

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 467
Thursday, June 12, 1986, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Chappelle, Chairman Quarles Smith 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, June 10, 1986, at 11:44 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Chappelle called the meeting to order at 1:00 p.m.

MINUTES:

On MOTION of BRADLEY, the Board voted 3-0-2 (Bradley, Chappelle, White, "aye"; no "nays"; Quarles, Smith, "abstaining"; none, "absent") to **APPROVE** the Minutes of May 15, 1986 (No. 465).

On MOTION of SMITH, the Board voted 4-0-1 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; White, "abstaining"; none, "absent") to **APPROVE** the Minutes of May 29, 1986 (No. 466).

UNFINISHED BUSINESS

Case No. 14054

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205 - Request a special exception to permit the construction of a boat house, boat storage building, ramp, dock and related facilities on premises subleased from the Tulsa River Parks Authority in an AG zoned district, located Downtown River Park Area.

Presentation:

The applicant, Jacqueline O'Neil, 320 South Boston, Tulsa, Oklahoma, requested by letter (Exhibit A-1) that Case No. 14054 be withdrawn.

Case No. 14054 (continued)

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to WITHDRAW Case No. 14054.

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.

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:

The applicant, Ronald Henderson, informed that he has been working with the interested parties and making progress in resolving any differences that exist. He asked the Board to continue the application until June 26, 1986.

Case No. 14045 (continued)

Comments and Questions:

Mr. Jackere asked Mr. Henderson if he has notified the interested parties of the requested continuance and he answered in the affirmative.

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White "aye"; no "nays"; no, "abstentions"; none, "absent") to CONTINUE Case No. 14045 until June 26, 1986.

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 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, 1221.3(f) to be within the required 50' setback from the centerline of South Harvard Avenue, located south of the SW/c of 91st Street and Harvard Avenue.

Presentation:

The applicant, Greg Breedlove, 2217 East Skelly Drive, Tulsa, Oklahoma, submitted photographs (Exhibit C-1) and stated that Harvard is a dead end street beyond South 91st Street and the sign in question is needed to direct the public to Harvard Pointe Subdivision, which is located on 93rd Street. Mr. Breedlove informed that he was not aware, at the time of installation, that the sign is in violation of the Zoning Code.

Comments and Questions:

Ms. Bradley asked the applicant how far the sign sets from 91st Street and he replied that it is approximately 40' from that street.

Ms. Bradley asked Mr. Breedlove if the sign obstructs the vision of motorists on Harvard and he replied that it does not, and that it does not obstruct the view of the nearby church sign.

Mr. Smith inquired as to the height of the sign and the applicant replied that it is 6' tall and will be needed for approximately 1 year.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance (Section 1221.7 - Use Conditions for

Case No. 14076 (continued)

Outdoor Advertising Signs) to permit an outdoor advertising sign - 1221.7(a) outside 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, 1221.3(f) to be within the required 50' setback from the centerline of South Harvard Avenue; for a period of 1 year only; subject to the sign being the one now in place at the designated location; finding a hardship imposed on the applicant by the fact that the subdivision is not located on a through street and has limited exposure to the public; on the following described property:

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

Case No. 14081

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1206 - Request a use variance to allow a storage building as the principal use of a tract in an RS-3 zoned district, located at 5927 and 5919 South 99th East Avenue.

Presentation:

The applicant, Emmett Boyd, 6520 East 65th Street, Tulsa, Oklahoma, asked the Board to allow a portable storage building to remain on vacant lots at the above stated location. Mr. Boyd explained that he keeps his lawn mowing equipment in the building.

Comments and Questions:

Mr. Jackere asked the applicant if he only stores mowing equipment used to mow the 2 lots and he answered in the affirmative.

Mr. Jackere asked if the building has been used to store plumbing supplies and he informed that at one time he stored plumbing materials in the building, but only for a specific job.

Mr. Jackere inquired if the 2 lots are the only properties that are mowed by the applicant and he replied that he owns other property, but only mows the 2 lots.

