

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 472
Thursday, August 21, 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, August 19, 1986, at 1:25 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:

Jim Fehrle, 1201 Boston Place, Tulsa, Oklahoma, requested that a revision be made and 2 conditions added to the minutes of August 7, 1986, Case No. 14127. He asked that the minutes be amended to reflect that only 2 dwelling units be permitted on the subject property and that no business operation be conducted on the lot.

Mr. Jackere pointed out that the Board voted on the action requested, which was an appeal from the decision of the Building Inspector to allow a 4-plex and quarters on the lot in question. He pointed out that the Board reversed this decision which means that the Building Permit was revoked. Mr. Jackere informed that the Board only has the power to reverse the decision.

Mr. Chappelle suggested to Mr. Fehrle that he should monitor the activity on the lot and notify Code Enforcement of unauthorized actions.

Mr. Quarles stated that he does not have a problem with the statements in the minutes.

Mr. Gardner informed that the minutes state that the decision of the building inspector was reversed and the finding made that there was no evidence to prove that the building in question was ever used as a 4-plex prior to 1970, but was used for a duplex and home office. He pointed out that what Mr. Fehrle feels should be a part of the motion is actually part of the Building Inspector's enforcement duties.

Minutes (continued)

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 August 7, 1986 as presented.

UNFINISHED BUSINESS

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 Avenue.

Presentation:

The applicant, Eileen Baggett, 1003 North Evanston, Tulsa, Oklahoma, was not present.

Board Action:

On MOTION of QUARLES, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to DENY WITHOUT PREJUDICE Case No. 14144.

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;

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(d) - Design Standards for Off-Street Parking Areas - 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.

Case No. 14159 (continued)

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, informed that he is researching history of previous owners of the property in question and asked that the Board continue Case No. 14159 until the September 4, 1986 meeting.

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. 14159 until September 4, 1986 to allow the applicant additional time to research the history of the property in question.

NEW APPLICATIONS

Case No. 14162

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 RM-1 zoned district, located at 1723 North Cincinnati.

Presentation:

The applicant, Otis Hammons, 1307 East 53rd Street North, Tulsa, Oklahoma, was not present.

Protestants:

A letter of protest (Exhibit AA-2) was received by the Board.

Interested Parties:

A letter (Exhibit AA-1) in support of the application was received by the Board.

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. 14162 until September 4, 1986.

Case No. 14163

Action Requested:

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

Case No. 14163 (continued)

Variance - Section 1217.3(b) - Use Conditions - Request a variance to allow open air storage or display of merchandise for sale within 300' of an R District, located on the SW/c of Lewis and 4th Place.

Presentation:

The applicant, Harold Henry, 424 South Lewis, Tulsa, Oklahoma, stated that the existing car lot has been in the present location for the past 40 or 50 years and asked the Board to allow the business to continue. An aerial photo (Exhibit A-1) was submitted.

Comments and Questions:

Mr. Quarles asked if there has been any change in the operation of the car lot in recent years and the applicant replied that there has been no change.

Ms. Bradley asked the applicant if there is screening on the west boundary of the property and Mr. Henry informed that there is a privacy fence as well as a chain link fence between the car lot and the residence.

Mr. Smith asked if the cars are parked away from the sidewalk and Mr. Henry replied that there is a fence around the lot and the cars are parked inside.

Mr. Chappelle inquired as to the number of cars on the lot and Mr. Henry stated that there will be a maximum of 20 cars.

Mr. Quarles asked the applicant how many years he has been operating the car lot in question and he replied that he has had it approximately 5 years.

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 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to allow an existing used car lot in a CS zoned district; and to **APPROVE** a **Variance** (Section 1217.3(b) - Use Conditions) to allow open air storage or display of merchandise for sale within 300' of an R District; finding that the car lot has been located at the present location for many years and has proved to 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:

Case No. 14163 (continued)

Lots 1 and 2, Block 2, Hillcrest Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14164

Action Requested:

Variance - Section 1221 - Business Signs and Outdoor Advertising -
Use Unit 1221 - Request a variance to allow an off-site directional sign, located north of 38th Street and south of Broken Arrow Expressway.

Comments and Questions:

Ms. Bradley asked the applicant if this case is being reheard and if so, on what grounds is it being reheard.

