

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 462
Thursday, April 3, 1986, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, April 1, 1986, at 12:05 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Chappelle called the meeting to order at 1:03 p.m.

MINUTES:

On MOTION of WILSON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to **CONTINUE** approval of the March 20 minutes until April 17, 1986; finding that Ms. White and Ms. Wilson had not yet received their copy.

UNFINISHED BUSINESS

Case No. 13462

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Use Unit 1206 - Request an exception for a home occupation to permit a ceramic shop in an RM-2 zoned district, located at 1923 East Oklahoma Street.

Presentation:

The applicant, Daniel Maddox, was represented by Edwinna Maddox, who explained that she was before the Board last year and received permission to operate a home occupation for a period of 1 year. She pointed out that there have been no complaints from neighboring property owners and requested that she be permitted to have a ceramic shop in her home permanently.

Case No. 13462 (continued)

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 420 - Accessory Uses in Residential Districts - Use Unit 1206) for a home occupation to permit a ceramic shop in an RM-2 zoned district; subject to no more than 2 customers/students at one time; subject to no additional portable storage buildings being placed on the property; subject to all parking (including resident's vehicles) being off the street; subject to the hours of operation being Tuesday and Thursday from 6:30 p.m. until 9:30 p.m. and Saturday from 10:00 a.m. until 4:00 p.m.; subject to the rules and regulation of a home occupation; on the following described property:

East 29' of the south 150' of Lot 15, and west 29' of south 150' of Lot 16, Springdale Acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13970

Action Requested:

Variance - Section 420 - Accessory Use Conditions - Request a variance to allow two wall signs (3'x 12') and a pylon sign in an RS-3 district in conjunction with an approved video store, located on the SE/c of 4th Place and Quebec Avenue.

Presentation:

The applicant, Walter Thrun, Route 1, Box 372-A, Claremore, Oklahoma, submitted photographs (Exhibit A-1) of a Circle K sign which was previously in place on the property in question. He informed that the neighbors are supportive of the video store he is opening on the lot and asked that the signs be lighted to give more light in the area.

Comments and Questions:

Ms. White asked the applicant if he intends to install the pylon sign on the old base that was used by Circle K and he replied that he would like to use the old base if it meets the current setback requirements.

Ms. Wilson asked Mr. Thrun why he needs 2 signs that are 3' x 12' and he replied that the two wall signs will be side by side on the front of the building. He informed that one sign will have the store logo and one sign will advertise movie rentals, as will the 6' x 6', two-sided pylon sign.

Ms. Wilson remarked that she has no problem with the wall signs, but is opposed to the pylon sign in the residential area.

Ken Bode, Protective Inspections, stated that the designated right-of-way setback is 30' from the centerline and the required setback is 25'.

Case No. 13970 (continued)

Mr. Jackere asked the applicant if there are walls signs on the building at this time and he replied that there are none.

Mr. Clugston asked the applicant to state the width of the portion of the building he is leasing and he answered that it is 60'.

Board Action:

On MOTION of WILSON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Variance (Section 420 - Accessory Use Conditions) to allow two walls signs (3'x 12') in conjunction with an approved video store; and to DENY the pylon sign; finding that the pylon sign requested by the applicant is not appropriate for the residential neighborhood; on the following described property:

Lots 23 and 24, Block 1, University Place 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.

Variance - Section 208 - One Single Family Dwelling per Lot of Record - Request a variance to allow two dwelling units per lot of record, located at 1119 East Young Street.

Presentation:

The applicant, George Monroe, was not present.

Comments and Questions:

Mr. Jones informed that this case was continued from the last meeting and the applicant has requested another continuance in order that he will have sufficient time to advertise for additional relief.

Board Action:

On MOTION of CLUGSTON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to CONTINUE Case No. 13985 until April 17, 1986, to allow the applicant sufficient time to advertise for additional relief.

Case No. 13950

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 12231 - Request a variance of setback from the centerline of 21st Street from 60' to 41' to allow for a sign, located at 2525 East 21st Street.

Presentation:

The applicant, Larry Waid, was present.

Comments and Questions:

Mr. Jones informed that the applicant is requesting that Case No. 13950 be continued in order that property management will have sufficient time to discuss the sign in question with the tenants in the building.

Ms. Wilson asked if the ground sign will be eliminated and Mr. Waid replied that he does not know for sure what the plans are for the sign. He stated that he has been requested to ask for a continuance to allow time for a meeting with the tenants.

Protestants:

Larry Johnson, 2535 east 21st Street, Tulsa, Oklahoma, stated that he has property adjacent to the proposed sign and pointed out that this is the second time he has come to hear the case.

Board Action:

On MOTION of WILSON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to **CONTINUE** Case No. 13950 until April 17, 1986.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14017

Action Requested:

Minor Variance - Section 1221.3(f) - General Use Conditions for Business Signs - Use Unit 1221 - Request a minor variance of setback from the centerline of Utica from 50' to 41' to allow a sign, and a minor variance of setback from 11th Street from 50' to 46' 6" to allow a sign, located on the SE/c of 11th and Utica; NW/c of 12th and Utica.

Presentation:

The applicant, David Page, 500 One Oak Plaza, Tulsa, Oklahoma, who represented Hillcrest Medical Center, submitted a sign plan (Exhibit X-1). He informed that he was before the Board on February 6, 1986 requesting permission to relocate Hillcrest signs and since that time the sign plans have been redesigned and a new application has been made. Mr. Page informed that the 11th and Utica sign will now be the same distance from 11th as the existing one. He pointed out that the Rainbow building blocks the Hillcrest sign because the setback for Rainbow Baking Company would be 50',

Case No. 14017 (continued)

however, the building is only set back 47' and their sign is set back 39'. The applicant explained that because of this building being closer to the street, their sign needs to be closer in order to be visible to the public. Mr. Page stated that a variance of 9' is requested at 12th and Utica and commented that the major concern at the last meeting was traffic at this intersection. He informed that this sign has been redesigned and approved by the traffic engineer. Mr. Page informed that the base of this sign has been poured by mistake. He pointed out that the Hillcrest building is too close to the street to permit placing the sign at the required setback and if the sign is moved to the west to comply with that setback, it will be blocked by the corner of the building.

Comments and Questions:

Ms. Wilson asked if there is a sign under construction at 12th and Trenton and the applicant answered in the affirmative and stated that this sign meets the Code requirements.

Ms. Bradley asked the applicant to state the height of the sign and he replied that it is 17' 6" high.