Ms. Hubbard asked the applicant if there is a building on each of the 2 lots and he replied that there are 2 buildings on the property at this time.

Mr. Gardner stated that the lots in question are on the interior of a small subdivision and stated that storage is the principal use since the applicant does not live on the property.

Case No. 14081 (continued)

Ms. Bradley stated that she is opposed to the storage use in a residential area.

Protestants:

Bill Weemes, 5933 South 99th East Avenue, Tulsa, Oklahoma, submitted a petition (Exhibit D-1) signed by residents opposed to the application and photographs (Exhibit D-2) of the lots in question. He explained that he lives to the south of the property and that the 2 storage buildings and the old lumber on the lots are unsightly and asked the Board to deny the application. Mr. Weemes stated that a dump truck was parked on the lots for a long period of time, but has now been removed.

Patricia Kelly, 5928 South 99th East Avenue, Tulsa, Oklahoma, stated that she lives across the street and to the west of the subject property. Ms. Kelly pointed out that the 2 lots in this application are surrounded by residences and that she is opposed to a storage building being allowed on the property.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1206) to allow a storage building as the principal use of a tract in an RS-3 zoned district; finding that the use is not in harmony with the residential area and the applicant failed to demonstrate a hardship that would warrant the granting of the use variance request; on the following described property:

Lots 3 and 4, Block 2, Guy Cook Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14087

Action Requested:

Variance - Section 430 - Bulk and Area requirements in Residential Districts - Use Unit 1206 - Request a variance of front setback from 35' to 30' 2" and a variance of the rear yard setback from 25' to 18' to allow for an addition to an existing structure, located on the SW/c of 71st Street and South Birmingham Place.

Presentation:

The applicant, Joe Devasher, 5429 South 76th East Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit E-1) and stated that he represents the owner of the subject property. He informed that the house is located on a corner lot and the addition is planned for the north portion in order that a side entrance can be installed.

Protestants: None.

Case No. 14087 (continued)

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of front setback from 35' to 30' 2" and a variance of the rear yard setback from 25' to 18' to allow for an addition to an existing structure; per plot plan submitted; finding a hardship imposed on the owner by the corner lot location and major setbacks from both 71st Street and Birmingham Place; on the following described property:

Lot 1, Block 1, Woodridge Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14088

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1217 - Request a use variance to allow for a used car lot to be located in a RS-3 zoned district.

Variance - Section 1340.d - Design Standards for Off-Street Parking Areas - Use Unit 1217 - Request a variance to waive the required all weather surface for off-street parking, located at 5810 South Mingo Road.

Comments and Questions:

Mr. Jones informed that he received a phone call from a protestant, Charles Ashley, who asked that Case No. 14088 be continued to a later date in order that he will be able to attend. He stated that he has just received notice of the hearing and is unable to attend this meeting as scheduled.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to CONTINUE Case No. 14088 until June 26, 1986.

Case No. 14089

Action Requested:

Special Exception - Section 420 - Accessory Uses Permitted in Residential Districts - Request a special exception to allow custom cracking and retailing of pecans as a home occupation in an RS-3 zoned district, located on the NE/c of 41st and 100th East Avenue.

Presentation:

The applicant, Carole Matheson, 3834 South 91st East Avenue, Tulsa, Oklahoma, stated that she owns a pecan orchard and asked the Board

Case No. 14089 (continued)

to allow a pecan cracking and retail business to operate at the above stated address. Ms. Matheson informed that she and her family intend to move into the 3,000 sq. ft. home which has a 17' by 40' accessory building that will be used for custom cracking and retail. She stated that her business will comply with the Home Occupation Guidelines and pointed out that the previous owner had a Real Estate office in operation on the property for a number of years. A location map was submitted (Exhibit G-1).

Protestants:

Mr. Chappelle informed that a letter of opposition (Exhibit G-2) was received from the Chairman of District Planning Team 18, which stated that there are many nice homes and much traffic in the area and the intended business would not be appropriate for the neighborhood.

