a 150' high sign which is a hazard and illegal. He informed that Mr. Cox stated, in error, that everyone in the neighborhood is a supporter of the project. Mr. Kraft stated that he helped put water in the area of Alsuma and is a 25 year supporter of the community.

Mike Kraft, 4023 South Vandallia, Tulsa, Oklahoma, informed that the applicant is requesting multiple variances and had a ground breaking ceremony for the facility without a building permit. He pointed out that the signs violate the City Sign Code and would be a safety hazard for passing motorists. Mr. Kraft asked the Board to deny the variances requested.

Applicant's Rebuttal:

Mr. Stokely stated that without the signs there will not be a heliport. He pointed out that his building has been referred to as a huge sign which might fall and assured the Board that the

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Case No. 13913 (continued)

structure is indeed a building with signs on the side. Mr. Stokely pointed out that he will be removing more signs than he is installing. An artists rendering of the heliport/restaurant was submitted (Exhibit B-1).

Additional Comments:

Ms. Wilson asked the applicant, if his property had no signs, how much signage would the new Code allow.

He replied that he has 550 ft. of frontage and has 3,000 sq. ft. of signage, which will be reduced to 2,400 sq. ft.

Ms. Wilson asked Mr. Stokely to state the hardship in this case and he replied that the hardship is in the Code and the fact that his case does not fit within its parameters.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **DENY** a **Variance** (Section 1221.7(L) and 1221.5(a) - Use Conditions for Outdoor Advertising Signs and Business Signs) of display surface area in IL District to allow 2,400 sq. ft.; to **DENY** a **Variance** (Section 1221.7(b) - Use Conditions for Outdoor Advertising Signs) of spacing between signs from 1200' to 0'; to **DENY** a **Variance** (Section 1221.7(e)) of sign face size from 672 sq. ft. to 1,200 sq. ft.; to **DENY** a **Variance** (Section 1221.7(J)) to allow more than one support pole; and to **DENY** a **Variance** (Section 1221.7(k)) of sign height from 50' to 150'; finding that the variances requested were far in excess of signage permitted by the Code; and finding that the applicant failed to demonstrate a hardship that would justify the granting of the application.

Board Action:

On MOTION of BRADLEY, the Board voted 3-1-0 (Bradley, White, Wilson, "aye"; Chappelle, "nay"; no "abstentions"; Clugston, "absent") to **DENY** a **Variance** (Section 1430.1(a) - Nonconforming Signs - Outdoor Advertising Signs) of the removal ordinance; on the following described property:

A part of Lots 1 and 2, Block 1, Ideal Brick Industrial Tracts, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and an unplatted tract lying between said Lots 1 and 2, and all being more particularly described as follows, to-wit: Commencing at the SW/c of Lot 1, Block 1, Ideal Brick Industrial Tracts, according to the recorded plat thereof; thence N 89°53'07" E a distance of 176.00 feet; thence N 0°10'0" E a distance of 60.00 feet to a point, said point being on the north right-of-way line of east 45th Place South; thence N 89°53'07" E a distance of 225.86 feet to the Point of  
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Case No. 13913 (continued)

Beginning; thence N 00°06'53" W a distance of 343.29 feet to a point on the south right-of-way line of the Broken Arrow Expressway (Oklahoma Highway 51); thence S 51°55'00" E, along said southerly right-of-way line a distance of 166.24 feet to a point; thence S 2°25'32" E along said right-of-way line a distance of 259.95 feet to a point on the north right-of-way line of East 45th Place South; thence S 89°53'07" W along said right-of-way line a distance of 229.33 feet to the Point of Beginning, and containing 50,000.27 sq. ft. or 1.1479 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Additional Comments:

Mr. Stokely asked that the record reflect that Ms. Wilson was on the Ad Hoc Sign Committee and is against signage.

Ms. Wilson told Mr. Stokely that she approves of his heliport and that she wishes him a great deal of success, and if the signage requested was within the Code, she would be in support of it.

Case No. 13929

Action Requested:

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

Variance - Section 440.6(c) - Special exception Uses in Residential Districts, Requirements - Request a variance of the 1 year time limitation for permanent use, located North of the NE/c of Lawton Avenue and 37th Place (3663 Lawton Avenue).

Presentation:

The applicant, Don Heath, was not present.

Board Action:

On MOTION of WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **STRIKE** Case No. 13929; finding that this is the second time the applicant has not been present.

Case No. 13931

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow a library in an existing RS-3 district.

03.20.86:461(7)

Case No. 13931 (continued)

Variance - Section 410 - Principal Uses Permitted In Residential Districts - Request a variance to allow access to an IL zoned district through an existing RS-3 District, located at 1313 North Canton.

Presentation:

The applicant Jan Keene, was represented by John Petty, 5962 East 25th Street, Tulsa, Oklahoma, who asked the Board to allow 2 entrances into the parking lot. A plot plan (Exhibit ) was submitted.

Board Action:

On MOTION of WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Variance (Section 410 - Principal Uses Permitted In Residential Districts) to allow access to an IL zoned district through an existing RS-3 District; finding a hardship imposed by the location of the property in 2 different zoning districts; finding that the special exception request was granted at a previous meeting; on the following described property:

From a point 196' 2" due north of the midpoint of the intersection of Canton and Newton Streets due north 204' thence due east 243' 1 3/4 "; thence south 204'; thence west 243' 1 3/4" to the beginning point, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13969

Action Requested:

Special Exception - Section 240.2(c) - Permitted Yard Obstructions - Use Unit 1206 - Request a special exception of the front yard fence height from 4' to 7' in an RS-3 District, located at 3635 South Louisville.

