

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 482
Thursday, January 22, 1987, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Chappelle, Chairman White Smith	Quarles	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, January 20, 1987, at 1:24 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:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** the Minutes of January 8, 1987.

UNFINISHED BUSINESS

Case No. 14314

Action Requested:

Variances - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1207 - Request variances of the lot area from 6,900 sq. ft. to 2,800 sq. ft., land area from 7,500 sq. ft. to 3,675 sq. ft., and side yard setback from 10' to 0' in order to permit the splitting of an existing duplex, located at 1908 and 1910 North Newton.

Comments and Questions:

Mr. Jones informed that TMAPC approved the lot split on December 17, 1987, subject to Board of Adjustment approval.

Presentation:

The applicant Jim Fortner, 3910 East 51st Street, Tulsa, Oklahoma, was represented by Lisa Cervantes, 3910 East 51st Street, Tulsa, Oklahoma. Ms. Cervantes submitted a plat of survey (Exhibit A-1) and explained that the duplex in question is to be sold to different owners, which results in the variance requests.

Case No. 14314 (continued)

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE Variances** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1207) of the lot area from 6,900 sq. ft. to 2,800 sq. ft., land area from 7,500 sq. ft. to 3,675 sq. ft., and side yard setback from 10' to 0' in order to permit the splitting of an existing duplex; per survey submitted; finding that there will be no physical changes made to the existing structure; and finding that the two dwelling units of the duplex will have different owners; on the following described property:

E/2 of Lots 11 and 12, Block 1, Berry-Hart Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14321

Action Requested:

Special Exception - Section 419 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request a special exception to allow office light usage on a tract in an RM-2 District, located east of the NE/c of Peoria and East 41st Place.

Comments and Questions:

Mr. Jones informed that Staff has received a letter (Exhibit B-1) from the applicant's attorney who requested that Case No. 14321 be withdrawn.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **WITHDRAW** Case No. 14321, as requested by the attorney representing the applicant.

Case No. 14333

Action Requested:

Variance - Section 620.2(d) - Accessory Use Conditions - Use Unit 1221 - Request a variance to allow more than one ground sign within or along the street on a tract in an OL zoned district, located at 2642 East 21st Street.

Presentation:

The applicant, Steve Berry, P.O. Box 1004, Tulsa, Oklahoma, was represented by Matthew Lipinski, who stated that a second ground sign was proposed for Sooner Federal, but an agreement has been reached with the landlord for the construction of only one sign on the premises. He informed that Case No. 14365 deals with that sign request. A letter (Exhibit C-2) requesting withdrawal was submitted.

Case No. 14333 (continued)

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **WITHDRAW** Case No. 14333, finding that an agreement has been reached by the applicant and the landlord to construct only one sign on the premises. (Sign request Case No. 14365.)

Case No. 14362

Action Requested:

Use Variance - Section 510 - Principal Uses Permitted in the Parking District - Use Unit 1214 - Request a use variance to allow for an appliance repair business in a P zoned district.

Variance - Section 1214.3(b) - Use Conditions - Use Unit 1214 - Request a variance of the screening requirements.

Variance - Section 1214.4 - Off-Street Parking and Loading Requirements - Use Unit 1214 - Request a variance of the parking requirements.

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1214 - Request a variance of setback from the centerline of Utica Avenue from 50' to 30' and from the centerline of 15th Street from 50' to 38' to allow for parking, located on the SE/c of 15th Street and Utica Avenue.

Presentation:

The applicant, John Sublett, 320 South Boston Avenue, Tulsa, Oklahoma, stated that he was before the Board at the previous meeting and has returned to address the parking issue for a proposed business expansion at the above stated location. Mr. Sublett presented a revised plot plan (Exhibit D-1) and informed that he is withdrawing the request for a variance of the parking requirements. He pointed out that the revised plan shows 3 parking spaces above the required amount.

