

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 470
Thursday, July 24, 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 White	Quarles	Gardner Jones Moore	Linker, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, July 22, 1986, at 3:10 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 1:00 p.m.

MINUTES:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** the Minutes of July 10, 1986.

UNFINISHED BUSINESS

Case No. 14122

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request a special exception to allow office use in an RM-2 District, located at 1824 South Cincinnati Avenue.

Presentation:

Frances Gibbons, 1830 South Cheyenne, Tulsa, Oklahoma, stated that she is a Real Estate Agent representing Edna Newkirk, owner of the property in question. She submitted a packet (Exhibit A-1) containing building dimensions, a location map, and proposed uses for the property.

Comments and Questions:

Mr. Chappelle commented that this case was continued from the last meeting in order that the applicant could return to the Board with a specific use for the property.

Ms. Gibbons informed that she was unable to acquire a plot plan and that the uses are noted in the submitted packet.

Case No. 14122 (continued)

The applicant informed that she received a contract on the property from a buyer that proposed a CPA office in the building, but the contract was rejected by the owner.

Ms. White stated that there is a large amount of traffic in the area and that, in her opinion, a specific use should be noted before the special exception is approved.

Mr. Jones informed that the application could be tabled until such time as a contract is secured and a specific use for the property can be advertised and presented to the Board.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to TABLE Case No. 14122 until such time as a contract is accepted and a specific use is presented to the Board.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14137

Action Requested:

Minor Variance - Section 1221.3(f) - General Use Conditions for Business Signs - Request a minor variance of setback from the centerline of North Lewis Avenue from 50' to 33' to permit a ground sign, located on the SW/c of North Lewis Avenue and Dawson Road.

Presentation:

The applicant, Borg Compressed Steel Corporation, was represented by Richard Borg, General Manager, who submitted a photograph (Exhibit B-1) and a sign plan (Exhibit B-2) for a proposed sign which will replace the existing one. He informed that, if the sign is set back 17' to conform with the City Code, it will not be visible from the north or south. Mr. Borg stated that the existing sign is located on City property.

Protestants: None.

Comments and Questions:

Mr. Smith asked the applicant to state the size of the sign and Mr. Borg stated that it will be 16 1/2' by 10', which is the same size as the one that is in place at this time.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to APPROVE a Minor Variance (Section 1221.3(f) - General Use Conditions for Business Signs) of setback from the centerline of North Lewis Avenue from 50' to 33' to permit a ground sign; subject

Case No. 14137 (continued)

to a removal contract; finding a hardship demonstrated by the size and shape of the lot; and finding that the existing sign has been in place for several years and the property surrounding the subject tract is zoned IM; on the following described property:

Beginning at a point 25' west of the NE/c of the NE/4, SE/4, Section 31, T-20-N, R-13-E, Tulsa County, Oklahoma; thence south a distance of 7.0' to a point 2,649.5' south and 25.0' west of the NE/c of Section 31; thence southwesterly along a curve of radius of 35' a distance of 16.23' to a point 2,665.31' south and 30' west of the NE/c of Section 31; thence south a distance of 12.47' to a point 2,677.78' south and 30' west of the NE/c of Section 31; thence southwesterly along a curve to the right of radius of 40' a distance of 18.92' to a point 2,686.49' south and 44.77' west of the NE/c of Section 31; thence southwesterly a distance of 33.21' to a point 2,699.13' south and 75.48' west of the NE/c of Section 31; thence southwesterly along a curve to the left of radius of 60' a distance of 70.81' to a point 2,754.61' south and 112.63' west of the NE/c of Section 31; thence south a distance of 221.72' to a point; thence S 67° W a distance of 1,018.98' to a point; thence S 23° E a distance of 200.0' to a point; thence S 67° W a distance of 377.55' to a point; thence north a distance of 1,019.6' to a point; thence east a distance of 552.6' to a point; thence northeasterly along a curve to the left of radius of 625.8' a distance of 236.07' to a point; thence east a distance of 512.89' to the point of beginning; LESS AND EXCEPT the west 105' thereof, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14139

Action Requested:

Minor Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of the required 25' rear yard setback to 20' to clear title for present setback and to construct a family room, located on the SE/c of Victor and Forest Boulevard.

