

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 478
Thursday, November 20, 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 Parnell, Protective Inspections |

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, November 18, 1986, at 12:30 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:

Mr. Chappelle pointed out that he was not present at the last meeting and the vote for approval of the minutes for October 16, 1986 should have read 4-0-0, instead of 5-0-0, as reflected in the November 6th minutes.

On MOTION of SMITH, the Board voted 4-0-1 (Bradley, Quarles, Smith, White, "aye"; no "nays"; Chappelle, "abstaining"; none, "absent") to **APPROVE** the Minutes of November 6, 1986 as corrected.

UNFINISHED BUSINESS

Case No. 14192

Action Requested:

Variance - Section 430/630 - Bulk and Area Requirements in Residential and Office Districts - Use Unit 1211 - Request a variance of setback requirements from 14th Street from 55' to 53' 11".

Variance - Section 1211.3 - Office and Studios, Use Conditions - Request a variance of the screening requirement from OL (pending) to RS-3 tract.

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request a variance of the livability requirements from 4,000 sq. ft. to 3,900 sq. ft.

Variance - Section 1211.4 - Off-Street Parking and Loading Requirements - Request a variance of the parking requirements from 10 to 9, located on the SE/c of Zuni Avenue and 14th Street.

11.20.86:478(1)

Case No. 14192 (continued)

Presentation:

The applicant Harvey Heller, Jr, was not present.

Interested Parties:

Jim Rand, 2019 East 14th Place, Tulsa, Oklahoma, stated that there is a PUD associated with this application which is scheduled for hearing on December 3, 1986, and asked that this hearing be postponed until December 4 to allow TMAPC to act on the case.

Comments and Questions:

Mr. Jones informed that TMAPC heard the case at their last meeting and approved a portion of the application, but granted a continuance to allow the applicant sufficient time to revise the plans.

Ms Bradley stated that, in her opinion, the Board should hear the case after it has been before the City Commission.

Mr. Jones informed that, in the past, the City Commission has heard cases in their final form.

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Quarles, Smith, White, Chappelle, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 14192 to January 22, 1986, to allow the case to be heard by TMAPC and the City Commission.

Case No. 14263

Action Requested:

Variance Section 420.2(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 in an RS-3 District from 25' to 5' to and a variance of required 5' sideyard to 3' to allow a carport, located at 3714 West 44th Street.

Presentation:

The applicant, Erma Bailey, was represented by Delmar Bailey, 609 Antiqua, Sand Springs, Oklahoma, who stated that he was before the Board at the previous meeting and was not aware that he was in need of a variance from the sideyard setback requirement. He asked approval of the application in order that he can complete the construction of his mother's carport.

Comments and Questions:

Ms. Bradley asked Mr. Bailey if he is doing the construction and he answered in the affirmative. The applicant stated that the carport is approximately 50% complete.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Quarles, Smith, White, Chappelle, "aye"; no "nays"; no "abstentions"; none "absent")

Case No. 14263 (continued)

to APPROVE a Variance (Section 420.2(a)2 - Accessory Use Conditions/Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required front yard setback in an RS-3 District from 25' to 5' and a variance of required 5' sideyard to 3' to allow a carport; per plan submitted; finding that there are other carports in the area and the granting of the variance 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:

Lot 4, Block 5, Park Grove Second Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14277

Action Requested:

Appeal - Section 1650 - Appeal from the Building Inspector - Use Unit 1223 - Request an appeal from the decision of the Building Inspector to allow the storage of a tour bus.

Use Variance - Section 610 - Principal Uses Permitted in Office Districts/Section 710 - Principal Uses Permitted in Commercial Districts - Request a use variance to allow the storage of a tour bus in a CS and OM District, located on the NE/c of 21st and Columbia Avenue.

Presentation:

The applicant, Allan Kraft, 7992 East 41st Street, Tulsa, Oklahoma, stated that he was cited by the City for storing a double-decker bus, belonging to Kraftours, in a CS and OM District. Mr. Kraft stated that the bus is not stored on the lot, but is only parked on the property near Charley Mitchell's restaurant. He pointed out that the busses are not gaudy and have no flashing lights, but in fact have been used for various events in the City for many years. Mr. Kraft asked the Board to allow the bus to remain at its present location.

Comments and Questions:

Mr. Jackere inquired as to the amount of buses in the Kraftour fleet and Mr. Kraft informed that he owns two double-decker buses and 10 other tour buses.

Mr. Jackere asked the applicant where he parks the other 11 buses and he replied that they are parked in his bus garage. He then asked if the bus in question is the only bus that is parked outside the garage area and the applicant replied that his company has always had 1 bus parked at various locations around the City. Mr. Jackere asked the applicant if he has executed a lease with Mr.

Case No. 14277 (Continued)

Mitchell and if money is paid to him by Mr. Mitchell. Mr. Kraft stated that a lease has been signed and that money is received when the bus is moved off the lot for use by Mr. Mitchell, which is approximately 2 times each month.

Mr. Chappelle asked the applicant to state the period of time that Mr. Mitchell has leased the bus and he replied that the bus is leased a year at a time.