Presentation:

The applicant, Victoria Marcille, was represented by Steven Lowery, 717 South Houston, Tulsa, Oklahoma, who submitted photographs (Exhibit C-1) and explained that 4 1/2 years ago his clients constructed the the privacy fence on top of a slope in their yard. He stated that all of the neighbors were contacted before it was built and they had no objection.

Comments and Questions:

Mr. Chappelle stated that a letter from Code Enforcement (Exhibit C-2) stated that a fence exceeding the height limitation is located at the above stated address.

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Case No. 13969 (continued)

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 240.2(c) - Permitted Yard Obstructions - Use Unit 1206) of the front yard fence height from 4' to 7' in an RS-3 District; finding that the granting of the special exception request will not be detrimental to the neighborhood; on the following described property:

North 75' off of a tract of land in Block 10, Thirty-sixth Street Suburb, Tulsa County, Oklahoma, more particularly described as all of Block 10, less and except the East 485'; and less and except the south 140'; and less and except the N 250' and known as 3635 South Louisville, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13976

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 15 - Request a use variance to allow a contract construction service in an RS-3 zoned district, located west of the SW/c of 54th Street North and Peoria Avenue.

Presentation:

The applicant, Randy Santos, P.O. Box 14092, Tulsa, Oklahoma, submitted a copy of a letter to the neighbors (Exhibit D-2) and a letter of support (Exhibit D-1) from a Real Estate agent.

Comments and Questions:

Ms. Bradley asked the applicant if there is any change in the presentation since the Board heard the case 2 weeks ago and Mr. Santos stated that he believes the protestants were given incorrect information. Ms. Bradley asked the applicant to refer to the plot plan and point out how it is different than the one previously presented to the Board. Mr. Santos stated that it is basically the same, but stated that there is 45' on the west side of the building for ingress and egress to the property.

Mr. Jackere stated that the case had been continued in order that an east entrance could be researched and the applicant pointed out that there would be no problem with an entry on the west.

Ms. Wilson asked if there would be a driveway from Norfolk and Mr. Santos answered in the affirmative.

Mr. Gardner stated that the case was continued to allow Mr. Santos to find another access, other than Norfolk, but the plans still show the driveway located on Norfolk.

03.20.86:461(9)

Case No. 13976 (continued)

Ms. Bradley asked how many parking spaces are available and the applicant replied that there are 32 spaces.

Protestants:

There were numerous protestants in the audience and a petition (Exhibit D-3) signed by property owners in opposition to the application was presented.

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **DENY a Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 15) to allow a contract construction service in an RS-3 zoned district; finding that the applicant failed to return to the Board with a plan showing ingress and egress on the east of the building in question; on the following described property:

Lots 1, 2 and 3, Block 10, Sharon Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 13991

Action Requested:

Minor Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of the 10' required side yard setback to 8', located at 1846 North Norfolk.

Presentation:

The applicant, Scott Thomas, 541 East Apache, Tulsa, Oklahoma, submitted a plot plan (Exhibit E-1) and explained that the residence in question is located in a Multi-Family Zone. He informed that part of the structure is within 8' of the lot line and asked permission to build an addition that will line up with the existing portion of the house.

Comments and Questions:

Mr. Gardner pointed out that, if the property was zoned for single family, the setback would only be 5'.

Protestants: None.

Board Action:

On MOTION of WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston,  
03.20.86:461(10)

**Case No. 13991** (continued)

"absent") to **APPROVE** a **Minor Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the 10' required side yard setback to 8'; per plot plan submitted; finding a hardship imposed on the applicant by the location of the single family residence in a multi-family zoned area; on the following described property:

North 48' of the E/2 of Lot 17, Middleton Addition, City of Tulsa, Tulsa County, Oklahoma.

**NEW APPLICATIONS**

**Case No. 13971**

**Action Requested:**

Variance - Section 420.2(a)2 - Accessory Use Conditions - Use Unit 1206 - Request a variance to allow a detached accessory building to be placed in the side yard in an RS-1 District, located at 10226 South Sandusky Avenue.

**Presentation:**

The applicant, Lonnie Hobbs, 10226 South Sandusky, Tulsa, Oklahoma, submitted a petition of support and photographs (Exhibit F-1) of an existing storage building. He explained that he was unaware that the Code restricted the building in the side yard and the builder did not inform him that a building permit was required. Mr. Hobbs stated that he has installed a fence to screen it and asked the Board to allow it to remain at the present location.

Lori Anderson, 10226 South Sandusky, Tulsa, Oklahoma, informed the Board that she owns and resides at the above stated address and that the protestants complained that the top of the building can be seen over the fence. She pointed out that there are other storage buildings in the area.

**Comments and Questions:**

Ms. Bradley asked the size of the storage building and the height of the fence. Ms. Anderson replied that the metal building is 8' by 16' and the fence is 7' high. She explained that the unit is on the easement and that a removal contract has been executed.

Ms. Wilson asked Ms. Anderson if the building in the side yard is against the area covenants and the applicant answered in the affirmative.

