CITY BOARD OF ADJUSTMENT

MINUTES of Meeting No. 464
Thursday, May 1, 1986, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Chappelle, Chairman Clugston White Wilson		Gardner Jones Moore Brown	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, April 29, 1986, at 12:02 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:

Ms. Bradley asked if the granting of the 2-year request for the operation of the Tulsa Community Youth Home (Case No. 14031), which was approved at the last meeting, would grandfather in the use. It was pointed out by Staff that this use is approved for a 2-year period only and cannot continue beyond that point unless the Board approves an extension of time.

On MOTION of BRADLEY, the Board voted 3-0-1 (Bradley, Chappelle, White, "aye"; no "nays"; Clugston, "abstaining"; Wilson, "absent") to APPROVE the Minutes of April 17, 1986.

UNFINISHED BUSINESS

Case No. 13962

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets and Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1212 - Request a variance of the setback from the centerline of North Lewis Avenue from 100' to 47' to permit the construction of a restaurant building, located on the NE/c of East Queen Street and North Lewis Avenue.

Presentation:

The applicant, Charles Norman, 909 Kennedy Building, Tulsa, Oklahoma, submitted a plot plan (Exhibit A-1) and photographs (Exhibit A-2) and asked the Board to allow the construction of Captain D's Seafood Restaurant at the above stated location. Mr. Norman explained that there was no right-of-way acquired for North Lewis Avenue for the Major Street Plan, so the original platted

Case No. 13962 (continued)

right-of-way for this street is only 50' wide. In 1960's a portion of the property was taken to allow the widening of the street to 4 He stated that, according to the Traffic Engineer, no further plans for widening North Lewis are proposed. Mr. Norman informed that there is a church at the corner of Pine and Lewis which is built on the property line and there are existing buildings to the south and west that would have to be removed if widening of the street should occur. He pointed out that the rear of the proposed building complies with the Code. Mr. Norman explained that, if all of the setback requirements were kept, there would be a strip approximately 10' wide left for construction use. He informed that on the north end the property is 97' from east to west, but due to the widening of the street, it tapers to about 85° on the south. Mr. Norman stated that the restaurant will be located on the north portion of the tract.

Comments and Questions:

Ms. Bradley asked Mr. Norman where the customers will park and he replied that parking will be on the south part of the property.

Ms. Bradley asked how far from the east boundary the construction will begin and the applicant replied that it will be approximately 22' from the east line and that screening will be placed along this boundary.

Ms. Bradley voiced a concern that the speakers might be heard by the residents to the east. Mr. Norman stated that the volume is very low and, in his opinion, would not disturb the homes that are approximately 65' away. He pointed out that there is an elevation change on the east and that the screening fence would tend to help absorb the noise, but if required by the Board, the volume of the speakers could be regulated.

Mr. Clugston asked how many parking spaces are required and the applicant informed that there are 35 required spaces. Mr. Clugston stated that he is reluctant to support the application as it is submitted.

There was discussion as to a revision of the plans which would allow the restaurant to be lined up with the other buildings along the street.

Mr. Norman informed that because of the depth of the lot, he is not sure the project can be revised and meet his clients operating standards.

Ms. White remarked that she shares Mr. Clugston's concern and is not in favor of the construction so close to the street.

Mr. Gardner informed that all of the properties along Lewis were originally residential and approximately 41' from the centerline of the street. He pointed out that the majority of the structures

Case No. 13962 (continued)

along Lewis are closer to the street than the the proposed restaurant.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 3-2-0 (Bradley, White, Wilson, "aye"; Chappelle, Clugston, "nay"; no, "abstentions"; none, "absent") to DENY a Variance (Section 280 - Structure Setback from Abutting Streets and Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1212) of the setback from the centerline of North Lewis Avenue from 100' to 47' to permit the construction of a restaurant building; finding that, although a hardship was demonstrated by the long, narrow shape of the lot, the location of the structure 47' from the centerline of Lewis Avenue would be detrimental to the area and would not be in harmony with the Code and the Comprehensive Plan; on the following described property:

Lots 638 through 642, Block 49, Tulsa Heights 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'.

Variance - Section 440 - Special Exception Uses in Residential Districts, Requirements - Request a variance of the required lot area from 9,000 sq. ft. to 6,375 sq. ft. and a variance of the required livability space of 2,500 sq. ft., located at 3824 South 34th West Avenue.

Presentation:

The applicant, Vincent Zulpo, was not present.

Comments and Questions:

Mr. Jones informed that he has contacted the applicant and was advised by Mr. Zulpo that he would attend this meeting, however, is not present at this time.

Case No. 13973 (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 <u>DENY</u> without prejudice Case No. 13973; finding that the applicant has not been present for 3 consecutive meetings.

Case No. 14008

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to permit used car sales in a CS zoned district.

Variance - Section 1340.d - Design Standards for Off-Street Parking Areas - Request a variance to allow parking on a gravel lot, located at 6140 South Mingo.

Presentation:

The applicant, Bill Satterfield, was represented by Randy Rankin, 1515 South Denver, Tulsa, Oklahoma, who stated that his client operates Classic Autos on the subject property and asked the Board to allow this business to continue. Mr. Rankin pointed out that the cars are parked on gravel at this time and that the lot has been used for automobile sales since the 1960's. He stated that there is a nursery across the street from the subject tract and a dog grooming service in the area, both of which park on gravel surfaces. He asked the Board to allow his client to use sprays to keep down dust.

