

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 466
Thursday, May 29, 1986, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, May 27, 1986, at 2:18 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Chappelle called the meeting to order at 1:02 p.m.

MINUTES:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to CONTINUE approval of the Minutes of May 15, 1986 to June 12; finding that only 2 members of the Board that attended the May 15 meeting were present.

UNFINISHED BUSINESS

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' from centerline of 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.

Variances - Section 630 - Bulk and Area Requirements in Office Districts - Request a variance to permit 50% floor area ratio on Lots 4 and 75% floor area ratio on Lot 3; variance of setback from the centerline of 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.

Case No. 14045 (continued)

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, located at 1400 South Norfolk.

Presentation:

Mr. Jones informed that a letter (Exhibit A-1) has been received from Mr. Pinkerton, attorney and resident in the area, requesting that Case No. 14045 be continued until June 12, 1986. Mr. Pinkerton stated in the letter that he will be out of town and unable to represent his client at the May 29, 1986 meeting.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no, "abstentions"; White, "absent") to CONTINUE Case No. 14045 to June 12, 1986.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14067

Action Requested:

Minor Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a minor variance to allow an existing wooden sign from the required 50' to 30' of the centerline of 31st Street, located at 4143 East 31st Street South.

Presentation:

The applicant, Jim Shofner, 1851 East 31st Place, Tulsa, Oklahoma, informed that his office is in a converted house which is located across the street from Methodist Manor on 31st Street. He pointed out that the area has a street running parallel with 31st Street, leaving a green space approximately 30' wide which belongs to the City. Mr. Shofner stated that if the sign is placed at the required 50' setback it will be against the house and not visible to the passing motorists. He pointed out that his sign aligns with the existing signs along 31st Street between Harvard and Yale. The applicant stated that he mows and maintains the green area and asked the Board to allow him to place a sign in the City right-of-way.

Case No. 14067 (continued)

Comments and Questions:

Ms. Bradley asked the applicant what signs are on the same block as his office sign and he replied that there are none. He informed that the Republican Headquarters had a sign up, but it has been removed and placed by their front door.

Ms. Bradley inquired if the other houses on the block are offices and Mr. Shofner replied that the area is zoned OL, but only 2 of the houses are used for office space and the remainder for residences.

Ms. Bradley asked the applicant to address the hardship and he stated that, in his opinion, the slowing down of traffic in order to read a sign 50' to 70' from the street would create a traffic hazard.

Mr. Chappelle asked where the sign would be placed if the 50' setback requirement was observed and Mr. Shafner replied that the sign would be in the middle of the access road.

Mr. Chappelle asked the applicant if his sign would be the same distance from the street as others in the area and he answered that his sign is set back the same distance as the Braum's sign and the Republic Financial sign. Mr. Shofner explained that their ownership extends to the curb line and his ownership only extends to the access road.

Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 2-1-1 (Bradley, Smith, "aye"; Chappelle, "nay"; Quarles, "abstaining"; White, "absent") to **DENY** a **Minor Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) to allow an existing wooden sign from the required 50' to 30' of the centerline of 31st Street; on the following described property:

Lot 32, Block 4, Santa Monica Addition, City of Tulsa, Tulsa County, Oklahoma.

The application was denied for lack of 3 affirmative votes.

Case No. 14069

Action Requested:

Minor Variance - Section 430 - Bulk and Area requirements in Residential Districts - Use Unit 1206 - Request a minor variance of the front yard setback from 50' to 40' from the centerline of North Sandusky Avenue to allow a proposed carport, located at 1043 North Sandusky Avenue.

Presentation:

The applicant, Arthur Stevens, 1043 North Sandusky, Tulsa, Oklahoma, submitted a plot plan (Exhibit Z-1) and informed that his house was constructed in 1946. Since that time the street has been paved and

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Case No. 14069 (continued)

the creek has been channeled into a storm drain to the north, which in his opinion, causes flooding around his home. Mr. Stevens asked the Board to allow him to extend an existing carport 10' toward the street in order that his 2 cars will be protected and to allow access to higher ground to the rear of the lot. Mr. Stevens explained that the existing carport prevents entry into the back yard and after the reconstruction he can then park his cars in this back portion and prevent damage by floodwater.