Presentation:

The applicant, David Guthery, 6566 East Skelly Drive, Tulsa, Oklahoma, represented Finger Furniture and informed that at the last hearing the person that was supposed to speak for the application did not arrive from Houston in time to be heard and the case was denied. At that time the case was appealed to District Court and Judge Boudreau asked the applicant if he would like to request another hearing by the Board and it was decided that reapplication would be made.

Teresa Thomas, 6566 East Skelly Drive, Tulsa, Oklahoma, submitted memorandums (Exhibit B-1) and photographs (Exhibit B-3) and asked the Board to allow an off-premise directional sign at the above stated location. She stated that the address for the furniture rental is Skelly Drive, but there is no access to the service road and business from that street; therefore, asked the Board to allow an off premise directional sign to enable customers to find their way into the industrial area and to the business. Ms. Thomas informed that the Board has previously granted permission for a sign to be installed at 41st Street and 79th East Avenue, but it has not yet been constructed. She stated that the company will not install the previously approved sign if this application is granted.

Additional Comments:

Mr. Chappelle asked the applicant if the proposed sign is 3' by 4' and he answered in the affirmative.

Case No. 14164 (continued)

Protestants:

A letter of protest (Exhibit B-2) was received by the Board.

Board Action:

On MOTION of QUARLES, the Board voted 3-1-0 (Chappelle, Quarles, Smith, "aye"; Bradley "nay"; no "abstentions"; White, "absent") to **APPROVE** a **Variance** (Section 1221 - Business Signs and Outdoor Advertising - Use Unit 1221) to allow an off-site directional sign, subject to sign being a maximum of 3' by 4'; subject to the cancellation of a previous sign approval on Case No. 13782; finding a hardship demonstrated by the business address of the furniture rental being on Skelly Drive with no access from Skelly Drive; on the following described property:

Part of the E/2 SE beginning 30' north and 363.16' east and 121.91' southeasterly of the SW/c NE SE thence NE 458.62' southeasterly on a curve 105.96' SE 170.19' SE on curve 89.87' SE 85.36' southwesterly on curve 149.13' south 41.85' SW 2.36' southwesterly 66.21' thence on a curve 49.52' northwesterly 61' to POB Section 23, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14165

Action Requested:

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Request a variance to allow 2 dwelling units (temporary) on one lot of record, located at 2140 East Ute.

Presentation:

The applicant, Marvin Lee Gilliland, 2140 East Ute, Tulsa, Oklahoma, submitted photographs (Exhibit C-1) and explained that he bought the house to remodel, but about 6 months after acquiring the property a fire destroyed the inside of the home. Mr. Gilliland stated that he made application to build a garage to the rear of the lot for storage of materials while renovating the main structure, but found that he was unable to borrow enough money to make the necessary repairs on the burned out house. He asked the Board to allow 2 dwellings on the lot which will enable him to install a kitchen and bath in the garage. He stated that he plans to live in these quarters and demolish and rebuild the main house.

Comments and Questions:

Mr. Chappelle asked the applicant how long it will take to do the necessary repairs and Mr. Gilliland replied that he works at another job and it will probably take 5 years to complete the house.

Case No. 14165 (continued)

Mr. Quarles asked if the garage is complete and the applicant informed that approximately half of the construction has been completed.

Ms. Bradley inquired as to the use of the small building after the house is complete and Mr. Gilliland stated that it will be converted back to a garage.

Mr. Quarles commented that, in his opinion, 5 years is too long to have the construction in progress.

Board Action:

On MOTION of QUARLES, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nay"; no "abstentions"; White, "absent") to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling per Lot of Record) to allow 2 dwelling units (temporary) on one lot of record; subject to a time limit of 3 years; finding a hardship demonstrated by the size and narrow shape of the lot and the destruction of the main structure by fire; and finding that the smaller structure will be a temporary dwelling unit; on the following described property:

West 50' of Lot 4, Block 4, Conservation Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14166

Action Requested:

Special Exception - Section 620.1 - Accessory Uses Permitted in Office Districts - Use Unit 1213 - Request a special exception to allow a barber stylist/shop in OL zoned district, located on the SW/c of Darlington Avenue and East 21st Street.