Presentation:

The applicant, Russell Harbaugh, 2801 South Victor, Tulsa, Oklahoma, submitted a plot plan (Exhibit X-1) and stated that he is proposing to add a family room to an existing dwelling. Mr. Harbaugh pointed out that the lot has an irregular shape and the original house was built with a 20' setback, which was required at that time.

Protestants: None.

Case No. 14139 (continued)

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Minor Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required 25' rear yard setback to 20' to clear title for the present house setback and to construct a family room to align with the 20' setback; per plot plan submitted; finding a hardship demonstrated by the large size and irregular shape of the lot; and finding that, at the time of construction, the house met the required setback; on the following described property:

Lot 9 of Resubdivision of Lots 1 and 9 of Resubdivision of Block 10, City of Tulsa, Tulsa County, Oklahoma.
Forest Hills

NEW APPLICATIONS

Case No. 14131

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Street - Use Unit 1221 - Request a variance of setback from the centerline of East 21st Street from 60' to 53'6" to permit a sign near the southeast corner of tract.

Variance - Section 1130.2(b) - 2 Accessory Uses, Signs - Request a variance of the 150' distance restriction for ground signs from a residential area within a PUD (entire tract is within 150' of residence), located at 2021 South Lewis Avenue.

Comments and Questions:

Mr. Jones informed that the applicant, James Adair, requested by letter (Exhibit C-1) that Case No. 14131 be withdrawn.

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **WITHDRAW** Case No. 14131.

Case No. 14132

Action Requested:

Appeal - Section 1650 - Appeals from Code Enforcement - Use Unit 1206 - Request an appeal from the decision of Code Enforcement Division that applicant is operating a home occupation.

Alternatively

Special Exception - Section 420.1 - Accessory Uses in Residential districts - Use Unit 1206 - Request a special exception to allow a home occupation in an RS-1 zoned district.

Case No. 14132 (continued)

Variance - Section 240.3 - Use of Yards In R District - Request a variance to waive the hard surface parking for vehicles, located east of SE/c of 24th Street and 77th East Avenue.

Protestants: None.

Comments and Questions:

Mr. Jones informed that Staff received a letter (Exhibit D-1) requesting withdrawal of the special exception and variance.

Presentation:

The applicant, Robin Brooks, was represented by Jack English, 6730 East 24th Street, Tulsa, Oklahoma, who explained that the applicant has never operated a business from her residence and the 2 trucks that have been parked on the subject property were kept there because of vandalism at their business location. Mr. English informed that the applicant no longer parks the second truck at her home. He asked that the special exception and variance request be withdrawn and asked the Board to find that the applicant is not operating a business at her residence.

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to APPROVE an Appeal (Section 1650 - Appeals from Code Enforcement - Use Unit 1206) from the decision of Code Enforcement Division that applicant is operating a home occupation; to WITHDRAW a Special Exception (Section 420.1 - Accessory Uses In Residential districts - Use Unit 1206) to allow a home occupation in an RS-1 zoned district; and to WITHDRAW a Variance (Section 240.3 - Use of Yards in R District) to waive the hard surface parking for vehicles: finding that, if the applicant has only 1 business truck on the premises and parks this vehicle on a hard surface, it is determined that he is not operating a business on the property;

Lot 7, Block 9, Johansen Acres Extended Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14133

Action Requested:

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

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

Case No. 14133 (continued)

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request a variance of setback from the centerline of Xyler from 50' to 36', located on the SE/c of Xyler Street and Erie Avenue.

