CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 471
Thursday, August 7, 1986, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, August 5, 1986, at 12:25 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 1:03 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 **APPROVE** the Minutes of July 24, 1986.

UNFINISHED BUSINESS

Case No. 14099

Action Requested:

Special Exception - Section 440.2 - Special Exception - Uses in Residential Districts, Requirements - Home Occupation - Request a special exception to allow a home occupation (use of portion of residence for landscape company office) in an R District.

Variance - Section 240.3 - Use of Yards in R Districts - Request a variance to permit a part of the off-street parking at residence to be surfaced with stone aggregate, located on the NE/c of East 25th Place and South Sheridan Road.

Presentation:

The applicant, Charles Norman, 909 Kennedy Building, Tulsa, Oklahoma, submitted photographs (Exhibit A-1) and asked that the request for a home occupation be withdrawn. Mr. Norman explained that the subject property has been rezoned and the landscape office is now a use by right in the OL District. He pointed out that there is paved parking in front of the residence which will accommodate approximately 10 cars and asked the Board to allow the off-street parking at the rear of the house to be covered with river rock

Case No. 14099 (continued)

Instead of an asphalt or cement covering. It was pointed out that there is a 4 inch underlay of crushed aggregate and 3 inches of river rock on the lot at this time. Mr. Norman informed that access to the parking lot is on Sheridan and no residences in the area will be affected. He stated that Ms. Joe Farmer who lives in the home to the north of the property is in the audience and stated that river rock has not caused a dust problem. Mr. Norman informed that the lot in question is 155' by 190'.

Protestants:

Dan Butchee, 6520 East 24th Street, Tulsa, Oklahoma, submitted a petition of protest (Exhibit A-2) signed by area residents and stated that he is against any commercialization of the neighborhood. A letter of protest (Exhibit A-2) was also submitted.

Mr. Chappelle informed that, since the zoning has been changed to OL, the applicant is allowed to have a landscape office by right and the issue before the Board at this time is the type of surfacing for an off-street parking area.

Mr. Butchee stated that he lives behind the subject property and would not want the water run-off increased. He asked for a definition of a landscape office and whether there will be outside storage.

Mr. Jackere explained to Mr. Butchee that a landscape office should have the same appearance and amount of activity as a doctor's office, with customers and cars coming and going.

Comments and Questions:

Stan Bolding, Stormwater Management, informed the applicant that if the present parking lot is enlarged a Watershed Development Permit will be required.

Ms. Bradley asked Mr. Norman to address the hardship and he pointed out that the required parking in front of the residence is hard surface, and in actuality, the rear parking lot has all the elements of the hard surface construction except the oil covering. He further noted that the size of the lot creates a hardship.

Mr. Smith asked the applicant if there will be trucks or heavy equipment visiting the property in question. Mr. Norman stated that the owner has been instructed by Code Enforcement that he is not to have any type of heavy equipment on the lot.

Mr. Quarles commented that the existing river stone would be more desirable for drainage purposes than hard surface materials.

Case No. 14099 (continued)

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **WITHDRAW** a **Special Exception** (Section 440.2 - Special Exception - Uses in Residential Districts, Requirements - Home Occupation) to allow a home occupation (use of portion of residence for landscape company office) in an R District; and to **APPROVE** a **Variance** (Section 240.3 - Use of Yards in R Districts) to permit a part of the off-street parking at residence to be surfaced with stone aggregate; subject to any enlargement in parking area being reviewed by the Stormwater Management Department; subject to parking lot being reviewed if a change in the use of the property occurs; subject to variance approval being for this owner only; and subject to the existing screening fence being left in place and maintained by the owner; finding a hardship demonstrated by the size of the lot and finding that the river rock cover for the parking lot has been in place for a period of 2 years and has not created a dust problem for the neighborhood; on the following described property:

Lot 16, Block 4, Amended Plat of Johanson Acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14127

Action Requested:

Appeal - Section 1650 - Appeal from the Building Inspector - Request an appeal from the decision of the building inspector for Building Permit No. 45018 to allow a 4-plex and quarters in an RS-3 zoned district, located on the SE/c of 15th and Madison Avenue.

Presentation:

The applicant, James Fehrle, 1 Boston Plaza, Tulsa, Oklahoma, stated that he represents the owner of the property just south of the subject property and submitted a packet (Exhibit B-1) containing a copy of the Notice of Appeal, Building Permit and minutes of the 3-16-82 Board of Adjustment meeting. He explained that he is requesting an appeal of the decision of the Building Inspector concerning the permit to allow a 4-plex in an RS-3 zoned district. Mr. Fehrle noted that the housing addition was built in the 1920's and many of the homes were converted to boarding houses in the 30's and 40's, but in 1970 the property was zoned RS-3 and now most of the homes have been renovated and are being used as single-family dwellings. Mr. Fehrle stated that Sue Richardson, owner of the subject property in 1943, received permission from the Board of Adjustment to convert the dwelling into a 4 unit apartment, plus quarters, but for reasons unknown the conversion was not accomplished. Mr. Fehrle informed that the subsequent owner, Mr. Ray Ward, lived in one of the duplex units until 1982, and then continued to maintain his accounting office at this location until his death in 1985. Mr. Fehrle stated that the upper story was known as 1501 South Madison and the lower level was 1004 East 15th Street. He informed that from the time Mr. Ward moved from the premises in 1982 until his death in 1985, the accounting office was operated in