Mr. Jackere pointed out that private covenants should not be considered by the Board in this case.

03.20.86:461(11)

Case No. 13971 (continued)

Protestants:

Mr. Chappelle stated that Code Enforcement received a letter of complaint (Exhibit F-3) concerning the storage building.

Ralph Kiggins, 10218 South Sandusky, Tulsa, Oklahoma, submitted photos and a petition signed by 56 homeowners (Exhibit F-2) who are opposed to the storage building in the side yard. He explained that there is only 20' between the residents and the storage building was erected between the homes without a Building Permit.

Ms. White asked Mr. Kiggins if he would be opposed to the building being located in the back yard and he replied that he would not.

Ms. Bradley asked how far the building in question is located from the property line.

Mr. Gardner pointed out that the storage building is on the property line according to the plot plan.

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **DENY** a **Variance** (Section 420.2(a)2 - Accessory Use Conditions - Use Unit 1206) to allow a detached accessory building to be placed in the side yard in an RS-1 District; finding that the applicant failed to demonstrate a hardship, under the terms of the Code, that would warrant the granting of the variance request; on the following described property:

Lot 22, Block 4, Forest Oaks Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13973

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1207 - Request a special exception to allow a duplex in an RS-3 District.

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request a variance of the required setback from the centerline of 39th Street from 50' to 40', located at 3824 South 34th West Avenue.

Comments and Questions:

Mr. Jones informed that, according to the Zoning Code, when duplex use is requested in an RS-3 District certain other requirements have

03.20.86:461(12)

Case No. 13973 (continued)

to be met. He pointed out that the applicant is not advertised for all of the relief needed and will have to return to the Board for this additional relief if it is determined that the duplex will be allowed in the area.

Presentation:

The applicant, Vincent Zulpo, 3824 South 34th West Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit G-1) and stated that the front door of his home is facing east and asked the Board to allow him to construct an addition on the south. Mr. Zulpo stated that his mother is coming to live in his home and an addition to the house is planned. He informed that he only has 10' in which to build and asked the Board to allow another 10' for the construction. He pointed out that he has contacted the neighbors and they are supportive of the new addition. Mr. Zulpo stated that there are no duplexes in the immediate area. He explained that his mother would not require a kitchen, but would use a microwave and an electric skillet.

Comments and Questions:

Mr. Jackere explained that a house is classified a duplex if there are 2 dwelling units with a partition between.

Mr. Zulpo stated that he has a plan that has a hall connecting the two units.

Board Action:

On MOTION of WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1207) to allow a duplex in an RS-3 District; and to APPROVE a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the required setback from the centerline of 39th Street from 50' to 40'; per plot plan submitted; and to CONTINUE the balance of the application for advertisement to April 17, 1986; on the following described property:

South 85' of Lots 22, 23, and 24, Block 5, Yargee Addition,  
City of Tulsa (Red Fork), Tulsa County, Oklahoma.

Case No. 13974

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request a variance of the rear yard setback from 20' to 10' in an OL District, located at 4813 South Yorktown Place.

03.20.86:461(13)

Case No. 13974 (continued)

Presentation:

The applicant, Howard Kelsey, 5815 South 94th East Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit H-1) and pointed out that out of the 15 units that are in place in Bolewood, approximately 12 have had Board action to approve setbacks (Exhibit H-2). Mr. Kelsey explained that the hardship in this case is the zoning, the unique subdivision and the fact that each unit is custom designed to cover the lot.

Comments and Questions:

Mr. Gardner noted that the property in question is unique in that it is zoned office and is basically treated like a townhouse type development, with each unit filling up the major portion of the lot.

Board Action:

On MOTION of 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 Requirements in Residential Districts) of the rear yard setback from 20' to 10' in an OL District; per plot plan submitted; finding a hardship imposed on the applicant by the zoning, size and the unique design of the units; on the following described property:

Lot 2, Block 2, Bolewood Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13975

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the rear yard setback from 20' to 5' in an RS-3 District, located at 3001 South Cincinnati Avenue.

Presentation:

The applicant, Alice Hewett, was represented by Tim Hewett, 3001 South Cincinnati, Tulsa, Oklahoma, who submitted a plot plan (Exhibit I-1) and photographs (Exhibits I-2). Mr. Hewett explained that he is proposing to tear down an existing detached garage and a carport and construct an attached 2-car garage. He asked the Board to allow him to use 15' of the required 20' setback on a portion of the lot which functions like a side yard.

Protestants: None.

03.20.86:461(14)

Case No. 13975 (continued)

Board Action:

On MOTION of 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 - Use Unit 1206) of the rear yard setback from 20' to 5' in an RS-3 District; per plot plan submitted; finding a hardship imposed on the applicant by the corner lot location and major setbacks on 2 streets; on the following described property:

Lots 23 and 24, Block 8, Travis Park Addition, City of Tulsa, Oklahoma.

Case No. 13977

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1217 - Request a use variance to permit an existing car repair business in an RS-3 zoned district, located at 6301 South Mingo.

Presentation:

The applicant, Marvin Holloway, 2541 South 112th East Avenue, Tulsa, Oklahoma, submitted photographs (Exhibit J-2) of his business. He stated that the business started out as a hobby and has grown over the years. He explained that he is leasing the building and asked the Board to allow him to continue to operate his car repair business on the subject property until the building is sold. Mr. Holloway stated that he has improved the building at his own expense and pointed out that it was built in 1955 and has never been used as a residence.