Presentation:

The applicant, Charles Compton, 5146 East 21st Street, Tulsa, Oklahoma, stated that because of health reasons he is unable to work full time and asked the Board to allow him to have a part time barber/stylist shop at the above stated location. Mr. Compton pointed out that his property is zoned for office use and that there are attorney offices next door. He informed that a circle drive will be installed for parking and that he will see clients by appointment only.

Comments and Questions:

Ms. Bradley asked the applicant if he resides in the house and he answered in the affirmative.

Ms. Compton informed that the shop will be located in their 2-car garage and not inside the house.

Case No. 14166 (continued)

Mr. Chappelle inquired as to the amount of customers that will visit the shop each day and Mr. Compton replied that he will have only 1 chair and a limited amount of customers.

Ms. Bradley remarked that an application for a ceramic shop in the area was denied recently and that she is reluctant to approve a commercial use.

Mr. Quarles pointed out that there is residential to the south, the Berean Baptist Church to the East and that a traffic burden should not be placed on this residential area.

Ms. Compton informed that there will never be more than 2 extra cars in the driveway at any one time.

Mr. Chappelle stated that the Board received a letter of protest (Exhibit D-1) from a nearby property owner.

Protestants:

Dorothy Gideon, 2013 South Canton, Tulsa, Oklahoma, stated that she lives near the property in question and pointed out that the neighborhood is predominately residential in character and that she is opposed to the traffic the business would generate in the area. She informed that a business would detract from the value of her property.

Yolanda Grove, 1906 South Darlington, Tulsa, Oklahoma, stated that she is representing many residents of the area that are opposed to this application. She informed that the main objection she has to the business is the fact that a business would be a traffic hazard for the children.

Applicant's Rebuttal:

Ms. Compton stated that 6 cars would be the maximum amount that would visit the shop in one day and that the school children always walk on the sidewalk across the street and are assisted by a guard at that location.

Mr. Smith asked the applicant if he is familiar with, and can abide by, the rules for a home occupation. Mr. Compton replied that he is familiar with the guidelines for a home occupation and can live with the restrictions.

Mr. Gardner informed that the ordinance was amended to allow a barber/beauty shop as a special exception in an office district. He pointed out that this case is a barber shop/home combination and the Board will need to determine if the use is appropriate for this area.

Mr. Quarles remarked that the property could be used for offices and, in his opinion, that use would produce greater traffic than the application before the Board today.

Case No. 14166 (continued)

Ms. Grove stated that there are 4 cars in the driveway at all times and a business would add too many cars for the site.

Ms. Bradley reiterated that she is opposed to commercial utilization of the property in the area.

Board Action:

On MOTION of QUARLES, the Board voted 3-1-0 (Chappelle, Quarles, Smith, "aye"; Bradley, "nay"; no "abstentions"; White, "absent") to **APPROVE** a Special Exception (Section 620.1 - Accessory Uses Permitted in Office Districts - Use Unit 1213) to allow a barber stylist/shop and private dwelling combination use in an OL zoned district; subject to 1 chair only; subject to a circle drive being installed; and subject to all of the Home Occupation Guidelines; finding that the part time barber/stylist shop and private dwelling combination use will be compatible with the OL District and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 6, Block 6, Gracemont Third Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14167

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow a children's nursery in an RS-3 zoned district in an existing residence which will remain as a residence, located on the SW/c of Boston Place and Zion Street.

Presentation:

The applicant, Doretha Calhoun, 2460 North Boston Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit E-3) and photographs (Exhibit E-1) and asked the Board to allow the operation of a day care center for infants and toddlers at the above stated location. She informed that the business will be open 5 days each week from 7:30 a. m. to 5 p.m. and care will be offered for children up to 18 months of age. Ms. Calhoun stated that she is a registered nurse and has been caring for children the past 10 years. She stated that all of the neighbors have been contacted and are not opposed to the center and a letter of approval (Exhibit E-2) from a property owner in the area was submitted. The applicant noted that additional space was added to her residence to supply adequate space for the center, which will service approximately 30 children. She informed that indoor operating space will total 1,186 sq. ft.

Comments and Questions:

Ms. Bradley asked if the nursery faces Boston and she informed that it does face Boston, but has an entrance on Zion.