Ms. White asked Mr. Page why he considers the present signage to be inadequate. He answered that the entrance to the hospital is no longer on Utica.

Mr. Clugston remarked that the current signs are the same as the proposed signage except for the direction to the Physician's Building, which is not related to the hospital.

Ken Bode, Protective Inspections, stated that he conferred with Traffic Engineering after they made their determination and pointed out that there is more obstruction with the new sign base than with the old one.

Mr. Gardner informed that the applicant is asking for setback relief only and has stated a hardship in the fact that the building is built over the setback.

Joe Braun, 1616 East 15th Street, Tulsa, Oklahoma, that the reason for the change of signs was the change of the entrance. He informed that a new entrance will be created and the hospital is attempting to direct all traffic down 12th Street.

Board Action:

On MOTION of WILSON, the Board voted 2-3-0 (Bradley, Wilson, "aye"; Chappelle, Clugston, White, "nay"; no "abstentions"; none, "absent") to **DENY** the **Minor Variance** request.

Mr. Clugston stated that he would be favorably disposed to moving the sign 2' closer to 12th Street than the current sign location.

Mr. Jackere pointed out that the sign at 11th Street and Utica is not properly advertised since it is an off premise advertising sign.

Case No. 14017 (continued)

Board Action:

On MOTION of CLUGSTON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Minor Variance** (Section 1221.3(f) - General Use Conditions for Business Signs - Use Unit 1221) of setback from the centerline of Utica from 50' to 41' to allow a sign; subject to the sign being moved no more than 2' to the south (toward 12th Street) from the existing sign; and to **CONTINUE** a **Minor Variance** of setback from 11th Street from 50' to 46' 6" to allow a sign, until May 1, 1986; finding that the applicant is in need of additional relief for this variance request; on the following described property:

Lot 10, Block 1, McNulty Addition, and Lot 1, Block 2, Perryman Heights II Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14000

Action Requested:

Minor Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a minor variance of front setback from the centerline of 51st Street South from 50' to 30' to allow an existing sign, located north of South Columbia Avenue and 51st Street South.

Presentation:

The applicant, Gene Weltzel, was represented by Winnie Wilford, 2635 East 51st Street, Tulsa, Oklahoma, who asked the Board to permit a sign for the Montecello Apartments. She informed that the sign is approximately 5' tall and 4' wide and has 2 posts.

Comments and Questions:

Ms. Wilson asked Ms. Wilford how long the sign has been at the present location and she replied that it was there prior to 1970, and it is located on the City right-of-way.

Ms. Bradley asked how many apartments are in the complex and Ms. Wilford replied that there are 35 units.

Ken Bode, Protective Inspections, informed that there are signs on the wall and the wall does not meet today's Code.

Ms. Wilson pointed out that there is some confusion as to which sign is under application. Since there was an error on the location map she suggested this case be continued to allow the Board to view the property again.

Case No. 14000 (continued)

Board Action:

On MOTION of WILSON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to CONTINUE Case No. 14000 until April 17, 1986.

NEW APPLICATIONS

Case No. 13982

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agricultural Districts - Use Unit 1209 - Request a special exception to allow a mobile home in an AG District, located at 4101 East 116th Street.

Presentation:

Bruce Straub, 4633 East 31st Street, Tulsa, Oklahoma, submitted a location map and photographs (Exhibit B-2) and stated that he is appearing on behalf of Patty Beale, owner of the subject property. He asked the Board to allow a mobile home to be located on land that is zoned AG. Mr. Straub pointed out that the mobile home is on a country road and is partially hidden from view by trees. He noted that there is another mobile home located about 1/2 mile from Ms. Beale's trailer and asked that she be granted permission for it to remain at the present location for a 3 year period.

Comments and Questions:

Ms. Wilson asked the applicant how long the mobile home has been at the present location and he replied that it has been on the 4-acre tract for approximately 2 years.

Ms. White asked the applicant if the mobile home is hooked up to a septic tank and he replied that it is not, but one can easily be installed.

Mr. Chappelle stated that Code Enforcement received a letter of complaint (Exhibit B-1), stating that the mobile home is in the area.

Protestants:

Mr. Kranz, 4521 East 85th Street, Tulsa, Oklahoma, stated that he owns abutting property to the north of the subject tract and is planning to build a large home at the top of the hill. He informed that the owner of the mobile home assured him when it was moved on the property that it would only be there temporarily. Mr. Krans stated that he is opposed to the trailer location.

Craig Coulter, 10401 South Richmond, Tulsa, Oklahoma, informed that he owns the 5-acre tract to the south and that Ms. Beale assured him that the mobile home would be temporary. Mr. Coulter stated that he is proposing to build a new home on his property and is opposed to the mobile home.

Case No. 13982 (continued)

Charles Schuller, 4838 South 70th East Avenue, Tulsa, Oklahoma, stated that the road that leads to the mobile home is an easement from his property. He pointed out that he is not opposed to mobile homes, but does not feel this area is appropriate for them.

Linda Shaddock, 4200 East 111th Street, Tulsa, Oklahoma, explained that she owns 13 acres to the west of the subject tract and is planning to sell her property in 3-acre tracts. She pointed out that her prospective buyers ask why the mobile home is in the area and feels that its presence will prohibit the sale of her lots.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to **DENY** a **Special Exception** (Section 310 - Principal Uses Permitted in Agricultural Districts - Use Unit 1209) to allow a mobile home in an AG District; finding that the granting of the special exception request would cause substantial detriment to the area; on the following described property:

The south 4 acres of the south 7 1/2 acres of the west 12 1/2 acres of the south 32 1/2 acres of the SW/4 of the NE/4 together with a roadway easement across the south 10' of the S/2 of the SW/4 of the NW/4 and the SW/4 of the SE/4 of the NW/4 as more particularly described in that certain grant of easement recorded in Book 2358 at Page 115 of the records of Tulsa County Clerk and together with an easement across the north 10' of the west 25.60 acres of Lot 3 as more particularly described in that certain grant of easement recorded in Book 1482 at Page 449 of the records of Tulsa County Clerk subject to easements and road reservations on record all being in Section 33, T-18-N, R-13-E according to U. S. Government Survey thereof, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13983

Action Requested:

Variance - Section 1217.3(b) - Automotive and Allied Activities Use Conditions - Use Unit 1217 - Request a variance to allow outdoor storage in conjunction with an existing mini-storage within 300' of an abutting R District, located on the SE/c of 21st and South 92nd East Avenue.

Presentation:

The applicant, Kay Van Schoyck, was not present.