Mr. Chappelle asked the applicant if there are other carports in the area and he answered in the affirmative.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no, "abstentions"; White, "absent") to **APPROVE** a **Minor Variance** (Section 430 - Bulk and Area requirements in Residential Districts - Use Unit 1206) of the front yard setback from 50' to 40' from the centerline of North Sandusky Avenue to allow a proposed carport; per plot plan; finding that there are other carports in the older area and that the granting of the special exception request will not be injurious to the neighborhood; on the following described property:

The south 60' of the W/2 of Lot 1, Block 1, Maryland Gardens Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14075

Action Requested:

Minor Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a minor variance to allow a ground sign within 45' of the required 50' setback from the centerline of Harvard Avenue, located at 4555 South Harvard Avenue.

Presentation:

The applicant, Taylor, Sample and Coppedge Locating Service, Inc., was represented by Libby Coppedge, 4555 South Harvard, Tulsa, Oklahoma, who submitted photographs (Exhibit X-1) and stated that she is opening a locating service on South Harvard. Ms. Coppedge asked the Board to allow the installation of a sign 45' from the centerline of Harvard, since the sign will be in the parking lot if the 50' setback requirement is adhered to.

Comments and Questions:

Ms. Bradley asked Ms. Coppedge if the sign will be located in the City right-of-way and she replied that she is not sure.

Mr. Smith asked where the sign will be located on the lot and Ms. Coppedge informed that it will be located as far north as possible.

Case No. 14075 (continued)

Ms. Bradley commented that there are no other signs as close to Harvard as the sign in question.

Mr. Jones pointed out that the applicant will be required to have City Commission approval if the sign inspector determines that the location of the sign is in the City right-of-way.

Mr. Smith asked Ms. Coppedge how high the proposed sign will be and she stated that it will be 3' by 4'.

Mr. Gardner pointed out that the 2 lots are narrow side lots. These lots run north and south which causes the parking and the structure to be much closer to the street than those lots running east and west.

Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no, "abstentions"; White, "absent") to APPROVE Minor Variance (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) to allow a ground sign within 45' of the required 50' setback from the centerline of Harvard Avenue; subject to sign inspector approval; finding a hardship demonstrated by the narrow shape of the lots; on the following described property:

Lot 7, Block 2, Villa Grove Heights Addition No. 1, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14063

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request the following variances of the bulk and area requirements set forth on Exhibit A, all in order to permit the splitting of 3 existing duplexes down the common wall to provide for separate ownership of each unit, located south of East 80th Street South and South 79th East Avenue.

Presentation:

The applicant, Phillip Eller, 2727 East 21st Street, Tulsa, Oklahoma, who submitted a plat of survey (Exhibit XX-1) and documents (Exhibit XX-2), stated that he is representing the owners of the subject property who are selling three existing duplexes by unit.

Protestants: None.

Case No. 14063 (continued)

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no, "abstentions"; White, "absent") to APPROVE the Variances (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the bulk and area requirements set forth on Exhibit A, all in order to permit the splitting of 3 existing duplexes down the common party wall to provide for separate ownership of each unit; per survey submitted and documents in Exhibit A; on the following described property:

Lots 5 and 7, Block 6 and Lot 5, Block 7, Sweetbriar East Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14070

Action Requested:

Special Exception - Section 440 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1206 - Request a special exception to allow a home occupation (existing ceramic business) in an RS-2 zoned district, located at 2315 South 129th East Avenue.

Presentation:

The applicant, Kent Haley, 2315 South 129th East Avenue, Tulsa, Oklahoma, informed that he owns the property at the above stated address and his wife and daughter operate a ceramic shop in the garage of the house. Mr. Haley stated that they have operated a shop at another location and have just recently moved their business to this site.

Comments and Questions:

Mr. Smith asked the applicant to state the days and hours of operation and he replied that the shop will be open from 10 a.m. to 6 p.m., Tuesday through Friday and 10 p.m. to 4 p.m. on Saturday.

Ms. Bradley asked Mr. Haley if he is aware that the existing sign will have to be removed and he answered in the affirmative.