Comments and Questions:

Ms. Bradley asked Mr. Rankin to address the hardship in this case and he replied that it is a financial one.

Mr. Chappelle asked if there are other automobile sales in the area and Mr. Rankin replied that there are none.

Mr. Chappelle informed that Code Enforcement has received a complaint (Exhibit B-1) that there is a car sales operation being conducted on the subject tract and that the lot is being used for the dumping of materials. This agency informed that, at this time, the lot has been cleared except for the car sales.

Protestants:

None.

Board Action:

On MOTION of BRADLEY, the Board voted 4-1-0 (Bradley, Chappelle, White, Wilson, "aye"; Clugston, "nay"; no, "abstentions"; none, "absent") to <u>APPROVE</u> a <u>Special Exception</u> (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to permit used car sales in a CS zoned district; and to <u>DENY</u> a <u>Variance</u> (Section 1340.d - Design Standards for Off-Street Parking Areas) to

Case No. 14008 (continued)

allow parking on a gravel lot; finding that there are numerous commercial businesses in the area and that the granting of the special exception request will not be detrimental to the neighborhood; and finding that a hardship was not demonstrated that would justify the granting of the variance requested; on the following described property:

Beginning 390' south of the NE/c of the NE/4, thence west 240', south 235', east 240', north 235' to the P.O.B. less road, Section 1, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

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.

Variance - Section 710 - Permitted Uses in the Commercial Districts - Request a variance to allow an outdoor advertising sign (off-premise sign for Hillcrest Hospital) in a CH zoned district, located on the SE/c of 11th and Utica; and the NW/c of 12th and Utica.

Comments and Questions:

There was discussion as to the location of the pillar and sign at 12th Street and Utica Avenue. Ms. Wilson pointed out that the pillar was in place for this sign before approval was acquired.

Mr. Jackere pointed out that the placement of this sign has been decided in previous action and if there is a violation it should be reported to the Sign Inspector and is not before the Board at this time.

Presentation:

The applicant, David Page, 500 One Oak Plaza, Tulsa, Oklahoma, submitted a sign plan (Exhibit C-1) and stated that there is a sign in place at 11th Street and Utica Avenue, which Hillcrest Hospital would like to replace. Mr. Page informed that the Rainbow building blocks the view of the current sign. He stated that the new sign will have only 2 faces, while the old one had 4 faces and that the Traffic Engineer has no objection to the sign or its location. Mr. Page informed that the Board previously approved their Comprehensive Plan of the overall hospital complex and their signs are the final step in the completion of the plan.

Case No. 14017 (continued)

Comments and Questions:

Ms. Wilson asked the applicant how far to the east the new sign will move from the existing one. Mr. Page replied that the new sign will have the same setback from 11th Street, but is not sure how far it will be moved east.

Ms. Bradley asked the applicant to address the hardship. Mr. Page stated that the complex is very large and a Comprehensive Plan was submitted in the 1960's for its development and the signs are a part of this phase of development.

Mr. Page pointed out that Hillcrest is having an opening for the new front on May 15 and would like to have the new signs installed by that time.

Protestants: None.

Board Action:

Ms. Wilson's motion for approval of the application, subject to a single piliar for the 11th Street and Utica Avenue sign, and subject to trees being trimmed on 11th Street, died for lack of a second.

On MOTION of CLUGSTON, the Board voted 4-1-0 (Chappelle, Clugston, White, Wilson, "aye"; Bradley, "nay"; no, "abstentions"; none, "absent") to APPROVE a Minor Variance (Section 1221.3(f) - General Use Conditions for Business Signs - Use Unit 1221) a minor variance of setback from 11th Street from 50' to 46' 6" to allow a sign: and to APPROVE a Variance (Section 710 - Permitted Uses in the Commercial Districts) to allow an outdoor advertising sign (off premise sign for Hillcrest Hospital) in a CH zoned district; subject to the sign at 11th and Utica having a center post only and this post being no wider than 3'; finding a hardship demonstrated by the size of the complex and the previously approved Comprehensive Plan for the development; on the following described property:

Lot 1, Block 2, Perryman Heights II Addition, City of Tulsa, Tulsa County, Okiahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14040

Action Requested:

Minor Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of the required setback of 55' to 44' from the centerline of East 59th Place South, located on the NW/c of East 59th Place South and South Louisville Avenue.

Presentation:

The applicant, Curtis Shacklett, 808 One Oak Plaza, Tuisa, Oklahoma, submitted a plat of survey (Exhibit D-1) and stated that he is representing Clay Roberts, owner of the subject property. He pointed out that the builder of the house procured a variance (Case No. 10170) for the construction of the 2,000 sq. ft. home and later discovered that the variance was for the rear setback only. Mr. Shacklett stated that additional relief is needed for the garage portion of the house which encroaches approximately 11 on the side yard setback.

Comments and Questions:

Mr. Chappelle asked the applicant if this action is to clear the title on an existing house and Mr. Shacklett answered in the affirmative.

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 Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required setback of 55' to 44' from the centerline of East 59th Place South; per survey submitted; finding a hardship demonstrated by the corner lot location and setbacks from both Louisville Avenue and 59th Place South; on the following described property:

Lot 7, Block 2, Park Place South Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14042

Action Requested:

Minor Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a minor variance of the required 50' setback from the centerline of Harvard Avenue to permit an addition to an existing pole sign, located north of the NE/c of Harvard Avenue and 13th Street.