Case No. 14127 (continued)

violation of the Home Occupation Guidelines and, in his opinion, the present owner is presently using the separate structure on the property for an office without any authority. Mr. Fehrle informed that the amount stated on the Building Permit for repairs to the building was $4,000, a considerably lesser amount than the $20,000 Mr. King informed that the owner had spent. He stated that the contractor attempted to mislead the Building Inspector by saying that a 4-plex had been in existence since the Board of Adjustment approval in 1943. Mr. Fehrle pointed out that the building was completely refurbished without a Building Permit and has never been used as a 4-plex. He stated that the owner has not demonstrated a hardship and asked that the Board bring the property in compliance with the Code, cancel the Building Permit (obtained by misrepresentation), return the dwelling units on the tract from 5 units to 2 units and prohibit the office use for the detached structure.

Protestants:

Kenny King, 1302 South Denver, Tulsa, Oklahoma, submitted a packet (Exhibit B-2) containing affidavits and minutes of 2-23-43 Board of Adjustment meeting and stated that he is representing the owner of the subject property, Jack Crittenden. He stated that the wife of Ray Ward has informed him that during their ownership the property had been used as a tri-plex and was used as a boarding house prior to their ownership. He noted that Ms. Ward told him that the basement, first and second stories, and the detached building had at one time all been utilized as dwelling units. He informed that a Building Permit was issued to Mr. Crittenden exactly as the one issued in 1943 which permitted a 4-plex. He explained that the building has only been repaired where repairs were necessary and that many area residents support the renovation.

Comments and Questions:

Ms. Bradley asked if the individuals that signed the affidavit in support of the renovation were aware that the structure is a 4-plex and Mr. King replied that they were not. He remarked that the these individuals either had not lived in the area during the last 20 years or knew nothing about the property. Mr. King informed that he had spoken to 2 ladies that have lived in the neighborhood for a number of years who stated that the subject structure had several occupants, but did not know exactly how many units were rented out.

Mr. Smith asked Mr. Jackere how long approvals are binding that were granted by this Board prior to 1970.

Mr. Jackere replied that the amendment in 1970 gave those uses granted either by special exception or variance, which were not utilized to that point (1970), two years to either be utilized or be of no effect.

Case No. 14127 (continued)

Mr. Gardner pointed out that, when Mr. Ward came to the Board to request a home occupation, he was quoted as stating in the minutes of that meeting that the duplex on the subject tract has been in existence for 43 years.

Ms. Bradley asked Mr. King if he can submit proof that the subject property has been used as a 4-plex.

Mr. King replied that the property has been used as a rooming house and that there are 4 baths in the area and that the owner could rent to as many tenants as she determined appropriate.

Mr. Quarles inquired of Mr. Jackere if the question before the Board today is whether or not the property in question was used as a 4-plex prior to 1972 and he answered in the affirmative.

Interested Parties:

Richard Williams, 1501 South Norfolk, Tulsa, Oklahoma, stated that he is a homeowner and resident of the area for 11 years and is pleased to see some improvement in the area.

Applicant's Rebuttal:

Mr. Fehrle stated that he is aware the house was utilized as a boarding house during the 40's and 50's , but, in his opinion , the issue before the Board today is whether or not a multi-family use should be permitted on the lot without an approval from the Board of Adjustment.

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** an **Appeal** (Section 1650 - Appeal from the Building Inspector) reversing the decision of the Building Inspector for Building Permit No. 45018 to allow a 4-plex and quarters in an RS-3 zoned district; finding that there was no evidence submitted to prove that the building in question was ever used as a 4-plex prior to 1970, but in fact, was used as a duplex and home office; on the following described property:

Lot 1, Block 3, 2nd Amended Plat of Morningside 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.

Case No. 14134 (continued)

Presentation:

The applicant, Robert E. Franden, 2626 East 21st Street, Suite 1, Tulsa, Oklahoma, was represented by David Robinson, 2626 East 21st Street, Tulsa, Oklahoma, who asked the Board to allow a beauty shop to operate at the above stated location. He informed that there is 22,178 sq. ft. of floor space in the building and only 75% of this space is occupied. Mr. Robinson stated that there are doctor and dentist offices in the building at this time.

Comments and Questions:

In reply to Mr. Chappelle's inquiry as to the number of chairs in the shop, Mr. Robinson informed that there will be 4 operators and 2 manicurist.