Ms. Bradley inquired of applicant if he has reviewed the Home Occupation Guidelines and he replied that he has not read them. Mr. Chappelle asked Mr. Haley to read them at this time and determine if his business will operate within these guidelines. The applicant stated that he can comply with the requirements.

Mr. Jackere asked the applicant if his daughter teaches classes and if there are sales of merchandise on the property. He replied that there are 2 tables set up for classes and that ceramic articles are sold at the home. Mr. Jackere inquired as to the number of students

Case No. 14070 (continued)

that would be taught at any given time and Mr. Haley replied that there would be no more than 4 or 5 students.

In reply to Mr. Jackere's inquiry about the availability of parking, Mr. Haley informed that the lot is 300' by 275' and adequate parking spaces are provided in the 2 driveways.

Ms. Bradley pointed out to the applicant that the large picture window which displays a large amount of ceramic articles, makes it obvious that a business is operating in the home.

Ms. Bradley asked the applicant if anyone comes to the house to help with the work and he replied that his wife helps.

Mr. Jackere informed that those working in the business will be limited to only the family members that reside in the home.

Mr. Smith inquired if the ceramics are ever displayed outside and Mr. Haley replied that the ceramic articles are only displayed and sold inside the house.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no, "abstentions"; White, "absent") to **APPROVE** a **Special Exception** (Section 440 - Special Exception Uses In Residential Districts, Requirements - Use Unit 1206) to allow a home occupation (existing ceramic business) in an RS-2 zoned district; per Home Occupation Guidelines (including all those working in the business must reside in the home); subject to days and hours of operation being from 10 a.m. to 6 p.m., Tuesday through Friday and 10 a.m. to 4 p.m. on Saturday; subject to no window display and subject to removal of the existing sign; on the following described property:

North 144', east 275', west 300', of the W/2, NW/4, SW/4, NW/4, less the west 25' for road, Section 16, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14071

Action Requested:

Variance - Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1205 - Request a variance of setback from the centerline of North Birmingham Place from required 50' to 30' to allow church addition, located on the SW/c of 36th Street North and North Birmingham Place.

Case No. 14071 (continued)

Presentation:

The applicant, Bill Elliott, Jr., 1424 South Utica, Tulsa, Oklahoma, submitted a plot plan (Exhibit B-1) for an addition to an existing church building. He pointed out that North Birmingham Place is not currently in use and asked the Board to allow the new all-purpose building to be 30' from the centerline of the street.

Comments and Questions:

Ms. Bradley asked the applicant if he has contacted Stormwater Management concerning the project and he answered in the affirmative.

Ms. Bradley asked Mr. Elliott to state the use of the new addition and he replied that the new portion will be used for recreation purposes and special meetings.

In response to Ms. Bradley's inquiry as to whether or not the church will have adequate parking, Mr. Gardner informed that parking requirements are based on sanctuary size and this part of the building is not being enlarged.

Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no, "abstentions"; White, "absent") to APPROVE a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1205) of setback from the centerline of North Birmingham Place from required 50' to 30' to allow a church addition; per plot plan submitted; and subject to Stormwater Management approval; finding that North Birmingham Place is not currently in use and is proposed to be vacated; on the following described property:

Lots 1 - 4, Block 5, Rouzeau Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14073

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the side yard setback from 10' to 5' and minor variance of the front yard setback from the centerline of East 2nd Street from 55' to 50' to allow additions to home, located west of the SW/c of Allegheny Avenue and East 2nd Street.

Case No. 14073 (continued)

Presentation:

The applicant, Greg Norris, 4936 East 2nd Street, Tulsa, Oklahoma, submitted a plat of survey (Exhibit C-1) and stated that he does not have another area on his lot that is appropriate for the construction of a garage. Mr. Norris informed that he has a garage, but theft is very prevalent in the neighborhood and he needs an additional building for safe storage. He explained that the house is 5' 9" from the property line.

Protestants: None.

Board Action:

On MOTION of QUARLES, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no, "abstentions"; White, "absent") to APPROVE a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the side yard setback from 10' to 5' and minor variance of the front yard setback from the centerline of East 2nd Street from 55' to 50' to allow additions to a home; per plot plan; finding a hardship imposed on the applicant by the 5' side yard setback requirement in 1946 when the house was constructed; finding that the granting of the variance request will not be detrimental to the neighborhood and does not violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Part of Lots 2 and 3, Block 6, beginning 50' west of the NE/c of Lot 2, thence west to point 5' west of the NE/c of Lot 3, thence south to point 17.7' west of the SE/c of Lot 3, thence east 75', thence due north to P.O.B., White City Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14074

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1205 - Request a special exception to allow for a church and related uses in an OL zoned district, located at 3025 South 116th East Avenue.