Case No. 14042 (continued)

Presentation:

The applicant, Larry Merrit, 4915 East Easton, Tulsa, Oklahoma, stated that he owns the Cake Box Bakery and asked the Board to allow the installation of a 50" by 50" sign at the above stated location. Mr. Merrit stated that the sign was in place at another location and asked the Board to allow him to place it on an existing pole above the Mom's Donuts sign. The applicant informed that the face of the Mom's Donuts sign will be changed to read 'bakery'. Photographs (Exhibit E-1) of the sign were submitted.

Comments and Questions:

Ms. Wilson asked the applicant how far the sign will set back from the street and he replied that it is 37' 1" from the centerline and the pole is 41' 3" from the center of the road.

Ken Bode, Protective Inspections, stated that the sign in question appears to have the same setback as the existing Mom's Donuts sign.

Ms. Wilson asked Mr. Bode if the applicant will meet the signage requirements when the new sign is installed. Mr. Bode replied that the business is located in a CS Zone and will probably be allowed the extra signage.

Mr. Clugston pointed out that the application does not reflect the amount of the setback requested and asked Mr. Bode to state that amount. He replied that he understood that the new sign would be set back the same distance as the existing sign, or 37.

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 Minor Variance (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) of the required 50' setback to 37' from the centerline of Harvard Avenue to permit an addition to an existing pole sign; finding that the new sign will not be closer to the street than the sign in place on the existing pole, which is 37' from the centerline of the street; on the following described property:

Lots 54 - 57, Block 2, Harvard Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14034

Action Requested:

Special Exception - Section 291.a(2) - Satellite Communication Antennas - Request a special exception to allow an existing satellite dish in the side yard, located at 3035 East 80th Place.

Case No. 14034 (continued)

Presentation:

The applicant, Jim Sanseverino, 3035 East 80th Street, Tulsa, Oklahoma, submitted photos (Exhibit F-1) and asked the Board to allow a satellite dish to remain on the east side of his home. He informed that, due to the lack of space in his back yard, the dish was placed in the side yard.

Comments and Questions:

Ms. Bradley asked the applicant to state the height of the satellite dish and he informed that it is approximately 12' tall.

Mr. Jackere asked Mr. Sanseverino when the dish was installed and he replied that it was January or February of 1986.

Ms. Wilson commented that a huge carport has been constructed in the rear yard and asked the applicant if there are other satellite dishes located in the side yards of area residents. Mr. Sanseverino replied that he does not know if there are others in the neighborhood.

Protestants:

Mr. Chappelle informed that Code Enforcement has received a complaint concerning the subject property. A letter and photographs (Exhibit F-2) were submitted.

A letter of opposition (Exhibit F-3) to the application was received from Mr. Reece, District 18 Planning Team.

Board Action:

On MOTION of BRADLEY, the Board voted 3-2-0 (Bradley, Chappelle, Clugston, "aye"; White, Wilson, "nay"; no, "abstentions"; none, "absent") to APPROVE a Special Exception (Section 291.a(2) - Satellite Communication Antennas) to allow an existing satellite dish in the side yard; finding that the corner lot location would allow the satellite dish to be partially viewed from the street whether it is installed in the rear yard or side yard; on the following described property:

Lot 11, Block 14, Walnut Creek I Amended, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14035

Action Requested:

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

Variance - Section 440.6(a) - Special Exception Uses in Residential Districts, Requirements - Request a variance to waive the 1 year time limitation to permanently, located at 3647 South Maybelle.

Case No. 14035 (continued)

Presentation:

The applicant, Thelma Griffith, 4808 South Elwood, Tulsa, Oklahoma, submitted photographs (Exhibit G-2) and asked the Board to allow her to move a mobile home on 2 lots at the above stated address. Ms. Griffith pointed out that there are numerous mobile homes in the area. A plot plan was submitted (Exhibit G-1).

Comments and Questions:

Ms. White asked the applicant why she is asking a waiver of the 1 year time limitation. Ms. Griffith replied that she would not have to return to the Board each year and she would like the issue to be settled.

Ms. White asked if the mobile home will have a septic tank and the applicant answered in the affirmative.

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 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow a mobile home in an RS-3 District; and to DENY a Variance (Section 440.6(a) - Special Exception Uses in Residential Districts, Requirements) to waive the 1 year time limitation to permanently; per Health Department approval; finding that there are numerous mobile homes in the area; and finding that the granting of the special exception request will not be detrimental to the neighborhood and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 23 and 24, Block 7, Garden City Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14036

Action Requested:

Special Exception - Section 420.1 - Accessory Uses Permitted in Residential Districts - Use Unit 1206 - Request a special exception to allow a home occupation to permit an existing upholstery shop in an RS-2 District.

Variance - Section 240.2(e) - Permitted Yard Obstructions - Request a variance to permit an existing detached accessory building from maximum size at 750 sq. ft. to 768 sq. ft. located at 1335 South 119th East Avenue.

Case No. 14036 (continued)

Presentation:

The applicant, Brock Shields, 1335 South 19th East Avenue, submitted a petition (Exhibit H-1) and stated that the entire neighborhood, except for one gentleman, is supportive of his upholstery business. He asked the Board to allow him to continue its operation.

