

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 476
Thursday, October 16, 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, October 14, 1986, at 3:20 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

Ms. Bradley stated that, on Case No. 14242, her intent was to specify that play not begin before 7 a.m., and requested that the minutes be amended to reflect that the hours of operation for the tennis courts be from 7 a.m. to 10 p.m.

Mr. Chappelle voiced a concern with amending the Board action without the presence of the applicant and interested party.

After discussion, the Board determined to notify the applicant and interested party of the proposed change and hear their comments at the November 6 meeting.

Ms. White requested that the minutes of Case No. 14216 be corrected to read, "subject to deepening of the existing detention pond", instead of "subject to a detention pond", as reflected in the minutes.

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE the Minutes of October 2, 1986, as corrected by Ms. White.

UNFINISHED BUSINESS

Case No. 14189

Action Requested:

Variance - Section 440.3 - Special Exception Uses in Residential Districts - Use Unit 1207 - Request a variance of the 9,000 sq. ft.

Case No. 14189 (continued)

lot area; of the required 5,000 sq. ft. land area per dwelling unit; required minimum frontage of 75' and of the required livability space of 2,500 sq. ft. to allow for an existing duplex, located west of the SW/c of New Haven and 1st Street.

Comments and Questions:

Mr. Jones informed that duplex use at the above stated location was approved at the September 4 meeting and that it was determined later that the lot was a nonconforming lot size. He stated that the applicant is before the Board today to address the lot size issue.

Presentation:

The applicant, R. R. McFadden, 4126 South Birmingham, Tulsa, Oklahoma, stated that there is a 2 block area of duplexes which all have the same area and frontage and asked the Board to approve the request.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a Variance (Section 440.3 - Special Exception Uses In Residential Districts - Use Unit 1207) of the 9,000 sq. ft. lot area; of the required 5,000 sq. ft. land area per dwelling unit; required minimum frontage of 75' and of the required livability space of 2,500 sq. ft. to allow for an existing duplex; finding that the other duplexes in the area are on similar sized lots; and finding that the granting of the variance request will not be detrimental to the neighborhood and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 2, Block 6, Morgan Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14198

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1223 - Request a use variance to allow for the storage of new and used automobiles in an RM-2 District (Lot 3 only).

Variance - Section 1223.3 - Warehousing and Wholesaling, Use Conditions - Request a variance of the screening requirement, located west of the SW/c of 10th and Lewis.

Presentation:

The applicant, Robert Miles, 718 Mayo Building, Tulsa, Oklahoma, represented Cox Motor Company and informed the Board that he is requesting withdrawal of the variance of the screening requirement. Mr. Miles submitted a plot plan (Exhibit A-2) and stated that the issue before the Board concerns Lot 3, which will be used as off-street parking for employees only. He informed that the lot ingress and egress will be from 10th Street and no lights will be installed on the property. Mr. Miles stated that the total square footage of the new building at this location is 40,900 sq. ft.

Protestants:

Jim Boggs, 2220 East 10th Street, Tulsa, Oklahoma, submitted photographs (Exhibit A-1) and stated that during the last heavy rain in the area, water from the lot in question flowed down his driveway and into the street. Mr. Boggs asked that this water run-off be directed away from his property and that a 6' cedar fence be constructed between his property and the property in question.

Comments and Questions:

Mr. Smith asked the applicant how many people are employed at Cox Motor Company and he replied that there are 55 employees.

Ms. White inquired if Lot 3 is the only employee parking available on the premises and he replied that this lot will provide parking for 34 vehicles, which is adequate for the employees. He informed that the people involved in used car sales park on the southeast corner of 11th and Lewis.

Mr. Smith asked if there is parking for 25 additional automobiles provided somewhere on the Cox property and Mr. Miles answered in the affirmative.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a Use Variance (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1223) to allow for the storage of new and used automobiles in an RM-2 District; and to **WITHDRAW** a Variance (Section 1223.3 - Warehousing and Wholesaling, Use Conditions) of the screening requirement; subject to no lighting being installed on Lot 3; subject to Lot 3 being restricted to employee parking only and being graded to direct water run-off away from the property to the west; subject to a 6' solid cedar fence being erected along the west property line of Lot 3; and subject to 20 additional employee/customer parking spaces being provided within the complex on this block, other than on Lot 3; on the following described property:

Lot 3 - 8, Hillcrest Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14215

Action Requested:

Variance - Section 420.2(a)2 - Accessory Use Conditions - Request a variance to allow a detached accessory building in the side yard, located on the SE/c of 37th West Avenue and Edison.

Presentation:

The applicant, Kirby Counce, 3600 West Edison, Tulsa, Oklahoma, who submitted a plot plan (Exhibit B-1) stated that he has previously been before the Board and has returned because he intends to build the accessory building farther to the south and no closer to the street than previously requested.

Protestants: None.

Board Action:

On MOTION of QUARLES, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Variance (Section 420.2(a)2 - Accessory Use Conditions) to allow a detached accessory building in the side yard; per plot plan submitted; finding a hardship imposed on the applicant by the large size of the lot; and finding that the granting of the variance request will not be detrimental to the neighborhood and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The W/2 of the NW/4 of the W/2 of Lot 1, NE/4 NE/4 in Section 4, T-19-N, R-12-E of the IBM, containing 1-5/8 acres, more or less EXCEPT a strip of land 25' wide off the west side of said tract reserved for street, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, more particularly described as: Beginning at the NW/c of Lot 1, thence easterly along the north line of Lot 1 a distance of 165.42'; thence south along a line parallel with the west line of Lot 1 a distance of 419.47'; thence westerly a distance of 165.42' to a point on the west line of Lot 1; thence north along said west line a distance of 420.63' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14221

Action Requested:

Variance - Section 1212.4/1214.4 - Off-Street Parking and Loading Requirements - Use Unit 1212/1214 - Request a variance of the required number of parking spaces in a CS District, located on the SE/c of East 61st Street and South Memorial Drive.