Presentation:

The applicant, Charles Summerlin, 2239 North Erie, Tulsa, Oklahoma, submitted a plot plan (Exhibit E-1) and stated that he is replacing an old mobile home with a new one. He stated that, due to the slope of the land, the mobile home can only be set north and south.

Comments and Questions:

Ms. Bradley asked the applicant if the new mobile is in the same location as the old one and he answered in the affirmative.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to permit an existing mobile home in an RM-1 District; to **DENY** a **Variance** (Section 440.6(a) - Special Exception Uses in Residential Districts, Requirements) to waive the 1 year time limitation to permanently; and to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential districts) of setback from the centerline of Xyler from 50' to 36'; subject to a time limitation of 5 years; finding that a mobile home has been located on the tract for several years and has proved to be compatible with the neighborhood; finding a hardship imposed on the applicant by the slope of the land and street setbacks on 3 sides of the property; on the following described property:

Lot 3, Block 8, Dawson Industrial Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14134

Action Requested:

Special Exception - Section 640.6 - Special Exception Uses in Office Districts, Requirements - Request a special exception to allow a beauty shop in an OM zoned district, located on the NE/c of East 55th Place South and South Lewis Avenue.

Presentation:

The applicant, Robert Franden, was not present.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **CONTINUE** Case No. 14134 until August 7, 1986.

Case No. 14135

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts, Use Unit 1217 - Request a special exception to allow an existing used automobile sales lot in a CS zoned district.

Variance - Section 1217.3(a) - Automotive Use Conditions - Request a variance of the required screening wall or fence along lot line in common with an R District.

Variance - Section 1217.3(b) - Automotive Use Conditions - Request a variance to permit open air storage or display of merchandise for sale within 300' of adjoining R District, located on the SW/c of 3rd Street and Lewis Avenue.

Presentation:

Bennie Long, was represented by Mrs. Bennie Long, 318 South Lewis, Tulsa, Oklahoma, asked the board to allow an automobile sales lot, with the display of automobiles, and to waive the screening wall requirement where the property in question abutts the residential area.

Comments and Questions:

Ms. White asked the applicant how long the car lot has been in operation at this location and she informed that she has owned the property since 1978 and there was a car lot on the tract before that time.

Ms. Bradley asked Ms. Long what is located to the west of the lot in question and she informed that there is another car lot to the west.

Ms. White asked the applicant if there is a residence on the west boundary of the southern half of the car lot and she informed that the back yard of the residence on 4th Street abutts the car lot.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts, Use Unit 1217) to allow an existing used automobile sales lot in a CS zoned district; to **DENY** a **Variance** (Section 1217.3(a) - Automotive Use Conditions) of the required screening wall or fence along lot line in common with an R District; and to **APPROVE** a **Variance** (Section 1217.3(b) - Automotive Use Conditions) to permit open air storage or display of merchandise for sale within 300' of adjoining R District; finding that the lot in question has been continuously used for car sales since 1978 and has proved to be compatible with the neighborhood; on the following described property:

Case No. 14135 (continued)

South 15' of Lot 1, all of Lots 2, 3, 4, and 5, Block 2,
Hillcrest Ridge Addition, City of Tulsa, Tulsa County,
Oklahoma.

Case No. 14136

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215 - Request a special exception to allow a dry cleaning establishment in a CS zoned district, located on the SE/c of 91st Street and Yale Avenue.

Presentation:

The applicant, E. David Johnson, 1809 West Memphis, Broken Arrow, Oklahoma, stated that he is proposing to install a dry cleaning plant in the strip center at 91st and Yale. He asked the Board to allow the plant to operate in the CS zoned district and to allow the site to be used as a pickup station until all of the equipment is installed. He explained that there have been several manufacture and contractor delays and that environmental standards will have to be met before the plant can begin to operate.

Comments and Questions:

Mr. Chappelle asked Mr. Johnson how large the plant will be and he replied that he is leasing 1500 sq. ft. of floor space.

Ms. Bradley asked if the chemicals that are used in the plant are explosive and Mr. Johnson replied that they have an odor, but are not explosive.