Comments and Questions:

Ms. Wilson asked the applicant if he is aware of the Home Occupation Guidelines and he replied that he meets all of the requirements set forth in the guidelines. He noted that his business has had employees, but at this time has no employees and no sign.

Ms. Bradley asked if the upholstery business is in the house or an accessory building and the applicant answered that it is in an accessory building.

Ms. Wilson asked Mr. Shields if customers come to his home and he replied that he goes to the customer's home.

Ms. Bradley requested the applicant to state the days and hours of operation for the shop. He replied that his business is open Monday through Saturday, 9 a.m. to 4:30 p.m., and occasionally on weekends.

Ms. Bradley asked Mr. Shields the distance from his business to the nearest house to the east and he replied that there is a vacant lot to the east and a residence to the north and south.

Mr. Chappelle informed that a letter (Exhibit H-2) from Code Enforcement stated that a business is operating on the subject property.

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 Special Exception (Section 420.1 - Accessory Uses Permitted in residential Districts - Use Unit 1206) to allow a home occupation to permit an existing upholstery shop in an RS-2 District; and to APPROVE a Variance (Section 240.2(e) - Permitted Yard Obstructions) to permit an existing detached accessory building from maximum size at 750 sq. ft. to 768 sq. ft.; per Home Occupation Guidelines; subject to days and hours of operation being Monday through Saturday, 9 a.m. to 4:30 p.m.; finding that the upholstery shop has been operating at the present location for a long period of time; and finding a hardship demonstrated by the large size of the tract; on the following described property:

South 100' of north 205.14', Lot 4, Block 5, Elm Hurst Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14037

Action Requested:

Special Exception - Section 420 - Accessory Uses Permitted in Residential Districts - Use Unit 1206 - Request a special exception to permit a home occupation (beauty shop) in an RS-3 District; located at 4111 East 38th Street, Tulsa, Oklahoma.

Presentation:

The applicant, Linda McCallen, 4111 East 38th Street, Tulsa, Oklahoma, asked the Board to allow her to operate a beauty shop in her home. Ms. McCallen stated that she will have only 1 chair with no employees, and explained that she purchased the property because of its location and exposure to passing motorists. She noted that her driveway is not visible from the surrounding homes in the area.

Comments and Questions:

Mr. Chappelle asked Ms. McCallen to state the days and hours of operation for the beauty shop and she replied that it would be open from 8 a.m. to 8 p.m., Monday through Saturday.

Ms. Bradley asked Ms. McCallen If the shop will be in the garage and she stated that it will be in the garage and that the house is in bad repair and a lot of improvements will be made.

Mr. Chappelle informed that the Board has received a petition (Exhibit I-1) opposing the application.

Protestants:

Charles Vaughn, 3814 South Pittsburg, Tulsa, Oklahoma, stated a concern that if a business is allowed to begin operation in the neighborhood, a precedent would be set, and others would follow. He pointed out that, because of Whiteside Park, traffic is already a problem in the area and feels that a business would add to this problem.

Bill Yeakey, Jr., 3925 East 38th Street, Tulsa, Oklahoma, stated that he lives 5 houses to the west of the subject property and that anything done to the property will be an improvement, but is against the business in the neighborhood.

Applicant's Rebuttal:

Ms. McCallen stated that the lot is large and the driveway will be widened in order to prevent clients from backing out in the street. She pointed out that she has operated a shop in Oklahoma City and always had fewer cars than her surrounding neighbors.

Board Action:

On MOTION of WILSON, the Board voted 4-1-0 (Bradley, Chappelle, White, Wilson, "aye"; Clugston, "nay"; no, "abstentions"; none, "absent") to <u>DENY</u> a <u>Special Exception</u> (Section 420 - Accessory Uses Permitted in Residential Districts - Use Unit 1206) to permit a home

Case No. 14037 (continued)

occupation (beauty shop) in an RS-3 District; finding that a beauty shop at this location would be injurious to the neighborhood and not in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 15, Block 15, Walter Foster Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14038

Action Requested:

Special Exception - Section 420 - Accessory Uses Permitted in Residential Districts - Use Unit 1206 - Request a special exception to permit a home occupation (rebuild alternators and starters) in an RS-3 District, located at 33 South 67th East Avenue.

Presentation:

The applicant, Patsy Ramey, 33 South 67th East Avenue, Tulsa, Oklahoma, stated that she and her husband would like to continue to repair starters and alternators in their home, as they have been doing for the past 4 years. Photographs (Exhibit J-1) were submitted.

Comments and Questions:

Ms. White pointed out that there is not a garage and asked the applicant where the work is done. Ms. Ramey stated that the work is done inside the house.

Ms. White asked if customers come to the home and the applicant stated that customers do come to the house, but there is only 1 customer at a time.

Ms. Wilson asked if there is a sign in the window which advertises the business and the applicant replied that there was a sign , but it has been removed.

Ms. White inquired as to the days and hours of operation for the business and Ms. Ramey stated that they work from 9 a.m. to 7 p.m., 7 days each week.

Ms. Bradley asked if the clients bring the car or just the part to be worked on and the applicant informed that they bring the part only and are on the premises approximately 5 minutes per visit.

Ms. Bradley asked if machines are used that make loud noises and Ms. Ramey pointed out that they use only hand tools to do repair work and do not use machines.

Case No. 14038 (continued)

Mr. Chappelle stated that a letter of complaint and photographs (Exhibit J-3) were submitted by Code Enforcement and a letter (Exhibit J-2) of support was received from a next door neighbor.