Case No. 14167 (continued)

Mr. Smith asked if the rear and side yards are screened and Ms. Calhoun replied that the yard is fenced, with vines growing on the fence.

Mr. Quarles inquired as to how many employees will be working in the nursery and she replied that her husband and 2 other workers will be the only employees at this time.

Mr. Smith asked Ms. Calhoun where the employees will park and she informed that the driveway will accommodate 4 cars.

Mr. Quarles inquired if there are other nursery facilities in the area and the applicant stated that there is one approximately 2 blocks from the subject property.

Ms. Bradley stated a concern that there will not be sufficient hard surface parking for the residents of the home and nursery staff.

Mr. Calhoun informed that 2 cars are kept in the garage and the driveway is 27' wide and 50' long and, in his opinion, would provide adequate parking for the facility.

Board Action:

On MOTION of QUARLES, the Board voted 3-0-1 (Bradley, Quarles, Smith, "aye"; no "nays"; Chappelle "abstaining"; White, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205 - Request a special exception to allow a children's nursery in an RS-3 zoned district in an existing residence which shall remain as a residence; finding that the granting of the special exception request will not cause substantial detriment to the neighborhood and that a day nursery/residence is in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 1, Block 3, Reservoir Hill Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14169

Action Requested:

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

Variance - Section 1217.3(b) - Use Conditions - Request a variance to allow open air storage or display of merchandise offered for sale within 300' of an adjoining R District, located on the NW/c of 127th East Avenue and East 11th Street.

Presentation:

The applicant, George Goswick, 1040 South 12th East Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-2) and asked the Board to allow the sale of mobile homes and travel trailers on the subject property. He stated that he has previously received permission to construct a mini-storage facility on the tract, but has abandoned this idea. Letters (Exhibit F-1) from surrounding property owners supporting the application were submitted.

Comments and Questions:

Mr. Smith asked the applicant if he intends to sell camper trailers and he answered in the affirmative.

Ms. Bradley inquired as to the number of trailers that would be displayed on the lot and Mr. Goswick informed that there would be approximately 30 items (20 mobile homes and 10 travel trailers).

Mr. Smith asked the applicant if there are other mobile home sales in the area and he replied that there are none in the area, but some are located on Admiral.

Mr. Smith commented that he would not be inclined to approve the lot with a gravel surface.

Mr. Goswick stated that he was told that gravel would be acceptable for the mobile home parking, with hard surface only being required for customer parking.

Ward Miller, Stormwater Management, stated that paving or grading on the lot will require a Watershed Development Permit and that a drainage fee will be charged for any gravel surface that is used for parking.

Mr. Jones informed that, if the Board is inclined to approve the application and the applicant would like to advertise for waiver of the hard surface parking, the use can be acted upon and the remainder continued to the next meeting.

Ms. Bradley indicated that she would not be inclined to approve gravel parking for the mobile home lot.

Mr. Chappelle asked Mr. Goswick if he would like to readvertise for the use of gravel instead of hard surface and he replied that he wants the Board's decision today.

Mr. Quarles explained to the applicant that if the Board acts on the application today the lot will require hard surface material.

Mr. Goswick stated that he cannot afford to pave the entire lot.

Case No. 14169 (continued)

Mr. Gardner informed that there are no mobile home sales in the area and the mobiles would block 11th Street when being moved on and off the lot. He pointed out that recreational vehicles could be contained in a smaller area and would be consistent with the boat sales to the west, but mobile homes demand a large amount of space for parking.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **DENY** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to allow a mobile home sales in a CS zoned district; and to **DENY** a **Variance** (Section 1217.3(b) - Use Conditions) to allow open air storage or display of merchandise offered for sale within 300' of an adjoining R District; finding that mobile home sales would not be compatible with the area; on the following described property:

SE/4, SW/4, SE/4, SE/4, of Section 5, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14170

Action Requested:

Special Exception - Section 440 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1207 - Request a special exception to permit duplex use on 2 lots in RS-3 District, located at 3256 South Hudson Avenue.

Presentation:

The applicant, Ted Griffin, 2136 South Garnett, Tulsa, Oklahoma, submitted a plot plan (Exhibit G-1) and a location map (Exhibit G-2) and stated that he has owned the subject property for approximately 40 years and would like to construct 2 duplexes.