Comments and Questions:

Mr. Jones informed that the wrong legal was submitted to Staff and the applicant requested that Case No. 13983 be continued until April 17, 1986.

Case No. 13983 (continued)

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to CONTINUE Case No. 13983 to April 17, 1986.

Case No. 13984

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow for a 1-day automobile sale, twice a year, in a CS zoned district, located at 10198 East Admiral Place.

Presentation:

The applicant, George Hevelka, was represented by Joe Sparks, 2520 North 76th East Avenue, Tulsa, Oklahoma, who asked the Board to allow Avis Rent-A-Car to have a car sale on Saturday, April 26, 1986, from 9 a.m. to 2 p.m., at the above stated address.

Protestants: None.

Board Action:

On MOTION of 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 for a 1-day automobile sale; once a year, in a CS zoned district; subject to the sale being conducted from 9 a.m. to 2 p.m. on April 26, 1986; on the following described property:

All of Lot 3, Block 1, and part of Lot 2, Block 1, The Amended Plat of Block 1, Rosewood Center, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, more particularly described as follows, to-wit:

Beginning at the NW/c of Lot 3, Block 1, thence west 97.87' along the north line of Lot 2 to a point; thence S 4°50'00" W a distance of 88.00' to a point; thence S 0°35'00" W a distance of 56.00' to a point; thence S 18°25'00" E a distance of 6.63'; thence east a distance of 103.76' along the south line of Lot 2 to the SW/c of Lot 3; thence north 150.00' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13992

Action Requested:

Variance - Section 1221.7 - Use Conditions for Outdoor Advertising Signs - Request a variance to permit an outdoor advertising sign - 1221.7(a) outside of a freeway sign corridor, 1221.7(d) within 150' of a residential district, 1221.7(f) to not be oriented to be primarily visible from the freeway, 1221.7(j) to be supported by more than one post, located south of the SW/c of 91st and Harvard.

4.3.86:462(9)

Case No. 13992 (continued)

Presentation:

The applicant, Lynn Burrow, was represented by Bill Fry, 3301 East 96th Place, Tulsa, Oklahoma submitted photographs (Exhibit C-1) and explained that the sign in question is located on land that is not owned by the applicant, but advertises his property that is 1/2 mile to the south. He stated that, during the platting of the property, the City requested that Harvard Avenue not go through his property to the south, therefore, there is no frontage for a sign. Mr. Fry informed that, when he installed the sign at its present location, he was not aware that the sign would be illegal.

Comments and Questions:

Mr. Jackere asked Mr. Fry if there are residences located on the subject property at this time. He replied that there are none under construction at this time, but the property has been platted and the streets and utilities are in place.

Mr. Clugston asked Mr. Fry if this is the Crown Pointe Subdivision, an individual subdivision and not apartments and he answered in the affirmative.

Ms. Wilson asked the applicant how long the temporary sign will remain and he replied that it will be in place approximately 1 year.

Ms. Bradley asked the applicant how many signs are on the property and he replied that he only has one sign on the property.

Mr. Jackere asked Mr. Fry if there are other signs on the property and he answered that there is one sign advertising a church and 2 other developers have signs at this location.

Ken Bode, Protective Inspections, informed that all four signs were sited as being illegal and Sign Permits were not applied for by the sign owners.

Protestants:

Jack Sharon, 8350 East 13th Street, Tulsa, Oklahoma, represented Calvary Cemetery which is directly across from the sign in question. Mr. Sharon stated that he would object to permanent signs on the property or any sign that would be disrespectful to families of the dead.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 1221.7 - Use Conditions for Outdoor Advertising Signs) to permit an outdoor advertising sign - 1221.7(a) outside of a freeway sign corridor, 1221.7(d) within 150' of a residential district, 1221.7(f) to not be oriented to be primarily visible from the freeway, 1221.7(j) to be supported by

Case No. 13992 (continued)

more than one post; subject to the existing sign being located at its present location for a period of 1 year; subject to the sign complying with all setback requirements; finding a hardship imposed on the applicant by the location of the subdivision on a dead end street; on the following described property:

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

Case No. 13993

Action Requested:

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance to allow an addition to an existing detached accessory building to total 1280 sq. ft. on the ground level (garage and carports) and 1280 sq. ft. on the second story, located at 1104 East 21st Place.

Presentation:

The applicant, Bruce Harlton, 1104 East 21st Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1) and asked the Board to permit the addition of a 240 sq. ft. carport to an existing garage. Mr. Harlton explained that he has a circular driveway on the back of his lot and the carport will align with the existing house.

Comments and Questions:

Ms. Wilson inquired as to the size of the existing garage and Mr. Harlton replied that it is approximately 1150 sq. ft. and there will be a 240 sq. ft. addition on each side. He informed that most of the homes in the area have 3-car or 4-car garages and the neighbors do not object to the carport.

Mr. Harlton stated that he is withdrawing his request for 1280 sq. ft. on the second story.

Interested Parties:

Bob Rosander, 2114 South Norfolk, Tulsa, Oklahoma, stated that he lives to the south of the applicant and asked if new plans will be submitted if a second story is added to the existing house. He pointed out that he is not opposed to the carport.

Board Action:

On MOTION of WILSON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206) to allow an addition to an existing detached accessory building to total 1280 sq. ft. on the ground level (garage and carports); and **WITHDRAW** a **Variance** to allow 1280 sq. ft. on the second story; finding a hardship demonstrated by the irregular shape and large size of the lot; on the following described property:

Case No. 13993 (continued)

Lot 1, Block 12, Sunset Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13994

Action Requested:

Variance - Section 430 - Bulk and Area requirements in the Residential Districts - Request a variance of the front yard setback from 25' to 24'.

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request a variance of the livability space from 2000 sq. ft. to 1994 sq. ft., 1706 sq. ft., 1702 sq. ft. and 1698 sq. ft. in order to permit the splitting of two existing duplexes for individual ownership, located on the NW/c of 36th Place and South New Haven Avenue.

Presentation:

The applicant, Kevin Jeffords, was represented by Bruce Straub, 4633 East 31st Street, who submitted a plat of survey (Exhibit E-1). Mr. Straub explained that the applicant acquired the property, in lieu of foreclosure, from a builder that was somewhat negligent in meeting the setback requirements. He asked the Board to allow the splitting of a duplex to allow separate individual ownership.

Comments and Questions:

Mr. Chappelle asked Mr. Straub if there will be any changes to the structure and he replied that there will be no changes.

Mr. Jones informed that TMAPC has approved the lot split.