Mr. Gardner informed that prior to 2 years ago the ordinance permitted dry cleaning establishments by right in a CS District, but due to improper venting and locations near food establishments, the Health Department was having a problem with this type of business. He explained that the Code was amended to require Health Department approval and that the Board review this type of facility, assuring that the use is compatible with the surrounding businesses.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215) to allow a dry cleaning establishment in a CS zoned district; per Health Department approval; on the following described property:

Case No. 14136 (continued)

Lot 4, Block 1, Hunters Glen Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14138

Action Requested:

Variance - Section 620.2(d)1 - Accessory Use Conditions In Office Districts, Signs - Request a variance of the maximum business sign size from 28 sq. ft. to 124 sq. ft. in an OM zoned district, located at 6625 South Lewis.

Presentation:

The applicant, Craig Neon, Inc., was represented by Ray Toraby, 1889 North 105th East Avenue, Tulsa, Oklahoma, who submitted a sign plan (Exhibit F-1) and photographs (Exhibit F-2). He explained that the existing sign is very large with flashing lights and will be replaced with one that is smaller. He informed that Peking Gardens Restaurant also has a portable sign on the property, which will be removed when the new pole sign is installed.

Comments and Questions:

Ms. Bradley commented that Mr. Toraby is asking for approximately 4 times the amount of signage allowed by the Code.

Ms. Bradley asked Mr. Bode if he has reviewed the site and he replied that he has not.

Protestants:

Norma Cooper, 6609 South Lewis, Tulsa, Oklahoma, stated that she is representing the owners of the property that abutts Peking Gardens. She informed that they are not protesting the new sign, but are not in agreement with the size of the sign. She pointed out that the Quik-Trip and Sleepy Hollow have signs that are well designed, but not as large as the sign in question.

Board Action:

On MOTION of WHITE, the Board voted 2-2-0 (Bradley, White, "aye"; Chappelle, Smith, "nay"; no "abstentions"; Quarles, "absent") to **DENY** a Variance (Section 620.2(d)1 - Accessory Use Conditions in Office Districts, Signs) of the maximum business sign size from 28 sq. ft. to 124 sq. ft. in an OM zoned district; finding that the applicant failed to demonstrate a hardship for the degree of variance requested; on the following described property:

Lot 2, Block 1, Capetown Extended Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14140

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in Office Districts - Use Unit 1211 - Request a variance of the frontage requirement in an OL District to permit a lot-split, located at 2000 Block West Edison.

Presentation:

The applicant, Patrick Sisemore, was represented by Ted Sack, 314 East 3rd Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit G-1) and stated that the tract in question contains 1.7 acres. He pointed out that the subdivision configuration is such that 1 lot has only 30' of frontage on a dedicated street and the owner is proposing to split this parcel into 3 lots. Mr. Sack informed that there is 1 existing building which will be divided into 2 portions and each sold to a different owner; therefore, 1 vacant lot will remain.

Comments and Questions:

Mr. Chappelle asked Mr. Sack if there will be any changes made to the office building and he replied that there is no new construction planned at this time. He informed that, since the lot line will pass through the building, there will be some interior modifications due to a change in the fire rating.

Protestants:

Adis Hawkins, 2106 West Golden, Tulsa, Oklahoma, stated that he lives in the house next door to the lot in question and has owned the property since 1978. He informed that there is a drainage problem in the area and inquired as to what type of construction is taking place on the lots.

Randy McKenney, 2102 West Golden, Tulsa, Oklahoma, stated that there is a sign on the lot that indicates there will be new construction on the tract and asked what this construction is going to be.

Mr. Sack replied that he is not aware of any new construction on the lot.

Jim Self, 637 North Zenith, Tulsa, Oklahoma, informed that there is heavy equipment operating on the lot at this time.

Mr. Smith informed that the question of whether or not there is construction going on at this time is not before the Board today.