Ms. White stated that she is concerned with the customers entering and parking on the gravel driveway.

Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 3-2-0 (Bradley, Chappelle, Clugston, "aye"; White, Wilson, "nay"; no, "abstentions"; none, "absent") to APPROVE a Special Exception (Section 420 - Accessory Uses Permitted in Residential Districts - Use Unit 1206) to permit a home occupation (rebuild alternators and starters) in an RS-3 District; per Home Occupation Guidelines; subject to days and hours of operation being Monday through Saturday, 9 a.m. to 7 p.m. and Sunday, 12 a.m. to 6 p.m.; finding that the business has been operating at the present location for several years and has proved to be compatible with the neighborhood; on the following described property:

Lot 9, Block C, Crest View Estates Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14039

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance to livability space requirement from 4,000 sq. ft. to what remains as open space/green area on the lot (estimated at 3,628 sq. ft.), located at 9260 South 92nd East Avenue.

Presentation:

The applicant, Tommy C. Thompson, 9260 South 92nd East Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit K-1) and a plat of survey (Exhibit K-2). The applicant informed that he enclosed the covered patio in order to install a hot tub, which reduced the livability space for the lot.

Comments and Questions:

Ms. Bradley asked the applicant when the room was added to the house and he replied that construction took place between the months of April and November of 1985.

Ms. Bradley asked Mr. Thompson to address the hardship for this case and he replied that he is not aware of a hardship.

Mr. Clugston informed that the applicant would not be required to come before the Board if he had not enclosed the addition. Mr. Thompson noted that the glass panels are removable.

Case No. 14039 (continued) Protestants: None.

Board Action:

On MOTION of CLUGSTON, the Board voted 4-1-0 (Chappelle, Clugston, White, Wilson, "aye"; Bradley, "nay"; no, "abstentions"; none, "absent") to APPROVE a Varlance (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) to livability space requirement from 4,000 sq. ft. to what remains as open space/green area on the lot (estimated at 3,628 sq. ft.); finding that the roof was already in place and that the livability space was not decreased by the enclosing of the patio; on the following described property:

Lot 14, Block 11, Woodland Glen IV Addition, City of Tulsa, Tulsa County, Oklahoma.

Additional Comments:

Ms. Bradley suggested that Staff explain the meaning of 'hardship' to each applicant requesting a variance.

Mr. Jackere informed that this can be accomplished by supplying the applicant with a copy of that section of the ordinance on this subject.

Case No. 14041

Action Requested:

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

Variance - Section 440.6(a) - Special Exception Uses, Requirements - Request a variance to waive the 1-year time limitation to permanently, located at 917 North Rockford.

Presentation:

The applicant, Patricia Sweeney, submitted photographs (Exhibit L-1) and stated that she would like to have permission to move her elderly parents into a mobile home next door to her home. She informed that the lot to the south of her house is vacant and the mobile will be moved to this location.

Comments and Questions:

Ms. White asked if there are other mobile homes in the area and Ms. Sweeney replied that there is one just around the corner from her home, and several in the neighborhood.

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 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow a

Case No. 14041 (continued)

mobile home in an RM-1 District; and to <u>DENY</u> a Variance (Section 440.6(a) - Special Exception Uses, Requirements) to waive the 1-year time limitation to permanently; finding that there are other mobile homes in the area and that the granting of the special exception is not detrimental to the neighborhood and does not impair the purposes, spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 19 and 20, Block 8, Capitol Hill Second Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14043

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to permit automobile sales in a CS District.

Variance - Section 1217.3(b) - Automotive and Allied Activities Use Conditions - Request a variance to allow open air storage and display of merchandise for sale within 300' of an R District, located on the SE/c of 21st Street and Memorial Drive.

Presentation:

The applicant, Phil Frazier, 1424 Terrace Dr., Tulsa, Oklahoma, represented Riverside Chevrolet, proposed lessor of the property in question, and Cardin Investments, owner. He informed that there has previously been a convenience store in operation at this location, but it has been vacant for approximately 2 years. Mr. Frazier stated that the property does not abutt a residential neighborhood, and that the surrounding businesses are supportive of the car sales operation. He stated that Riverside Chevrolet intends to utilize the building that is currently on the lot and there will be no new construction. Mr. Frazier informed that the hours of operation will be from 8 a.m. to 8 p.m., Monday through Saturday.

Comments and Questions:

Ms. Bradley asked if there is a building on the east side of the property and Mr. Frazier answered in the affirmative.

Terry Whitner, 401 South Elgin, Tulsa, Oklahoma, owner of Riverside Chevrolet, informed that the building on the property is approximately 50' by 25' and will be used for a sales office.

Mr. Clugston asked Mr. Whitner if there is only one structure on the lot and he replied that there are no other buildings on the property.

Ms. Bradley asked Mr. Frazier how many cars will be displayed on the lot and he informed that there will be approximately 40. He pointed

Case No. 14043 (continued)

out that there will be no maintenance done at this location, but all of those cars requiring repairs will be transferred to Riverside Chevrolet.