Comments and Questions:

Mr. Smith asked the applicant what is located to the north and south of the subject tract and he replied that there are single-family dwellings to the north and south.

Mr. Smith inquired as to the size of the building lot and Mr. Griffin stated that each duplex will have a 77 1/2' frontage.

Protestants:

Bob Saubert, 5541 East 35th Street, Tulsa, Oklahoma, stated that he lives to the south of the proposed duplexes. He explained that the neighborhood is predominately single-family residences and the only duplexes in the area are north and east of the property in question.

Case No. 14170 (continued)

Mr. Saubert stated that he and other residents of the neighborhood feel that duplexes will lower the property value of their homes.

Additional Comments:

Mr. Smith asked if the duplexes will be brick and the applicant answered in the affirmative.

Board Action:

On MOTION of QUARLES, the Board voted 3-0-1 (Chappelle, Quarles, Smith, "aye"; no "nays"; Bradley, "abstaining"; White, "absent") to **APPROVE** a **Special Exception** (Section 440 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1207) to permit duplex use on 2 lots in RS-3 District; per plot plan and elevations submitted (brick exterior); finding that there are other duplexes in the general area and that the granting of the special exception request will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

South 155' of Lot 1, Block 7, Resubdivision of Lots 2, 3, and 4, all of Blocks 4 - 13 included in Yorkshire Estates Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14171

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from the centerline of Braden Place from 50' to 32.5' in an RS District, located at 4311 South Braden Place.

Presentation:

The applicant, Glen Shook, 4311 South Braden Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit H-1) and explained that he has experienced a great deal of vandalism on his property and asked the Board to allow him to construct a lighted cover over half of his driveway. Mr. Shook stated that the cover will attach to, and be a permanent part of the existing house.

Comments and Questions:

Ms. Bradley asked if there are other carports in the area and Mr. Shook informed that there is 1 on Braden Avenue, but none on Braden Place.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in

Case No. 14171 (continued)

Residential Districts - Use Unit 1206) of setback from the centerline of Braden Place from 50' to 32.5' in an RS District; per plot plan submitted; finding a hardship demonstrated by the curvature of the street and the shape of the lot; on the following described property:

Lot 3, Block 8, of Blocks 7, 8, 9, 10, and 11, Maxcampbell Fifth Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14172

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the rear yard setback from 20' to 10' to allow a proposed residence, located on the SW/c of West 39th Street and South 27th Street West.

Presentation:

The applicant, Larry Bassett, 4302 South 43rd West Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit 1-1) and stated that he is assisting the owner in constructing a house at the above stated location. He informed that the lot is not rectangular in shape and a corner of the house will encroach on the rear yard setback.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the rear yard setback from 20' to 10' to allow a proposed residence; per plot plan submitted; finding a hardship imposed on the applicant by the shape of the lot; on the following described property;

Lot 1, Block 40, Old Town of Redfork Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14173

Action Requested:

Special Exception - Section 410 - Principal Uses 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 to permanently, located at 2627 East Seminole.

Case No. 14173 (continued)

Presentation:

The applicant, Ann Listenbee, 1816 North Birmingham, Tulsa, Oklahoma, was not present.

Board Action:

On MOTION of QUARLES, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to CONTINUE Case No. 14173 until September 4, 1986.

Case No. 14174

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215 - Request a special exception to allow a dry cleaning plant in a CS zoned district.

Variance - Section 730 - Bulk and Area requirements in commercial Districts - Request a variance of the required setback from the centerline of Harvard from 100' to 62' and from 32nd Street from 50' to 33.6' to allow for existing building and proposed addition, located on the NE/c of 32nd Street and Harvard - 3147 South Harvard.

Presentation:

The applicant, David Nunnely, 6525 South 221st East Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit XX-1) and stated that an addition is planned for the building in question which is located in the Ranch Acres parking lot. He informed that a dry cleaning plant will be in operation at this location.

Comments and Questions:

Mr. Chappelle asked Mr. Nunnely to state the size of the building, including the new addition, and he replied that it is presently 957 sq. ft. and after the addition will be approximately 1150 sq. ft.

Mr. Gardner pointed out that the addition to the existing building will align on the west and south sides of the building which already encroach into the setback.