Ms. Bradley pointed out to Mr. Kraft that the bus in question has the name Charley Mitchell on the side and can be viewed from the Broken Arrow Expressway. She asked the applicant if he considers this display as a sign for Charley Mitchell and he replied that he does not, because it is a bus and may not be at that location tomorrow. He reiterated that the bus is not stored on the lot.

Mr. Jackere pointed out that, if the application is approved, the applicant could paint signs on the entire bus fleet and park each bus at a different location around the City.

Mr. Kraft stated that the vehicle in question is a tour bus and, after use, may or may not return to the lot near Charley Mitchell's restaurant.

Protestants: None.

Board Action:

A motion from Mr. Quarles to uphold the decision of the Building Inspector and approve a use variance, died for lack of a second.

On MOTION of WHITE, the Board voted 4-1-0 (Chappelle, Bradley, Smith, White, "aye"; Quarles, "nay"; no "abstentions"; none, "absent") to **UPHOLD** the Decision of the Building Inspector and **DENY** an Appeal (Section 1650 - Appeal from the Building Inspector - Use Unit 1223) from the decision of the Building Inspector to allow the storage of a tour bus; and to **DENY** a Use Variance (Section 610 - Principal Uses Permitted in Office Districts/Section 710 - Principal Uses Permitted in Commercial Districts) to allow the storage of a tour bus in a CS and OM District; finding that the sign on the bus is actually a portable advertising sign; and finding that the applicant failed to demonstrate a hardship for the variance requested; on the following described property:

All of Block 2, Volght 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14278

Action Requested:

Use Variance - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1215 - Request a use variance to allow the addition of a carpet cleaners and related uses in an addition to an

Case No. 14278 (continued)

existing business to be built partially in an OL District, located north of the NW/c of 15th Street and College Avenue.

Presentation:

The applicant, Jack Eastman, requested by letter (Exhibit A-1) that Case No. 14278 be continued until June of 1987.

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Chappelle, Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **STRIKE** Case No. 14278; subject to applicant being allowed to reapply at a later date, with fee waived; and finding that the continuance requested is for an excessive amount of time.

Case No. 14292

Action Requested:

Appeal - Section 1650 - Appeals from the Building Inspector - Use Unit 1221 - Request to appeal the decision of the Sign Inspector that 'color bands' constitute a sign.

Variance - Section 1221.4(b) - CS District Use Conditions for Business Signs - Request a variance to exceed the square footage for wall signs in a CS District by including the color band area, (approximately 330' total sq. ft.), located on the NE/c of Sheridan Avenue and King Street.

Presentation:

The applicant, T.H.E. Signs LTD., was represented by Ed Bolton, 1859 North 106th East Avenue, Tulsa, Oklahoma, who stated that a variance to exceed the square footage for a wall sign was granted at the previous meeting, but is before the Board today to ask for an appeal from the decision of the Sign Inspector that color bands constitute a sign.

Comments and Questions:

Ms. Bradley asked Mr. Bolton if the color bands, along with the Circle K sign, is a registered trademark for the company and Jim Fountain informed that, in his opinion, only the logo is the trademark.

Mr. Smith stated that he is not in favor of determining that color bands are not signs, but feels that each sign should be individually considered.

Case No. 14292 (continued)

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Chappelle, Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **UPHOLD** the **Decision** (Appeal - Section 1650 - Appeals from the Building Inspector - Use Unit 1221) of the Sign Inspector that 'lighted color bands', in this instance, constitute a sign; and to **APPROVE** a **Variance** (Section 1221.4(b) - CS District Use Conditions for Business Signs) to exceed the square footage for wall signs in a CS District by including the color band area, (approximately 330' total sq. ft.); finding that signs of this type should be reviewed individually; and finding that the variance request was approved at the previous Board of Adjustment meeting (11-6-86); on the following described property:

A tract of land described as beginning at a point 180.24' north and 50' east of the southwest corner of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW/4, NW/4, SW/4) of Section 35, Township 20 North, Range 13 East in the City of Tulsa, Tulsa County, Oklahoma, and running thence north parallel and adjacent to the easterly line of Sheridan Road a distance of 120'; thence easterly parallel with and 120' distant northerly from King Street for a distance of 130'; thence southerly parallel with and 130' distant easterly from Sheridan Road a distance of 120' to King Street; thence westerly parallel and adjacent to the northerly line of King Street a distance of 130' to place of beginning; City of Tulsa, Tulsa County, Oklahoma.

Case No. 14293

Action Requested:

Appeal - Section 1650 - Appeals from the Building Inspector - Use Unit 1221 - Request to appeal the decision of the Sign Inspector that 'color bands' constitute a sign.

Variance - Section 1221.4(b) - CS District Use Conditions for Business Signs - Request a variance to exceed the square footage for wall signs in a CS District by including the color band area, (approximately 402' total sq. ft.), located on the NE/c South 145th East Avenue and East 33rd Street South.