W. N. Anderson, 10022 East 40th Street South, Tulsa, Oklahoma, stated that his property abutts the subject tract on the north. He stated that he has used the location as a field office in the past, but objects to the retail business in the residential neighborhood.

Lynn Leader, 10008 East 40th Street South, Tulsa, Oklahoma, submitted a petition of opposition (Exhibit G-3) and photographs (Exhibit G-4) of the homes in the area. He pointed out that pecan crackers are noisy machines and, if the application is approved, these machines would be operating 54' from his home and 1' from his property line. Mr. Leader stated that he objects to the business in the neighborhood and asked the Board to deny the application.

Ray Peters, 4009 South 100th East Avenue, Tulsa, Oklahoma, stated that the property in question is east of his home and stated a concern that the pecan business would attract rodents to the area, as well as being a noisy operation.

Applicant's Rebuttal:

Ms. Matheson stated that she will install a fence between her property and the abutting property owners.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to DENY a Special Exception (Section 420 - Accessory Uses Permitted in Residential Districts) to allow custom cracking and retailing of pecans as a home occupation in an RS-3 zoned district; finding that a custom cracking and pecan retail business would not be compatible with the residential neighborhood; and the granting of the special exception request violates the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Case No. 14089 (continued)

Beginning 80' north of the SE/c of the SE/4, SW/4, SW/4, thence southwest 104.65', west 273.20', northeasterly 149.65' to the SE/c of Lot 44, Block 7, Millwood Estates, thence northeasterly 61', easterly 354.90', south 216.90' to the Point of Beginning, Section 19, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14090

Action Requested:

Special Exception - Section 440.2 - Special Exception Uses in Residential Districts - Requirements - Request a special exception to allow a home occupation for a kennel (4 dogs) in an RS-3 zoned district, located at 9133 East Latimer Place.

Presentation:

The applicant, Katherine Kyle, 9133 East Latimer Place, Tulsa, Oklahoma, submitted letters of support (Exhibit H-1) and stated that she does not intend to operate a kennel, but wants to keep the puppy of 2 of the 3 dogs she presently owns. Ms. Kyle informed that the father of the puppy is approximately 11 years.

Comments and Questions:

Ms. White asked the applicant to state the kind of dogs she owns and if they are kept outside or inside.

Ms. Kyle replied that 2 animals will stay outside and 2 will be kept inside, with 1 dog being Samoyed, 1 Collie, 1 Yorkshire Terrier and the puppy probably an average size dog.

Mr. Gardner informed that the Board could make a requirement that when the number of dogs is reduced to 3, the total will remain at 3 only.

Protestants:

Dale Irwin, 9133 East Latimer Street, Tulsa, Oklahoma, stated that he lives next door to the applicant and asked the Board to deny the application. He stated that, in his opinion, 4 dogs should not be allowed on 1 lot. Mr. Irwin stated that the smell is offensive.

Judy Talley, 1108 North 91st East Avenue, Tulsa, Oklahoma, stated that she owns rent houses in the area and pointed out that the dogs are noisy and could be a health hazard. Ms. Talley submitted letters of opposition (Exhibit H-2) from residents of the area.

Mr. Jackere asked Ms. Talley if the dogs bark and she replied that she is not sure whose dogs are barking, but there are a lot of dogs in the neighborhood.

Mona Shannon, 8942 East Latimer Place, Tulsa, Oklahoma, stated that there are many dogs already in the neighborhood and asked that the application be denied.

Case No. 14090 (continued)

Mr. Quarles asked Mr. Jackere if this application is approved and the property sold, would the new property owner have the right to operate a kennel on the lot in question.

Mr. Jackere replied that the new owners would be subject to the same conditions imposed on the applicant today, since the restrictions run with the land.