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 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215) to allow a dry cleaning plant in a CS zoned district; and to APPROVE a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts) of the required setback from the centerline of Harvard from 100' to 62' and from 32nd Street from 50' to 33.6' to allow for existing building and proposed addition; per plan submitted; finding that the new addition will align with the existing building; and finding that

Case No. 14174 (continued)

the dry cleaning plant will be compatible with the area and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The tract of land that is part of Lot 5 of Albert Pike Second Addition, City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: Beginning at a point that is the southwest corner of said Lot-5; thence north along the westerly line of Lot-5 for 115.00'; thence easterly and parallel to the southerly line of Lot-5 for 100.00'; thence southerly and parallel to the westerly line of Lot-5 for 115.00' to a point on the southerly line of Lot-5; thence westerly along said southerly line for 100.00' to the point of beginning of said tract of land, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14175

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1215 - Request a use variance to allow a daytime flea market in an RS-3 zoned district.

Variance - Section 1340(d) - Design Standards for Off-Street Parking Areas - Request a variance of the required all weather surface for off-street parking, located at 5810 South Mingo Road.

Presentation:

The applicant, Richard Gardner, 5656 South Mingo, Tulsa, Oklahoma, stated that a use variance was approved to allow office use for the property in question, but that he has been unable to rent the building. Mr. Gardner informed that he is unable to rent the house for a dwelling because of the creek that floods the area and asked the Board to allow the operation of a flea market on the property. He explained that he will be open during day time hours for approximately 6 months out of each year.

Comments and Questions:

Ms. Bradley asked the applicant where his customers will park and he replied that there is a circle drive in front of the house that would supply adequate parking.

Mr. Smith inquired if the business will be owner operated and Mr. Gardner informed that he owns a tax service across the street from the the subject property and plans to operate both businesses.

Ms. Bradley asked how many cars would visit the flea market each day and the applicant replied that he anticipates approximately 20 to 30 customers per day, with no more than 10 customers at any given time.

Case No. 14175 (continued)

Mr. Smith asked the applicant to address the hardship. He stated that he considers the hardship to be the location of the property in a flood area and the fact that it would take \$140,000 of alterations, which is more than the value of the property, to remove the creek from the floodplain.

Ward Miller, Stormwater Management, informed that the subject tract is in a floodway and there is a rapid conveyance of floodwater in the area. He pointed out that the ordinance does not provide protection against flotation of debris in the event of a flood, therefore, items on the lot could be swept downstream, creating a blockage and possibly widen the floodplain. Mr. Miller stated that he recommends denial of the application.

Mr. Chappelle informed that a letter of protest was received from District No. 18 (Exhibit J-1) recommending denial of the request.

Mr. Gardner informed that the previously denied application for a car sales operation on the lot would require that cars be parked there at all times, while articles for sale at a flea market will be removed at the end of each day. He pointed out that, in case of flooding, there would be nothing there at night and someone would be there to remove the goods during the daytime hours.

Ms. Bradley asked the applicant to state specific hours of operation and the replied that the flea market will be open from 8 a.m. to 5 p.m., 7 days each week.

Ms. Bradley inquired if the business could be contained inside the house and Mr. Gardner informed that the house is too small to conduct the business inside.

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 **DENY** a Use Variance (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1215) to allow a daytime flea market in an RS-3 zoned district; and to **DENY** a Variance (Section 1340(d) - Design Standards for Off-Street Parking Areas) of the required all weather surface for off-street parking; finding that the outside display of merchandise in a floodway would be detrimental to the area; and finding that the granting of the variances requested 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 2, Anderson Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14176

Action Requested:

Variances - Section 1221.7 - Use Conditions for Outdoor Advertising Signs - Request the following variances for outdoor advertising signs: Section 1221.7(a) not within a freeway sign corridor; 1221.7(b) less than 1200' spacing between signs; 1221.7(f) not oriented to be primarily visible from a freeway; 1221.7(j) supported by more than one post.

Variances - Section 1221.3 - General Use Conditions for Business Signs - Request variance of 1221.3(f) required 60' setback from centerline of 21st Street and 1221.3(i)(3) allows only one sign per 200' of arterial street frontage, located on the SW/c of 21st and Yukon.