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a Variance (Section 430 - Bulk and Area requirements in the Residential Districts) of the front yard setback from 25' to 24'; and to **APPROVE** a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the livability space from 2000 sq. ft. per lot to 1994 sq. ft., 1706 sq. ft., 1702 sq. ft. and 1698 sq. ft. in order to permit the splitting of two existing duplexes for individual ownership; per plat of survey; finding that each unit will have individual ownership, but that the physical appearance of the duplex will not be changed; on the following described property:

Lot 5 and 6, Block 1, Devasher Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13995

Action Requested:

Variance - Section 530.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of front yard setback on a cul-de-sac from 35' to 4'6" in an RS-1 zoned district to allow a carport, located at 7002 South Birmingham Court.

Presentation:

The applicant Richard Richards, 4129 South Peoria, Tulsa, Oklahoma, submitted a site plan (Exhibit F-1) and asked the Board to allow him to construct a porte cochere that will be 4' 6" from the property line. Mr. Richards stated that he has not been able to sell the house and is of the opinion that the added living space created by converting the garage to a family room will make the property more desirable.

Comments and Questions:

Ms. White asked if there are other porte cocheres in the area and Mr. Richards replied that the house next door to his property has a porte cochere and a garage.

Protestants:

David Kroll, 7007 South Birmingham Court, Tulsa, Oklahoma, submitted a petition (Exhibit F-2) of opposing homeowners and stated that he lives across the street from the subject property. Mr. Kroll pointed out that the variance is excessive and asked the Board to deny the request. He informed that the driveway on the lot is not constructed according to plans submitted to the Board when the house was built.

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to **DENY** a **Variance** (Section 530.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of front yard setback on a cul-de-sac from 35' to 4'6" in an RS-1 zoned district to allow a carport; finding that a hardship was not demonstrated by the applicant and that the granting of the variance request would be detrimental to the neighborhood; on the following described property:

Lot 8, Block 1, South Oaks Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13996

Action Requested:

Variance - Section 430.1- Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the side yard setback from 10' to 5' and a variance of the front yard setback from the centerline of 28th Place from 55' to 54', located at 8622 East 28th Place.

Presentation:

The applicant, Helen Thornton, 8622 East 28th Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit G-1) and photographs (Exhibit G-2) and explained that her 20 year old house was built 5' from the property line. Ms. Thornton informed that the carport will align with the existing house and pointed out that there are numerous carports in the immediate area.

Protestants: None.

Board Action:

On MOTION of WILSON, the Board voted 4-1-0 (Bradley, Chappelle, White, Wilson, "aye"; Clugston, "nay"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 430.1- Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the side yard setback from 10' to 5' and a variance of the front yard setback from the centerline of 28th Place from 55' to 54'; per plot plan submitted; finding that the carport will line up with the existing house which is in an older area and is built over the setback; on the following described property:

Lot 12, Block 4, Candelight Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13997

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow an automotive related activity in a CS zoned district, located south of the SE/c of Memorial Drive and 37th Street.

Presentation:

The applicant, Larry Fulton, 2800 Fourth National Building, Tulsa, Oklahoma, stated that he is representing Chris Nikel's Autohaus which has been selling new automobiles at this location for several years. He pointed out that the business was not aware that an exception was required in the CS District until they were cited by Code Enforcement.

Case No. 13997 (continued)

Protestants:

A letter and photographs (Exhibit H-1) from Code Enforcement were submitted.

Comments and Questions:

There was discussion as to the the related activities which were in the application. Mr. Fulton stated that the owner only wants to continue the operation as it is now being conducted and will add no new activities.

Buddy Smith, Code Enforcement, pointed out that some of the vehicles are parked on gravel instead of a hard surface.

Mr. Jones informed that some of these vehicles are located within 300' of a residential district to the east. He stated that Staff has contacted the applicant and he has advertised for this relief. Mr. Jones suggested that this portion of the application be continued until April 17, 1986.

Board Action:

On MOTION of CLUGSTON, 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 an automotive related activity in a CS zoned district; subject to the business being limited to car sales, leasing and the current service department; and to **CONTINUE** the balance of the application that is being advertised to April 17, 1986.

Case No. 13998

Action Requested:

Use Variance - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1217 - Request a use variance to allow a 1 day automobile sale twice a year in an IR zoned district, located on the SW/c of 41st Street and Yale Avenue.

Presentation:

The applicant, Bill Caughman, 6505 East 11th Street, Tulsa, Oklahoma, was represented by Harry Avey, of the Red Crown Federal Credit Union, and asked the Board to allow a Hertz used car sale on the employee parking lot at 41st and Yale. Mr. Avey asked that the first sale be permitted on April 19, 1986, from 9 a.m. to 4 p.m. and the second date has not been determined, but will probably be on a Saturday in October or November.

Protestants: None.

Comments and Questions:

Ms. White asked Mr. Avey how many cars will be sold and he replied that there will be approximately 300.

Case No. 13998 (continued)

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Use Variance (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1217) to allow a 1 day automobile sale twice a year in an IR zoned district; subject to the first sale being held on April 19, 1986, from 9 a.m to 4 p.m. and the maximum number of vehicles for sale being 300; subject to the second sale date (October or November) being submitted to Staff for the file, prior to that sale; on the following described property:

An employee parking lot lying on the Tulsa Research Center property in Tulsa County, State of Oklahoma in the NE/4, of the NE/4, and the N/2 of the SE/4 of the NE/4 of Section 28, Township 19 North, Range 13 East, and more particularly described as follows:

Beginning at the northerly most point of a 384' long curb bounding the east side of said parking lot, said NE/c of employee parking lot being west 361' from a point in the centerline of Yale road being 1,100' south of the intersection of the centerlines of Yale Avenue and 41st Street also being the NE/c of said Section 28; thence, south along centerline of said curb 361' to southerly most point of said curb; thence, with a right deflection angle of 90° 209' to corner of curb bounding the west side of said parking lot; thence, with a right deflection angle of 90° 361' along and beyond said curb to a point; thence, with a right deflection angle of 90° 209' to the point of beginning of said parking lot containing 75,449 sq. ft. more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13999

Action Requested:

Variance - Section 420.2a(2) - Accessory Use Conditions - Use Unit 1206 - Request a variance to allow a detached garage in the front yard in an RS-3 District, located at 1525 South Yorktown Place.

Comments and Questions:

Ms. White informed Mr. Chappelle that she will abstain from this case.