Presentation:

The applicant, John Moody, Bank of Oklahoma Tower, Tulsa, Oklahoma, who submitted a plot plan (Exhibit C-1) and a parking demand study (Exhibit C-2), stated that he represents Tulsa Retail Associates, owner of Manchester Square Shopping Center. Mr. Moody pointed out that the property in question is a sloping irregular shaped tract, making it more difficult to provide parking for the shopping center. He pointed out that the developer has studied the site to determine what would be the optimum tenant mix, while providing the maximum number of parking spaces necessary to meet the peak demand of the retail mixed use of the center. He stated that the Code requires 776 parking spaces for retail shopping, which are presently provided on the site. Mr. Moody informed that, according to the study conducted by the Traffic Engineers, the parking demand given the present tenant mix is 709 spaces; however, the tenant mix of restaurants, bar and retail desired by his client would require, under the City Code, 800 parking spaces. He explained that, according to this study, the peak demand would show a need for 757 spaces, with 19 more being provided than this need. Mr. Moody stated that the City Code does not necessarily reflect the actual tenant mixes that may be achieved in a mixed use shopping center, but states the number of parking spaces per square foot for different types of uses. The applicant pointed out that the submitted study shows a type of mix on Page 3 that his client will agree to, if the requested variance is approved. Mr. Moody stated that the center has a total of 144,354 sq. ft. of retail area and requested a mix of 117,341 sq. ft. of retail area, 24,504 sq. ft. of restaurant food service area, and a total of 2,500 sq. ft. of bar area. He informed that 800 spaces are required, but because of the topography, only 776 can be provided, with peak parking demand being 757 spaces. He asked the Board to approved the 3% variance.

Comments and Questions:

Mr. Smith asked the applicant to state the width of the parking spaces and he replied that he is not sure of the width, but the spaces will meet the striping requirement set out by the Code.

Mr. Gardner informed that the shopping center would be required to have 641 parking spaces if the entire center was devoted to retail sales, but an additional 24 spaces, over and above the 776 provided, are required for the proposed mix.

Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 1212.4/1214.4 - Off-Street Parking and Loading Requirements - Use Unit 1212/1214) of the required number of parking spaces in a CS District; per plot plan submitted; per parking demand study and use mix shown on Table No. 3; finding a hardship demonstrated by the topography and irregular shape of the tract; on the following described property:

Case No. 14221 (continued)

All of Southeast Square Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14206

Action Requested:

Minor Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of setback from the centerline of South Norfolk Avenue from required 50' to 45' in an RS-3 District, located on the SW/c of South Norfolk and 16th Street.

Comments and Questions:

Mr. Jones informed that the applicant, Douglas Hofer, is in need of additional relief and has requested that Case No. 14206 be continued until the November 6, 1986 meeting.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to CONTINUE Case No. 14206 until November 6, 1986 in order to allow the applicant sufficient time to advertise for additional relief.

NEW APPLICATIONS

Case No. 14243

Action Requested:

Variance - Section 420.2 - Accessory Use Conditions - Use Unit 1206 - Request a variance to allow a detached accessory building (carport and storage) to be located within a side yard.

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance to allow a carport and enclosed storage building to set 3' from property line, located at 9145 East Marshall Street.

Presentation:

The applicant, Patrick Shepherd, 9145 East Marshall Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1) and stated that he has constructed a carport on his property and was unaware that a Building Permit was required. Mr. Shepherd asked the Board to allow the carport to remain.

Comments and Questions:

Ms. White asked the applicant if there are other carports in the block where he lives and he answered in the affirmative.

Case No. 14243 (continued)

Mr. Smith asked the applicant if he constructed the carport himself and he replied that he did the work himself and nobody complained at the time of construction.

Ms. Bradley asked Mr. Shepherd where the other carports are located in the area and he replied that there are three across the street.

Mr. Smith inquired if guttering is installed on the carport and Mr. Shepherd informed that he has not had time to install it, but guttering is planned for the carport.

The applicant remarked that he does not use the structure to protect his car, but only for storage of motorcycles, bicycles and lawn mowers. He pointed out that a privacy fence will be installed, which will partially conceal the carport.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 420.2 - Accessory Use Conditions - Use Unit 1206) to allow a detached accessory building to be located within a side yard; and to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) to allow an accessory storage building to set 3' from property line; subject to the structure being used for a storage building and not a carport; subject to the applicant guttering the east side of the storage building, with all drainage being directed to his property; subject to the erection of a 6' solid screening fence along the east property line, beginning at the setback for the southeast corner of the house and continuing to the rear of the storage building; finding that there are other similar structures in the area; and finding that the storage facility will not be detrimental to the neighborhood and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 26, Block 4, Layman Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14245

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1227 - Request a special exception to allow for an auto salvage in an IM zoned district, located at 5523 East Archer Street.

Presentation:

The applicant, Jerri Mirecki, 2624 East 14th Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit E-1) and property value comparisons (Exhibit E-2), stated that she is a real estate agent and found no difference in property values of houses near salvage yards and those one mile away. Ms. Mirecki informed that the auto salvage in question will not be the typical salvage yard, but will have a repair shop, body shop, new and used auto parts, building and maintenance of race cars and used car sales. She informed that the inventory of salvage vehicles will be very small and these will be contained inside a privacy fence.

Comments and Questions:

Ms. Bradley asked Mr. Gardner if the special exception is needed for this type of business and he replied that a special exception will be required because there will be more than one principal use and the salvage is one of the principal uses.

Ms. Bradley asked the applicant how many buildings will be constructed and she replied that one building will be on the property.