Willard Sellers, 9128 East Latimer Court, Tulsa, Oklahoma, stated that his property joins that of the applicant and that he has never experienced a problem with the dogs.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception (Section 440.2 - Special Exception Uses In Residential Districts - Requirements) to allow a home occupation for a kennel (4 dogs) in an RS-3 zoned district; finding that the applicant actually does not intend to operate a kennel, but rather, will have only 4 dogs at her residence until such time as the demise of 1 dog reduces the number to 3 dogs (which number will not be increased); on the following described property:

Lot 16, Block 8, Layman Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14091

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1212 - Request a variance of the setback from the centerline of 41st Street from 100' to 68'.

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

In The Alternative an Additional Variance:

Variance - Section 280 - Structure Setback from Abutting Streets - Request a variance of the setback from required parking spaces to be within the major street setback, located on the SE/c of 41st Street and Peoria Avenue.

Presentation:

The applicant, Jerry Chenoweth, 1221 West Edgewater, Broken Arrow, Oklahoma, submitted a plot plan (Exhibit I-1) and stated that he is an agent for Ken's Restaurant Systems. He informed that a 2500 sq. ft. Mazzio's Pizza building is planned at the above stated

Case No. 14091 (continued)

location and that the 4 lots have different zoning and different setbacks. He stated that the Code requires 28 parking spaces for the restaurant and that a tie contract, tying the 4 lots together, would be executed to satisfy that requirement.

Comments and Questions:

Mr. Jackere asked the applicant if the 4 lots are owned by Mazzio's and he answered in the affirmative.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1212) of the setback from the centerline of 41st Street from 100' to 68'; and to APPROVE a Variance (Section 1320(d) - Off-Street Parking, General Requirements) to permit required parking spaces on a lot other than that containing the principal use; and to WITHDRAW a Variance (Section 280 - Structure Setback from Abutting Streets) of the setback from required parking spaces to be within the major street setback; per plot plan submitted; subject to the execution of a tie contract on the 4 lots in question; finding a hardship imposed on the applicant by the corner lot location and both CH and CS zoning on the tract; on the following described property:

Lots 1 - 4, Block 1, Jennings-Robards Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14092

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the front yard setback from the centerline of 25th Street from 50' to 36' to allow a carport, located at 4114 East 25th Street.

Presentation:

The applicant, David Thompson, 1153 North Birmingham, Tulsa, Oklahoma, submitted a plot plan (Exhibit J-1) and stated that he has been contracted to build a carport at the above stated location. Mr. Thompson informed that there are other carports in the area.

Comments and Questions:

Ms. White asked the applicant what type of material will be used for construction and he replied that the carport will be made of aluminum.

Case No. 14092 (continued)

Mr. Smith commented that there is a carport in place toward the rear of the home and asked Mr. Thompson if it is not large enough to cover 2 cars. He replied that it is 12' by 27' and will only cover 1 car.

Mr. Smith pointed out that there are no carports within a block or two of the subject location and that the Board had one removed at the corner of 25th Street and Yale Avenue.

Ms. White asked the applicant why the existing carport is not enlarged to accommodate 2 cars and he replied that the owner wanted the entrance to the home covered.

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to DENY a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the front yard setback from the centerline of 25th Street from 50' to 36' to allow a carport; finding that the applicant failed to demonstrate a hardship that would warrant the granting of the variance request; and finding that there are no other carports in the immediate area; on the following described property:

Lot 1, Block 7, Ridgeview Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14093

Action Requested:

Special Exception - Section 630 - Bulk and Area Requirements in Office Districts - Use Unit 1211 - Request a special exception to permit a floor area ratio of .40.

Variance - Section 241(c) or (d) - Existing Building Encroachment on Front Yards or Building Setbacks - Request a variance of setback from the centerline of 15th Street from the required 100'.

Variance - Section 630 - Bulk and Area Requirements in Office Districts - Request a variance to allow a 2-story structure in an OL District, located west of the SW/c of 15th Street and Yorktown Ave.

Comments and Questions:

Mr. Chappelle stated that a letter of support (Exhibit K-2) was received from the Gillette Historic District.