Interested Parties:

A letter of support (Exhibit K-2) from Commissioner J. D. Metcalfe was received by the Board.

Presentation:

The applicant, Jerry Whitt, who submitted aerial photographs (Exhibit K-1), stated that he represents Ogden Martin Systems of Tulsa, 2122 South Yukon, Tulsa, Oklahoma. Mr. Whitt informed that when the subject property was acquired in 1982, there were approximately 5 signs attached to the fence that encloses the ONG gas regulation station on the corner of 21st Street and Yukon. He informed that the Walter Hall Resource Recovery Facility was built on the site and the fence around the gas regulation station is now covered with a wood fence. Mr. Whitt asked permission to place a new directional sign with the names of three companies located to the south of the resource recovery facility.

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** Variances (Section 1221.7 - Use Conditions for Outdoor Advertising Signs) for outdoor advertising signs: Section 1221.7(a) not within a freeway sign corridor; 1221.7(b) less than 1200' spacing between signs; 1221.7(f) not oriented to be primarily visible from a freeway; 1221.7(j) supported by more than one post; and to **APPROVE** Variances (Section 1221.3 - General Use Conditions for Business Signs) of 1221.3(f) required 60' setback from centerline of 21st Street and 1221.3(i)(3) allows only one sign per 200' of arterial street frontage; finding that 1 sign will actually display directional signs for 3 businesses in the area; and finding a hardship demonstrated by the fact that the signs were there previous to present Code prohibition; on the following described property:

The northerly 900' of the easterly 1,085' of the NW/4, NE/4 of the Section 15, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

8.21.86:472(18)

Case No. 14177

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from the centerline of Sheridan Avenue from 85' to 57' in an RS-3 zoned district to allow an existing swimming pool and residence, located at 6324 East 57th Place.

Presentation:

The applicant, Andre Assalone, 6324 East 57th Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit S-1) and stated that the house in question was built approximately 25 years ago. He pointed out that he is attempting to refinance and it was determined that the existing house and pool are encroaching on the Sheridan Avenue setback.

Interested Parties:

Norman Ryser, 5917 East 54th Street, Tulsa, Oklahoma, stated that he has recently acted as President of Key Homeowners Association and informed that 10 homes on the west side of Sheridan are greatly affected by the widening of that street. He stated that, in his opinion, the street could be curved and some of the land on the east side of Sheridan utilized.

Ms. Bradley pointed out that the Board has no power to act on the location of the street.

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 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from the centerline of Sheridan Avenue from 85' to 57' in an RS-3 zoned district to allow an existing swimming pool and residence; finding a hardship demonstrated by the irregular shape of the lot and the fact that the existing house was constructed approximately 25 years ago; on the following described property:

Lot 24, Block 5, Park Plaza Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14178

Action Requested:

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the 750 sq. ft. size limit for a detached accessory building within the rear yard to 864 sq. ft., located at 1312 South 121st East Avenue.

Case No. 14178 (continued)

Presentation:

The applicant, Wayne Hall, 1312 South 121st East Avenue, Tulsa, Oklahoma, submitted a plat of survey (Exhibit L-1) and a plot plan (Exhibit L-2) and stated that he is proposing to construct a garage on his property. Mr. Hall informed that the structure will be used for personal use only.

Comments and Questions:

Ms. Bradley asked the applicant if the building has been constructed and he replied that there is an old barn on the lot which will be demolished and replaced with the garage.

Wade Miller, Stormwater Management, informed that the applicant will be required to obtain a Watershed Development Permit for construction of the garage.

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 240.2(e) - Permitted Yard Obstructions - Use Unit 1206) of the 750 sq. ft. size limit for a detached accessory building within the rear yard to 864 sq. ft.; per plot plan; and subject to Stormwater Management approval; finding a hardship demonstrated by the size of the lot and that the garage will replace a barn that is now located on the tract; on the following described property:

Lot 1, Block 5, Elm Hurst Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14179

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1205 - Request a variance of required 25' rear yard setback in an RS-2 district to 10' to allow proposed construction to line up with the existing church, located on Fulton Avenue north of the NW/c of 51st Street.

Presentation:

The applicant, Kathryn M. Van Schoyck, 111 East 1st, Suite 100, Tulsa, Oklahoma, submitted a plot plan (Exhibit M-1) and stated that she is representing Resurrection Church. She informed that the church is planning to construct offices which will be added on to and align with the existing building.