Mr. Smith inquired as to the location of the salvage on the site and Ms. Mirecki informed that the salvage will be restricted to the northeast portion of the tract.

Protestants:

Brian Ipock, 6943 East Newton Place, Tulsa, Oklahoma, stated that he is representing District 16 and that the residents of the area are opposed to the auto salvage. He pointed out that the traffic and noise level will be increased for the residential area nearby. Mr. Ipock stated that, along with decreased property values, further problems will be created by wild animals breeding in the junk. He asked the Board to deny the application.

Interested Parties:

Jim Tatum, 5311 East Archer, Tulsa, Oklahoma, stated that he has some of the same concerns of Mr. Ipock.

Applicant's Rebuttal:

Ms. Mirecki stated that, in her opinion, the business will be open during regular business hours and will not generate very much traffic in the area. She pointed out that the motors and parts are very costly and will not be left outside.

Additional Comments:

Ms. White asked the applicant if the engines will be tested inside and she answered in the affirmative.

Mr. Smith asked if the north 160' of the property could be used as the salvage portion and the applicant replied that the salvage vehicles can be restricted to this area.

Case No. 14245 (continued)

Mr. Quarles asked what type of cars are worked on and Ms. Mirecki replied that they work on foreign sports cars.

Ms. Bradley commented that, in her opinion, a salvage yard is not compatible with the area.

Board Action:

On MOTION of WHITE, the Board voted 4-1-0 (Chappelle, Quarles, Smith, White, "aye"; Bradley, "nay"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1227) to allow for a foreign sports car auto salvage in an IM zoned district; subject to all salvage sport cars being restricted to the north 160' of the property in question; subject to all engine repair being done inside the building; subject to screening being installed on the east side of the entire property and also completely around the salvage area; subject to hours of operation being from 8 a.m. to 5 p.m.; finding that the salvage operation restricted to the north 160' of the 20-acre tract will be compatible with the area and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

A tract of land in Section 34, T-20-N, R-13-E, Tulsa County, Oklahoma, beginning 289' East of the SW/c of the SE SE SW; thence East along the South Section Line 81.48'; thence North 4°22' East 661.92'; thence West 272.38'; thence South 0°6'50" East 385'; thence East 139', thence South 0°6'50" East 275' to POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14246

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213 - Request a variance of setback from the centerline of Yale Avenue from 110' to 100' and from centerline of East 32nd Street from 50' to 45'.

Variance - Section 1213.4 - Off-Street Parking and Loading Requirements - Use Unit 1213 - Request a variance of the parking requirements to allow for 8 parking spaces, located on the SE/c of 32nd Street and Yale Avenue.

Presentation:

The applicant, C. W. Ellison, 3639 South Harvard, Tulsa, Oklahoma, submitted a packet (Exhibit F-1) containing a plot plan and photographs and stated that he is representing the owners of the subject property. He informed that, in his opinion, the building in question is in conformity with existing structures to the north and south. Mr. Ellison pointed out that the apartment building to the east is closer to the street than his client's building. He explained that the existing building will be demolished and replaced with a new structure.

Case No. 14246 (continued)

Comments and Questions:

Ms. Bradley asked the applicant to state the use of the new building and he informed that there will be retail or business offices located there.

Mr. Smith asked Mr. Ellison to state the parking variance and he replied that 15 parking spaces are needed.

Mr. Ellison stated that he feels that there will be sufficient parking and asked to withdraw the variance of the parking requirements.

Mr. Jackere stated that the applicant can withdraw the variance for parking, but may have to return to the Board for that relief if there is not sufficient parking when the building plans are reviewed by the Building Inspector.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213) from the centerline of Yale Avenue from 110' to 100' and from centerline of East 32nd Street from 50' to 45'; and to **WITHDRAW** a **Variance** (Section 1213.4 - Off-Street Parking and Loading Requirements - Use Unit 1213) of the parking requirements to allow for 8 parking spaces; per plan submitted; finding that the proposed construction will align with the existing buildings along 32nd Street; on the following described property:

Part of the NW/4 NW/4, Section 22, T-19-N, R-13-E, beginning 560' south of the NW/c of the NW/4; thence east 140'; thence south 98'; thence west 140'; thence north 98' to point of beginning, less the west 24.75' for roadway, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 14247

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request a special exception to allow for office use in an RM-2 zoned district, located at 1432 South Quaker Avenue.

Presentation:

The applicant, John Klenda, 3315 East 39th Street, Tulsa, Oklahoma, submitted a packet (Exhibit G-1) containing photographs and proposed use for the property in question, which is within the Cherry Street Special Study area. Mr. Klenda informed that he has purchased the existing 4-plex and intends to retain the upper units for residential purposes, while using one of the lower units for a

Case No. 14247 (continued)

personal law office and reserving the remaining one to expand his practice when needed. The applicant informed that the surrounding property owners are supportive of his proposal and Richard Hockett, one of the owners of the apartment building to the north, has agreed to allow the use of his driveway for ingress and egress to the subject property in return for his renters being allowed to share Mr. Klenda's parking lot. Mr. Klenda stated that there will be a limited amount of clients visiting his office and, in his opinion, the parking lot at the rear of the building will supply an adequate number of spaces for these customers. The applicant informed that he plans to install a small sign, but there will be no structural changes in the building.

Comments and Questions:

Ms. White asked the applicant how his clients will gain access to the parking area and he replied that there is an alley between the building in question and the building to the south. Ms. White pointed out that she has viewed the property and that a large car could not drive down the narrow alley to the parking lot in the rear. Mr. Klenda stated that Mr. Hockett has agreed to allow access across his property.

Mr. Quarles inquired as to the amount of square footage in the 4-plex and the applicant replied that each floor contains 1,400 sq. ft., with 700 sq. ft. of this space in the law office.