Presentation:

The applicant, Allen Oliver, was represented by Rick Braselton, 1901 South Xanthus, Tulsa, Oklahoma, who submitted a site plan and elevations (Exhibit 1-1), and stated that he is one of the architects that designed the subject house with a detached garage which is connected to the house by a breezeway. He informed that

Case No. 13999 (continued)

the plans were submitted for a Building Permit and he was advised that the connecting way between the house and garage would need to be enclosed to meet the requirements of the Code.

Comments and Questions:

Mr. Clugston inquired if there are carports or garages on the property at this time. Mr. Braselton replied that the home is under construction and there are no other buildings on the lot. He noted that these lots were split from the Gillette property and there will be one more house to the north of the subject tract.

Ms. Bradley pointed out that the garage is closer to the street than the other houses in the area.

Mr. Gardner asked how far the garage is from the center of the street and Mr. Braselton informed that the house is approximately 60' from the centerline.

Ms. Hubbard informed that the plans show the house as being 38.5' in height. Mr. Braselton stated that the height has been adjusted to 35'.

Ms. Wilson asked Mr. Braselton why the owner does not agree to enclosing the breezeway. He replied that the only way he could envision the enclosure would be with glass and the owner has 7 small children and is opposed to using glass to enclose it.

Protestants:

Barbara Day, 1521 South Quaker, Tulsa, Oklahoma, informed that she is a member of the Neighborhood Conservation Commission and stated that the City Conservation Ordinance is not being enforced at this time.

Mr. Jackere pointed out that the NCC has no jurisdiction at this time because no properties have been designated by the City of Tulsa. He stated that they may have a national designation.

Joe Braun, 1544 South Yorktown Place, Tulsa, Oklahoma, stated that he lives to the west of the construction site. He informed that he is opposed to the garage in the front yard on this historic street, but since it is permissible, asked the Board to require screening of the service area. He informed that the area is recognized as the Gillette Historic District.

Additional Comments:

Ms. Bradley asked Mr. Braselton to address the hardship and he replied that the owner did not want the glass enclosure.

Mr. Jackere stated that the breezeway is structurally attached and in his opinion, is an integral part of the house.

Case No. 13999 (continued)

Board Action:

Mr. Clugston's motion for approval of the application died for lack of a second.

On MOTION of BRADLEY, the Board voted 2-2-1 (Bradley, Wilson, "aye"; Clugston, Chappelle, "nay"; White, "abstaining"; none, "absent") to **DENY** a **Variance** (Section 420.2a(2) - Accessory Use Conditions - Use Unit 1206) to allow a detached garage in the front yard in an RS-3 District; on the following described property:

The south 67' of the north 134' of the south 268' of Lot 1, Seven Acres Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14001

Action Requested:

Special Exception - Section 420.1 - Accessory Uses Permitted in Residential Districts - Use Unit 1213 - Request a special exception to allow an existing home occupation (retail square dance supplies) in an RS District, located on the south corner of 18th Street and 124th East Avenue.

Presentation:

The applicant, Kathryn Webber, 12338 East 18th Street, Tulsa, Oklahoma, informed that she has been operating a business at her home for approximately 5 years and submitted a packet and photographs (Exhibit J-1). She noted that 85% of the total sales are conducted away from the home and approximately 5% of her business is walk-in trade, with the remainder being mail orders. Ms. Webber stated that she does not have employees and that the home sales are conducted out of a travel trailer which is parked in her driveway. Ms. Webber informed that she and her husband are employed full time at other jobs and only take appointments for showing of square dance supplies. She explained that the phone is answered by a recorder and appointments are taken from 3:30 p.m. to 10 p.m.

Comments and Questions:

Mr. Jackere informed that a home occupation must be conducted in the principal building or accessory building and this application is not a home occupation as the Code envisions it.

Ms. Bradley asked the applicant if any part of the home occupation is done in the home and Ms. Webber replied that the receiving of UPS mail and other merchandise is the only part of the business that is conducted in the home.

Mr. Jackere informed that the Board should determine if the retail sale of square dance material is appropriate on the lot and if the

Case No. 14001 (continued)

Board should determine that it is, the applicant would have to readvertise for permission to conduct the sales out of the recreational vehicle.

There was discussion as to the impact the business would have on the neighborhood. Ms. Bradley stated a concern with the traffic it might generate in the area. Ms. Webber informed that the maximum number of cars at her home at one time will be 3.

Protestants:

Mr. Chappelle stated that Code Enforcement submitted a letter and photographs (Exhibit J-3).

Terry Thomas, 1715 South 124th East Avenue, Tulsa, Oklahoma, submitted photographs and a petition (Exhibit J-2) opposing the home occupation in the neighborhood. He informed that the street is congested with cars left at the residence and that Ms. Webber's car is sometimes parked across the sidewalk. He informed that there is outside storage on the property and large trucks deliver goods to the home.

Ms. White asked if cars are parked at the house for long periods of time and Mr. Thomas replied that he believes the cars that are left over the weekend belong to friends of the Webbers. He informed that a horse trailer was once parked in front of the house and the horse stored in the back yard.

Mr. Jackere advised the applicant that there is a provision in the City Ordinances that requires travel trailers to be parked behind the building setback line and on a hard surface.

Al Adamson, 6938 East 78th Street, Tulsa, Oklahoma, stated that he owns property immediately east of the Webber residence and is against a business in the area. He pointed out that the streets are too narrow for the added traffic and feels that the business would lower the property value of his home.

Diane Skaggs, 1719 South 124th Street, Tulsa, Oklahoma, lives across the street from the applicant and informed that the UPS truck makes a delivery to the subject property at least once each day and that, on occasion, a Leeway truck has made deliveries. She informed that the business is growing and the added traffic blocks her driveway part of the time. Ms. Skaggs noted that there are display racks and mannequins on the driveway for long periods of time.

Board Action:

On MOTION of WILSON, the Board voted 4-1-0 (Bradley, Chappelle, White, Wilson, "aye"; Clugston, "nay"; no "abstentions"; none, "absent") to **DENY** a **Special Exception** (Section 420.1 - Accessory Uses Permitted in Residential Districts - Use Unit 1213) to allow an existing home occupation (retail square dance supplies) in an RS

Case No. 14001 (continued)

District; finding that the home occupation has grown during its 5 years of operation and is no longer compatible with the neighborhood; on the following described property:

Lot 18, Block 1, Stacey Lynn Fourth Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14002

Action Requested:

Variance - Section 1221.7 - Use Conditions for Outdoor Advertising Signs - Use Unit 1221.7(a) - Request a variance to allow an outdoor advertising sign to be located outside a freeway sign corridor, 1221.7(b) - Request a variance to allow an outdoor advertising sign within 1200' of another outdoor advertising sign, 1221.7(d) - Request a variance to allow an outdoor advertising sign within 150' of an R District, 1221.7(f) - Request a variance to allow an outdoor advertising sign oriented away from freeway, 1221.7(L) - Request a variance to allow 600 sq. ft. of outdoor advertising instead of the permitted 547.74 sq. ft., located at 6332 South Peoria.