Wade Miller, Stormwater Management, informed the applicant that a Watershed Development Permit will be required.

Protestants: None.

Case No. 14179 (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 APPROVE a Variance (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1205) of required 25' rear yard setback in an RS-2 district to 10' to allow proposed construction to line up with the existing church; per plot plan submitted; subject to Stormwater Management requirements; finding that the new addition will align with the existing building; on the following described property:

The east 352.12' of the south 126' of Lot 10, and the east 352.12' of the north 97.786' of Lot 11, Block 1, Allens Sub-Division, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14180

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 as well as a single-family dwelling in an RS-2 zoned district, located at 6108 South Trenton.

Presentation:

The applicant, David Fletcher, 4839 South Braden, No. 1404, Tulsa, Oklahoma, submitted a plot plan (Exhibit N-5) and photographs (Exhibit N-1) and asked the Board to allow a day care center to be operated in a house at the above stated location.

Comments and Questions:

Ms. Bradley asked the applicant if he intends to live in the house where the day care will be located and he replied that he will live there for approximately 3 months.

Mr. Quarles asked Mr. Fletcher how long he has been in the day care business and he replied that this will be his first experience with a day care center, but that he plans to employ a grade school teacher to work with the children.

Mr. Chappelle asked the hours of operation for the center and the number of children it will serve. The applicant stated that the day care will be open from 7 a.m. to 6 p.m., Monday through Friday, and will have 15 preschool children.

Protestants:

Kevin Jeffords stated that he represents 13 homeowners (Exhibit N-3) surrounding the subject property, who are of the opinion that this business would add to an already hazardous traffic situation. He submitted a location map (Exhibit N-4) of Metro Christian Academy

Case No. 14180 (continued)

and informed that this street is one of the access streets to the school. Mr. Jeffords stated that his clients do not feel that the day care center is in harmony with the residential character of the neighborhood and asked the Board to deny the application. Photographs (Exhibit N-1) of the substandard street were submitted.

Floy Hartman, 1547 East 61st Street, Tulsa, Oklahoma, stated that there are many children walking in the area and that any added traffic to the already congested area would be a hazard to these children.

Karen Thomas, 6135 South Trenton, Tulsa, Oklahoma, stated that at times the street is so congested that she is unable to get out of the driveway of her home and asked the Board to deny the application.

Letters of protest (Exhibit N-2) were received by the Board.

Applicant's Rebuttal:

The applicant stated that there are 3 access streets to Mc Clure High School and that he agrees there is a traffic problem in the area, but has never seen 3 or 4 cars waiting at the stop sign.

Additional Comments:

Mr. Smith asked the applicant if he has already purchased the property in question and he answered in the affirmative.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow a day care center as well as a single-family dwelling in an RS-2 zoned district; finding that a day care center is not compatible with the neighborhood and the special exception request is not in harmony with the Code and the Comprehensive Plan; on the following described property:

South 134.4' of Lot 1, Valley Center Addition to the City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 13697

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow a modification to a previously approved site plan for a car

Case No. 13697 (continued)

wash facility in a CS District, located east of the NE/c of 91st Street and Delaware Ave.

Comments and Questions:

Mr. Jones informed that the applicant has filed application to appear before the Board at a later date, but due to a limited time schedule, he has personally contacted all of the property owners within 300' of the subject property. He stated that there is a revision of the previously approved plot plan and the applicant is present if the Board determines to hear the case today.

Mr. Jackere reviewed the revised plot plan and noted that 1 bay is being added to the car wash and buildings are being moved.

After discussion, the Board concluded that the case should be readvertised.

Board Action:

On MOTION of BRADLEY, the Board voted 3-0-1 (Bradley, Chappelle, Quarles, "aye"; no "nays"; Smith, "abstaining"; White, "absent") to **DENY** modification to a previously approved site plan for a car wash facility in a CS District; finding that surrounding property owners have not been notified by mail and the application has not been properly advertised; on the following described property:

The west 250' of the east 500' of Lot 1, Block 1, Delaware Crossing Condominiums, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 4:07 p.m.

Date Approved

9-4-86


Chairman