Comments and Questions:

Mr. Smith asked if the fence around a portion of the parking lot will be removed, and the applicant answered in the affirmative.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-1 (Bradley, Chappelle, Smith, "aye"; no "nays"; White, "abstaining"; Quarles, "absent") to **APPROVE** a Use Variance (Section 510 - Principal Uses Permitted in the Parking District - Use Unit 1214) to allow for an appliance repair business in a P zoned district; to **APPROVE** a Variance (Section 1214.3(b) - Use Conditions - Use Unit 1214) of the screening requirements; to **WITHDRAW** a Variance (Section 1214.4 -

Case No. 14362 (continued)

Off-Street Parking and Loading Requirements - Use Unit 1214) of the parking requirements; and to APPROVE a **Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1214) of setback from the centerline of Utica Avenue from 50' to 30' and from the centerline of 15th Street from 50' to 38' to allow for parking; per plot plan submitted; finding that the new addition will be a continuation of the existing building along the alley, with a solid wall along that line which is across from the residential area, therefore, making screening along the wall unnecessary; finding a hardship on the basis that the business is located on a lot with multiple zoning classifications, and the existing building encroaches on 15th Street and the corner lot encroaches into the planned major street setback; on the following described property:

Lots 13 - 16, Block 1 , Orcutt Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14365

Action Requested:

Variance - Section 1221.3(f) - General Use Conditions for Business Signs - Use Unit 1221 - Request a variance of setback from the centerline of 21st Street from 60' to 45' to allow for an existing sign in an OL zoned district, located at 2642 East 21st Street.

Presentation:

The applicant, Ted Osgood, 7666 East 61st Street, Tulsa, Oklahoma, was represented by Matthew Lipinski, who stated that a second ground sign was proposed for Sooner Federal, but an agreement has been reached with the landlord for the construction of one sign on the premises. He informed that there is an existing sign within the 60' setback, and with the Board's approval the old sign will be replaced with the new sign. He pointed out that there are other businesses along 21st Street that have signs within the 60' setback. A plot plan (Exhibit C-1) and photographs (Exhibit E-1) were submitted.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to APPROVE a **Variance** (Section 1221.3(f) - General Use Conditions for Business Signs - Use Unit 1221) of setback from the centerline of 21st Street from 60' to 45' to allow the replacement of an existing sign in an OL zoned district; per plot plan submitted; finding that there are numerous signs along 21st Street that are located as close to the street as the sign in question, and that the variance request will not be detrimental to the area; on the following described property:

Case No. 14365 (continued)

Lot 1, Block 1, Crow-Dobbs Office Park II, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14366

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213 - Request a variance of the frontage requirements from 150' to 122.30' to allow for a lot split in a CS zoned district, located at 4815 South Harvard.

Comments and Questions:

Mr. Jones informed that TMAPC approved the lot split on December 21, 1986, subject to Board of Adjustment approval.

Mr. Gardner explained that the property in question consists of 2 different uses, Harvard Towers office building and a small strip center to the north. He informed that the purpose of the lot split is to divide the office district from the shopping center in order that the 2 properties can be mortgaged separately. He pointed out that there is adequate parking for both the office complex and the shopping center, with a common access agreement executed between the properties.

Presentation:

The applicant, Amos Baker II, was represented by Charles Gotwalls, 2000 Fourth National Bank Building, Tulsa, Oklahoma, who submitted a survey (Exhibit F-1). He explained that no physical changes will be made to the property, and asked the Board to allow a variance of the lot frontage on the north portion of the tract where the shopping center is located.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213) of the frontage requirements from 150' to 122.30' to allow for a lot split in a CS zoned district; per survey submitted; finding a hardship demonstrated by the size and shape of the tract; on the following described property:

Lot 2, Patrick Henry Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14367

Action Requested:

Special Exception - Section 440 - Special Exception Uses In Residential Districts - Use Unit 1215 - Request a special exception to allow a home occupation for a kennel in an RM-1 zoned district, located at 511 West Florence Place.

Presentation:

The applicant, John Robinson, 511 North Florence Place, Tulsa, Oklahoma, stated that he is not requesting a dog kennel, but this application concerns pets that are inside a privacy fence in his back yard. He informed that he has had the dogs for approximately 2 years.

Comments and Questions:

Ms. Bradley inquired as to the number of dogs on the Robinson property, and the applicant replied that he has 4 dogs in the back yard of his home.