Mr. Gardner pointed out that the property in question is zoned light office and could be further developed without permission from the Board, but the applicant is before the Board today to obtain a lot-split, which would not be needed if all the property faced Edison. He informed that Stormwater Management will also need to review any construction on the property.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 630 - Bulk and Area Requirements in Office Districts - Use Unit 1211) of the frontage requirement in an OL District to permit a lot-split; per plot plan submitted and Storm Water Management approval; finding a hardship demonstrated by the size and location of the tract and limited access of the interior lots to Edison Street; on the following described property:

All of Lot 1, Block 1, of Massad Addition II, an addition to the City of Tulsa, Tulsa County, Oklahoma, less and except the following described strip of land: Beginning at a point that is the northwest corner of Lot 1, Block 1 of said Massad Addition II; thence due east along the northerly line of Lot 1 for 0.30'; thence S 0°29'46" E and parallel to the westerly line of Lot 1 for 221.91' to a point on a southerly line of Lot 1; thence N 89°24'12" W along said southerly line for 0.30' to the most westerly southwest corner Lot 1; thence N 0°29'46" W along said westerly line for 221.91' to the Point of Beginning of said strip of land, containing 1.6660 acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14141

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the rear yard setback from 25' to 15' in an RS-1 zoned district, located on the NW/c of 38th and Florence Avenue.

Presentation:

The applicant, Patrick Fox, was represented by Joe Hague, 2703 East 88th Street, Tulsa, Oklahoma, who stated that he did not have access to the original plot plan, but submitted a sketch (Exhibit H-1) of the intended construction. Mr. Hague informed that the house sets at an angle on a corner lot and that it is difficult to position the proposed addition without encroaching on the setbacks.

Comments and Questions:

Ms. White asked Mr. Hague if the addition has already been built and he informed that the new addition will be a bathroom and it has not been added.

Case No. 14141 (continued)

Interested Parties:

Catherine Peterson, 38th and Evanston, Tulsa, Oklahoma, stated that she lives 1 block away and asked why the owner is proposing additional construction on the lot. She informed that the front of the house has already been extended toward the street and, in her opinion, the beautiful neighborhood is being spoiled. She informed that the front roof line has been extended, pillars added, and all windows replaced. She stated a concern that a nursing home might be the long range plan for the structure.

Additional Comments:

Mr. Smith asked if the lot in question is actually pie-shaped as the drawing indicates and Mr. Hague replied that the drawing is not to scale.

Mr. Smith asked Mr. Hague to address the hardship for this case and he replied that the angle of the house on the lot makes adding on without violation of the Code very difficult.

Ms. White's motion for approval of Case No. 14141 died for lack of a second.

Ms. Bradley's motion for denial died for lack of a second.

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **CONTINUE** Case No. 14141 until August 7, 1986, to allow the applicant sufficient time to contact the Building Inspector's office in order to verify if a variance is needed and if so, return to the Board with a plot plan depicting the actual location of the building on the subject tract.

Case No. 14142

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow a day care center in an RS-3 zoned district, located at 24 West 50th Place North.

Presentation:

The applicant, Jessie Roberson, 215 East 55th Street North, Tulsa, Oklahoma, asked the Board to allow her to operate a day care center at the above stated location.

Protestants: None.

Comments and Questions:

Mr. Chappelle asked the applicant to state the number of children that will be served by the center and Ms. Roberson replied that she will keep 15.

Case No. 14142 (continued)

Ms. White inquired if the center is now in operation under the name of R and R Daycare and the applicant answered in the affirmative.

Mr. Chappelle asked the applicant to state the days and hours of operation and she replied that the center will operate Monday through Friday, 7 a.m. to 6 p.m.