Ms. White stated that she is supportive of the use, but again voiced a concern that the limited access to the parking area could be a problem.

Mr. Jackere informed that a Mutual Access Agreement could be executed if Mr. Hockett will allow ingress and egress across his property.

Mr. Quarles pointed out that, in his opinion the law office would not generate as much traffic as residential use.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") **APPROVE** a Special Exception (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1211) a special exception to allow for office use in an RM-2 zoned district; subject to proper execution of a Mutual Access Agreement between the applicant and the property owner to the north; finding that the granting of the special exception request will not be detrimental to the area and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Case No. 14247 (continued)

Lot 8, Block 1, Broadmoor Heights Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 14248

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1221 - Request a variance of setback for an existing outdoor advertising structure to set in City right-of-way, located on the NE/c of 49th West Avenue and Keystone Expressway.

Presentation:

The applicant, Frank Heffern, 9310 East 46th Street North, Tulsa, Oklahoma, was present.

Comments and Questions:

Mr. Jones informed that the applicant is in need of additional relief for Case No. 14248 and has requested that this case be continued to November 6, 1986.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to CONTINUE Case No. 14248 to allow the applicant sufficient time to readvertise for additional relief.

Case No. 14249

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow church use in an RM-1 District.

Variance - Section 1205.3 - Use Conditions - Use Unit 1205 - Request a variance of the 1 acre minimum lot size and a variance to allow required parking in the front yard.

Variance - Section 1205.4 - Off-Street Parking - Request a variance of the required number of parking spaces, located at 1549 North Detroit.

Comments and Questions:

Mr. Jones informed that the applicant, Joe White, has requested that Case No. 14249 be continued to November 6, 1986 to allow him sufficient time to advertise for additional relief.

Case No. 14249 (continued)

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to CONTINUE Case No. 14249 to November 6, 1986 to allow the applicant to readvertise.

Case No. 14250

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request a special exception for a home occupation to allow for a dance studio in a RS-1 zoned district, located at 7797 East 25th Place.

Presentation:

The applicant, Alfred Benjamin, 7797 East 25th Place, Tulsa, Oklahoma, asked the Board to allow him to operate a dance studio in his home at the above stated location. He stated that he will comply with all of the requirements of a home occupation.

Comments and Questions:

Ms. Bradley asked the applicant to explain the operation of a dance studio and Mr. Benjamin replied that he teaches ballroom and country western dancing, with 12 people per class. He informed that he also teaches dance classes at Tulsa Junior College.

Mr. Jackere inquired as to the number of classes that will be held each day and the applicant answered that he teaches 3 classes, beginning at 6:30, 7:30, and 8:30 in the evening.

Ms. White asked the applicant if the studio in question is the same as Al's Dance Studio that was formerly located on 15th Street and he answered in the affirmative.

Ms. Bradley asked Mr. Benjamin where his students park and he replied that there are 6 parking spaces in the driveway.

Mr. Chappelle inquired as to what days of the week classes are scheduled and the applicant replied that the days of operation vary from week to week.

Ms. Bradley pointed out to Mr. Benjamin that he is not allowed to have the name of his dance studio displayed on his mailbox as it now appears.

The applicant stated that he will remove the sign if it is not allowed.

Mr. Quarles asked if all of his students are adults and Mr. Benjamin answered in the affirmative.

Case No. 14250 (continued)

Protestants:

Attorney Joe Farris, 1221 East 30th Place, Tulsa, Oklahoma, who submitted photographs (Exhibit H-1) and a petition (Exhibit H-2), stated that he represents Whitney Homeowner's Association and residents of the area. Mr. Farris pointed out that the driveway to the subject property is a single car driveway and that Mr. Benjamin's clients park on the lawn and along the street. He pointed out that the property in question is the first property to the north of 25th Place when exiting off Memorial and cars parked in this area would be a traffic hazard. He asked the Board to preserve the residential character of the neighborhood.

Ray McCollum, 3135 South 76th East Avenue, Tulsa, Oklahoma, stated that he is President of Whitney Community Homeowner's Association and pointed out that the dance studio violates the integrity of Johanson Acres. Mr. McCollum pointed out that the granting of the special exception would encourage commercial developers to attempt to locate in the area.

Applicant's Rebuttal:

Mr. Benjamin pointed out that his classes begin after the rush hour and would not cause a traffic problem. He stated that an expansion of the driveway is planned to provide adequate parking for his students.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211) for a home occupation to allow for a dance studio in an RS-1 zoned district; finding that the use is not compatible with the area and that the special exception request is not in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 16, Block 9, Johanson Acres Extended Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14251

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215 - Request a special exception to allow for the outdoor sale of Christmas trees for the 1986 season, located on the SE/c of 41st and Harvard Avenue.

Presentation:

The applicant, Southwest Nursery, 5401 West Skelly Drive, Tulsa, Oklahoma, was represented by Bill Manley, 3111 East 58th Place,

Case No. 14251 (continued)

Tulsa, Oklahoma. Mr. Manley asked permission to sell Christmas trees at the above stated location.

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215) to allow for the outdoor sale of Christmas trees for the 1986 season; finding that the use is temporary and that the granting of the special exception request will not be detrimental to the area; on the following described property:

Lot 1, Block 1, Villa Grove Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14252

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in a RS-3 zoned district.

Variance - Section 440.6(a) - Special Exception Uses in Residential Districts, Requirements - Use Unit 1209 - Request a variance of the time regulation from 1 year to permanently, located on the SE/c of 36th Street and South Maybelle.

Presentation:

The applicant, Roberta Chandler, 1104 North Trenton Avenue, Tulsa, Oklahoma, stated that she owns a mobile home and asked the Board to allow her to place it on property at the above stated location. Lester Chandler, husband of the applicant, informed that they have purchased the property and asked the Board to approve the mobile home.