Mr. Smith asked how many square feet of floor space the shop will occupy and Mr. Robinson replied that it will occupy 1,449 sq. ft.

Mr. Chappelle inquired as to the type of sign that will be installed and Mr. Robinson stated that they are contemplating a directory sign on the street that will list the names of tenants.

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 640.6 - Special Exception Uses in Office Districts, Requirements) to allow a beauty shop in an OM zoned district; subject to 1 directory type sign displaying the name of the beauty shop along with the other tenants; finding that the beauty shop will be compatible with the other uses in the building; on following described property:

Lot 1, Block 1, Open World Addition, 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, 116 East 26th Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit C-1) and stated that he is representing the owner of the property, Ms. Fred Davis. Mr. Fox pointed out that the house in question sets diagonally on the lot and the proposed addition of a bath will encroach into the required 25' rear yard. He informed that the north side of the corner lot is

Case No. 14141 (continued)

the declared side yard and the western part of the property is the rear yard. Photographs (Exhibit C-2) were submitted.

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 rear yard setback from 25' to 15' in an RS-1 zoned district; per plot plan submitted; finding a hardship demonstrated by the corner lot location and the diagonal placement of the house on the lot; on the following described property:

Lot 7, Block 5, Indian Meadows Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14148

Action Requested:

Minor Variance - Section 280 - Structure Setback from Abutting Street/Section 1221.3(f) - General Use Conditions for Business Signs - Request a minor variance of setback from the centerline of Harvard and 33rd Street, located south of the SE/c of Harvard and 33rd Street.

Presentation:

The applicant, Robert Aery, 3301 South Harvard, Tulsa, Oklahoma, submitted photographs (Exhibit D-1) and asked the Board to allow a sign to be placed 40' from the centerline of Harvard. He informed that the buildings in the area are less than 50' from the centerline of the street and that there are signs in place that are closer than the one requested.

Presentation:

Ms. Bradley asked if the sign in question will align with the Diamond Jim sign and Mr. Aery answered in the affirmative.

Mr. Chappelle informed that a letter (Exhibit D-2) from Ken Bode stated that a removal contract will be required if the minor variance is approved.

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 **Minor Variance** (Section 280 - Structure Setback from

Case No. 14148 (continued)

Abutting Street/Section 1221.3(f) - General Use Conditions for Business Signs) of setback from the centerline of Harvard and 33rd Street; subject to the execution of a removal contract to insure removal of the sign at the owners expense in the event the right-of-way is ever utilized by the City; finding that there are other signs in the area that are closer to the centerline of Harvard than the sign in question; on the following described property:

Tract A: The South 75.0 feet of the North 150.0 feet of the West 135.0 feet of Block 24, AMENDED ALBERT PIKE SUBDIVISION in Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14160

Action Requested:

Minor Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of the required setback from 50' to 40' from the centerline of 13th Place, located at 1320 South Winston Avenue.

Presentation:

The applicant, Donald Stanton, 1320 South Winston, Tulsa, Oklahoma, submitted a plot plan (Exhibit E-1) and stated that he is proposing to remove an 20' aluminum carport and replace it with a 19' wood carport. Mr. Stanton informed that the older house encroaches on the setback approximately 3'.

Comments and Questions:

Ms. Bradley asked Mr. Stanton if construction is under way and if a Building Permit has been acquired. He replied that the carport is under construction and that he has a Building Permit.

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 **Minor Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required setback from 50' to 40' from the centerline of 13th Place; per plot plan submitted; finding a hardship imposed on the applicant by the older area and the fact that the area was developed before the new zoning requirements affecting carports was adopted; on the following described property:

Lot 4, Block 6, Adamson Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14144

Action Requested:

Special Exception - Section 420 - Accessory Uses Permitted in Residential Districts - Request a special exception for a home occupation to allow the preparation of salad dressing in an RM-1 zoned district, located on the NE/c of King Street and Evanston.

Presentation:

The applicant, Eileen Baggett, 1003 North Evanston, Tulsa, Oklahoma, was represented by her daughter, Bonnie Hillenburg, 4528 East 4th Place, who asked the Board to allow 3 members of the family to prepare salad dressing in her sister's garage which is 30' from the residence. She stated that they would deliver the product to their customers and there would be no traffic coming into the neighborhood.

Comments and Questions:

Mr. Jackere explained to Ms. Hillenburg that employees are not permitted for a home occupation unless they are members of the immediate family and live on the premises.

Ms. Hillenburg asked if she would be permitted to pick up and deliver the salad dressing for her sister and Ms. Bradley replied that she would not be permitted to help with the business.

Protestants:

Mr. Chappelle stated that 3 letters of protest (Exhibit F-1) have been received from homeowners in the area who object to business activity in a residential neighborhood.

Board Action:

Ms. Bradley's motion for denial was withdrawn after Board discussion with the applicant as to whether or not she would like additional time to review the Home Occupation Guidelines.