Case No. 14093 (continued)

Presentation:

The applicant, Tom Gann, 2121 South Columbia, Tulsa, Oklahoma, submitted a site plan (Exhibit K-1) and stated that he is proposing to purchase the property in question for use as law offices. He stated that the law offices will be compatible with the general area of 2-story homes and the other offices along 15th Street. The building will contain approximately 6,000 sq. ft. of floor space (floor area ratio .35).

Comments and Questions:

Ms. Bradley asked Mr. Gann if he intends to demolish the existing building and he answered in the affirmative.

Ms. Bradley asked if there will be upstairs windows in the south portion of the building and he replied that there will be 3 windows on that side. Mr. Gann pointed out that the building will be approximately 100' from the residential property to the rear and the parking will be in this area. He stated that, if the building is located 84' from the centerline of 15th Street, there will be sufficient space in the rear of the lot to accommodate 20 automobiles. He informed that many buildings in the area are closer to the street than the building in question.

Mr. Smith asked the applicant what type of building materials will be used for the building and Mr. Gann replied that it will be brick construction.

Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-1 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; White, "abstaining"; none "absent") to **APPROVE** a **Special Exception** (Section 630 - Bulk and Area Requirements in Office Districts - Use Unit 1211) to permit a floor area ratio of .35; to **APPROVE** a **Variance** (Section 241(c) or (d) - Existing Building Encroachment on Front Yards or Building Setbacks) of setback from the centerline of 15th Street from the required 100' to 84'; to **APPROVE** a **Variance** (Section 630 - Bulk and Area Requirements in Office Districts) to allow a 1 1/2-story structure in an OL District, located west of the SW/c of 15th Street and Yorktown Ave.; per plot plan submitted; finding that there are numerous 2-story buildings in the area and that the 1 1/2 story building is in harmony with the other development in the neighborhood; on the following described property:

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

Case No. 14094

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow an auto body shop in a CS District, located at 2248 North Harvard Avenue.

Presentation:

The applicant, Leola Benjamin, 2717 West Golden, Tulsa, Oklahoma, submitted photographs (Exhibit L-1) and asked the Board to allow a body shop in a CS District.

Comments and Questions:

Ms. Bradley asked the applicant to explain the work of the body shop and if there is painting of automobiles.

Ms. Benjamin replied that the body repair is done at this location, but there is no painting at this time. She informed that they will add painting to their services as soon as adequate equipment is installed.

Ms. White asked the applicant what provisions will be made for the paint fumes when the painting services are added to the business. The applicant informed that there will be a special building for the paint booth and it will be equipped with adequate exhausts.

Mr. Smith remarked that there are certain Health Department requirements for a painting facility.

Mr. Gardner informed that painting services in a CS District requires a variance and the applicant is not properly advertised for this use.

Ms. White asked Ms. Benjamin to state the distance from the shop to the residential area in the rear and she informed that the distance is approximately 100'.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to allow an auto body shop in a CS District; finding that a body shop will be compatible with the area and will be in harmony with the spirit and intent of the Code; on the following described property:

North 133.5' of Lot 1, Block 2, Becky Gails Resubdivision of Marion Terrace, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14095

Action Requested:

Interpretation of the Zoning Text - Section 1214.2 - Shopping Goods and Services, Included Uses - Section 1214.4 - Off-Street Parking and Loading Requirements - An interpretation of the Zoning Text that the use proposed by the applicant constitutes a home furnishing establishment and therefore requires 1 off-street parking space for each 300 sq. ft. of floor area.

Special Exception - Section 1420(f) - Nonconforming Use of Buildings or Buildings and Land in Combination - Section 1450 - Structure Nonconformities - Section 1470 - Parking, Loading and Screening Nonconformities - Request a special exception to permit the existing structure to be removed and reconstructed and to modify the parking requirements to permit the construction and uses of the proposed building and parking areas as shown on Exhibit B.

In The Alternative

Variance Section 280 - Structure Setback from Abutting Streets - Request a variance to permit the construction of the proposed building within 35' of the required 50' from centerline of East 15th Street.