Presentation:

The applicant, Timothy Faux, 10609 East 3rd Street, Tulsa, Oklahoma, submitted a floor plan (Exhibit D-1) for a church that will be meeting at the above stated location. He informed that there will be no changes to the exterior of the building, but some of the inside walls will be moved to accommodate the church needs. Mr. Faux informed that there is a creek to the north of the property the church is attempting to purchase, Hughes High School owns the property to the east, which, as he understands it, will be the

Case No. 14074 (continued)

location of a detention facility and soccer complex. He stated that much of the flooding in the area should be alleviated by the construction of the detention.

Comments and Questions:

Ms. Bradley asked the applicant to explain the related uses that are referred to in the application. He replied that that the building would be used for church meetings, classes and regular church activities.

Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no, "abstentions"; White, "absent") to **APPROVE** a **Special Exception** (Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1205) to allow for a church and related uses in an OL zoned district; per floor plan submitted; on the following described property:

The north 100' of the south 344' of Lot 3, Block 2, Dunham Birkes I Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14076

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, 1221.7(b) to be within 1200' of another outdoor advertising sign, located south of the SW/c of 91st Street and Harvard Avenue.

Comments and Questions:

Mr. Jones informed that the applicant has requested by letter (Exhibit E-1) that Case No. 14076 be continued until June 12, 1986, to allow sufficient time to advertise for additional relief. He stated that the applicant, Greg Breedlove, is in the audience.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no, "abstentions"; White, "absent") to **CONTINUE** Case No. 14076 to June 12, 1986.

Case No. 14077

Action Requested:

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance to exceed the 750 sq. ft. limit on a detached accessory building to 1140 sq. ft.; located at 2433 East 31st Street.

Comments and Questions:

Ms. Hubbard informed that, according to her calculations, the size of the detached accessory building in this application is 1160 sq. ft. instead of the 1140 sq. ft. which appears on the agenda.

The Board agreed to hear the case as advertised.

Presentation:

The applicant, Terry Monkres, 2433 East 31st Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-1) and explained that the new proposed addition will replace an old building which was in existence when he purchased the property 20 years ago. He noted that there is no commercial intent for the building. Mr. Monkres stated that, after the old storage building is demolished, there will not be a place to store lawn and garden tools and asked the Board to allow him to construct an addition (attached by a breezeway) to the back portion of the existing garage. The applicant pointed out that 2 of his neighbors have pool houses that are as tall or taller than the proposed construction.

Comments and Questions:

Ms. Bradley asked the applicant if the storage building will be 1 1/2 stories and he answered in the affirmative.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no, "abstentions"; White, "absent") to **APPROVE** a **Variance** (Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206) to exceed the 750 sq. ft. limit on a detached accessory building to 1160 sq. ft.; per plot plan; finding that the lot is larger than the typical residential lot and that there are other similar structures in the area; on the following described property:

Lot 16, Block 5, South Lewis Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14078

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Request an exception to make an addition to the previously approved church and site plan, located on the NW/c of Quincy Avenue and 49th Place.

Action Requested:

The applicant Charles Norman was represented by Wally Wozencraft, 5801 East 41st Street, Tulsa, Oklahoma, who submitted a site plan (Exhibit G-2) and photographs (Exhibit G-1) of a proposed addition to the Church of Saint Mary. Mr. Wozencraft, architect for the project, stated that approximately 6 months ago approval was acquired for the construction of a new sanctuary and asked the Board to allow the new addition, which would merely be a fill-in between 2 existing buildings. This 2-story portion will contain approximately 5,100 sq. ft. of floor space, with 2,500 sq. ft. being on each floor, and will be used for music and special meetings.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no, "abstentions"; White, "absent") to **APPROVE** a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205) to make an addition to the previously approved church and site plan; per revised site plan submitted; on the following described property:

A part of the SW/4, SW/4, Section 30, T-19-N, R-13-E. Beginning at a point on the north line of SW/4 495' due east from the centerline of South Peoria, thence due east on the north line of said SW/4 490' to a point, thence due south 443.88', thence due west 490', thence due north 443.88' to the point and place of beginning containing 5 acres more or less.