Presentation:

The applicant, James Boeh, was represented by C. W. Elson, 3711 South Darlington, Tulsa, Oklahoma. Mr. Elson informed that approximately 6 years ago his client, Kelly McNew, erected a billboard at the south end of the subject property. He stated that, at that time, the sign was in compliance with the City regulations and asked the Board to allow it to be moved to the north portion of the tract.

Tom Quinn, 1326 East 4th Street, Tulsa, Oklahoma, stated that he erected the sign in question and his customer is requesting that it be moved because it prevents normal ingress and egress to the property and is too low for trucks entering the Git-N-Go Store. He informed that the new location is 110' from Peoria Avenue and 50' to 60' from 63rd Street. Mr. Quinn submitted a location plan (Exhibit K-1).

Ms. Wilson asked Mr. Quinn how long the sign has been laying at the proposed site and he replied that it has been on the site about 2 weeks.

Ms. Bradley asked how far the sign will be moved and Mr. Quinn answered that the new location is approximately 540' from the previous one.

Ms. Wilson asked Mr. Quinn how many faces the sign will have and he replied that it will have 2 faces per side and the size will not be increased or decreased.

Case No. 14002 (continued)

Ms. White asked Mr. Quinn to address the hardship for this case and he replied that the sign would interfere with traffic entering the Git-N-Go Store.

Kelly McNew, 1772 South Xanthus, stated that he paid \$25,000 for the sign and asked the Board to allow him to move it to another location.

Ken Bode, Protective Inspections, informed that if the sign is raised up to the 16' clearance required by the current Code, it would probably exceed the 30' limit allowed in the CS Zone.

Mr. Gardner informed that the applicant is not asking that the sign remain beyond 1996 when all nonconforming signs have to be removed.

Protestants:

Mr. Jones informed that there was 1 protestant in the audience, but due to the lengthy meeting he was not able to stay for the hearing. A letter (Exhibit K-2) of protest was submitted.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 1221.7 - Use Conditions for Outdoor Advertising Signs - Use Unit 1221.7(a)) to allow an outdoor advertising sign to be located outside a freeway sign corridor; 1221.7(b) to allow an outdoor advertising sign within 1200' of another outdoor advertising sign; 1221.7(d) to allow an outdoor advertising sign within 150' of an R District; 1221.7(f) to allow an outdoor advertising sign oriented away from freeway; 1221.7(L) to allow 600 sq. ft. of outdoor advertising instead of the permitted 547.74 sq. ft.; subject to the existing sign being moved to the new location; and subject to the removal of this sign when all nonconforming signs are to be removed on January 1, 1996; on the following described property:

Lot 1, Block 2, South Peoria Gardens, Resubdivision for part of Town Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14003

Action Requested:

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance to permit a detached accessory building in the rear yard to exceed the 750 sq. ft. floor area and 20% coverage to 1023 sq. ft. and 30% coverage respectively, located at 1323 East 20th Street.

Case No. 14003 (continued)

Presentation:

The applicant, Donald Piscopo, was represented by Glenola Doss, 2626 East 21st Street, Tulsa, Oklahoma, submitted a plot plan and photographs (Exhibit L-2), and asked the Board to allow her to construct a 1-story addition to the existing garage. She informed that the room will be used for a music room for her son and that there are similar structures in the neighborhood.

Comments and Questions:

Ms. Wilson asked the applicant if the construction is almost complete and she replied that the garage is already in place, and the slab for the addition is poured. She informed that the garage is being renovated.

Ms. White pointed out that there is very little yard and asked if the livability space is adequate and Ms. Hubbard informed that the Zoning Code states that a detached accessory building will be no larger than 750 sq. ft. of floor area or cover no more than 20% of the rear yard.

Mr. Jackere explained to the applicant that the livability space may not be adequate and may have been overlooked, but this requirement will have to be met also.

Ms. Bradley asked if the addition will be used for living quarters and Ms. Doss answered that it will only be used for a music room. A petition (Exhibit L-3) of support containing 52 signatures was submitted.

Protestants:

Donna Sheriff, 1350 East 19th Street, Tulsa, Oklahoma, submitted a letter of opposition (Exhibit L-1) and stated that she is the zoning officer for Swan Lake Neighborhood Association and that this neighborhood is not particularly concerned with the use the present owner is planning for the addition, but what subsequent owners might do on the property. They are concerned that it might be used as rental property in the future or maybe a business.

Mr. Jones informed that there is a form at the INCOG office that the applicant can file and it prohibits the present owner or any future owners from operating a business or nonpermitted residential activities that the Board places on the applicant.

Board Action:

On MOTION of WHITE, the Board voted 4-1-0 (Bradley, Chappelle, White, Wilson, "aye"; Clugston, "nay"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206) to permit a detached accessory building in the rear yard to exceed the 750 sq. ft. floor area and 20% coverage to 1023 sq. ft. and 30% coverage respectively; per plot plan submitted; subject to the 4000 sq. ft. livability requirement being met; on the following described property:

Case No. 14003 (continued)

subject to no roomers, boarders and only the family members occupying the subject building, which is to be used only as an accessory to the house; finding that there are many large accessory buildings in the older area; on the following described property:

Lot 8, Lewkowitz Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14004

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 West 50th Street to 32' and a variance of the required 5' side yard requirement to 0', located at 1929 West 50th Street.

Presentation:

The applicant, T. D. Strate, 1929 West 50th Street, Tulsa, Oklahoma, asked the Board to permit the construction of a 20' by 20' carport at the above stated address and submitted a plot plan (Exhibit M-1) and a copy of the Building Permit (Exhibit M-2).

Comments and Questions:

Mr. Jackere asked the applicant if the carport will be on the property line and he informed that it would be 6" from the boundary.

Ms. Bradley asked Mr. Strate if there are other carports located in the neighborhood and he replied that there are 2 located a few houses to the east of his property.

In reply to Ms. Wilson's request for a hardship, Mr. Strate informed that the driveway is very steep.

Mr. Clugston asked the applicant if he has a garage at this time and he informed that he has a small single-car garage.