Variance - Section 1214.4- Off-Street Parking and Loading Requirements - Request a variance of the required off-street parking spaces for a Use Unit 14 containing 6,873 sq. ft. as shown on Exhibit B.

Variance - Section 1320 - Off-Street Parking General Requirements - Request a variance to permit part of the required off-street parking spaces for the use located on Lots 1 and 2 to be located on Lot 3, located on the SW/c of East 15th Street and South Harvard.

Presentation:

The applicant Charles Norman, 909 Kennedy Building, Tulsa, Oklahoma, submitted a plot plan (Exhibit M-1) and stated that he is representing Reeve's Television. He explained that this organization has acquired all of the buildings in this shopping location and that they were constructed on the property line and do not conform to the Major Street setback requirements, which is 50' from the centerline for both 15th Street and Harvard Avenue. Mr. Norman stated that this application includes 3 lots, 120' by 50'. Photographs (Exhibit M-2) of Reeve's TV and surrounding businesses were submitted. He informed that the right-of-way for 15th Street at this location is 35' from the centerline and the right-of-way for Harvard is either 55' or 60'. Mr. Norman pointed out that the buildings have been used for a television and appliance business for a long period of time and the owners have plans to reduce the size

Case No. 14095 (continued)

of the buildings from 9,500 sq. ft. to 6,800 sq. ft. by removing the east 1/3. He noted that the new plans will comply with the setback on Harvard, but asked permission to retain the building line on 15th Street. Mr. Norman pointed out that parking is now provided (15 spaces) for the business on the CS lot to the south and this amount will be increased by 7 spaces in the area where the building is set back, but it will still have less than the number of spaces required under Use Unit 14 for this particular use. He informed that furniture stores are required to have 1 space for each 300 sq. ft., while all other uses are to have 1 parking space for 225 sq. ft., and if the Board finds that the sale of appliances such as televisions, refrigerators, dryers and washing machines constitutes a furniture store, the business would be only 1 parking space short of the requirement, otherwise they would lack 8 or 9 spaces. Mr. Norman stated that the rear portion of the buildings will be demolished and sealed off in order that the business can continue to operate during construction and when the west part has been completed, the remainder will be torn down and reconstructed.

Comments and Questions:

Mr. Smith asked the applicant where the loading docks will be located for the business and Mr. Norman replied that the loading will be in the its present location, with access being on the west side of the building.

Mr. Gardner informed that the size of the building will be decreased and the number of parking spaces increased.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** an **Interpretation** of the Zoning Text (Section 1214.2 - Shopping Goods and Services, Included Uses - Section 1214.4 - Off-Street Parking and Loading Requirements); finding that the use proposed by the applicant constitutes a home furnishing establishment and therefore requires 1 off-street parking space for each 300 sq. ft. of floor area; to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Streets) to permit the construction of the proposed building within 35' of the required 50' from centerline of East 15th Street; to **APPROVE** a **Variance** (Section 1214.4- Off-Street Parking and Loading Requirements) of the required off-street parking spaces (one space less than required) for a Use Unit 14 containing 6,873 sq. ft.; and to **APPROVE** a **Variance** (Section 1320 - Off-Street Parking General Requirements) to permit part of the required off-street parking spaces for the use located on Lots 1 and 2 to be located on Lot 3; per plot plan submitted; subject to the execution of a tie contract on the 3 lots in question; finding that the proposed use constitutes a home furnishings establishment and therefore requires 1 off-street parking space for each 300' of floor area; finding a hardship imposed on the applicant by the

Case No. 14095 (continued)

corner lot location and numerous encroachments in the older area; finding that the floor area will actually decrease and that the number of parking spaces will be increased; on the following described property:

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

Case No. 14096

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1227 - Request a special exception to allow an existing auto salvage in an IM zoned district, located west and north of the NW/c of Pine and Utica.

Presentation:

The applicant, Geraldine Beard, 1240 South 89th East Avenue, Tulsa, Oklahoma, submitted a copy of a salvage license and photographs (Exhibit N-1). She stated that the building in question was built in 1940 and has been used as a salvage yard office since that time. Ms. Beard asked the Board to allow the continued salvage operation on the lot.