On MOTION of QUARLES, the Board voted 3-1-0 (Chappelle, Quarles, Smith, "aye"; Bradley, "nay"; no "abstentions"; White, "absent") to **CONTINUE** Case No. 14144 until August 21, 1986 to allow the applicant to further review the rules for a home occupation.

Case No. 14146

Action Requested:

Variance - Section 1221.3(h) - General Use Conditions for Business Signs - Request a variance to allow special event mobile marquee. Requesting use to be 4 times per year for each business location per 10 day time limitation for promotional business signs.

Case No. 14146 (continued)

Presentation:

The applicant, Bill Stokely, was represented by Terry Young, 2311 North Elwood, Tulsa, Oklahoma, who asked the Board to continue Case No. 14146 until September 4, 1986 to allow sufficient time to notify property owners within 300' of 3623 South Harvard of the variance request.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **CONTINUE** Case No. 14146 until September 4, 1986 in order that surrounding property owners can be properly notified.

Case No. 14147

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Use Unit 1206 - Request a special exception to allow the teaching of swimming lessons at a home in an RS-3 zoned district.

Variance - Section 440 - Special Exception Uses in Residential Districts, Requirements - Request a variance to allow the lessons outside an enclosed building, located at 2012 South 69th East Avenue.

Presentation:

The applicant, Bertha Reed, 2012 South 69th East Avenue, Tulsa, Oklahoma, submitted photographs (Exhibit G-1) and asked the Board to allow her to continue teaching swimming lessons at her home as she has been doing for 14 years. She informed that she teaches 3 classes each day, which begin at 10 a.m., for both children and adults.

Comments and Questions:

Ms. Bradley asked Ms. Reed to state the number in each class and she replied that there are 10 to 12.

Mr. Quarles asked the applicant what ages are taught at the pool and she answered that she teaches age 3 and up.

Ms. Bradley inquired if teachers are employed to assist in the lessons and Ms. Reed replied that the teachers are volunteers.

Ms. Bradley asked the applicant if the only parking available is along the street and Ms. Reed stated that she has a 2-car driveway and has been told by a neighbor that she can utilize her driveway if the need arises.

Case No. 14147 (continued)

Interested Parties:

Ralph Seegren, 1535 South 67th East Avenue, Tulsa, Oklahoma, stated that he grew up in the neighborhood and has seen very positive results from the swimming classes.

Geneva Cross, 3303 South Knoxville, Tulsa, Oklahoma, informed that she is one of Ms. Reed's students and explained that her doctor recommended the swimming classes for her illness. She stated that she is indebted to Ms. Reed for the improvement in her health and asked the Board to allow her to continue the classes.

Nannette Bennett, 209 West Delmar, Broken Arrow, Oklahoma, stated that she grew up in the area and the Reed's pool was always open to anyone in the neighborhood who wanted to use it. She pointed out that the children who grew up in the area are the mothers that bring their children back to Ms. Reed for lessons.

Mrs. Earl Cook, 6906 East 20th Street, Tulsa, Oklahoma, stated that she has lived across the street from the Reeds for 25 years and has seen nothing but positive results from the swimming classes.

Protestants:

Betty Irvin, 2006 South 69th East Avenue, Tulsa, Oklahoma, stated that she lives to the north of the applicant and is opposed to the traffic and noise created by the swimming classes. Ms. Irvin said that she has complained to Ms. Reed about some of the children getting in her yard and that there is no privacy fence between the properties.

Ms. Walter, 2016 South 69th East Avenue, Tulsa, Oklahoma, stated that she lives to the south of the applicant and that much of the time cars are parked on both sides of the street and the noise is also a problem. Ms. Walter pointed out that traffic is very congested when school starts.

Applicant's Rebuttal:

Ms. Reed informed that she does not teach lessons while public schools are in session, so the congestion during school hours is not caused by the swimming classes. She remarked that if the children are getting in the yard of her neighbor, she will construct a sidewalk on the other side of her home for them to enter the pool area. Ms. Reed stated that she will install a privacy fence if the neighbors request one. She noted that she has allowed Boy Scout troops and other organizations to use the pool without charge.

Board Action:

On MOTION of QUARLES, the Board voted 3-1-0 (Bradley, Chappelle, Quarles, "aye"; Smith, "nay"; no "abstentions"; White, "absent") to **DENY** a **Special Exception** (Section 420 - Accessory Uses in Residential Districts - Use Unit 1206) to allow the teaching of swimming lessons at a home in an RS-3 zoned district; and to **DENY** a **Variance** (Section 440 - Special Exception Uses in Residential

Case No. 14147 (continued)

Districts, Requirements) to allow the lessons outside an enclosed building; finding that the the area is residential in character and the teaching of swimming classes is not compatible with the neighborhood and would not be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 1, Block 10, Leisure Lanes Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14149

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215 - Request a special exception to allow an exterminator in a CS zoned district, located at 1241 North Sheridan Road.