Plus and Including:

All of lots 7, 8, and 11 of Block 17, Bellaire Acres Second Extension, County of Tulsa, State of Oklahoma, according to the recorded plat thereof.

Plus and Including:

All of that part of Lot 3, Section 30, T-19-N, R-13-E, more particularly described as follows, to-wit: Commencing at a point 50' east of the west boundary line and 25' south of the north boundary line of the S/2 of said Lot 3, thence south along a line parallel to and 50' east of the west boundary of the S/2 of said Lot, a distance of 216.55' to a point 420' north of the south boundary line of said Lot 3; thence east along the north boundary line of Southern Center Addition to the City of Tulsa a distance of 435' to the NE/c of said

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Case No. 14078 (continued)

Southern Center Addition to the City of Tulsa; thence south along the east boundary line of said Southern Center Addition a distance of 294' to the true point of beginning; thence continuing south along the east boundary line of said Southern Center addition to Tulsa a distance of 126' to a point in the south boundary line of said Lot 3; thence east along the south boundary line of said Lot 3 a distance of 285'; thence north a distance of 126'; thence south 89°59'13" West a distance of 285' to the point of beginning.

Plus and Including:

Part of Government Lot 3, beginning 398.74' west of SE/c of Government Lot 3, thence north 126', thence west 100', thence south 126', thence east 100' to the point of beginning in Section 30, T-19-N, R-13-E of the Indian Base and Meridian, according to the U.S. Government Survey, containing .29 acres more or less; and part of the Government Lot 3, beginning 498.74' west of the SE/c of Government Lot 3, thence north 126', thence west 14.88', thence south 126', thence east 14.88' to the point of beginning in Section 30, T-19-N, R-13-E of the Indian Base and Meridian, according to the U. S. Government Survey.

Plus and Including:

Part of the S/2 of Lot 3, beginning 298.74' west of the SE/c of S/2 of Lot 3, thence north 126', thence west 100', thence south 126', thence east 100' to the Point of Beginning of Section 30, T-19-N, R-13-E of the Indian Base and Meridian, according to the U. S. Government Survey, containing .3 acre more or less.

Total of all acreages herein defined containing 7.0 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14079

Action Requested:

Variance - Section 207 - Street Frontage Required/Section 730 - Bulk and Area Requirements in Commercial districts - Use Unit - 1208 - Request a variance of the street frontage requirements to permit the construction of multi-family dwelling units, where such dwelling units will be served by private street constructed and maintained by abutting property owners pursuant to a private mutual access easement agreement, located NE/c of 61st and Memorial.

Presentation:

The applicant, Charles Norman, 909 Kennedy Building, who represented the developer of Eaton Square Apartments, submitted a Plat of Tracts

Case No. 14079 (continued)

(Exhibit H-1) and an Amended Easement Agreement (Exhibit H-3). Mr. Norman explained that several years ago the Board approved an exception for the multi-family development and each separate tract is required by the Code to have frontage on a public dedicated street. This entire 60 acres has been developed according to an internal collector street that is the subject of a reciprocal easement agreement between the property owners. He informed that the street is improved and maintained according to this private agreement and has been accepted by the City in lieu of any dedication of an internal street. Phase 2 is divided into 2 projects and the internal project does not have access on a public street. This agreement is filed of record in Book 4935, Page 609.

Protestants:

Wayne Wiggins, 8438 East 58th Street, Tulsa, Oklahoma, submitted a petition (Exhibit H-2) in opposition to the application. He pointed out that there are 10 apartment complexes in the area already.

Mr. Chappelle explained that the apartment complex was approved several years ago and the issue before the Board today is the variance of the street frontage.

James Cross, 8448 East 58th Street, Tulsa, Oklahoma, asked Mr. Chappelle why he did not receive notice that the apartments were proposed.

Mr. Jackere informed that the complex was approved in 1982 and that he should have received notice at that time if he lives within 300' of the apartments.