Comments and Questions:

Ms. Wilson asked the applicant how long he has been in operation at this location and he replied that he has rented the property for 4 years. He noted that he and 1 employee operated the business.

Ms. Bradley inquired if the owner of the property is aware of the use variance request and Mr. Holloway answered in the affirmative.

Ms. Bradley remarked that, in her opinion, the property should be rezoned.

Mr. Jackere pointed out that the state law allows property that suffers a unique hardship to be considered for a variance.

Mr. Gardner informed that the area could be zoned corridor, but the zoning requires that a business be set back 200' from the

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centerline, which would not permit the subject building. He suggested that the Board should consider the uses in the area and determine if the business is appropriate.

Protestants:

Mr. Chappelle stated that Code Enforcement has received a letter of complaint (Exhibit J-3) concerning the subject property.

Jim Lewis, 9950 South Quebec, Tulsa, Oklahoma, stated that the area is in transition and that there has been a zoning violation on the property for several years. He asked the Board to deny the application.

Mr. Chappelle stated that a petition (Exhibit J-2) opposing the location of the car repair business was received by the Board.

Rolly Harrison, 9728 East 63rd Street, Tulsa, Oklahoma, stated that he lives just to the east of the corner where the garage is located and stated that the business has grown. He informed that cars are lined up on 63rd Street, which causes a traffic hazard, and that the noise of the car repair is objectionable.

Stephanie Harrison, 9728 East 63rd Street, Tulsa, Oklahoma, remarked that the traffic is congested near the business and asked denial of the request.

Vicki Pierce, 9930 East 63rd Street, Tulsa, Oklahoma, stated that she is unable to turn in to 63rd Street because of the congestion in the area of the repair shop.

Applicant's Rebuttal:

Mr. Holloway stated that he is sorry for the inconvenience to the neighbors, but is concerned that his employee will not have a job.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **DENY** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1217) to permit an existing car repair business in an RS-3 zoned district; finding that the applicant failed to demonstrate a hardship that would justify the granting of the variance request; on the following described property:

Lot 16, Block 7, Union Gardens Addition, City of Tulsa, Tulsa County, Oklahoma.

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**Case No. 13978**

**Action Requested:**

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow use as a public park and to include development of lighted sports fields, jogging/bike paths, playgrounds, picnic shelters, restrooms and parking area, located at 36th Street South and 101st East Avenue.

**Presentation:**

The applicant, Randy Nicholson, 200 Civic Center, Tulsa, Oklahoma, of the City of Tulsa Park Department, asked the Board to allow a sports facility at the above stated location. A plot plan was submitted (Exhibit K-1). Mr. Nicholson stated that the subject tract contains 87 acres. He informed that Mingo Creek is on the western boundary of the property, residential to the north, Mingo Valley Expressway on the eastern boundary and Roy Clark Elementary to the south.

**Comments and Questions:**

Ms. Wilson asked if this project is an extension of Hicks Park Complex and Mr. Nicholson stated that it directly across the creek.

Ms. White asked if there will be a curfew and the applicant replied that non-programmed activities are to be over at 9 p.m. and programmed activities are to conclude by 11 p.m.

Ms. Wilson inquired as to when development of the project will begin and Mr. Nicholson stated that engineering documents are to be finished July 1, 1986 and construction should begin in September or October. He stated that the facility should be ready for use in 1987.

**Protestants:** None.

**Board Action:**

On MOTION of WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow use as a public park and to include development of lighted sports fields, jogging/bike paths, playgrounds, picnic shelters, restrooms and parking area; per plot plan submitted; subject to Stormwater Management approval; finding that the sports complex is compatible with the area and the granting of the special exception request is in harmony with the Code and the Comprehensive Plan; on the following described property:

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All that part of the E/2, SW/4, and the NW/4 of Section 19, T-19-N, R-14-E of the IBM, Tulsa County, Oklahoma, being more particularly described as follows, to-wit:

Beginning at a point in the west boundary of said E/2, SW/4, a distance of 1128.19' north of the SW/c thereof; thence due north along the west boundary of said E/2, SW/4, a distance of 1512.91' to the NW/c of said E/2, SW/4; thence S 89°56'45" W along the south boundary of said NW/4 a distance of 50.08'; thence N 37°21'44" W a distance of 1500.09' to a point in the south boundary of Mingo Plaza, an addition to the City of Tulsa, Tulsa County, Oklahoma; thence N 89°56'45" E along the south boundary of said Mingo Plaza a distance of 477.29'; thence continuing N 89°56'45" E along the south boundary of Mingo Valley Estates an addition to the City of Tulsa, Tulsa County, Oklahoma, a distance of 1144.00' to the point in the west boundary of the N/2, N/2, NE/4, SE/4, NW/4 of said Section 19; thence S 0°01'11" E along the west boundary of said N/2, N/2, NE/4, SE/4, NW/4 a distance of 37.93' to the SW/c of said N/2, N/2, NE/4, SE/4, NW/4; thence N 89°56'57" E along the south boundary of said N/2, N/2, NE/4, SE/4, NW/4 a distance of 608.52' to a point in the west right-of-way line of the Mingo Valley Expressway; thence S 0°02'21" E along said right-of-way line parallel to and 50.00' from the east boundary of said NW/4 and said E/2, SW/4 a distance of 1907.92'; thence S 12°43'08" W along said Expressway right-of-way line a distance of 102.57'; thence S 0°07'53" E along said Expressway right-of-way line a distance of 789.62'; thence S 31°26'24" W along said Expressway right-of-way line a distance of 758.08'; thence S 0°05'16" E along said Expressway line a distance of 226.85'; thence S 89°54'58" W along said Expressway right-of-way line parallel to and 125.00' from the south boundary of said E/2, SW/4 a distance of 217.96'; thence N 0°02'21" W a distance of 164.62'; thence N 10°45'48" W a distance of 0.00'; thence northwesterly on a curve to the left having a radius of 535.00' a distance of 156.51'; thence N 27°31'28" W a distance of 279.97'; thence S 62°28'32" W a distance of 59.45'; thence N 27°31'28" W a distance of 400.00'; thence N 62°18'41" W a distance of 246.99' to the point of beginning, containing 105.634 acres, including a portion of the 60' Dedicated Right-of-Way for South 102nd East Avenue as recorded in Book 4111, Pages 107 and 108 in the office of the County Clerk, Tulsa, Oklahoma.