Presentation:

The applicant, Roger Wieden, 1247 North Urbana, Tulsa, Oklahoma, stated that M-Tek Pest Control employs 8 people out of the Tulsa office and the office hours are 8 a.m. to 5 p.m. The service technicians check in by phone and occasionally come by the office to pick up supplies and do paper work. Mr. Wieden informed that the building was used as a machine shop in previous years. Photographs (Exhibit H-1) were submitted.

Comments and Questions:

Ms. Bradley asked the applicant where the chemicals are stored and he replied that some are stored in the supply room in the building. He informed that the drivers take the trucks home at night and there will be no trucks stored on the property.

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 **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215) to allow an exterminator in a CS zoned district; finding that the granting of the special exception request will not be detrimental to the area and is in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The west 152.5' of the south 132' of the north 264' of Lot 1, Block 1, Aviation View Subdivision to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 14150

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1210 - Request a use variance to allow a parking lot in an RM-1 and PUD zoned district, located at 3161 South 129th East Avenue.

Presentation:

The applicant, D. Kenyon Williams, Jr., 427 South Boston, Tulsa, Oklahoma, represented Gracemont Baptist Church. He informed that the congregation is growing and needs additional parking until such time as another location for the church is secured.

Comments and Questions:

Ms. Bradley asked Mr. Gardner if an amendment to the PUD to allow parking has been approved by TMAPC 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 **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1210) to allow a parking lot in an RM-1 and PUD zoned district; subject to a period not to exceed 5 years or the sale of the church property, whichever comes first; and subject to a screening fence installed on the east boundary of the lots and no lighting permitted; on the following described property:

Lots 1 and 10, Block 2, Briarglen South Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14151

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request a special exception to allow Use Unit 11, Office and Studios, in an RM-1 (pending district), located south of the SE/c of Fulton Avenue and East 48th Place.

Comments and Questions:

Mr. Jones informed that the applicant is before the Board today because TMAPC found OL zoning to be inappropriate for the house in question, but rather, suggested that the applicant request a special exception to allow office use in an RM-1 zoned district.

Case No. 14151 (continued)

Presentation:

The applicant, Sharon Strange, 1419 East 36th Street, Tulsa, Oklahoma, informed that she has applied for RM-1 zoning for the subject property and received approval. She stated there are condominiums behind the property, office use to the south and north and the YMCA in front of the home. A plot plan (Exhibit J-1) and photographs (Exhibit J-2) were submitted.

Additional Comments:

Mr. Jones commented that TMAPC directed the applicant to this Board if the house is only going to be used as it stands today, but in case the house is removed and another building constructed, further review might be required. Ms. Strange informed that there will be no changes made to the exterior of the building.

Ms. Bradley asked Ms. Strange what type office will be in the house and she replied that she does not know at this time.

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 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211) to allow Use Unit 11, Office and Studios, in an RM-1 (pending district); per plot plan submitted; finding that there is office use on two sides of the subject property and the granting of the special exception request will not cause substantial detriment to the public good, or impair the purposes, spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The south 109' of the north 289' of the west 200' of Lot 14, Block 2, Allen's Subdivision to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 14152

Action Requested:

Special Exception - Section 420 - Accessory Uses Permitted in Residential Districts - Request a special exception to allow a beauty shop as a home occupation in an RS-3 zoned district, located at 2717 West 51st Street.

Presentation:

The applicant, Barbara Brown, 3713 West 45th Place, Tulsa, Oklahoma, stated she is planning to move to the subject property and asked the Board to allow her to operate a 1 chair beauty shop. Ms. Brown informed that she has from 12 to 15 clients each week.

Comments and Questions:

Ms. Bradley asked the applicant to state the number of days each week that the shop will be open and she replied that she will be open Tuesday through Friday, 8 a.m. to 6 p.m.

Case No. 14152 (continued)

Mr. Chappelle asked Ms. Brown if sufficient parking is available for the beauty shop and she replied that the house sets on approximately 1 acre of land.

Mr. Quarles asked the applicant if she has a home occupation where she is now living and she 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 **Special Exception** (Section 420 - Accessory Uses Permitted in Residential Districts) to allow a beauty shop as a home occupation in an RS-3 zoned district; per Home Occupation Guidelines; finding that the beauty shop will be compatible with the neighborhood and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 7 and 8, Block 4, Oak Grove Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14153

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Street - Request a variance of setback from the centerline of Lewis Avenue from 50' to 43' to allow for a canopy, located on the SE/c of 10th and Lewis.

Presentation:

The applicant, Perry Isom, III, 2309 South 106th East Avenue, Tulsa, Oklahoma, who submitted a plot plan (Exhibit K-1) and photographs (Exhibit K-2), informed that a new building is being constructed on the corner of 10th Street and Lewis Avenue and a canopy is being moved from another location to the new site. Mr. Isom explained that the new canopy will encroach 7' into the major street setback on Lewis.