Mr. Gardner pointed out that if the street in question was a dedicated street the applicant would not be required to come before the Board. He explained that all properties are required to have access to a dedicated street and although this street is private the mutual access agreement will insure that access is provided.

Mr. Cross asked if there will be an exit on 58th Street and Mr. Gardner informed that there will not be an exit on this street.

Mr. Norman stated that, in 1982 the Woodland View Neighborhood Association was represented by Bill Gaddis, attorney for this organization, who appeared before the Board and approved the Development Standards for the complex.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no, "abstentions"; White, "absent") to APPROVE a Variance (Section 207 - Street Frontage Required/Section 730 - Bulk and Area Requirements in Commercial

Case No. 14079 (continued)

Districts - Use Unit - 1208) of the street frontage requirements to permit the construction of multi-family dwelling units, where such dwelling units will be served by a private street constructed and maintained by abutting property owners pursuant to a private mutual access easement agreement; per plan submitted; finding that the apartment complex has access to a private collector street comparable to City standards; on the following described property:

A tract of land, containing 10.5789 acres, that is part of Lot 1 in Block 1 of Memorial South Center, an addition to the City of Tulsa, Tulsa County, Oklahoma, said tract of land being more particularly described as follows, to-wit: Starting at the SE/c of Block 1 of Memorial South Center; thence N 00°08'45" W along the easterly line of Block 1 for 202.16' to the point of beginning of said tract of land; thence N 35°09'14" W for 277.35'; thence N 84°33'37" W for 80.80'; thence N 44°16'58" W for 187.68'; thence S 72°16'01" W for 78.65'; thence N 58°16'10" W for 88.50'; thence S 70°55'52" W for 139.84'; thence N 18°22'48" W for 0.00' to a point of curve; thence northwesterly along a curve to the right with a central angle of 5°52'40" and a radius of 500.00' for 51.29' to a point of tangency; thence N 12°30'08" W for 64.86' to a point of curve; thence northwesterly along a curve to the left with a central angle of 21°23'15" and a radius of 250.00' for 93.32'; thence N 26°00'00" E for 243.22'; thence N 73°00'00" E for 195.00'; thence N 00°00'08" W for 250.00' to a point on the northerly line of Block 1; thence N 89°59'52" E along said northerly line for 421.94' to the NE/c of Block 1; thence S 00°08'45" E along the easterly line of Block 1 for 1069.35' to the Point of Beginning of said tract of land.

Case No. 14080

Action Requested:

Special Exception - Section 420 - Accessory Uses Permitted in Residential Districts - Request a special exception to allow a home occupation to sell hand tools in an RS-3 zoned district, located SW/c of Pine and Kingston Place.

Comments and Questions:

Mr. Chappelle pointed out that that this application has been denied two times prior to this hearing and asked Mr. Francis to state the difference in this application and those heard earlier.

Mr. Francis stated that the property was not occupied by the applicant at the prior hearings, but was a joint tenant owner with the resident of the property. He pointed out that the applicant is now the sole owner, due to the death of the occupant, and will reside in the home.

Case No. 14080 (continued)

Presentation:

The applicant, Attorney Joe Francis, 515 Main Mall, Tulsa, Oklahoma, submitted photographs (Exhibit I-1) and a petition of support (Exhibit I-2) signed by approximately 40 homeowners in the area. He asked the Board to allow his client to sell small hand tools from a 1-car garage. He pointed out that there are several businesses operating in the area.

Comments and Questions:

Mr. Jackere informed that he has viewed the property in preparation for the appeal that was filed from the second denial and found that there were very few customers coming and going on the subject property. He pointed out that the tools are displayed along the walls with open space in the middle of the garage floor and it does not have the appearance of a business.

Board Action:

On MOTION of QUARLES, the Board voted 3-1-0 (Chappelle, Quarles, Smith, "aye"; Bradley, "nay"; no, "abstentions"; White, "absent") to **APPROVE** a **Special Exception** (Section 420 - Accessory Uses Permitted In Residential Districts) to allow a home occupation to sell hand tools in an RS-3 zoned district; subject to compliance with the Home Occupation Guidelines; subject to days and hours of operation being Monday through Saturday, 9 a.m. to 6 p.m.; on the following described property:

Lot 1, Block 2, Maplewood Amended Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14083

Action Requested:

Use Variance - Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1219 - Request a use variance to allow a health spa in an AG zoned district, located at 1 West 81st Street.