LESS AND EXCEPT:

Commencing at the SW/c of Section 19, T-19-N, R-14-E, Tulsa County, Oklahoma, thence N 89°54'02" E, 1263.43' along the south section line, said Section 19; thence due north, 1739.62' to the point of beginning, thence due north 551.53', thence due east 674.85', thence S 7°20'06" E 509.47', thence S 85°48'00" W 03.20.86:461(18)

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45.87'; thence S 71°34'00" W, 220.00', thence N 18°26'00" W 70.00', thence S 85°06'00" W, 465.00' to the point of beginning. Said tract lies all in Section 19, T-19-N, R-14-E, Tulsa County, Oklahoma, and contains 8.691 acres.

LESS AND EXCEPT:

Commencing at the SW/c of E/2, SW/4 of Section 19, T-19-N, R-14-E, Tulsa County, Oklahoma, thence N 89°54'58" E along the south boundary of said E/2, SW/4 a distance of 854.52', thence due north a distance of 351.86' to a point in the west right-of-way line of the Mingo Valley Expressway, the said point being the point of beginning, thence due west a distance of 88.155', thence N 13°55'37" W a distance of 0.00', thence northwesterly on a curve to the left having a radius of 675.00' and an arc distance of 160.19', thence N 27°31'28" W a distance of 219.97', thence N 62°28'32" E a distance of 25.05', thence northeasterly on a curve to the left along south right-of-way line of south 102nd East Avenue having a radius of 375.00' and an arc distance of 193.08', thence on a curve to the left having a radius of 1000.00' and an arc distance of 366.52', thence along a curve to the left having a radius of 490.00' and an arc distance of 249.76', thence on a curve to the right having a radius of 1240' and an arc distance of 214.13', thence N 82°39'54" E a distance of 113.02', thence S 60°07'33" E a distance of 322.47', thence S 00°07'53" E along west right-of-way line of the Mingo Valley Expressway a distance of 462.45', thence S 31°26'24" W a distance of 758.08' to the point of beginning and containing 9.358 acres more or less.

LESS AND EXCEPT:

Commencing at the SW/c of E/2, SW/4 of Section 19, T-19-N, R-14-E, Tulsa County, Oklahoma, thence due north along the west boundary of said E/2, SW/4 a distance of 750.87', thence due east a distance of 580.428' to a point in the north right-of-way line of South 102nd East Avenue, the said point being the point of beginning, thence N 27°31'28" W a distance of 368.00', thence on a curve to the left having a radius of 895.00' and an arc distance of 429.89', thence N 50°13'51" W a distance of 119.15', thence N 55°02'43" W a distance of 0.00', thence on a curve to the right having a radius of 505.00' and an arc distance of 9.65', thence due north a distance of 97.998', thence due east a distance of 582.02', thence N 82°39'54" E a distance of 187.16' to a point in the west

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right-of-way line of South 102nd East Avenue, thence S 08°18'03" E a distance of 0.00', thence on a curve to the left having a radius of 1300.00' and an arc distance of 202.58', thence on a curve to the right having a radius of 430.00' and an arc distance of 219.18', thence on a curve to the right having a radius of 940.00' and an arc distance of 344.53', thence on a curve to the right having a radius of 315.00' and an arc distance of 162.18', thence S 62°28'32" W a distance of 25.05' to the point of beginning and containing 9.119 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13979

Action Requested:

Variance - Section 1208.4 - Multi-Family Dwelling and Similar Uses - Off-Street Parking and Loading Requirements - Use Unit 1208 - Request a variance of the required parking spaces to .75 parking spaces per unit associated with elderly housing in an RM-1 District, located on the block on Oklahoma between Greenwood and Hartford.

Presentation:

The applicant, Larry Carnes, 8961 East 3rd Place, Tulsa, Oklahoma, housing consultant for Jordan Plaza, Inc., submitted a plot plan (Exhibit L-1) and stated that this is a non-profit corporation formed for the elderly housing project. He asked that the application be amended to 1 parking space per unit.

Comments and Questions:

Mr. Gardner pointed out that 1 space per unit is adequate for elderly housing and therefore, the Board should consider if there is adequate room for additional parking if the complex is converted from housing for the elderly to general apartments.