Presentation:

The applicant, T.H.E. Signs LTD., was represented by Ed Bolton, 1859 North 106th East Avenue, Tulsa, Oklahoma, who stated that a variance to exceed the square footage for a wall sign was approved at a previous meeting, but asked the Board to grant an appeal from the decision of the Sign Inspector that color bands constitute a sign.

Case No. 14293 (continued)

Comments and Questions:

Ms. Bradley asked Mr. Bolton if the color bands, along with the Circle K sign, is a registered trademark for the company and Jim Fountain informed that, in his opinion, only the logo is the trademark.

Mr. Smith stated that he is not in favor of determining that color bands are not signs, but feels that each sign should be individually considered.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Chappelle, Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to UPHOLD the Decision (Appeal - Section 1650 - Appeals from the Building Inspector - Use Unit 1221) of the Sign Inspector that 'lighted color bands', in this instance, constitute a sign; and to APPROVE a Variance (Section 1221.4(b) - CS District Use Conditions for Business Signs) to exceed the square footage for wall signs in a CS District by including the color band area, (approximately 402' total sq. ft.); finding that signs of this type will be reviewed individually; and finding that the variance request was approved at the previous Board of Adjustment meeting (11-6-86); on the following described property:

A part of Block One, WOODLAND HILLS CENTER, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, more particularly described as follows:

BEGINNING at the southwest corner of said Block One; thence north along the west line of said Block One, a distance of 200 feet; thence due east a distance of 150 feet; thence south a distance of 196.67 feet to a point on the north right-of-way line of East 33rd Street South; thence westerly along the northerly line of said street right-of-way to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14294

Action Requested:

Appeal - Section 1650 - Appeals from the Building Inspector - Use Unit 1221 - Request to appeal the decision of the Sign Inspector that 'color bands' constitute a sign.

Variance - Section 1221.4(b) - CS District Use Conditions for Business Signs - Request a variance to exceed the square footage for wall sign in a CS District by including the color band area, (approximately 402' total sq. ft.), located on the NE/c of Sheridan Avenue and King Street.

Case No. 14294 (continued)

Presentation:

The applicant, T.H.E. Signs LTD., was represented by Ed Bolton, 1859 North 106th East Avenue, Tulsa, Oklahoma, who stated that a variance to exceed the square footage for a wall sign was approved at a previous meeting, but asked the Board to grant an appeal from the decision of the Sign Inspector that color bands constitute a sign.

Comments and Questions:

Ms. Bradley asked Mr. Bolton if the color bands, along with the Circle K sign, is a registered trademark for the company and Jim Fountain informed that, in his opinion, only the logo is the trademark.

Mr. Smith stated that he is not in favor of determining that color bands are not signs, but feels that each sign should be individually considered.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Chappelle, Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **UPHOLD** the **Decision** (Appeal - Section 1650 - Appeals from the Building Inspector - Use Unit 1221) of the Sign Inspector that 'lighted color bands', in this instance, constitute a sign; and to **APPROVE** a **Variance** (Section 1221.4(b) - CS District Use Conditions for Business Signs) to exceed the square footage for wall signs in a CS District by including the color band area, (approximately 402' total sq. ft.); finding that signs of this type will be reviewed individually; and finding that the variance request was approved at the previous Board of Adjustment meeting (11-6-86); on the following described property:

North 150' of Lot 1, and east 31.4' of north 150' of lot 2, Block 1, Mauldin Resubdivision of Block 1, and Lots 1, 2, and 7 of Block 2, Eleventh Street Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14300

Action Requested:

Minor Variance - Section 1221.3(F) - General Use Conditions for Business Signs - Request a minor variance of setback from the centerline of Peoria Avenue from required 50' to 35' to permit a business ground sign, located at 3832 South Peoria.

Presentation:

The applicant, Craig Neon, Inc., was represented by Bob Dale, 1889 North 105th East Avenue, Tulsa, Oklahoma, who submitted a sign

Case No. 14300 (continued)

plan (Exhibit B-2) and photographs (Exhibit B-1). He explained that visibility of the Rapid Muffler sign is blocked by trees and asked the Board to allow the existing sign to be moved closer to the street. Mr. Dale stated that there are other signs in the area that are closer to the street than the one in question.

Comments and Questions:

Mr. Smith asked Mr. Dale to state the height of the sign and he replied that it will remain at the same height, which is approximately 20'.

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Chappelle, Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Minor Variance** (Section 1221.3(F) - General Use Conditions for Business Signs) of setback from the centerline of Peoria Avenue from required 50' to 35' to permit a business ground sign; subject to the execution of a removal contract; finding that there are other signs in the area that are closer to the street than the sign in question; on the following described property:

North 100' of the east 150' of Lot 2, Brockman's Subdivision,
less the east 10', City of Tulsa, Tulsa County, Oklahoma.

Case No. 14311

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1208 - Request a minor variance of setback from 43rd Street from 35' to 30' to allow for an existing apartment house, located at 4305 - 4315 South Owasso Avenue.

Presentation:

The applicant, Donald Detreick, 2727 East 21st Street, Tulsa, Oklahoma, submitted a plat of survey (Exhibit C-1) and explained that the apartment house has been at the above stated location for approximately 20 years. He informed that, during a title search, it was discovered that the building is encroaching 5' into the required setback.