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 permit automobile sales in a CS District; and to APPROVE a Variance (Section 1217.3(b) - Automotive and Allied Activities Use Conditions) to allow open air storage and display of merchandise for sale within 300' of an R District; subject to the days and hours of operation being Monday through Saturday, 8 a.m. to 8 p.m.; subject to automobile sales only and no maintenance; subject to a maximum of 50 cars; finding that there are numerous automobile sales on Memorial Drive and finding that the lot does not abutt a residential neighborhood; on the following described property:

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

Case No. 14044

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in Commercial Districts - Request a variance to waive the 150' minimum frontage in a CS District for Riverbridge Center Subdivision (lots thereof), located on the NE/c of South Peoria Avenue and 71st Street.

Presentation:

The applicant, Town and Country Real Estate Company, was represented by Ted Sack, 314 East 3rd Street, Tulsa, Oklahoma, who submitted a location map (Exhibit M-1) and asked the Board to allow a variance of the frontage on a dedicated street. He explained that due to the Riverside Parkway, Peoria Avenue will no longer continue to 71st Street, but will swing around and join the parkway to the south of the subject tract. Mr. Sack pointed out that this property will have no frontage on Peoria except for a small portion on the cul-de-sac where the street dead ends.

Comments and Questions:

Ms. Bradley asked the applicant if he is asking for a waiver of the minimum frontage on both 71st Street and Peoria Avenue and he answered in the affirmative. He stated that access to the various parcels will be provided by internal private driveways, with a service road adjacent to the property.

Protestants: None.

Case No. 14044 (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 APPROVE a Variance (Section 630 - Bulk and Area Requirements in Commercial Districts) to waive the 150' minimum frontage in a CS District for Riverbridge Center Subdivision (lots thereof); per plan submitted; finding that there are other lots in the area of similar size; on the following described property:

A parcel of land lying in Lot 7, Section 6, T-18-N, R-13-E, of the Indian Base and Meridian, according to the U.S. Government Survey thereof in the City of Tulsa, Tulsa County, Oklahoma, more particularly described as follows: Beginning at a point on the west line of said Lot 7, said point lying 585.84' north of the SW/c thereof; thence along the boundary of River Wood Office Park, an addition to the said City of Tulsa, according to the recorded plat thereof as follows; thence N 89°26'50" E a distance of 200.00' to a point; thence due south a distance of 185.73' to a point; thence N 89°26'50" E a distance of 200.00' to a point; thence due south a distance of 145.00' to a point; thence due south a distance of 55.00° to a point; thence N 89°25'55" E a distance of 200.00' to a point; thence due south a distance of 140.00' to a point lying 60.00' north of the south line of said Lot 7; thence S 89°25'55" W and parallel to the said south line a distance of 135.92' to a point; thence due north a distance of 4.00' to a point; thence S 89°25'55" W a distance of 175.38' to a point; thence N 77°37'19" W a distance of 58.36' to a point; thence N 78°30'15" W a distance of 0.00' to a point of curve; thence along said curve to the right, said curve having a radius of 272.171, a central angle of 62°10'20.5", a distance of 295.34' to a point; thence due west a distance of 24.75' to a point on the said west line of Lot 7; thence due north along said west line a distance of 316.29' to the Point of Beginning, containing 4.1021 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14045

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Request a variance to permit required parking in the major street setback (50' centerline 15th).

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1210 - (as authorized by Section 1680.1g) Request a special exception to permit off-street parking in an RS-3 District when abutting OL zoning and to permit access to the OL District through RS-3 zoning.

Case No. 14045 (continued)

Variances - Section 630 - Bulk and Area Requirements in Office Districts - Request a variance to permit 50% floor area ratio on Lot 4 and 75% floor area ratio on Lot 3; variance of setback from centerline 15th Street from 100' to 60'+ to permit expansion of garage on Lot 4; variance of setback from west property line from 10' to 3'+ to permit expansion of garage on Lot 4; variance of setback from north property line from 10' to 3' to permit expansion of the existing building on Lot 3; variance to permit 2 stories (due to expansions) on both Lots 3 and 4.

Variance/Exception - Section 1211.3 - Office and Studios Use Conditions - Section 250.3(d) - Modification of the Screening Wall or Fence Requirements - Request a variance/exception to waive/modify the screening requirement along the entire west property line (including lease property) and between Lot 3 and leased property.

Variance - Section 1211.4 - Off-Street Parking and Loading Requirements - Request a variance of parking requirements from 16 to 5 on Lot 4 and from 14 to 0 on Lot 3.

Variance - Section 1320 - Off-Street Parking General Requirements - Request a variance to permit the required parking on a lot other than the lot containing the principal use.

Presentation:

The applicant, J. Ronald Henderson, 1643 East 15th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit N-1) and stated that he decided some time ago to convert 4 houses on Norfolk Street into an office complex and that the property in question was zoned OL last year. He stated that the residents in Maple Ridge were reluctant to support a project until a plan had been determined on the balance of the area. In the last several months a partnership has acquired all of the property north of 15th Street, with the exception of the 4 houses. Mr. Henderson stated that he has attempted to work with the developers of Cherry Street Plaza and representatives of Maple Ridge. The applicant pointed out that the 2 houses west on Norfolk are the subject of the application before the Board today and a part of the required parking for the complex will be provided by leased state land along the expressway, which can be cancelled with a 30 day notice. Mr. Henderson explained that the same landscaping pattern that is predominate in Maple Ridge will be continued through the new development and the buildings will be upgraded to make them as attractive as possible.

Comments and Questions:

Mr. Chappelle asked the applicant if he would need the relief requested if he used the land for OL and he replied that he is not sure.