Comments and Questions:

Mr. Chappelle asked the applicant if there is a mobile home on the property at this time and he replied that the lot is vacant.

Ms. Bradley inquired if there are other mobile homes in the area and Mr. Chandler replied that there are 3 mobiles located down the street from his property.

Mr. Smith asked Mr. Chandler if he intends to live in the mobile home and he answered in the affirmative.

Case No. 14252 (continued)

Ms. Bradley inquired if the mobile will be hooked up to a sanitary sewer and the applicant replied that a septic system will be used for sewage disposal.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for a mobile home in a RS-3 zoned district; and to APPROVE a Variance (Section 440.6(a) - Special Exception Uses In Residential Districts, Requirements - Use Unit 1209) of the time regulation from 1 year to permanently; finding that there are numerous mobile homes in the area and the granting of the requests will not be detrimental to the area and that the use does not violate the spirit and intent of the the Code or the Comprehensive Plan; on the following described property:

Lot 34, Block 7, Garden City Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14253

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1221 - Request a variance of setback from the centerline of 41st Street from 50' to 39' to allow for a business sign, located on the SE/c of 41st and Peoria.

Presentation:

The applicant, Roy Adcock, 4441 South 72nd East Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit J-1) and photographs (Exhibit J-2) and stated that he is the director of construction for Mazzio's Pizza. He explained that he was before the Board in June and was granted approval for the building and parking within the setback area of Peoria and 41st Street, but did not get permission to install a sign. Mr. Adcock stated that he is asking the Board to allow the sign to be placed inside the 41st Street setback area, with the understanding that the sign will be removed at Mazzio's expense if 41st Street is widened in the future.

Comments and Questions:

Ms. Bradley asked Mr. Adcock if his sign aligns with the Old Village sign to the east and he replied that it does align with that sign.

Protestants: None.

Case No. 14253 (continued)

Board Action:

On MOTION of QUARLES, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements In Commercial Districts - Use Unit 1221) of setback from the centerline of 41st Street from 50' to 39' to allow for a business sign; per plot plan submitted; subject to the execution of a Removal Contract; finding that the sign will align with existing signs in the area; and finding a hardship demonstrated by the corner lot location with setbacks on Peoria Avenue and 41st Street; on the following described property:

Lots 1, 2, 3, and 4, Block 1, Jennings Robards Additions, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14254

Action Requested:

Variance - Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of setback from the centerline of 31st Street from 85' to 51' 6" to allow for an existing carport, located at 1017 East 31st Street.

Presentation:

The applicant, Opal White, 1017 East 41st Street, Tulsa, Oklahoma, was represented by Jim Pinkerton, 1722 South Boston, Tulsa, Oklahoma. He informed that his clients are elderly and answered an ad in the newspaper (Exhibit K-2) for carport construction. Mr. Pinkerton stated that a representative was sent to their home and after assuring them that a Building Permit was not necessary, the carport was constructed without a permit. He pointed out that the structure was built over the setback and the Whites were cited by the Building Inspector. Mr. Pinkerton informed that there are other carports in the area and asked the Board to approve the variance request. Photographs (Exhibit K-1) were submitted.

Comments and Questions:

Ms. Bradley asked Mr. Pinkerton when the carport was built and he replied that it was built in August of 1986.

Protestants:

Joe Farris, 1221 East 30th Place, Tulsa, Oklahoma, stated that he is representing Ms. Boyston and Ms. Moyer, who live to the west of the property in question. He stated, that as he recalls, there are no other encroaching carports on the north side of 31st Street from Riverside Drive to Peoria. He suggested that, since the contractor defrauded the Whites, they could recover their money through a lawsuit and have the carport removed.

Additional Comments:

Mr. Chappelle commented that, according to the photographs submitted, there is a carport next door to the applicant and another one north of the subject property.

Mr. Quarles asked if one of the protestants has a carport and Mr. Farris replied that there is a carport on the property of the protestant, but it does not protrude into the setback.

Ms. Bradley asked Mr. Pinkerton to address the hardship and he replied that the house was built in the 1920's and due to the narrow lot width there is not sufficient space beside the house to construct a carport.

Ms. White remarked that, as she understands the situation, the protestants are mainly concerned with the appearance of the carport and asked if there have been any efforts made to resolve the problem. Mr. Pinkerton replied that he cannot speak for the protestants, however, they did not voice an objection at the time of construction. He pointed out that shrubs on the west property line shield the view of the carport from that direction.

Board Action:

On MOTION of BRADLEY, the Board voted 2-3-0 (Bradley, Smith, "aye"; Chappelle, Quarles, White, "nay"; no "abstentions"; none, "absent") to **DENY** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from the centerline of 31st Street from 85' to 51' 6" to allow for an existing carport.

The motion failed for lack of 3 affirmative votes.

Board Action:

On MOTION of WHITE, the Board voted 3-2-0 (Chappelle, Quarles, White, "aye"; Bradley, Smith, "nay"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from the centerline of 31st Street from 85' to 51' 6" to allow for an existing carport; finding that there are other carports in the area and that the granting of the request will not be detrimental to the neighborhood; and finding a hardship imposed on the applicant by the narrow shape of the lot and the placement of the house; on the following described property:

The east 18' of Lot 8 and the west 49' of Lot 9, Adams and Redding Resubdivision of Blocks 2 and 3, Southmoor Addition to the City of Tulsa, Tulsa County, Oklahoma.

Additional Comments:

Mr. Jackere informed Mr. Pinkerton that he has personally advised the contractor that built the subject carport that he needs a Building Permit for all construction and that most carports extend

Case No. 14254 (continued)

In front of the house and need zoning approval.