Comments and Questions:

Mr. Chappelle asked the applicant if the building will be changed in any way and he replied that there will be no changes and that he is attempting to clear title.

Protestants: None.

Case No. 14311 (continued)

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Chappelle, Bradley, 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 1208) of setback from 43rd Street from 35' to 30' to allow for an existing apartment house; per plat of survey; finding that the building has been at the present location for many years and is surrounded by existing encroachments; on the following described property:

^{RESUB.}
Lot 3, Block 4, Pasadena Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14295

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts Use Unit 1215 - Request a special exception to permit various Use Unit 15 uses in a CS District.

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request a variance of the 50' setback from the centerline of 53rd Place to 30' and from the south 60' of the east property line from 10' to 5'.

Variance - Section 1215.3 - Use Conditions - Request a variance of screening fence along the south 60' of the east property line in common with the R District.

Variance - Section 1200 - Off-Street Parking and Loading Requirements - Request a variance of the required 40' parking spaces for general retail to 36 spaces and to waive the required one loading berth, located east of the NE/c of Peoria and 53rd Street South.

Comments and Questions:

Mr. Jones informed that only the special exception request is before the Board today and the variances will be heard at a later date.

Presentation:

The applicant, Gerald Snow, 820 North Lynn Lane, Catoosa, Oklahoma, stated that he is planning to construct a building behind the Beer Time and the Rapid Lube and Oil businesses and is not sure how these establishments will affect the leasing of his units, so is applying for all of the uses in Use Unit 15.

Case No. 14295 (continued)

Comments and Questions:

Mr. Quarles asked the applicant what types of businesses he is interested in and he replied that furniture and carpet stores are desirable rental prospects, but is not in favor of clubs and video stores.

Mr. Jackere informed that there are many uses listed under Use Unit 15 and specific uses should be presented to the Board for approval.

Interested Parties:

Robert Gardner, 1717 South Boulder, Tulsa, Oklahoma, stated that he is interested in the uses that will be allowed in the building in question.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Chappelle, Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **CONTINUE** Case No. 14295 until December 4, 1986, to allow the applicant to determine what uses he intends to allow in the subject building.

Case No. 14299

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206 - Request a variance of the required lot width from 200' to 134', lot area from 2 acres to 1.87 acres, and land area from 2.2 acres to 2.03 acres in order to permit a lot split and clear title to an existing lot of record, located south of the SW/c of 81st Street South and Elwood Avenue.

Comments and Questions:

Mr. Jones informed that TMAPC approved the lot split at their last meeting, subject to Board of Adjustment approval. He informed that a Watershed Development Permit will be required if a building is placed on the property.

Presentation:

The applicant, Wanda Vanscoy, P. O. 1035, Wagoner, Oklahoma, asked the Board to approve the variance request to clear title on the property at the above stated location. A Stormwater Management case review (Exhibit D-1) was submitted.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Chappelle, Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206) of the

Case No. 14299 (continued)

required lot width from 200' to 134', lot area from 2 acres to 1.87 acres, and land area from 2.2 acres to 2.03 acres in order to permit a lot split and clear title to an existing lot of record; subject to Stormwater Management approval; finding that there are other lots in the area that are similar in size to the lot in question; on the following described property:

The east 659.13' of the south 447.33' of the N/2, NE/4, less the east 659.13' of the south 313.07' in Section 14, T-18-N, R-12-E, Tulsa County, State of Oklahoma, containing 1.92 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14301

Action Requested:

Variance to permit an off-premise sign in a CS District.

Variance - Section 1221.3(1)1 - General Use Conditions for Business Signs - Request a variance to allow two signs with less than 150' of arterial street frontage.

Variance - Section 1221.7(a) (f) (j) - Use Conditions for Outdoor Advertising Signs - Request variances to permit off-premise sign to not be in a freeway corridor, to not be oriented towards a freeway, and to consist of more than one post, located on the NW/c of Lewis Avenue and 71st Street South.

Presentation:

The applicant, Craig Neon, Inc., was represented by Bob Dale, 1889 North 105th East Avenue, Tulsa, Oklahoma, who submitted a plot plan (Exhibit E-1) and photographs (Exhibit E-2), asked the Board to allow entry signs for Silo Plaza. He stated that the only entry to the center is on South Lewis Avenue and a 12 sq. ft. directional sign is proposed for 71st Street on the east side of the Pizza Hut property. He informed that Pizza Hut has allowed entry to the center across their property for several months.

Comments and Questions:

Ms. Bradley asked if Pizza Hut owns the property where the signs will be located and he answered in the affirmative.

Ken Bode, Sign Inspector, submitted a copy of the Mutual Access Agreement (Exhibit E-3) and stated that the sign is considered to be an off-premise sign according to the Code.