Don Bybee, 1806 South 69th East Avenue, Tulsa, Oklahoma, represented the Tulsa Urban Renewal Authority and stated that this organization suggests that 1 parking space per unit is adequate.

Case No. 13979 (continued)

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** a **Variance** (Section 1208.4 - Multi-Family Dwelling and Similar Uses - Off-Street Parking and Loading Requirements - Use Unit 1208) of the required parking spaces to 1 parking space per dwelling unit associated with elderly housing in an RM-1 District; finding that 1 parking space per unit is sufficient for the elderly housing project; on the following described property:

All of Block 5, Greenwood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13980

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Units 1214 and 1212 - Request a special exception to allow a restaurant and retail sales in an IL zoned district, located on the NW/c of 33rd Street and Memorial.

Presentation:

The applicant, Kelly McNew, 1841 East 15th Street, Tulsa, Oklahoma, submitted a site plan (Exhibit M-1) and asked the Board to allow him to rent space for a restaurant and retail sales store in an IL zoned district.

Comments and Questions:

Mr. Chappelle asked Mr. McNew what type of retail sales he is requesting and he replied that he is asking for a resale shop, Use Unit 14.

Mr. Gardner pointed out that when this area was first developed commercial uses were permitted in the Industrial District, but since 1970 a special exception is required. He noted that The Village Inn Restaurant and Drysdales western retail store are located to the north of the subject property.

Board Action:

On MOTION of WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted in Industrial Districts - Use Units 1214 and 1212) to allow a restaurant and retail sales (Use Unit 14) in an IL zoned district; finding that these uses are already in the area and the

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**Case No. 13980 (continued)**

special exception request is in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Beginning at a point 150' south and 50' west of the NE/c of the N/2 of the SE/4 of the NE/4 of Section 23, T-19-N, R-13-E, Tulsa County, Oklahoma; thence south parallel with the east line of said Section a distance of 150' to a point; thence west 250' to a point; thence north 150.22'; thence S 89°57'00" E a distance of 250' to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 13981**

**Action Requested:**

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to permit expansion of an existing body shop office.

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Section 241 - Existing Building Encroachment on Front Yards or Building Setbacks - Request a variance of setback from the centerline of Pine from 100' to 55' to line up with an existing building.

Variance - Section 250.3(a) - Modification of the Screening Wall or Fence Requirements - Request a variance to waive the screening along the south property line.

Variance - Section 1217.3(b) - Automotive and Allied Activities Use Conditions - Request a variance to permit open air storage/display within 300' of an abutting R district, located at 2014 East Pine.

**Presentation:**

The applicant, Carolyn Jones, 2008 East Pine, Tulsa, Oklahoma, submitted a plot plan (Exhibit N-1) and photographs (Exhibit N-3) of the business. Ms. Jones asked the Board to allow the construction of offices for an existing body shop.

**Comments and Questions:**

Ms. Bradley asked if there is screening to the south and Ms. Jones informed that all of the buildings are solid concrete block and are built on the property line.

Mr. Chappelle stated that the Board received 2 letters of support (Exhibit N-2) for the application.

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Case No. 13981 (continued)

Board Action:

On MOTION of 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 permit expansion of an existing body shop office; to APPROVE a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Section 241 - Existing Building Encroachment on Front Yards or Building Setbacks) of setback from the centerline of Pine from 100' to 55' to line up with an existing building; to APPROVE a Variance (Section 250.3(a) - Modification of the Screening Wall or Fence Requirements) to waive the screening along the south property line; and to APPROVE a Variance (Section 1217.3(b) - Automotive and Allied Activities Use Conditions) to permit open air storage/display within 300' of an abutting R district; per plot plan submitted; finding that there are numerous businesses of similar nature in the area and that the granting of the special exception request will not be detrimental to the neighborhood; and finding a hardship imposed on the applicant by the existing building encroachments in the older area; on the following described property:

N/2 of Lot 10, Springdale Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13985

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the setback from the centerline of Young Street from 50' to 25' to allow construction of an addition to an existing dwelling unit, located at 1119 East Young Street.

Presentation:

The applicant, George Monroe, was present.

Comments and Questions:

Mr. Chappelle informed that he has been advised by Staff that the applicant is in need of additional relief.

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to CONTINUE Case No. 13985 until April 3, 1986 to allow the applicant sufficient time to advertise for additional relief.

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**Case No. 13986**

**Action Requested:**

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the 35' maximum height for single family residence in an RS-1 District to 40' maximum height, located at 6168 South Louisville Avenue.

**Presentation:**

The applicant, Steven Smith, 2132 East 32nd Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit Q-1) and stated that he is representing Gene Tucker. Mr. Smith explained that his client is proposing to build a house with a steep roof that will be approximately 38' high.

**Comments and Questions:**

Ms. Wilson asked Mr. Smith to address the hardship for the variance request. He replied that the roof will not fit in the 35' limit.

Mr. Chappelle asked the applicant to describe the topography of the tract and Mr. Smith stated that the house is built on a hill.

**Protestants:**

Robert Briggs, 1722 South Carson, Tulsa, Oklahoma, stated that he is representing E. N. Dillard. He pointed out that a hardship has not been demonstrated and that his client resides in a very nice location and is opposed to the height of the proposed house which obstructs the view of other property owners.