Case No. 14045 (continued)

Ms. Hubbard informed that part of the construction already on the property does not meet the ordinance.

Mr. Jackere pointed out that the applicant would be in need of parking variances even if he only used the existing structures.

Mr. Jackere asked Mr. Henderson to state the total square footage in all of the buildings when completed. He replied that he is asking for for an additional 2360 sq. ft. of floor area for the 2 houses and the garage apartment.

Mr. Chappelle asked how the lighting would affect the residences and the applicant informed that the highway lights are very bright and no security lights are necessary.

Mr. Jackere pointed out that the applicant would not meet the parking requirements if the state withdrew the leased parking area.

Mr. Gardner explained that the Board needs to know how many of the leased parking spaces will be required parking.

Protestants:

Lawrence Pinkerton, 2400 First National Tower, Tulsa, Oklahoma, stated that he lives 4 houses from the development and, in his opinion, it threatens to undermine a carefully implemented scheme for this particular neighborhood. A copy of Standards for Cherry Street Plaza (Exhibit N-2) was submitted. Mr. Pinkerton suggested that a Planned Unit Development should be considered for the property and voiced a concern that the landscaping plan might not be carried out.

Ms. Bradley asked Mr. Pinkerton how this application affects Cherry Street Plaza and he replied that even though the PUD has been approved, development has not begun, and he is concerned that other developments might occur and undermine the Cherry Street Standards.

Ms. Wilson asked Mr. Pinkerton if he will be opposed to the application if Mr. Henderson goes before TMAPC and the City Commission requesting a PUD exactly like the plan submitted today. He replied that he would not be opposed to the application if there were standards imposed similar to those for Cherry Street Plaza.

Interested Parties:

Grant Hall, 1202 East 18th Street, Tulsa, Oklahoma, stated that he is not a protestant and that Mr. Henderson brought his plan to the neighborhood over a year ago and that he could not support it at that time because he needed to know what was going on in the entire triangle. Mr. Hall pointed out that Mr. Henderson has kept the residents informed, but that he shares some of the concerns of Mr. Pinkerton. He stated that his major concern is the leasing of the required parking from the state and the possibility that it might be

Case No. 14045 (continued)

withdrawn, which would invite parking overflow into the residential neighborhood.

Jim Fehrle, 1537 South Madison, Tulsa, Oklahoma, stated that he lives near the project and is also concerned with the parking problem. He informed that he did not protest the previous application for OL zoning because he was under the impression that there would be a PUD encompassing the 4 lots. Mr. Fehrle pointed out that there is no way to know what will develop between Cherry Street and the proposed complex.

Sally Carter, 1348 East 20th Street, Tulsa, Oklahoma, stated that she is a partner of Cherry Street Corner, which is owner of Cherry Street Plaza, and informed that this project was approved based on total land that was owned and not leased. She explained that the Maple Ridge residents have tried to work with Mr. Henderson, but find that the plans are inconsistent with the development requirements imposed by the City Commission. Ms. Carter noted that Cherry Street Corner has promised to give a large amount of money to develop the south side buffer and thinks it appropriate that Mr. Henderson be required to contribute a similar amount of money to protect the neighbors.

Mr. Gardner stated that the reason Cherry Street Plaza donated money for improvements, was the fact that they received OMH zoning which increased the floor area ratio to 1.2 over all and the applicant has OL zoning or .30 floor area ratio.

Ms. Wilson asked Ms. Carter if, at the time she made application, a portion of the state property was leased by Cherry Street Plaza. She replied that there was a small amount of leased property at that time, but it was green space and not for parking.

Applicant's Rebuttal:

Mr. Henderson asked for a continuance and pointed out that whether to seek Board of Adjustment approval or a PUD was presented to the City Commissioners and the Mayor and they determined that the application should go before the Board of Adjustment. Mr. Henderson pointed out that Cherry Street Plaza is contributing \$50,000 on a \$2,000,000 public expenditure and that his development is very small in comparison.

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. 14045 to May 29, 1986.

Case No. 14046

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in Office Districts - Request a variance of the 100' minimum frontage required in OM District for a lot-split.

Variance - Section 1212.4 and 1219.4 - Off-Street Parking and Loading Requirements - Request a variance of the parking requirements to accommodate lot-split.

Variance/Modification - Section 610/620 - Principal/Accessory Uses Permitted in Office Districts - Request modification of previous approval to allow advertising, including on-site signage, located west of the NW/c of 71st and Yale.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, who represented the owner of the Copper Oaks office complex, submitted a plot plan (Exhibit 0-1) and photographs (Exhibit 0-2) and asked that the first variance request in the application be withdrawn. Johnsen explained that the complex is comprised of 15 acres and 6 buildings and this application addresses only one of these buildings. He stated that the owner is refinancing the tract and the lender requires lot-split approval since it was all platted as one iot. A lot-split plat (Exhibit 0-4) was submitted. He informed that the subject building is being leased to the Tulsa Athletic Mr. Johnsen stated that in 1973 a previous Board approved this 12,700 sq. ft. building for an athletic facility and restaurant, which had no signage. The applicant asked the Board to allow the new tenant to install a wall sign and an awning with their A sign plan (Exhibit 0-3) was submitted. name inscribed. pointed out that the area around the complex has developed commercial and signs have been installed on these properties. Johnsen explained that the tract is large enough that it could be divided and several signs would be permitted. He asked that cross-parking be permitted for the club.