Mr. Jackere asked where the two signs in this application will be located and he informed that Pizza Hut has their sign erected on the

Case No. 14301 (continued)

lot which only has 140' frontage, so there is actually no additional sign space for the lot.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Chappelle, Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** to permit an off-premise sign in a CS District; to **APPROVE** a **Variance** (Section 1221.3(i)1 - General Use Conditions for Business Signs) to allow two signs with less than 150' of arterial street frontage; and to **APPROVE** a **Variance** (Section 1221.7(a) (f) (j) - Use Conditions for Outdoor Advertising Signs) to permit off-premise sign to not be in a freeway corridor, to not be oriented towards a freeway, and to consist of more than one post; finding a hardship demonstrated by the large size and irregular shape of the tract, with no marked entrance to the property from 71st Street; on the following described property:

A tract of land that is part of the SE/4 of Section 6, T-18-N, R-13-E of the Indian Base and Meridian, City of Tulsa, Tulsa County, Oklahoma, said tract of land being more particularly described as follows, to-wit:

Starting at the southeast corner of said Section 6, thence north 50' and thence west 354' to the Point of Beginning; thence north 220' to a point; thence east 304' to a point; thence south 40' to a point; thence west 200' to a point; thence south 120' to a point; thence southeast 76.5' to a point; thence west 150' to the Point of Beginning less the south 10' of said tract, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14302

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1201 - Request a use variance to permit an office in an RS-3 District to be used for the Tulsa Heart Center Research Foundation (non-profit organization) which abutts the property, located at 1710 East 14th Place.

Presentation:

The applicant, Tulsa Heart Center Research Foundation, was represented by Nancy Nelson, 1435 South Utica, Tulsa, Oklahoma, who stated that the research facility is located on the lot that abutts the subject property. She asked that the organization be permitted to use the existing duplex for offices. A plot plan (Exhibit F-1) was submitted.

Case No. 14302 (continued)

Comments and Questions:

Mr. Quarles inquired as to the number of employees that will work in the offices and the applicant replied that there will be no more than 3.

Ms. Bradley asked how many parking spaces are available and Ms. Nelson informed that there is sufficient space to park 5 vehicles.

Protestants:

Jim Rand, 2019 East 14th Place, Tulsa, Oklahoma, represented the Terrace Drive Neighborhood Association and informed that the neighbors are concerned with the erosion of the neighborhood. He pointed out that office use may be the only alternative for the duplex, since it is obvious to those living in the area that it will remain empty or be utilized in some manner other than a residence. Mr. Rand stated that the lawn is not mowed in the summer and fears that the property will deteriorate if it remains as it is for a long period of time.

Additional Comments:

Ms. White asked Mr. Rand if the property in question abutts residential property to the east and faces a single family dwelling to the north and he answered in the affirmative.

Ms. White asked Mr. Rand if, in his opinion, the use is in accordance with the Cherry Street Plan and he replied that it is not.

Mr. Smith inquired as to the use intended for the side of the duplex that is not used for office space and Ms. Nelson informed that there are no plans for that unit at this time.

Mr. Chappelle asked Ms. Nelson if screening is planned for the east side of the property and she replied that screening is not on the plan, but can be added.

Ms. Bradley asked Ms. Nelson to address the hardship for this case and she replied that more growth room is needed.

Board Action:

On MOTION of WHITE, the Board voted 4-1-0 (Chappelle, Bradley, Smith, White, "aye"; Quarles, "nay"; no "abstentions"; none, "absent") to **DENY** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1201) to permit an office in an RS-3 District to be used for the Tulsa Heart Center Research Foundation (non-profit organization) which abutts the property; finding that a hardship was not presented that would justify the granting of the variance requests; and finding that the office use would be an encroachment into a stable residential neighborhood and is not in harmony with the District 6 Plan or the Cherry Study Plan; on the following described property:

Case No. 14302 (continued)

Lot 8, Block 3, a subdivision of part of Block 5, Terrace Drive Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14303

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in Industrial Districts - Use Unit 1225 - Request a variance of the frontage requirement from 150' to 110.1' and 0' in order to permit access by a private road, located east of 28th Street North, west of Sheridan Road.

Comments and Questions:

Mr. Jones informed that the applicant contacted Staff and requested a continuance of Case No. 14303 until December 4, 1986 in order that water and sewer easements can be cleared.

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Chappelle, Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to CONTINUE Case No. 14303 to December 4, 1986.

Case No. 14304

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Requests a special exception to allow for an existing mobile home.

Variance - Section 440.6(a) - Special Exception Uses in Resident Districts - Use Unit 1209 - Request a variance of the time restriction from 1 year to permanently, located east of the NE/c of Marshall Place and Wheeling Avenue.

Presentation:

The applicant, Michelle Wilson, was represented by her husband, Randy, who submitted photographs (Exhibit G-1) of an existing mobile home at the above stated location. Mr. Wilson stated that the mobile has been on the lot for a period of 1 year and that his neighbors support the application. A letter of support (Exhibit G-2) was read by Mr. Wilson.

Comments and Questions:

Ms. Bradley asked the applicant if the mobile home is served by the City sewer system and he answered in the affirmative.

Case No. 14304 (continued)

Mr. Chappelle informed that the Board has received a letter of support (Exhibit G-3) from the Cartwrights, who live in the area.