Ms. White inquired if the carport will drain toward his neighbors property and informed that it will drain toward the front and on his property. Mr. Strate stated that he has talked to his neighbors about the construction and they are supportive of the project.

Board Action:

On MOTION of WILSON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required 50' setback from the centerline of West 50th Street to 32' and a variance of the required 5' side yard requirement to 0'; per plot plan submitted; subject to the carport being 20' by 20', 6" inside the west property line; finding that there are other carports

Case No. 14004 (continued)

in the area that are as close to the centerline as the subject carport; on the following described property:

Lot 15, Block 16, Hill Haven II Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14005

Action Requested:

Use variance - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1209 - Request a use variance to allow a mobile home dwelling in a CH zoned district, located on the NW/c of 11th and Maplewood Avenue.

Presentation:

The applicant, Mary Morris, 707 South Houston, Tulsa, Oklahoma, submitted a location map (Exhibit N-1) and photographs (Exhibit N-2) and informed that she is representing the owners of the property, Chuck Nalman and Dorothy John. She asked the Board to allow the placing of a 60' mobile home behind the existing structure which faces 11th Street. Ms. Morris informed that the manager and owner of the 66 Beer Lounge is planning to live in the mobile and stated that there are hookups from a trailer that was previously parked on the lot. She pointed out that there is a mobile home park across the street and the area is predominately business.

Comments and Questions:

Ms. White asked Ms. Morris if she is requesting this as a permanent location for the trailer and she replied that her clients lease is for 5 years and that amount of time would be sufficient.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE a Use Variance** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1209) to allow a mobile home dwelling in a CH zoned district; subject to a time limit of 5 years; and subject to Health Department approval; finding that there are other mobile homes in the area; on the following described property:

Lot 2, Block 63, Glen Haven Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14006

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1211 - Request a use variance to allow an office use in an RS-3 zoned district, located at 1004 East 41st Street.

Presentation:

Marilyn Pruitt, 4208 South Norfolk, Tulsa, Oklahoma, submitted a location and topographic map (Exhibit 0-1) and a history packet (Exhibit 0-3) of the property in question, which consisted of the restrictive covenant document, an engineering report and photographs. She asked the Board to allow her to continue the operation of a small bookkeeping service at the above stated address. She pointed out that she uses employees less than 20 hours each week and works alone most of the time. Ms. Pruitt informed that there is a major drainage problem in the back yard which floods the downstairs unit and the two rental units are very poorly arranged for residential use. She informed that her business does not do tax work and therefore, has very little traffic.

Comments and Questions:

Ms. Wilson asked the applicant if she applied for the home occupation on the subject property in 1981 and if she lived in the home at this time. Ms. Pruitt stated that her husband made the application, but died in 1982, and that she does not know what he had in mind for the property. She informed that the subject property has at one time been a doctor's office and was not aware she could not conduct a business in the building.

Ms. White voiced a concern that, if the variance is granted, any type of business could be conducted in the home if Ms. Pruitt should move out. Ms. Pruitt stated that she has offered to enter into a restrictive covenant, which reads that the variance will terminate when the owner vacates the property, no exterior signs will be permitted, no expansion to the building or parking area will be made, and the owner will maintain the residential nature of the structure.

Protestants:

Merle Hoffman, 4115 South Detroit, Tulsa, Oklahoma, informed that the business will not be consistent with the area. He pointed out that there is a day care center already in the area and asked the Board to deny the request.

Photographs and a letter (Exhibit 0-2) from Code Enforcement were submitted.

Interested Parties:

Charles Dennen, 3947 South Madison, Tulsa, Oklahoma, stated that he has been living in the area for a year and was not aware a business was being conducted in the home. Mr. Dennen stated that he is not opposed to the bookkeeping business.

Case No. 14006 (continued)

Additional Comments:

Ms. Bradley voiced a concern with permitting office use in the residential area.

Ms. White stated that she shares Ms. Bradley's concern, but feels the restrictive covenant would limit the use to bookkeeping which, in her opinion, is more desirable than the child care center. She pointed out that the unit that floods is not appropriate for a residence.

Mr. Chappelle informed that Ms. Pruitt has submitted 30 letters which support the application.

Ms. Wilson asked the applicant to state the days and hours of operation for the business and she replied that her office is open Monday through Thursday and employees are in the office Tuesday, Wednesday and Thursday from 10 a.m. to 3 p.m.

Board Action:

On MOTION of WHITE, the Board voted 3-2-0 (Chappelle, Clugston, White, "aye"; Bradley, Wilson, "nay"; no "abstentions"; none, "absent") to **APPROVE** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211) to allow a bookkeeping office use in an RS-3 zoned district; subject to no exterior signs for the business; subject to no expansion of the building or the paved parking area; subject to maintaining of the present landscaped area; subject to the residential nature of the existing structure being maintained; and subject to the filing of the exhibited restrictive covenant; on the following described property:

The west 60.6' of Lot 1 and the west 60.6' of the north 40' of Lot 2, Block 1, Alta-Dena Place, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, except the north 15' of the west 60.6' of Lot 1, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14007

Action Requested:

Special Exception - Section 420.1 - Accessory Uses Permitted in Residential Districts - Request a special exception to allow an existing 1 chair beauty shop as a home occupation, located south of the SW/c of 1st and 2nd Street.

Presentation:

The applicant, Kathy Zickefoose, 4966 West 2nd Street, Tulsa, Oklahoma, asked the Board to allow her to continue operation of a beauty shop that is located in the back yard of her home.

Comments and Questions:

Mr. Chappelle asked the applicant if the building is attached to the house and she informed that the shop is in a small detached building.

Case No. 14007 (continued)

Ms. Bradley inquired as to the size of the shop and the applicant stated that it is 8' by 16'.

Mr. Chappelle asked the applicant to state the days and hours of operation and she replied that the shop is open Tuesday through Saturday, 9 a.m. to 6 p.m.

Ms. Wilson asked Ms. Zickefoose if she has a copy of the Home Occupation Guidelines and she answered in the affirmative. She noted that she has had a sign in front of her property, but will remove it.

Mr. Chappelle inquired as to the number of customers that come to the shop each day and the applicant replied that she usually has 4 or 5. She pointed out that sometimes she only has 2 and that her shop has only been open for 2 months.

Protestants:

Mr. Chappelle stated that Code Enforcement has received a letter of complaint (Exhibit P-1) concerning the beauty shop operating in the Residential District.