Presentation:

The applicant, Bill Satterfield, was represented by Randy Rankin, 1515 South Denver, Tulsa, Oklahoma, who submitted a brochure (Exhibit J-1) and a location map (Exhibit J-2). He stated that the property in question is to be used for a health spa, with instruction in nutrition, exercise, etc., and is located in the Riverside Airport area. Mr. Rankin pointed out that there are numerous businesses in operation near the subject property, which is within 300' of the airport. He informed that the house contains 8,400 sq. ft. of floor space and the proposed spa will be open only during the daytime hours.

Case No. 14083 (continued)

Comments and Questions:

Ms. Bradley asked Mr. Rankin if there will be boarding in the house and he replied that there will be none.

Ms. Bradley inquired as to the amount of cars expected to come to the spa during the day and Mr. Rankin replied that there would be approximately 5 to 10 cars visiting the site. He pointed out that the house sets on a 10-acre tract and that Ms. Satterfield's parents own the adjoining 20 acres, therefore, the applicant has sufficient parking for the business.

Protestants:

Mary Lou Bell, 245 West 81st Street, Tulsa, Oklahoma, stated that there is flooding in the area and feels that the site is not appropriate for a business.

Nyla Nunley, 201 West 81st Street, Tulsa, Oklahoma, stated that she lives next door to the proposed health spa and is opposed to a business in the residential neighborhood.

Additional Comments:

Ms. Bradley asked Mr. Rankin to explain exactly what will take place during a day at the spa. He informed that it is a place where people go to get consultation concerning their health and nutritional needs.

Ms. Bradley inquired if there is a gym, swimming pool or restaurant on the property. Mr. Rankin informed that there is a large recreation room and a swimming pool, but no public restaurant.

Mr. Rankin informed that the Satterfields have occupied the structure as a residence the last 3 years.

Mr. Rankin pointed out that Ms. Bell, who is protesting the application, operates a beauty salon in the area and Ms. Nunley, another protestant, has property abutting the subject tract, but it is approximately 300' to the west.

Mr. Smith asked Mr. Rankin to state the days and hours of operation for the spa and he replied that they will be from 9 a.m. to 6 p.m., Monday through Saturday.

Mr. Quarles asked Mr. Rankin if there is someone present that can describe the operation in more detail.

Johnny Satterfield, 1 West 81st Street, Tulsa, Oklahoma, explained that the spa concept is a day of exercise, skin care and total make up.

Mr. Smith asked Ms. Satterfield if the spa will be for ladies only and she answered in the affirmative.

Case No. 14083 (continued)

Mr. Rankin reiterated that the AG area has numerous businesses in operation at this time.

Ms. Bradley asked Ms. Satterfield how many customers can be accommodated each day and she replied that she anticipates having 6 or 8 ladies visiting the spa each day.

Ms. Bradley inquired as to the number of employees for the business and Ms. Satterfield stated that there will be 4 employees.

Mr. Quarles asked Ms. Satterfield if his understanding that a customer can receive a facial, pedicure, manicure, hair care, etc., is correct and she answered in the affirmative.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no, "abstentions"; White, "absent") to **APPROVE** a **Use Variance** (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1219) to allow a health spa and the types of uses as presented, in an AG zoned district; subject to days and hours of operation being Monday through Saturday, 9 a.m. to 6 p.m.; finding a hardship demonstrated by the size of the structure, the large tract of land, the proximity of industrial zoning and the airport in the area; on the following described property:

The east 120' of the south 425' of the E/2 of the SW/4 of the SW/4, Section 12, T-18-N, R-12-E of the Indian Base and Meridian, City of Tulsa, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

Case No. 14084

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Requests a special exception to permit an auto repair/salvage garage in a CS District.

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Request a variance of the required 100' setback from the centerline of Sheridan to 65' to allow construction of repair garage, located on the NW/c of Sheridan and 4th Terrace.