Comments and Questions:

Mr. Smith asked Ms. Beard what prompted her to come before the Board for the special exception. She replied that she is planning to rent the property and it is not properly zoned for an auto salvage.

Mike Emerson, 4183 South Zuni, Tulsa, Oklahoma, explained that he is renting the property and is in need of the special exception to present evidence of proper zoning to the state when applying for a license to operate.

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1227) to allow an existing auto salvage in an IM zoned district; finding that the auto salvage has been in existence at the present location since the 1940's; and finding that the salvage business is compatible with the area and does not violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 1 - 5, and Lots 13 - 23, Block 3, Lots 1 - 11 and Lot 24, Block 4, Elm Motte Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14097

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to permit youth care home in an RM-2 District, located on the NE/c of 12th Street and Quaker Avenue.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, stated that he is representing the Christopher Youth Center and pointed out that the Board has previously denied an application for a similar facility on the grounds that there were other treatment facilities in the immediate area. Mr. Johnsen stated that Mr. McKee then found another location which is before the Board today. He pointed out that it was recently discovered that within 1,100' of the new site is, as far as can be determined at this time, a center which is part of the Tulsa Psychiatric hospital. He informed that 1,320' is required between residential treatment centers, but if the center is actually a hospital, then the special exception request would be in order and the Board could hear the case as advertised; however, if interpreted to be a residential treatment facility, a variance would be required and the case would need to be continued for readvertising.

Protestants: Interested parties were present.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 14097 until July 10, 1986, to allow sufficient time to determine whether the nearby treatment center is classified as a hospital or a residential treatment center, which would require additional notice for relief.

Case No. 14098

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 zoned district.

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

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request a variance to allow 2 dwellings on one lot of record, located at 18567 East Admiral Blvd.

Case No. 14098 (continued)

Presentation:

The applicant, Anita Quedding, was not present.

Comments and Questions:

Mr. Jones explained that the check given by the applicant for the filing fee was returned and when contacted by phone, she stated that the relief requested was no longer needed.

Mr. Chappelle informed that a letter of protest was received by Tulsa International Properties, Inc.

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to DENY without prejudice Case No. 14098.

Case No. 14101

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Office Districts - Use Unit 1211 - Request a special exception to allow office use in an RM-2 zoned district, located at 107 South Phoenix.

Presentation:

The applicant, Stephen Buford, was represented by his father Dan Buford, P.O. Box 3669, Tulsa, Oklahoma, who submitted photographs (Exhibit P-1) and stated that he purchased an old fire station which has been upgraded and used as an apartment and personal office. Mr. Buford informed that he is the owner of 20 retirement centers in Oklahoma and all of the records are kept in this office which is staffed by 3 ladies and 1 man. He asked the Board to allow him to continue the use of the subject building for office purposes only.

Comments and Questions:

Ms. Bradley asked Mr. Jackere if a sign will be permitted and he replied that a sign would be allowed. Mr. Buford informed that he does not want a sign.

Ms. Bradley asked Mr. Buford if he has customers coming to the office and he replied that he occasionally has employees that bring the payroll by, but does not have customers.

Ms. White asked the applicant to state the number of parking spaces and he informed that there are approximately 6.

Mr. Quarles inquired as to the number of square feet in the building and the applicant informed that the the building has 1,990 sq. ft. of floor space.

Case No. 14101 (continued)

Board Action:

On MOTION of QUARLES, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Office Districts - Use Unit 1211) to allow office use in an RM-2 zoned district; subject to a tie contract; and subject to no sign being placed on the property; finding that the use is compatible with the neighborhood and the granting of the special exception request will not violate the spirit and intent of the Code; on the following described property:

Lots 6 and 8, Block 32, Owen Amended Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14102

Action Requested:

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the size of a detached accessory building from 750 sq. ft. to 1,056 sq. ft., located at 1320 East 19th Street.