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 280 - Structure Setback from Abutting Street) of setback from the centerline of Lewis Avenue from 50' to 43' to allow for a canopy; per plot plan submitted; finding that there are other structures that are as close to the street as the requested canopy; on the following described property:

Case No. 14153 (continued)
Lot 1, Block 4, Highlands Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14154

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, located on the SW/c of 54th Street North and Lewis Avenue.

Presentation:
The applicant, Carol Long, 5348 North Lewis, Tulsa, Oklahoma, asked the Board to allow her to place a mobile home permanently at the above stated location.

Comments and Questions:
Ms. Bradley inquired if the mobile home is in place at this time and Ms. Long replied that she moved the mobile home in question on the lot June 15, 1968, but that she has lived on the acreage for 7 years in another mobile home.

Ms. Bradley asked the applicant if there are other mobile homes in the area and she stated that there is one to the east of her lot.

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 Residential Districts - Use Unit 1209) to allow a mobile home in an RS-3 zoned district; subject to a time limit of 1 year and a removal bond; finding that there are numerous mobile homes in the area and the special exception request is in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The N/2, N/2, NE/4, SE/4, NE/4 of Section 7, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, less the west 200' thereof.

Case No. 14155

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 RS-3 zoned district.

Variance - Section 440.6(a) - Special Exception Uses, Requirements - Request a variance to waive the one year time limitations to permanently, located south of the SW/c of Newton and Quebec Avenue.

Presentation:

The applicant, Sandy LaMarr, 1204 North Quebec, Tulsa, Oklahoma, asked the Board to allow her to place a mobile home on her lot at the above stated location.

Comments and Questions:

Mr. Smith asked the applicant if the mobile home is on the lot at this time and she replied that the land is vacant.

Mr. Smith inquired if there are other mobiles in the area and Ms. LaMarr replied that there are several in the neighborhood.

Ms. LaMarr informed that the house which was previously located on the acreage burned and the sewage system is available for her to use.

Stan Bolding, Stormwater Management, informed that, based on a new master drainage plan of the Cole Creek Drainage Basin, the lot in question is located in a floodplain and will have to meet Stormwater Management requirements and the applicant must obtain a Watershed Development Permit.

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 Residential Districts - Use Unit 1209) to permit an existing mobile home in an RS-3 zoned district; and to **APPROVE** a **Variance** (Section 440.6(a) - Special Exception Uses, Requirements) to waive the one year time limitation; subject to Health Department and Stormwater Management approval; subject to a time limitation of 3 years; and subject to applicant obtaining a Watershed Development Permit; finding that there are other mobile homes in the neighborhood and that the special exception request is in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

North 50' of Lot 9, all of Lots 10 and 11, Westrope Acres Second Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14156

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205/10 - Request an exception to allow educational, cultural and recreational purposed and related off-street parking in RS-3 and RM-2 zoned districts with an amendment to previous approved conditions (Case No. 13319).

Variance - Section 440.7(a) - Special Exception Uses in Residential Districts, Requirement - Request a variance from maximum floor area ratio of .5 to 1.82.

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request a variance from the maximum height of 35' to 44', located south side of 5th Street between Florence and Gary Avenue.

Presentation:

The applicant, F. D. Hettinger, 100 West 5th Street Suite 800, Tulsa, Oklahoma, submitted a plot plan (Exhibit L-1) and stated that Tulsa University is proposing to build a student activity center on the property in question. Mr. Hettinger informed that the skylight along the top of the building is approximately 8' and is above the 35' permitted for residential properties. He pointed out that there are no residential properties within 300' to 350' of the structure and that the nearby engineering school is approximately 42' high by prior permission of the Board. Mr. Hettinger informed that prior Board action restricted the use to existing structures or parking, without further Board approval. He stated that the College Addition has 50' by 140' lots and lot coverage is always a problem for TU when additional buildings are needed. This structure covers the building lots and part of the alley which is to be vacated by Court next week, but if all the property is treated as 1 lot the requirements can be met.

Comments and Questions:

Mr. Gardner inquired as to off-street parking. Mr. Hettinger informed that the school has maintained enough parking in the area to meet all of the Zoning Code requirements except Skelly Stadium.

Mr. Jackere asked Mr. Hettinger if the university would agree to tie all of the lots under application together, which would prevent selling, encumbering or otherwise imposing liens on the lots on which the building is located without the lots for parking.

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")

Case No. 14156 (continued)

to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205/10) to allow educational, cultural and recreational purposed and related off-street parking in RS-3 and RM-2 zoned districts with an amendment to previous approved conditions (Case No. 13319); to **APPROVE** a **Variance** (Section 440.7(a) - Special Exception Uses in Residential Districts, Requirement) from maximum floor area ratio of .5 to 1.82; and to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts) from the maximum height of 35' to 44'; per plot plan submitted; subject to the execution of a Tie Contract, tying together all of the lots in this application; finding a hardship demonstrated by the size of the lots in the older area; and finding that there are no residences near the building in question which would be effected by the added height; on the following described property:

Lots 3 - 9 and 18, Block 8, College Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14157

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1205 - Request a special exception to allow an infant day care center in an IL zoned district, located at 3131 North Lewis.