Case No. 14255

Action Requested:

Special Exception - Section 1420 - Nonconforming Use of Buildings or Buildings and Land in Combination - Use Unit 1205 - Request a special exception to allow for the repair (alteration or expansion) of an existing, nonconforming underground gasoline tank used for school purposes, located at 1789 West Seminole Street.

Presentation:

The applicant, Norman Zielinski, 8813 East 62nd Street, Tulsa, Oklahoma, stated that he is representing Academy Central School. He informed that a gas tank was installed 10 years ago for servicing school buses and at the time of installation the school was under the jurisdiction of Osage County, but have now been annexed by the City of Tulsa. Mr. Zielinski informed that the 4,000 gallon tank is leaking and asked the Board to allow the school to replace it with a 3,000 gallon tank.

Comments and Questions:

Ms. Bradley asked if the tank will be near a residence and the applicant replied that the nearest house is 1,000' away.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 1420 - Nonconforming Use of Buildings or Buildings and Land in Combination - Use Unit 1205) to allow for the repair (alteration or expansion) of an existing, nonconforming underground gasoline tank used for school purposes; finding that the gas tank has been in place for many years and the granting of the special exception request does not violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

A tract of land situated in the Southeast Quarter of the Northwest Quarter (SE/4 NW/4) of Section 27, Township 20 North, Range 12 East, County of Osage, State of Oklahoma, more particularly described as follows:

Commencing at the center of said Section 27; thence North 89°12'01" West along the South line of said NW/4 a distance of 657.27 feet; thence North 0°47'59" East a distance of 259.00 feet to the true point of beginning; thence South 89°12'01" East a distance of 34.00 feet to the West line and its

Case No. 14255 (continued)

Southerly prolongation of the footing of the existing Administration Building; thence North 0°47'59" East along said West line a distance of 130.25 feet to the Northwest corner of said existing building; thence South 89°12'01" East a distance of 1.25 feet; thence North 0°47'59" East a distance of 42.25 feet; thence North 0°12'01" West a distance of 91.50 feet; thence South 0°47'59" West a distance of 172.50 feet; thence South 89°12'01" East a distance of 56.25 feet to the true point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14256

Action Requested:

Special exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1211 - Request a special exception to allow for office use in an RM-2 zoned district, located at 1212 South St. Louis Avenue.

Presentation:

The applicant, Judi Gosnell, McGraw and Breckenridge, Realtors, 4564 South Harvard, Tulsa, Oklahoma, stated that the property in question was sold 4 years ago and the owner has recently had to take the property back due to a foreclosure. Ms. Gosnell stated that her company has had buyers that would be interested in the property for office use and asked the Board to grant the special exception. The applicant submitted photographs (Exhibit L-1) and stated that the subject property is 1 1/2 blocks from Hillcrest Hospital.

Comments and Questions:

Ms. Bradley asked the applicant where the parking is located and she replied that there are 6 spaces behind the structure.

Mr. Quarles inquired as to the amount of square footage in the building and the applicant replied that it contains approximately 3,500 sq. ft. of floor space.

Ms. Bradley asked if there are other offices in the area and Ms. Gosnell informed that Tulsa Psychiatric Center has offices on Trenton.

Protestants:

Leonard Gifford, 1208 South St. Louis, Tulsa, Oklahoma, stated that he objects to the special exception request. He stated that he is concerned with the traffic that would be generated by the office use on the property in question and asked what type of offices are planned for the building.

Case No. 14256 (continued)

Additional Comments:

Mr. Jones informed that, if the building has 3,500 sq. ft. of floor space, 12 parking spaces will be required.

Ms. Bradley asked what type of offices are being considered and Ms. Gosnell informed that offices for doctors are a consideration because of the close proximity to Hillcrest Hospital.

Jones informed that a doctor's office will require additional parking spaces.

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **DENY** a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211) to allow for office use in an RM-2 zoned district; finding that office use is not compatible with the RM-2 District; and finding that the request violates the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 3, Block 5, Forrest Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14257

Action Requested:

Variance - Section 430 - Bulk and Area requirements in Residential Districts - Use Unit 1206 - Request a variance of required setback from the centerline of 31st Street from 85' to 64' to allow an addition to line up with existing structure, located at 3102 South 133rd East Avenue.

Presentation:

The applicant, Edward Chapman, 3102 South 133rd East Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit M-1) and asked the Board to allow him to construct an addition to his home.

Comments and Questions:

Ms. Bradley asked the applicant if the existing residence was built 64' from the centerline of the street and he answered in the affirmative.

Mr. Chapman informed that the addition will align with the older portion of the house.

Protestants: None.

Case No. 14257 (continued)

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area requirements in Residential Districts - Use Unit 1206) of required setback from the centerline of 31st Street from 85' to 64' to allow an addition to line up with existing structure; per plot plan submitted; finding that the existing house already encroaches on the front setback; and finding a hardship imposed on the applicant by the corner lot location, with required setbacks from 2 streets; on the following described property:

Lot 1, Block 1, Briarglen Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14258

Action Requested:

Variance - Section 1213.3(b) - Convenience Goods and Services, Use Conditions - Use Unit 1213 - Request a variance of the screening requirement between a CS and R District, located east of the SE/c of East 30th Place South and South Joplin Avenue.

Presentation:

The applicant, Jeanne Wells, Southeastern, Inc., 12345 East Skelly Drive, Tulsa, Oklahoma, who submitted a plot plan (Exhibit N-1) and photographs (Exhibit N-2), stated that she feels the property is more attractive without the required screening fence. She informed that the use has not changed for many years and asked the Board to waive the screening requirement.

Comments and Questions:

Mr. Jackere asked if all of the other businesses along 30th Place are screened and the applicant stated that they are not.