Mr. Chappelle asked Mr. Briggs if his clients home is adjacent to the subject tract. He replied that Mr. Dillard's property does not abutt the subject tract, but is within 300'.

**Additional Comments:**

Mr. Gardner noted that prior to about 1980 the height of a structure was not limited other than the top of the top plate was limited to 26', the purpose being that 2 1/2 stories could be constructed in that space, but no more. The ordinance was then changed to read 35', so the Board will have to determine what the owner is trying to accomplish with the added height.

Ms. White remarked that the lot appears to be larger than others in the area.

Mr. Chappelle asked the applicant if he is opposed to amending the application to 38', which would correspond with the plans submitted. Mr. Briggs replied that 38' will meet all of the building requirements.

**Board Action:**

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston,  
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Case No. 13986 (continued)

"absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the 35' maximum height for single family residence in an RS-1 District to 38' maximum height; per plot plan and elevations submitted; finding a hardship demonstrated by the design of the house and the unique size and shape of the lot; on the following described property:

Lot 16, Block 2, Braeswood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13987

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the required 50' setback from the centerline of East Pine Street to 25', located on the NW/c of Pine and new alignment of Greenwood.

Comments and Questions:

Mr. Jones explained that the applicant is actually requesting a minor variance of 10'. The required setback from the centerline of Pine should read, from 85' to 75' and not from 50' to 25', as the agenda reflects.

Presentation:

The applicant, Tulsa Urban Renewal Authority, was represented by Don Bybee, 1806 South 69th East Avenue, Tulsa, Oklahoma, who presented a location map (Exhibit P-1) and stated that the area is being re-platted. He explained that originally the houses faced Pine, but the houses are now being faced to the interior of the subdivision and a screening wall installed along the north side of Pine.

Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required 85' setback from the centerline of East Pine Street to 75'; finding a hardship demonstrated by the width of the property, design of the subdivision and similar existing encroachments on East Pine; on the following described property:

Lot 16, Block 7, Investors Addition, Lots 7 - 12, Block 4 and Lots 7 - 12, Block 5, Harding Addition, City of Tulsa, Tulsa County, Oklahoma.

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**Case No. 13988**

**Action Requested:**

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1210 - Request a use variance to allow off-street parking in conjunction with an existing post office in an RS-3 District, located on the SE/c of Garrison Place and Apache.

**Presentation:**

The applicant, Tulsa Urban Renewal Authority, was represented by Don Bybee, 1806 South 69th East Avenue, Tulsa, Oklahoma, who submitted a location map (Exhibit Q-1) and explained that there are 4 lots owned by this organization, which they are proposing to lease to the U.S. Postal Service. Mr. Bybee stated that these lots are to be used for parking spaces and will be screened on the south. He noted that the back portion of the lot will be fenced for employee parking and the northern part used for patron parking.

**Comments and Questions:**

Ms. Wilson asked Mr. Bybee if access to the parking lot will be from Garrison Place and he replied that it probably would be, but plans are not finalized at this time.

**Protestants:** None.

**Board Action:**

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** a Use Variance (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1210) to allow off-street parking in conjunction with an existing post office in an RS-3 District; subject to the parking lot being paved and a screening fence being installed on the southern boundary of the lots; finding that post office use has been in the neighborhood for several years and additional parking for the post office would be beneficial to the community; on the following described property:

South 25' of Lot 1 and Lots 2 - 4, Block 10, Elgindale Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 13989**

**Action Requested:**

Use Variance - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1227 - Request a use variance to allow the expansion of an existing automobile salvage into an AG District, located at 13605 East Apache.

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Case No. 13989 (continued)

Presentation:

The applicant, Frank Rowell, 207 Skelly Building, Tulsa, Oklahoma, submitted photographs (Exhibit R-1) and stated that he represents the owner of the property in question. He informed that there is a concrete plant and several auto salvage businesses in the area. Mr. Rowell stated that his client has a contract to sell the north 5 acres to the Mingo Auto Salvage for expansion and asked the Board to allow this use.

Comments and Questions:

Ms. Bradley asked Mr. Rowell what is located on the south portion of the property and he replied that there is nothing on this part of the property. He stated that there is a vacant house on the north 5-acres.

Mr. Gardner asked the applicant if his client will be screening the southern portion of the property and he answered in the affirmative.

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** a **Use Variance** (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1227) to allow the expansion of an existing automobile salvage into an AG District; subject to a screening fence being installed on the south boundary; finding that the area has numerous salvage businesses in operation and the use is consistent with the Comprehensive Plan; on the following described property:

N/2, W/2, W/2, SW/4, SE/4 of Section 21, T-20-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13990

Action Requested:

Use Variance - Section 910 - Principal Uses Permitted in Residential Districts - Use Unit 1206 - Request a use variance to permit a detached accessory garage in conjunction with a nonconforming residence in an IL District.

Variance - Section 930 - Bulk and Area Requirements in Industrial Districts - Request a variance of required 75' building setback in an IL District abutting a residential district, located at 6320 East Archer Street.

Presentation:

The applicant, Maurice Gifford, 6320 East Archer, Tulsa, Oklahoma, submitted a plot plan (Exhibit S-1) for a proposed garage on the west side of his house. He stated that the property to the west is zoned residential, but has been used for business.