Presentation:

The applicant, Dave Hughes, was not present.

Comments and Questions:

Mr. Jones informed that the applicant has contacted him by phone and requested withdrawal of Case No. 14157. He stated that Mr. Hughes indicated that he is having difficulty obtaining licensing for the proposed day care center.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **WITHDRAW** Case No. 14157.

Case No. 14158

Action Requested:

Special Exception - Section 250.3(b) - Modification of the Screening Wall or Fence Requirements - Use Unit 1217 - Request a special exception to amend conditions of a previous BOA Case No. 13770 requiring a chain link screening fence with metal slats on the north and west boundaries of mini-storage property by substituting landscaping in lieu of metal slats per plan submitted, located on the NE/c of 11th Street and South Mingo Road.

Case No. 14158 (continued)

Presentation:

The applicant, B. Kenneth Cox, Jr., 4100 Bank of Oklahoma Tower, Tulsa, Oklahoma, submitted a landscape plan (Exhibit M-1) and informed that he is representing the owner of the subject tract. He informed that in November of 1985 approval was granted by this Board to construct a mini-storage on the property. Mr. Cox pointed out that there is an abandoned drive-in theater to the east, CS zoning to the south, a shopping center on the west and a flood buyout area to the north. The applicant explained that, during the previous action, a condition was imposed that included the placing of metal slats in a chain link fence on the north and west boundaries of the mini-storage property. He asked the Board to allow the owner to plant evergreen vines on the west property line in lieu of the metal slats. Mr. Cox explained that there will be an automatic sprinkler system installed and a caretaker will live on the premises to maintain the landscaping. He stated that his client also owns the property to the north and does not want shrubbery planted there since he will probably remove the fence and utilize that area at a later date.

Comments and Questions:

Mr. Quarles asked the applicant if the vines will be growing on the chain link fence and he answered in the affirmative.

Protestants: None.

Interested Parties:

Tim Fisher, 10935 East 36th Place, Tulsa, Oklahoma, represented the church at 701 South Mingo and stated that he does not object to the landscaping request.

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 **Special Exception** (Section 250.3(b) - Modification of the Screening Wall or Fence Requirements - Use Unit 1217) to amend conditions of a previous BOA Case No. 13770 requiring a chain link screening fence with metal slats on the north and west boundaries of mini-storage property by substituting landscaping in lieu of metal slats per plan submitted; subject to evergreen vines being planted, supported by a chain link fence; subject to an automatic sprinkler system being installed; and subject to a caretaker maintaining the landscaping; on the following described property:

All that part of the SW/4 SW/4 SW/4 in Section 6, Township 19 North, Range 14 East according to the Official U.S. Government Survey thereof; and all of Lot 2, Block 1, Wiley's Addition, according to the official Recorded Plat thereof; more particularly described as follows, TO-WIT:

Case No. 14158 (continued)

Beginning at the NW/c of said Lot 2 (the true Point of Beginning); thence N 89°58'38" E along the northerly boundary of said Lot 2 a distance of 363.51' to a point; thence due south along the east boundary of said Lot 2 and part of said SW/4, SW/4, SW/4 a distance of 895' to a point 75.00' from the south boundary of said SW/4 SW/4 SW/4 423.51' east of the SW/c thereof; thence S 89°58'38" W parallel to and 75.00' from the south boundary of said SW/4, SW/4, SW/4 a distance of 153.51' to a point 270' from the west boundary of said SW/4 SW/4 SW/4; thence due north a distance of 274.50'; thence S 89°58'38" W a distance of 205.00' to a point 65.00' from the west boundary of said SW/4 SW/4 SW/4 and 349.50' north of the SW/c thereof; thence due north parallel to and 65.00' from the west boundary of said SW/4 SW/4 SW/4 a distance of 125.80' to the SW/c of said Lot 2; thence along the west boundaries of said Lot 2 as follows; due north a distance of 204.70'; thence S 89°58'38" W a distance of 5.00'; thence due north a distance of 290.00' to the Point of Beginning.

AND

The east 55' of the west 270' of the south 215' of Lot 11, SW/4 SW/4 of Section 6, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, LESS the south 75' thereof.