Mr. Smith asked Ms. Wells if she intends to maintain the landscaping and existing wall as it appears today and she answered in the affirmative.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 1213.3(b) - Convenience Goods and Services, Use Conditions - Use Unit 1213) of the screening requirement between a CS and R District; subject to the property being maintained in the manner as shown in the photographs presented (no trash receptacle); finding that the building wall extends almost the entire width of the lot and has no windows; on the following described property:

Case No. 14258 (continued)

Beginning 50 feet north and 1,164.5 feet west of the southeast corner of the SE/4, thence north 265', east 227 feet, south 265 feet, west 227 feet to point of beginning, Section 15, T-19-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 14259

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow off-street parking to be used for church purposes in an RS-3 zoned district, located east of the SE/c of Lakewood and 20th Street.

Comments and Questions:

Mr. Jones informed that the applicant has a problem with the legal description on the subject property and asked the Board to continue Case No. 14259 to November 6, 1986.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to CONTINUE Case No. 14259 to November 6, 1986.

Case No. 14260

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1202 - Request a special exception to allow a total detention sewage lagoon facility in an AG District.

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205 - Request a special exception to approve a revised plot plan for a previously approved church and related activities, located west of 86th Street South and West of Union Avenue.

Presentation:

The applicant, Gregory Welsz, was represented by Ted Sack, Sisemore-Sack-Sisemore and Associates, Inc., 314 East 3rd Street, Tulsa, Oklahoma, who submitted a site plan (Exhibit P-1), a plat (Exhibit P-2) and a letter from Water District 2 (Exhibit P-3). He explained that church use was approved at a previous Board meeting, subject to the applicant returning with a site plan which points out the exact location of the church on the property. He informed that the plan is before the Board today. Mr. Sack stated that the soil at the new site will not percolate and a sewage disposal with septic tanks and a lagoon is proposed. He informed that the Utility Board has approved the lagoon and it will be located to the south of the church facility.

Case No. 14260 (continued)

Comments and Questions:

Mr. Jackere inquired if the lagoon will only serve the church and Mr. Sack replied that the Utility Board approved the lagoon for the church facility only.

Mr. Jackere pointed out that the applicant would not need the relief requested if the lagoon was located on the same lot with the church.

Mr. Quarles asked Mr. Sack if there are any other options available for sewage disposal and he replied that a lift station could be installed, but the sewer is so far away that this is not a practical solution.

Protestants:

George Miles, represented Manger Baptist Church, adjoining landowner to the property in question. He stated that the lagoon will be a nuisance and a possible health hazard and suggested that the church hook on the sewer which runs to the north of the subject tract.

Applicant's Rebuttal:

Mr. Sack pointed out that the lagoon has the approval of the Utility Board and asked the Board to approve the application. He explained that the sewer line is approximately 1.5 miles up hill from the proposed church site and would require a lift station.

Board Action:

On MOTION of QUARLES, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1202) to allow a total detention sewage lagoon facility in an AG District; and to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1205) for a revised plot plan for a previously approved church and related activities; per revised plot plan submitted; subject to City and State Health Department approval; on the following described property:

A tract of land, containing 4.0588 acres, that is part of the NE/4 of the SE/4 of Section 15, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being more particularly described as follows, to-wit: Commencing at the northeast corner of the NE/4 of the SE/4 of said Section 15; thence S 89°12'49" W along the northerly line of the NE/4 for 329.70' to the point of beginning of said tract of land; thence S 00°36'24" E for 400.00 feet; thence S 89°12'49" W parallel to the northerly line of the NE/4 for 142.00 feet; thence S 00°36'24" E for 200.00'; thence S 89°12'49" W for 200.00'; thence N 00°36'24" W for 600.00' to a point on said northerly line; thence N 89°12'49" E along said northerly line for 342.00' to the point of beginning of said tract of land, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14261

Action Requested:

Variance - Section 930 - Bulk and Area Requirements In Industrial Districts - Use Unit 1223 - Request a variance of the required setback from an R District from 75' to 11' to allow construction of a building, located on the SW/c of King Court and Owasso Street.

Presentation:

The applicant, J. E. Moore 5649 Southwest 89th West Avenue, Tulsa, Oklahoma, who submitted a site plan (Exhibit R-2) and location map (Exhibit R-1), stated that he is asking for relief on the west property line. He informed that the property is presently zoned residential, but the 20 year plan is for industrial and his business is zoned light industrial. Mr. Moore asked the Board to approved the construction of a building 11' from the property line.

Comments and Questions:

Ms. Bradley inquired as to the use of the building and he replied that it will house a contracting office and a fire sprinkler fabrication shop.

Ms. Bradley asked the applicant to state the size of the building and he replied that it contains 5,000 sq. ft. of floor space.

Ms. White asked the applicant to address the hardship for this case and he replied that there would not be sufficient space for construction of a building if the required 75' rear setback and the 55' front setback were observed on the 135' wide tract.

Ms. Bradley asked if the building could be moved closer to Owasso Street and farther away from the back property line.

Mr. Gardner pointed out that, if the building was moved to the street, trucks would be forced to enter from the back and loading and unloading would take place closer to the residential area.

Protestants:

Bernice Roberson, 1032 East King Place, Tulsa, Oklahoma, asked what is done in a fabrication shop and Mr. Moore stated that 1/2" to 8" pipe is cut and threaded in the shop.

Ms. Roberson asked if trucks will be coming to the area during the night and Mr. Moore informed that hours of operation will be from 8 a.m. to 5 p.m.

Case No. 14261 (continued)

Interested Parties:

Dolly Smith and Sam Smith, 1043 North Norfolk, Tulsa, Oklahoma, stated that they are not opposed to the fabrication shop.