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Case No. 13990 (continued)

Comments and Questions:

Mr. Gardner explained that the applicant has a piece of property that is zoned for industrial, but if it was zoned residential he could locate a detached accessory building within 3' of the property line.

Mr. Jackere asked the applicant to state the distance between the property line and the proposed garage. Mr. Gifford replied that he would like for the garage to be approximately 2' from the boundary line. Mr. Jackere pointed out that a 2' distance would not allow enough space to maintain the building.

Mr. Gardner noted that, based on the advertising, the applicant is asking the Board to allow the 75' setback to be reduced to 0'.

Protestants:

David Parrish, 5431 East 39th Street, Tulsa, Oklahoma, stated that he owns the property to the west and that he does not object to the garage, but is opposed to the structure being so close to the lot line. He informed that Mr. Gifford's lot is 100' x 300' and the garage should be built at least 10' from boundary.

Mr. Gardner asked Mr. Parrish what is located on his lot and he replied that he has nursery buildings on his property. Mr. Gardner inquired if the buildings are close to the property line and he replied that there is not a permanent structure within 50' of the property line. He added that he has temporary buildings within 5' of the line.

Ms. Wilson asked the applicant if there would be a problem with moving the garage farther from the property line. Mr. Gifford replied that, if he moved the garage, the sewer line from his home to the main sewer line would be under the building and a large tree would have to be removed.

Mr. Jackere asked Mr. Parrish if he has ever come before the Board of Adjustment requesting permission to locate buildings closer to the property line than the Code allows. Mr. Parrish replied that he requested an exception to allow the nursery use.

Mr. Gardner asked Mr. Parrish if he protested a similar case in 1982 and he replied that the application was for a motel at that time.

Mr. Gifford informed that in 1982 he had a contract to sell his property for motel use and the Board granted permission to build within 2' of the property. He asked the Board to allow him the same 2' which was granted at that time.

Terrel Doremus, 111 West 5th Street, Tulsa, Oklahoma, stated that the 1982 objection was due to the building structure and design. He informed that his clients, Mr. and Mrs. Parrish, have had the

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Case No. 13990 (continued)

nursery at its present location for many years and there is a drainage problem, in that water runoff drains across their property and also, light would be cut off from the nursery.

Mr. Gifford pointed out that the nursery structures are within 1' of the property line on the east.

Ms. Bradley asked how long the temporary buildings have been in place and Mr. Parrish replied that they have been at their present location for 18 years.

Mr. Gardner pointed out that, if the property was zoned commercial, the building could be constructed to the property line, since there is not a setback required between commercial properties.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Use Variance (Section 910 - Principal Uses Permitted in Residential Districts - Use Unit 1206) to permit a detached accessory garage in conjunction with a nonconforming residence in an IL District; and to APPROVE a Variance (Section 930 - Bulk and Area Requirements in Industrial Districts) of required 75' building setback in an IL District abutting a residential district to 6'; finding a hardship imposed on the applicant by the IL zoning and the location of his home in an IL zoned district; on the following described property:

Lot 17, Block 2, Greenlawn Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Discussion and Consideration of Board of Adjustment Rules of Procedure and Code of Ethics.

Mr. Gardner stated that on Item 5 - F, which addressed the continued hearing of applications, the Board will have to determine if each case would have a specific time period before it can be heard again or whether to hear a case at any time an individual desires to come before the Board. He informed that Staff has recommended a waiting period of 1 year between hearings, but pointed out that, if this procedure is adopted, the Board would be required to hear each case at the end of that time period, even if it is the same request previously denied.

Mr. Jackere pointed out that, if the policy is adopted, the applicant has the right to appear before the Board at the end of a 1-year period and the Board must hear the application even if it is identical to the one previously heard.

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Rules of Procedure (continued)

Mr. Gardner noted that, in the past, when an applicant returned to the Board with the same case, the Board reviewed it, determined if there were changes or new information and elected whether or not to hear the case again.

Board Action:

On MOTION of WHITE, the Board voted 3-1-0 (Chappelle, White, Wilson, "aye"; Bradley, "nay"; no "abstentions"; Clugston, "absent") to ADOPT the Board Of Adjustment Rules of Procedure; and to STRIKE Item No. 5 of said policy.

Ms. Bradley informed that she is in agreement with the adoption of the policies, but does not approve the exclusion of Item No. 5.

Correction of July 11, 1985 Minutes Pertaining to Case No. 13643.

Mr. Jones informed that Ms. Hubbard pointed out an error in the Minutes of July 11, 1985, Case No. 13643. He explained that the applicant advertised several lots in a subdivision and stated that they were located in Block 24, which should have read Block 2.

Mr. Gardner pointed out that a Building Permit cannot be issued until the minutes reflect the same information as the map which the Board approved.

Board Action:

On MOTION of WHITE, the Board voted 3-0-1 (Bradley, Chappelle, White, "aye"; no "nays"; Wilson, "abstaining"; Clugston, "absent") to APPROVE a Correction of July 11, 1985 minutes; finding that the legal description should have read Block 2, instead of Block 24 as the minutes of July 11, 1985 reflected; on the following described property:

Lots 1, 2, and 15, Block 1, Lots 1, 12, 13 and 24, Block 2, Lots 1, 2, and 13, Block 3, Lot 1, Block 4, Huntington Place, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting adjourned at 5:05 p.m.

Date Approved

4.17.86



Chairman

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