AND

A tract of land in the SW/4 SW/4 SW/4 of Section 6, Township 19 N, Range 14 E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, more particularly described as follows, to-wit: Beginning at the SW/c of said Section 6; thence east along the south line thereof 215'; thence north parallel to the west line of said Section a distance of 215'; thence west parallel with the south line of said Section, 215' to the west line of said Section: thence south along the west line of said Section, 215' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14159

Action Requested:

Appeal - Section 1650 - Appeals from the Building Inspector - Section 1470 - Parking, Loading and Screening Nonconformities - Use Unit 1214 - Request an appeal from the determination of the Building Inspector that off-street parking must be hard surfaced for reason that commercial use of the premises and the appurtenant off-street parking commenced prior to the effective date of the Zoning Code requirement of land surfacing;

Case No. 14159 (continued)

Alternatively:

Variance - Section 1214.4 - Off-Street Parking and Loading Requirements - Request a variance of the required number of off-street parking spaces.

Variance - Section 1340.4 - Off-Street Parking and Loading Requirements - Request a variance of the requirement that off-street parking spaces be hard surfaced, located east of the NE/c of 129th East Avenue and East Admiral Place.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, asked that Case No. 14159 be continued until August 21, 1986 to allow sufficient time to locate a previous owner of the subject property.

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. 14159 until August 21, 1986 in order that the applicant can gather additional information to complete preparation of this case.

Case No. 14161

Action Requested:

Variance - Section 420.2(d) (4) - Accessory Use Conditions, Signs - Request a variance to permit a temporary real estate sign advertising the sale of the subject property which exceeds 8 square feet in surface area; located on the NE/c Riverside Drive and East 66th Place South.

Presentation:

The applicant, R. Lewis Reynolds, 909 Kennedy Building, Tulsa, Oklahoma, submitted a location map (Exhibit N-1) and informed the Board that the property for sale has 332 feet of frontage on Riverside Drive. Mr. Reynolds stated that the length of frontage and the speed of the passing traffic imposes a hardship and asked permission to install 2 signs (1 on Riverside, 1 on East 66th Place South) which will be 24 sq. ft. each. He informed that the signs will advertise the property for sale and will remain for 18 months or until the property sells.

Comments and Questions:

Mr. Jackere pointed out that the application request is for only 1 sign and Mr. Reynolds stated that 1 sign on Riverside Drive will be sufficient if there is a problem with the application notice.

Case No. 14161 (continued)

Protestants:

Jake Trujillo, 6638 South Peoria, Tulsa, Oklahoma, stated that, in his opinion, a 24' sign is too large for advertising property for sale.

Mr. Quarles informed Mr. Trujillo that the sign will be 24 sq. ft. in size and not 24' in height.

Mr. Trujillo stated that he is not opposed to the 24 sq. ft. sign.

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 420.2(d) (4) - Accessory Use conditions, Signs) to permit a temporary real estate sign advertising the sale of the subject property which exceeds 8 sq. ft. in surface area; subject to the size of the sign being a maximum of 24 sq. ft. (Code limits to 8' in height), for a period of 18 months or until the property sells, whichever comes first; finding a hardship imposed by the size of the lot and speed of the traffic at this location on Riverside Drive; on the following described property:

Lot 2, Block 1, Riverbank Plaza, a replat of Lot 1, Block 2, Cline Addition and part of the SE/4 NE/4 and a part of Government Lot 7 of Section 1, T-18-N, R-12-E, in the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

Tract "B"

All that part of the SE/4 NE/4 and part of Government Lot 7 in Section 1, Township 18 North, Range 12 East of the Indian Base and Meridian in Tulsa, Tulsa County, Oklahoma, according to the official U.S. Government Survey thereof; more particularly described as follows, to-wit:

Commencing at the southeast corner of Lot 2, Block 1, Riverbank Plaza, according to the official recorded plat thereof, thence N 88°50'59" W along the south boundary of Lot 2, Block 1, Riverbank Plaza (North right-of-way line of East 66th Place South) a distance of 156.00 feet to a point 183.32 feet from the southwest corner thereof; thence due south a distance of 20.00 feet to the point of beginning; thence due south a distance of 30.00 feet; thence N 88°50'59" W a distance of 417.42 feet; thence N 17°08'54" W a distance of 0.00 feet; thence on a curve to the right having a radius of 5,656.51 feet a distance of 251.22 feet; thence N 14°36'13" W a distance of 136.61 feet; thence S 88°50'59" E a distance of 224.89 feet to a point in the west boundary of Lot 1, Block 1, Riverbank Plaza 450.29 feet from the south northwest corner thereof; thence

Case No. 14161 (continued)

along the west boundaries of Lots 1 and 2, Block 1, Riverbank Plaza as follows: S 20°22'23" E a distance of 343.40 feet to the southwest corner of Lot 2, Block 1, Riverbank Plaza; thence S 88°50'59" E along the south boundary of Lot 2, Block 1, Riverbank Plaza a distance of 183.32 feet to a point 156.00 feet from the southeast corner thereof; thence due south a distance of 20.00 feet to the point of beginning; containing 68,027 square feet or 1.56169 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:30 p.m.

Date Approved 8/21/86

Chairman

8.7.86:471(24)