Tom Wright, 10842 East Newton Place, Tulsa, Oklahoma, informed that the trucks that will be used in the business are 1/2 ton trucks and not semi-trailers.

Board Action:

On MOTION of QUARLES, the Board voted 4-0-1 (Bradley, Quarles, Smith, White, "aye"; no "nays"; Chappelle, "abstaining"; none, "absent") to **APPROVE** a **Variance** (Section 930 - Bulk and Area Requirements in Industrial Districts - Use Unit 1223) of the required setback from an R District from 75' to 11' to allow construction of a building; subject to hours of operation being 7 a.m. to 6 p.m.; subject to required screening fence being installed on the west property line; finding a hardship imposed on the applicant by multiple zoning in the area and 2 required setbacks that would prevent construction on the lots; on the following described property:

Lots 12, 13, and 14, Block 1, Bullette Third Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14262

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213 - Request a variance of setback from the centerline of 103rd East Avenue from 50' to 43' to allow the remodeling of an existing building, located at 10603 East 71st Street.

Presentation:

The applicant, Sam West, 6835 South Canton, Tulsa, Oklahoma, submitted a site plan (Exhibit S-1) and asked the Board to allow him to project a roof canopy into the setback which is on the west side of the property at the above stated location. He informed that there will be 2 support walls, one on the west front of the building and another 30' to 35' toward the south. Mr. West stated that his client is attempting to up-grade the one-story steel building.

Comments and Questions:

Ms. Bradley asked the applicant to state the present use of the building and he replied that the building is empty at this time, but will be used for offices and some storage of gasoline pumps and signs.

Protestants: None.

Case No. 14262 (continued)

Board Action:

On MOTION of WHITE, the Board voted 4-0-1 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; Smith, "abstaining"; none, "absent") to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213) of setback from the centerline of 103rd East Avenue from 50' to 43' to allow the remodeling of an existing building; per site plan submitted; finding a hardship demonstrated by the close proximity of the existing building to the street; on the following described property:

Lot 1, Block 1, Sooner Electrical Supply Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14264

Action Requested:

Variance - Section 420.a(2) - Accessory Use Conditions/Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the required front yard setback from the centerline of 24th Street from 55' to 43' and a variance of the side yard setback from 5' to 2" to permit an existing carport, located at 4922 East 24th Street.

Presentation:

The applicant, John H. Rucker, 4922 East 24th Street, Tulsa, Oklahoma, stated that he had a carport constructed in August and was not aware of the 5' side yard setback requirement. He informed that the builder told him that a Building Permit was not necessary. Mr. Rucker pointed out that there are carports in the area that are closer to the street than the one he has constructed. Photographs (Exhibit T-1) were submitted.

Comments and Questions:

Ms. Hubbard asked the applicant to state the name of the contractor that constructed the carport and he replied that Standard Building built the carport.

Ms. Bradley asked if the carport is on the property line and Mr. Rucker replied that it is 2 inches from the property line.

Mr. Rucker informed that he contacted the neighbors before construction began and they were supportive of the project.

Protestants:

Sandra Oiler, 4914 East 24th Street, Tulsa, Oklahoma, informed that she is owner of the property next to the carport. She stated that she and her husband did not oppose the construction, but that, after seeing how close it was to the property line, her husband did point that out to Mr. Rucker. She stated that, after making a call to the

Case No. 14264 (continued)

City to check the required setback, they informed the applicant that he could not build closer than 5', but he proceeded with the carport anyway. She pointed out that it appears that the carport overhangs her property.

Ms. Bradley asked the applicant if there are other carports in the block and he replied that there none.

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **DENY** a **Variance** (Section 420.a(2) - Accessory Use Conditions/Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required front yard setback from the centerline of 24th Street from 55' to 43' and a variance of the side yard setback from 5' to 2" to permit an existing carport; finding that there are no other carports in the immediate area and the applicant failed to demonstrate a hardship for the variance request; on the following described property:

Lot 3, Block 2, Gracemont Second Addition, City of Tulsa, Tulsa County, Oklahoma.

Note: Applicant was advised that he could use the same application, with new notice, if he decided in the near future to revise significantly the setbacks of the carport, and would not be required to pay the application fee again.

Case No. 14266

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 52' in an RS-3 zoned district to allow an existing swimming pool and residence to clear title, located at 6324 East 57th Place.

Presentation:

The applicant, Andre Assalone, 6324 East 57th Place, Tulsa, Oklahoma, stated that he has previously acquired approval of a variance of setback from 85' to 57' from the centerline of Sheridan Avenue, but found that he actually needs a variance from 85' to 52' to allow for an existing swimming pool.

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from the centerline of Sheridan Avenue from 85' to 52' in an RS-3 zoned district to allow an existing swimming pool and residence to clear title; on the following described property:

Case No. 14266 (continued)

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

OTHER BUSINESS

Case No. 14266

Action Requested:

Andre Assalone, 6324 East 57th Place, Tulsa, Oklahoma, stated that, due to Staff advising him of the wrong amount of relief needed, he had to file two different applications. Mr. Assalone requested that the amount of the filing fee be refunded.

Comments and Questions:

Mr. Jones pointed out that it is not the responsibility of the Staff to figure out the relief needed, but that is the responsibility of the applicant or Building Inspector, and that Staff cannot support the request for refund of fees since Staff merely advertised what the applicant thought he needed.


Board Action:

On MOTION of QUARLES, the Board voted 2-3-0 (Bradley, Quarles, "aye"; Chappelle, Smith, White, "nay"; no "abstentions"; none, "absent") to APPROVE* a refund of the application fee for Case No. 14266.

*The refund was denied for lack of 3 affirmative votes.

There being no further business, the meeting was adjourned at 3:52 p.m.

Date Approved

11/4/86

Chairman