Presentation:

The applicant, Charles Pierce, 1320 East 19th Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit R-2) and photographs (Exhibit R-1), stated that he has been remodeling his house and garage for the past 3 years. He explained that one side of the garage was so badly damaged by termites that he demolished it and found that he would be required to get a building permit to rebuild. Mr. Pierce stated that he is moving the garage 4' closer to the house and it will be 24' by 22'. He pointed out that there are other 2-story garages in the area and that his garage will not be used for rental property.

Comments and Questions:

Ms. White asked the applicant if the old garage was 2-story and he answered that there were living quarters and a garage in a 1-story building.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206) of the size of a detached accessory building from 750 sq. ft. to 1,056 sq. ft.; per plot plan submitted; subject to the building being used as an accessory building only and no rental or business use; finding a hardship imposed on the applicant by the narrow shape of the lot; and finding that there are numerous 2-story accessory buildings in the older area; on the following described property:

Case No. 14102 (continued)

The west 25' of Lot 4, and the East 25' of Lot 3, Lewkowitz Subdivision to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 14103

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the 5' side yard setback to allow for an addition to an existing dwelling unit, located at 7794 South Indianapolis.

Presentation:

The applicant, Kelly Beaver, was represented by Rick Popp, 10 East 3rd Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit S-1) and asked the Board to allow the replacement of an addition to an existing residence. Mr. Popp stated that the house was purchased in 1984 and a 14' by 14' addition was already in place on the east side of the home. He informed that this portion was used for a greenhouse and asked permission to replace this old addition with a new breakfast area. Mr. Popp stated that the greenhouse encroaches on the side yard setback approximately 5'.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the 5' side yard setback to allow for an addition to an existing dwelling unit; per plot plan submitted; finding a hardship demonstrated by the large size and irregular shape of the lot; on the following described property:

W/2 of Lot 8, Block 3, Timbercrest Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 13812

Action Requested:

Review of final plans located 1430 South 131st East Avenue.

Case No. 13812 (continued)

Presentation:

Gary Victor, 2828 East 51st Street, Tulsa, Oklahoma, submitted a final plot plan (Exhibit T-1) and explained that the property was approved for church use October 24, 1985, subject to a finalized plan being returned to the Board for review. Mr. Victor informed that the building is now smaller than when first presented, the sanctuary initially planned for 1,600 sq. ft. is now 1,041 sq. ft. and the maximum building area proposed for 3,520 sq. ft. is now 2,871 sq. ft. He informed that there are 30 parking spaces. Mr. Victor stated that Stormwater Management is reviewing the plans and may require additional detention.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a final plot plan for Case No. 13812.

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.

Comments and Questions:

Mr. Gardner informed that Ms. Remington, prospective operator of the business in question, came to Staff after the case was heard at the last meeting and stated that the conditions imposed at that time were too restrictive for her operation and asked that the Board reconsider the application.

Presentation:

Donna Remington, 22nd Street and Elliot, Pryor, Oklahoma, stated that she was not present at the previous hearing, but her business partner was in the audience and felt that the conditions imposed at that time were much too restrictive for the business they intend to operate. She informed that she has listened to the tapes of the hearing and that the days and hours of operation are to be from Monday through Saturday, 9 a.m. to 6 p.m., and that she plans to have overnight guests at the spa. A letter (Exhibit U-1) stating intended activities at the spa and brochures (Exhibit U-2) were submitted.

Mr. Gardner informed that some of the guests may stay for several days and meals will be served to these people during their visit.

Mr. Jackere asked Ms. Remington if there will be speakers and entertainment and she answered in the affirmative.

Mr. Jackere asked the applicant if anyone could call and make a reservation for dinner and she replied that a person could eat there with reservations only.

Case No. 14083 (continued)

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-1 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; White, "abstaining"; none "absent") to RECONSIDER Case No. 14083 on July 10, 1986, and to again notify all property owners within 300' of the subject property.

There being no further business, the meeting was adjourned at 3:35 p.m.

Date Approved

6/26/86


Chairman