Board Action:

On MOTION of QUARLES, the Board voted 5-0-0 (Chappelle, Bradley, 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 an existing mobile home; to **APPROVE** a **Variance** (Section 440.6(a) - Special Exception Uses in Resident Districts - Use Unit 1209) of the time restriction from 1 year to permanently; finding that the mobile home has been at the present location for a period of 1 year and has proved to be compatible with the the neighborhood and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

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

Case No. 14305

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request a use variance to allow for an 18,500 sq. ft. office building, located south of the SW/c of 53rd Street and Sheridan.

Presentation:

The applicant, Robert Nichols, 111 West 5th Street, Tulsa, Oklahoma, submitted a development plan (Exhibit H-1) and stated that he is representing John Hausam and Gary Hobbs, owners of the subject tract. Mr. Nichols stated that this small tract was not developed in 1963, as was the surrounding property, and has been passed over through the years. The applicant informed that there is a frame house on the southern portion of the tract, with the remainder being open meadow. He informed that an application for OL zoning on the property was denied in the 1970's and a later request to build townhouses on the site was also denied by the City Commission. Mr. Nichols explained that a portion of the tract is in the floodplain and some flooding occurs in the area, however, the project will be developed in such a manner that it will not contribute to greater flooding problems downstream. He noted that the office construction will utilize only 16% of the land area, or 18,000 sq. ft., and that office use will be compatible with the neighborhood. He pointed out that an office complex is across the street from the project in question. Mr. Nichols stated that this tract is unique in that it is shallow, 30% of the property is covered by a floodplain, and has been passed over for development during the past 20 years.

Case No. 14305 (continued)

Comments and Questions:

Mr. Quarles asked the applicant how long his clients have owned the subject tract and he replied that they have owned the property for 3 years.

Protestants:

Norman Riser, 5917 East 54th Street, Tulsa, Oklahoma, stated that he is representing the Key Homeowners Association. He submitted a petition (Exhibit H-2) signed by area residents that are opposed to the application. Mr. Riser informed that the area is designed for single-family dwellings and asked the Board to deny the variance request.

Patty Smith, 5278 South Joplin Place, Tulsa, Oklahoma, stated that her house was flooded in May of 1984 and threatened again in June of 1985. She asked the Board to deny the application.

Charles Small, 5908 South 68th East Avenue, Tulsa, Oklahoma, stated that, in his opinion, previous denials were made because of the incompatibility of office use and the residential area. He informed that the area is predominately single-family dwellings and asked denial of the application.

Irving West, 5930 East 54th Street, Tulsa, Oklahoma, stated that he lives approximately 2 blocks from the proposed project and feels that the presence of the office complex would devalue the property in the area. He suggested that no further development be allowed until the flood area is studied.

Jim Elder, 6042 East 56th Place, Tulsa, Oklahoma, pointed out that the same use has been presented 6 times and has been denied. Mr. Chappelle informed that those applications that were previously before TMAPC and the City Commission dealt with a change in the zoning. Mr. Elder stated that the development scheme, with 18,000 sq. ft. of space and 64 parking spaces, is the same. He pointed out that the approval of this application will not improve the quality of life for the people living in the area.

Norma Frans, 5331 South Joplin, Tulsa, Oklahoma, stated that retired citizens should be considered and the residential character of the neighborhood protected.

Tim Harrington, 5417 South Oxford, Tulsa, Oklahoma, stated that he lives directly behind the property in question and he is neither for or against the application. He asked that the case be continued until such time as the homeowners can get together and further study the plans submitted.

A number of protestants were in attendance at the meeting.

Case No. 14305 (continued)

A list of previous actions (Exhibit H-3) on the property was submitted.

Applicant's Rebuttal:

Mr. Nichols stated that a 2nd floor conference room was proposed for the project, but the neighbors objected to that arrangement and it has been deleted from the plan. He informed that there will be no windows on the residential side of the building. He pointed out that the office complex will not cover more ground than residential use would cover.

Ms. Bradley and Mr. Quarles stated that, in their opinion, the applicant has failed to demonstrate a hardship that would warrant the granting of the variance request.

Mr. Chappelle stated that he feels that the subject lot is unique in character because it is the only one in the area that is approximately 2 1/2 acres in size. He pointed out that houses could be built on the tract that would average more than 18,000 sq. ft. of coverage and if residences were constructed along Sheridan, they would not be desirable locations.

Board Action:

On MOTION of QUARLES, the Board voted 4-1-0 (Bradley, Quarles, Smith, White, "aye"; Chappelle, "nay"; no "abstentions"; none, "absent") to **DENY** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211) to allow for an 18,500 sq. ft. office building; finding that a hardship was not demonstrated that would warrant the granting of the variance request; on the following described property:

Beginning at a point 759' north of the SE/c of the NE/4 of Section 34, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; thence north 396' to a point, 165' south of the SE/c of the NE/4 of the NE/4; thence west 281.53'; thence south 396'; thence east 281.53' to the Point of Beginning, all in Section 34, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, containing 2.57 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14307

Action Requested:

Special Exception - Section 310 - Principal Uses in Agriculture Districts - Use Unit 1205 - Request a special exception to allow for an existing church and school, located at 7655 South Sheridan.