Board Action:

On MOTION of WHITE, the Board voted 4-1-0 (Bradley, Chappelle, Clugston, White, "aye"; Wilson, "nay"; no "abstentions"; none, "absent") to APPROVE a Special Exception (Section 420.1 - Accessory Uses Permitted In Residential Districts) to allow an existing 1 chair beauty shop as a home occupation; subject to hours of operation being Tuesday through Saturday, 9 a.m. to 6 p.m.; subject to no signs being located on the property; finding that the granting of the special exception request will not be detrimental to the neighborhood; on the following described property:

Lot 16, Block 3, Mayfair Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14009

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Street - Use Unit 1221 - Request a variance of the 50' required setback from 15th Street to 0' to allow a 33' by 60' projecting sign to extend on a pole perpendicularly over the sidewalk right-of-way, locate at 1327 East 15th Street (NE/c of 15th and Quaker).

Presentation:

The applicant, Richard Barber, 2412 East 72nd Place, Tulsa, Oklahoma, submitted a sign drawing (Exhibit Q-1) and explained that

Case No. 14009 (continued)

he took early retirement and opened an art gallery at the above stated address. He informed that the gallery is in the Colonial Inn Building which was built in 1929 and there are 4 other commercial businesses in the same building, which have signs or awnings that hang over the sidewalk, as is the condition up and down Cherry Street. Mr. Barber informed that his customers are unable to locate his shop due to the overhanging awnings on either side of his business. The applicant informed that he is proposing a 33" by 60" sign.

Comments and Questions:

Ms. Bradley asked the applicant to state the name of his business and he informed that it is called Barber Gallery.

Ms. Wilson asked Mr. Barber if he has any signage at this time and he answered that he has a sign over the door and one in the window.

Mr. Clugston asked the applicant if he intends to retain the 2 existing signs and he answered in the affirmative.

Ms. Wilson inquired as to the amount of frontage the shop has and the applicant stated that he has approximately 15'.

Ken Bode, Protective Inspections, stated that the amount of signage the applicant is requesting meets the Code requirements.

Protestants: None.

Board Action:

On MOTION of WILSON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Variance (Section 280 - Structure Setback from Abutting Street - Use Unit 1221) of the 50' required setback from 15th Street to 0' to allow a 33" by 60" projecting sign to extend on a pole perpendicularly over the sidewalk right-of-way; finding that there are numerous signs in the older area that are located over the setback; on the following described property:

Lots 14 and 15, Block 7, Bellview Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14010

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow a day care learning center in an RS-1 zoned district, located at 3342 East 41st Street.

Case No. 14010 (continued)

Presentation:

The applicant, Deborah Paul, 4023 South New Haven, Tulsa, Oklahoma, submitted photographs (Exhibit R-2) and a petition of support (Exhibit R-1). She stated that she has a contract to purchase the property in question and is proposing a learning center with a staff of professionals in early childhood development. Ms. Paul pointed out that she intends to provide affordable day care and that the design of the building in question makes it inappropriate for residential use.

Comments and Questions:

Ms. Wilson asked the applicant how many children the proposed center will accommodate and she replied that there will be approximately 90 students.

Ms. Bradley asked Ms. Paul who owns the building and she informed that Victor Federal owns the property.

Mr. Chappelle asked if there is a day care facility across the street from the subject property and she replied that there is one located there, which has a capacity of 100 children.

Ms. Wilson asked Ms. Paul if she will be open for business 7 days each week, from 6 a.m. to 6:30 p.m. and she replied that the day care facility will be open Monday through Friday.

Protestants:

Ms. Heidinger, 4123 South Jamestown, Tulsa, Oklahoma, submitted a petition (Exhibit R-3) of 128 residents in the area that oppose the granting of the special exception request. She informed that there was a previous request that was on the subject property and that this person did not comply with the requirements. Ms. Heidinger stated that 41st Street has maintained its residential character and asked the Board to deny the special exception.

Paul Dick, 4234 South Oswego, Tulsa, Oklahoma, stated that there are no businesses on 41st Street and feels that there is sufficient day care in the area. Mr. Dick informed that he is opposed to the business.

Clint Farman, 4135 South New Haven, Tulsa, Oklahoma, stated that he bought property in the area because of the residential character of the neighborhood. He informed that the former occupant of the property in this application boarded up the windows, paved the front yard, erected a sign and hired outsiders to work there. Mr. Farman stated that there is 1 day care facility in the area and asked the Board to deny the request.

Mary Marks, 3717 East 43rd Street, Tulsa, Oklahoma, stated that, in her opinion, another day care center would create a traffic problem and cause the value of her property to go down.

Case No. 14010 (continued)

A letter of opposition (Exhibit R-4) from the District 6 Planning Team was received by the Board.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow a day care learning center in an RS-1 zoned district; finding that the granting of the special exception request would not be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

East 100', west 100' of Lot 25, the east 100', west 200' of Lot 26, Block 1, Villa Grove Heights I Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14013

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1212 - Request a special exception to allow a restaurant in an IM zoned district, located on the SE/c of 106th East Avenue and Ute Street.

Presentation:

The applicant, Vincent Witt, 2105 East Admiral, Tulsa, Oklahoma, submitted a location map (Exhibit S-2) and photographs (Exhibit S-1) and explained that he is proposing to open a restaurant in the Wolf Pointe Addition, to provide meals for the workmen in the area.

Comments and Questions:

Ms. Bradley asked the applicant if the building is vacant at this time and he answered in the affirmative.

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1212) to allow a restaurant in an IM zoned district; finding that a restaurant will not be incompatible with the area; on the following described property:

N/2 of Lot 2, Block 2, Wolf Pointe Industrial Parkway, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 13982

Action Requested:

Bruce Straub, requested a refund of a \$25 overcharge on his application.

Presentation:

Mr. Jones informed that the applicant filed for a special exception to allow a mobile home which is \$75 and also, applied for the 1 year time limitation which was \$100. Mr. Jones stated that the applicant was charged the higher of the two fees, but he withdrew the request for a 1 year limitation, so he suggested that \$25 be refunded.

Board Action:

On MOTION of CLUGSTON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a refund of \$25 on application No. 13982.

Execution of Rules and Bylaws for the Tulsa Board of Adjustment

Board Action:

On MOTION of CLUGSTON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE the **Amended Rules and Bylaws for the Tulsa Board of Adjustment**; subject to Section 2-A, Paragraph 2, reading; "that a Board member experiencing a conflict of interest should declare publicly that he or she has a conflict of interest"; and subject to removing the first sentence of Paragraph 1.

There being no further business, the meeting was adjourned at 5:56 p.m.

Date Approved 4.17.86


Chairman