Mr. Smith asked if the driveway is large enough for pick up and delivery of the children and Ms. Roberson informed that she picks up all of the children, who range in age from 2 1/2 years to 5 years.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow a day care center in an RS-3 zoned district; per Department of Human Services requirements; subject to a maximum of 15 children; subject to days and hours of operation being Monday through Friday, 7 a.m. to 6 p.m.; and subject to TMAPC plat approval; finding that the granting of the special exception request will not be injurious to the neighborhood and that the proposed center will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 14, Block 4, Valley View Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14143

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the livability space from 4,000 sq. ft. to 3,466 sq. ft. in an RS-3 District to allow for the construction of a new dwelling, located at 239 East 27th Place.

Presentation:

The applicant, Lewis Price, 2640 South Utica, Tulsa, Oklahoma, stated that he is a builder and when plans were submitted for the house at the above stated address, it was discovered that the minimum livability space had been exceeded. Mr. Price informed that the the narrow interior lots are very difficult to build on without exceeding the requirements.

Comments and Questions:

Mr. Chappelle informed that the Board has received a letter of support (Exhibit J-1) from property owners in the area.

Case No. 14143 (continued)

Mr. Gardner informed that the applicant has a lot that is 400 sq. ft. smaller than the minimum size lot, as well as being narrow in shape.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to APPROVE a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the livability space from 4,000 sq. ft. to 3,466 sq. ft. in an RS-3 District to allow for the construction of a new dwelling; finding a hardship imposed on the applicant by the small size and narrow shape of the lot; on the following described property:

Lot 23, Block 17, Sunset Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14145

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Request a use variance to allow an accessory building (12' x 36' - 384 sq. ft.) as the principal building in an RM-1 zoned district for storage use while constructing a new dwelling unit on lot, located 1812 North Owasso (North of Pine and West of Peoria).

Presentation:

The applicant, Rochester Johnson, 2733 North Boston Place, Tulsa, Oklahoma, stated that he is asking permission to place a 12' by 32' accessory building on the lot in question for a period of 2 years. He explained that the house which was originally located on the property has been removed and the accessory building will be used to store materials during construction of another home on the lot.

Comments and Questions:

Ms. Bradley asked the applicant to state the size of the subject lot. He replied that the lot is approximately 150' by 50' and the storage building will be placed 20' from the back property line.

Mr. Jones asked if there is a building on the property at this time and Mr. Johnson informed that the City found the house to be irreparable and required that it be demolished. Mr. Jones pointed out that, as long as the house was on the property it was the principal use, but now that the house has been removed the storage building will become the principal use and requires Board approval.

Ms. Bradley inquired as to what will be stored in the accessory building and Mr. Johnson replied that building materials will be stored there.

Case No. 14145 (continued)

Protestants:

Augusta Mann, 1502 North Norfolk, Tulsa, Oklahoma, stated that just a storage building without a house on the lot will not be compatible with the neighborhood.

A petition of protest (Exhibit K-1) was signed by property owners in the audience.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **DENY** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts) to allow an accessory building (12' x 36' - 384 sq. ft.) as the principal building in an RM-1 zoned district for storage use while constructing a new dwelling unit on the lot; finding that the granting of the use variance would be detrimental to the neighborhood; and finding a hardship was not demonstrated by the applicant; on the following described property:

Lot 4, Block 10, Liberty Second Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 13547

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request an exception to permit a church and related activities in a RS-2 zoned district, located on the SE/c of 135th East Avenue and 12th Street.

Comments and Questions:

Mr. Jones informed that this case was approved in concept in May of 1985, subject to the applicant returning to the Board with the final plans for review.

Presentation:

The applicant, Gary Victor, 2828 East 51st Street, Tulsa, Oklahoma, who submitted a final site plan (Exhibit L-1) and elevations (Exhibit L-2), informed that he is representing the Tulsa Gospel Chapel.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to permit a church and related activities in a RS-2 zoned district; per plot plan and elevations submitted; finding that the granting of the

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special exception request will not be detrimental to the area and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan.

There being no further business, the meeting was adjourned at 2:43 p.m.

Date Approved 8.7.86


Chairman