Presentation:

The applicant, Alexandros Psaras, was not present, but was contacted by phone and since there were protestants in the audience, the meeting was delayed 15 minutes to give the applicant sufficient time to drive to the meeting.

Case No. 14084 (continued)

Mr. Psaras stated that he replaces engines, does tune-ups and brake repair and asked the Board to allow the construction of a repair garage on the subject property. He informed that he is proposing to purchase the house and would like to conduct his business on the lot.

Protestants:

Ms. Greer, 6333 East 4th Terrace, Tulsa, Oklahoma, stated that she has lived in the area for the past 20 years and feels that the lot is too small for the business. She pointed out that there is insufficient parking and feels that overflow parking will be pushed into the residential area.

Helen Wycoff, 6329 East 4th Terrace, Tulsa, Oklahoma, pointed out that there is an existing traffic problem in the neighborhood because of the barbecue cafe and asked the Board to deny the application.

A letter of opposition (Exhibit K-1) was received from Mr. and Mrs. Robert Coonfield, 6329 East 4th Street, Tulsa, Oklahoma.

Comments and Questions:

Ms. Bradley asked the applicant if he will do body work and he replied that he does not perform these services.

Mr. Smith asked Mr. Psaras how long the engines would remain on the lot after removal from the cars and he replied that they would be removed from the premises the same day.

Ms. Bradley inquired where the customers will park and the applicant stated that he has made an agreement with a nearby business to park cars on their parking lot if additional parking is needed.

Mr. Quarles asked the protestants to state why the 100' setback would be more objectionable than the 65' setback and they pointed out that the noise level would be closer to the residential area.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no, "abstentions"; White, "absent") to **DENY** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to permit an auto repair/salvage garage in a CS District; and to **DENY** a **Variance** (Section 730 - Bulk and Area Requirements in Commercial Districts) of the required 100' setback from the centerline of Sheridan to 65' to allow construction of repair garage; finding that the applicant failed to present a hardship for the variance request; and finding that the repair/salvage garage would not be compatible with the area; on the following described property:

Case No. 14084 (continued)

Lot 18, Block 4, Sheridan Heights Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 14086

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1214 - Request an exception to allow for a dog grooming business in an IL zoned district, located north of the NW/c of 91st and Peoria.

Presentation:

The applicant, Allison Reid, Route 1, Box 28-B, Boley Oklahoma, asked the Board to allow her to operate a dog grooming business from 7 a.m. to 5:30 p.m.

Comments and Questions:

Ms. Bradley asked the applicant if the exterior of the building will be altered and Ms. Reid informed that there will be no outside changes and only a grooming table added inside.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no, "abstentions"; White, "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted In Industrial Districts - Use Unit 1214) to allow for a dog grooming business in an IL zoned district; finding that a dog grooming business will be compatible with the area and the granting of the special exception request does not violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

A triangle shaped parcel of land in the E/2 of the SE/4 of Section 13, T-18-N, R-12-E of the Indian Base and Meridian, at a point on the section line, coincident with the east boundary of the Midland Valley Railroad Right-of-Way, 997.5' north of the SE/c of Section 13, thence north along the mentioned section line 571' to a point; thence S 89°53' W, a distance of 213.33' to a point on the east boundary of the Midland Valley Railroad Right-of-Way; thence southeasterly 20°30' E and along the east right-of-way line a distance of 609.15' to the place of beginning, containing 1.4 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 14053

Action Requested:

Archie Harrison, 3701 South Louisville, Tulsa, Oklahoma, requested a refund of the filing fee in the amount of \$125.00.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no, "abstentions"; White, "absent") to REFUND fees paid for Board of Adjustment Application No. 14053 in the amount of \$125.00; finding that the applicant did not need the relief requested and that the application had not been processed.

Case No. 14085

Action Requested:

The applicant, Willa Blackley, 8210 South Elwood, Tulsa, Oklahoma, requested that Case No. 14085 be withdrawn and asked a refund of the filing fee in the amount of \$100.00.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no, "abstentions"; White, "absent") to REFUND refund the filing fee in the amount of \$100.00; finding that Case No. 14085 was withdrawn prior to processing.

There being no further business, the meeting was adjourned at 3:22 p.m.

Date Approved 6-12-84

Carroll Chappelle
Chairman