Case No. 14307 (continued)

Presentation:

The applicant, Patrian Church, was represented by H. I. Aston, 3242 East 30th Place, Tulsa, Oklahoma, who stated that the subject property was acquired in 1975 and a building was constructed. He informed that, approximately 1 year ago, a mobile home was moved on the property and a complaint was filed. He stated that temporary use was granted, but when a loan was applied for to construct a permanent building, it was discovered that the school had been operating on the premises for 7 years without approval. Mr. Aston asked the Board to allow the school to continue operation at the present location. A plot plan (Exhibit I-1) was submitted.

Comments and Questions:

Ms. Bradley asked the applicant if the church owns the school and Phil Sallee, 3105 East 26th Place, Tulsa, Oklahoma, stated that the school is being conducted in the church building.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Chappelle, Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses In Agriculture Districts - Use Unit 1205) to allow for an existing church and school; finding that the school has been at the present location for 7 years and has proved to 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:

A tract of land in Section 11, T-18-N, R-13-E, beginning 396' south of the NW/c of the SW/4 of said Section 11 to a point; thence south along the western line of said Section 11 a distance of 300' to a point; thence east a distance of 751' to a point; thence north a distance of 300' to a point; thence west a distance of 751' to the point of beginning and containing 5 net usable acres, more or less, after deducting a 25' easement for road use along the west 300' lying along Sheridan Road, Tulsa County, State of Oklahoma.

Case No. 14308

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1202 - Requests a special exception to allow for a portable ready-mix concrete batch plant, on a temporary basis in a CS District, located NE/c West Apache Street and Osage Drive.

Presentation:

The applicant, Louis Reynolds, 909 Kennedy Building, Tulsa, Oklahoma, stated that he is representing Gilcrease Hills Development Corporation, owner of the property, and Mid-Continent Concrete Company, who proposed to lease the property. He informed

Case No. 14308 (continued)

that a temporary batch plant will be set up on the location and used for the construction of the Osage Expressway. He stated that the concrete will be mixed there and the job will take 6 months. He asked that they be allowed an extra 6 months, for a total of 1 year, to complete the project. Mr. Reynolds informed that the nearest residence is approximately 1/3 mile from the proposed site.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Chappelle, Bradley, 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 1202) to allow for a portable ready-mix concrete batch plant, on a temporary basis in a CS District; subject to a time limit of 1 year; finding that the special exception request is temporary and will not be detrimental to the area; on the following described property:

A part of the SE/4 of Section 22, T-20-N, R-12-E of the Indian Base and Meridian, Osage County, Oklahoma, being more particularly described as follows:

Commencing at the SW/c of said SE/4 of said Section 22; thence north 0°06'00" east along the west line of said SE/4 a distance of 1,690.71'; thence south 89°54'00" east a distance of 1,870.04' to the Point of Beginning; thence north 27°35'20" west a distance of 403.36'; thence north 6°58'15" west a distance of 213.37'; thence south 87°20'32" east a distance of 362.89'; thence south 3°15'33" east a distance of 486.28'; thence south 69°19'21" west a distance of 189.66' to the Point of Beginning, containing 3.6856 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14309

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted In Residential Districts, Use Unit 1208 - Request a use variance to allow for 3 existing dwelling units.

Variance - Section 440 - Special Exception Uses in Residential Districts - Use Unit 1208 - Request a variance of 9,000 sq. ft. minimum lot area, 5,000 sq. ft. minimum land area and of the 2,500 sq. ft. livability space per dwelling unit, located on the SE/c of 15th Street and Madison Avenue.

Presentation:

The applicant, Jack Crittenden, 1002 East 15th Street, Tulsa, Oklahoma, was represented by Roy Hinkle, 1515 East 71st Street. He informed that a similar application requesting to use the subject property as a four-plex was previously denied by this Board. Mr. Hinkle stated that the owner is removing one kitchen and returning the structure to a duplex. He informed that all traffic enters the property from 15th Street, with no entrance from Madison. Mr. Hinkle stated that a screening fence has been erected behind the garage and asked that the garage apartment be allowed to remain. Photographs (Exhibit J-2) were submitted.

Comments and Questions:

Mr. Gardner informed that the issue that was before the Board at the prior meeting was the number of dwelling units the owner could have on the property in question. He pointed out that, at this time, the owner is asking to remove one of the three dwelling units in the main structure, leaving two units, and retain the garage apartment for rental purposes. Mr. Gardner explained that a previous Board granted four-plex approval, but only two dwelling units were built in the two-story structure, therefore, the owner is allowed to have the two units by right. He stated that the issue before the Board today is whether or not the owner can use the detached building for a third dwelling unit.

Mr. Jackere asked Mr. Hinkle if there will be office use on the property and he replied that there will be no office use or a home occupation.

Ms. Bradley asked if there are 3 dwellings on other lots in the area and Mr. Hinkle replied that there are none that he is aware of.