Comments and Questions:

Ken Bode, Protective Inspections, informed that 32 sq. ft. of signage is allowed for the complex.

Mr. Johnsen pointed out again that the tract could be divided into several lots and a 32 sq. ft. sign would be permitted for each lot.

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 <u>WITHDRAW</u> a **Variance** (Section 630 - Bulk and Area Requirements in Office Districts) of the 100' minimum frontage

Case No. 14046 (continued)

required in OM District for a lot split: and to APPROVE a Variance (Section 1212.4 and 1219.4 - Off-Street Parking and Loading Requirements) of the parking requirements to accommodate the lot split; and to APPROVE a Variance (Modification) (Section 610/620 - Principal/Accessory Uses Permitted in Office Districts) of previous approval to allow advertising, including onsite signage; subject to cross-parking agreement and execution of a perpetual lease for parking; subject to the south wall sign being 54 sq. ft. maximum and the awning sign on the east being 4' by 12', per sign plan submitted; finding a hardship demonstrated by the large size of the complex and the fact that the property could be divided into several lots, all of which would be allowed signage; on the following described property:

Part of Lot I, Block I, Copper Oaks, an Addition in Tulsa, Tulsa County, Oklahoma according to the official recorded plat thereof; more particularly described as follows, to-wit:

Beginning at a point in the south line of said Lot 1, 294.01 feet from the southeast corner thereof; thence N 89°44'10" W along the south line of said Lot 1 a distance of 112.94 feet to a point 191.19 feet from the south southwest corner thereof; thence N 00°06'40" E a distance of 52.76 feet; thence S 89°53'20" E a distance of 0.00 feet; thence on a curve to the left having a radius of 5.00 feet a distance of 8.59 feet; thence N 00°04'55" E a distance of 13.04 feet; thence N 16°03'23" W a distance of 107.77 feet; thence N 01°55'43" W a distance of 52.00 feet; thence N 69°21'54" E a distance of 37.40 feet; thence N 89°42'56" E a distance of 108.79 feet; thence S 00°14'26" W a distance of 72.41 feet; thence S 89°40'10" W a distance of 18.02 feet; thence S 00°20'19" E a distance of 89.86 feet; thence N 89°34'15" E a distance of 18.05 feet; thence S 00°07'47" E a distance of 26.04 feet; thence S 89°52'13" W a distance of 4.58 feet; thence S 00°06'40" W a distance of 53.01 feet to the point of beginning; containing 28,762 square feet or 0.66028 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 13906

Action Requested:

Variance - Section 207 - Street Frontage Required - Request a variance of the minimum street frontage required from 30' to 0' in order to permit access by a private mutual access easement in order to permit a lot split, located west of the NW/c of 27th Street and Yorktown Avenue.

Case No. 13906 (continued)

The Board approved this request in a previous hearing. The applicant now wished to amend the plan.

Presentation:

The applicant, John Woolman, 2411 East Skelly Drive, Tulsa, Oklahoma, submitted a revised plot plan (Exhibit P-1) and explained that in January a lot-split was approved on the subject property. Mr. Woolman pointed out that additional land has been acquired which will be added to the lots to straighten their boundary lines.

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 207 - Street Frontage Required) of the minimum street frontage required from 30' to 0' in order to permit access by a private mutual access easement in order to permit a lot-split; per revised plot plan; on the following described property:

Lot 1, Block 1, Forrest Hills Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14072

Action Requested:

Karen Matron requested by letter (Exhibit Q-1) a full refund of application fee.

Comments and Questions:

Mr. Jones informed that the Group Home Ordinance was approved and the applicant is no longer in need of the relief requested. He stated that the application has not been processed and recommended that the full fee of \$125.00 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 \$125.00; finding that the application had not been processed.

Case No. 10619

Action Requested:

Request a Consideration of Substitute Plot Plan for a church located at 55th Street and Peoria Avenue.

Case No. 10619 (continued)

Presentation:

The applicant, Tommy Coats, 4444 East 66th Street, Tulsa, Oklahoma, submitted a substitute plot plan (Exhibit R-1) and asked the Board to approve an addition to an existing church at the above stated location. He informed that the plans for the construction of the church were approved in 1979.

Comments and Questions:

Ms. Wilson asked Mr. Coats if the site for the new addition is now being used for parking. He replied that it is being used for parking at this time, but that there will be adequate space left for the required parking.

Mr. Gardner asked the applicant what the addition will be used for and he replied that church offices will be located in the new portion.

Protestants: None.

Board Action:

On MOTION of CLUGSTON, the Board voted 3-2-0 (Chappelle, Clugston, White, "aye"; Bradley, Wilson, "nay"; no, "abstentions"; none, "absent") to APPROVE a substitute plot plan for Case No. 10619; per substitute plot plan submitted; on the following described property:

Lot 6, Block 6, of J.E. Nichols Subdivision an addition in Tulsa County, State of Oklahoma, according to the recorded plat thereof; Lot 2 less the northwest 10 acres thereof, Section 31, T-19-N, R-13-E of the Indian Base and Meridian, City of Tulsa, Tulsa County, State of Oklahoma (190 by 100).

There being no further business, the meeting was adjourned at 4:40 p.m.

Date Approved	5/15/86		
	Sall lyw Ve Chairman		

Maria