Mr. Chappelle inquired if changes will be made to the exterior of the buildings and Mr. Hinkle answered that there will be no outside changes.

Protestants:

C. G. Argodale, 1512 South Owasso Avenue, Tulsa, Oklahoma, stated that he lives 2 blocks from the area. He pointed out to the Board that the area is a stable residential neighborhood and asked that that it be preserved. Mr. Argodale stated that a green belt is proposed along 15th Street and suggested that any improvements would be an additional cost to the City.

Mr. Quarles asked Mr. Argondale if he is recommending that improvements along the south side of 15th Street be discouraged and he replied that the present owners are aware of the plans for a green belt and are not making improvements.

Jim Fehrle, 1201 Boston Plaza, Tulsa, Oklahoma, stated that the property is zoned RS-3 with a duplex variance. He informed that he

Case No. 14309 (continued)

appeared before the Board on 3 previous occasions with respect to the applicants unauthorized use of the property in question. Mr. Fehrle stated that the Board upheld the zoning, with the duplex variance, and stipulated that office use would be prohibited. He pointed out that the applicant failed to comply with the Board's decision and neither Code Enforcement or the Building Inspector enforced the decision. Mr. Fehrle stated that construction was completed and the applicant moved his office into one of the dwelling units and tenants moved in the remaining units. He stated that there have been numerous contacts with Code Enforcement and the Building Inspector, with no apparent action taken by either of these offices. Mr. Fehrle asked the Board to uphold their prior ruling to allow only duplex use on the property.

Comments and Questions:

Ms. Bradley asked Mr. Fehrle if there are 4 utility meters still in place on the property in question and he replied that he cannot answer that question.

Ms. White Inquired if Code Enforcement was called regarding the office use on the property and Mr. Fehrle informed that when that office was contacted, he was told they are very busy.

Mr. Fehrle stated that, at the time the applicant obtained a Building Permit, he informed the Building Inspector that the structure had been used as a four-plex, which was a misrepresentation of the facts.

Ms. Hubbard informed that, at the time of application, she asked the owner how long the house had been used as a four-plex and he replied that it had been a four-plex for many years. She informed that the record search she received from INCOG indicated that the property had been approved for a four-plex.

Board Action:

MOTION of SMITH, the Board voted 3-2-0 (Chappelle, Quarles, Smith, "aye"; Bradley, White, "nay"; no "abstentions"; none, "absent") to **APPROVE** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts, Use Unit 1208) to allow for 3 existing dwelling units; and to **APPROVE** a **Variance** (Section 440 - Special Exception Uses in Residential Districts - Use Unit 1208) of 9,000 sq. ft. minimum lot area, 5,000 sq. ft. minimum land area and of the 2,500 sq. ft. livability space per dwelling unit; subject to 1 duplex (2 dwelling units) and 1 garage apartment (dwelling); subject to basement being used for storage only (no dwelling); subject to no office use on the property; finding a hardship imposed on the applicant by the close proximity of the subject property to the expressways in the area and the fact that a Building Permit was issued to the applicant (based on a previously approved four-plex by the Board which was only partially constructed); on the following described property:

Case No. 14309 (continued)

Additional Comments:

Mr. Fehrle informed the Board that a protestant in the audience was not permitted to speak.

Mr. Smith withdrew his motion in order that the protestant would have an opportunity to voice his protest.

Protestants:

Mike Plinton, 1522 South Madison, Tulsa, Oklahoma, submitted a petition of protest (Exhibit J-1) signed by 75 homeowners in the area. He stated that he bought a home in the neighborhood because it was zoned residential and has upgraded his property. He asked the Board to deny the request and maintain the residential character of the neighborhood.

Additional Comments:

Ms. Bradley pointed out that there have been no tri-plexes allowed in the area since the new Zoning Code has been adopted, and in her opinion, a hardship has not been demonstrated by the applicant.

Mr. Chappelle commented that the location of the property, and its proximity to the expressway right-of-way on two sides, makes it unique.

Board Action:

MOTION of SMITH, the Board voted 3-2-0 (Chappelle, Quarles, Smith, "aye"; Bradley, White, "nay"; no "abstentions"; none, "absent") to **APPROVE** a Use Variance (Section 410 - Principal Uses Permitted in Residential Districts, Use Unit 1208) to allow for 3 existing dwelling units; and to **APPROVE** a Variance (Section 440 - Special Exception Uses in Residential Districts - Use Unit 1208) of 9,000 sq. ft. minimum lot area, 5,000 sq. ft. minimum land area and of the 2,500 sq. ft. livability space per dwelling unit; subject to 1 duplex (2 dwelling units) and 1 garage apartment (dwelling); subject to the basement being used for storage only, no dwelling; subject to no office use on the property; finding a hardship imposed on the applicant by the close proximity of the subject property to the expressways in the area and the fact that a Building Permit was issued to the applicant (based on a previously approved four-plex by the Board which was never fully utilized); on the following described property:

Lot 1, Block 3, 2nd Amended of Morningside Addition, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 4:23 p.m.

Date Approved 12.4.86


Chairman

11.20.86:478(23)