Ms. White asked Mr. Robinson if he raises dogs to sell, and he replied that he does not.

Mr. Smith asked the applicant to state the age of his oldest dog, and he replied that the oldest is 7 years old and the youngest is 1 1/2 .

Protestants:

Paul Norse, 707 North Florence Place, Tulsa, Oklahoma, stated that the dogs make a lot of noise and asked the Board to deny the application.

Ms. White noted that the protestant lives in the 700 block and asked Mr. Norse if he lives 2 blocks from the applicant. He replied that for some reason the house numbers change from 500's to 700's in the same block, and that he only lives 3 houses from the Robinson's home.

Pat Brooks, 521 North Florence Place, Tulsa, Oklahoma, stated that the applicant has demonstrated that he is not a responsible pet owner. She informed that the privacy fence can not contain the dogs and that on one occasion she was threatened by the 4 dogs in her front yard, and that the owner failed to pick up the animals after she had reported the incident to him. Ms. Brooks stated that the dogs roam the neighborhood and have attacked other residents. A letter of protest (Exhibit G-1) and a petition of protest (Exhibit G-2) were submitted.

Ms. Bradley asked Ms. Brooks what kind of dogs are owned by the Robinson family, and she replied that 2 dogs are the size of a Labrador retriever, 1 is the size of an Irish setter and 1 dog is a boxer.

Case No. 14367 (continued)

Darrell Semans, 515 North Florence Place, Tulsa, Oklahoma, stated that he owns a house to the north of the Robinson home and is presently renting his home to another party. He informed that, when he was a resident in the neighborhood, he contacted the Animal Control Service concerning the dogs and Arthur Dunn responded to the call.

Arthur Dunn, a representative of the City Animal Shelter, stated that he informed the applicant that one of the dogs would have to be removed from the premises, or a kennel license acquired. He noted that in 1982 he made a call to the neighborhood and informed the applicant that the dogs would have to be contained inside the fence which was in bad repair at the time.

Phyllis White stated that she is the owner of a house located at 728 North Florence Place, and asked the Board to deny the application for a kennel license.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **DENY** a **Special Exception** (Section 440 - Special Exception Uses in Residential Districts - Use Unit 1215) to allow a home occupation for a kennel in an RM-1 zoned district; finding that the special exception request would be detrimental to the neighborhood and would not be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 10, Block 2, Stahl Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14368

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1223 - Request a use variance to allow for a produce warehouse in an RM-2 zoned district.

Variance - Section 430 and 930 - Bulk and Area Requirements in Residential and Industrial Districts - Use Unit 1223 - Request a variance of setback from the centerline of Admiral Place from 85' to 35' of Lot 1, and from 100' to 35' of Lot 2 for the construction of a building.

Variance - Section 930 - Bulk and Area Requirements in Industrial Districts - Use Unit 1223 - Request a variance of setback from the abutting R Districts, located at 29 North Fulton.

Presentation:

The applicant, Richard Barsh, 29 North Trenton, Tulsa, Oklahoma, was represented by Charles Barsh, who submitted a plot plan (Exhibit X-1) and informed that his family has been in the produce business at the above stated location for many years. Mr. Barsh informed that his father needed additional space and purchased property with an existing grocery which was constructed out to the edge of the sidewalk. He asked the Board to allow him to construct another building and attach it to the existing building. He informed that the structure will be within 5' of the north boundary and up to the property line on the west and south. Mr. Barsh stated that the residents to the west do not object to the construction.

Comments and Questions:

Mr. Gardner asked what is located to the south of the property in question, and the applicant informed that a mortuary is located to the south.

Mr. Gardner stated that there is commercial zoning along Admiral Boulevard, with 2 rows of RM zoned lots on Admiral Place, and IM zoning to the north. He informed that there are also warehouses across the street, on the northeast corner, from the subject property.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1223) to allow for a produce warehouse in an RM-2 zoned district; to **APPROVE** a **Variance** (Section 430 and 930 - Bulk and Area Requirements in Residential and Industrial Districts - Use Unit 1223) of setback from the centerline of Admiral Place from 85' to 35' of Lot 1, and from 100' to 35' of Lot 2 for the construction of a building; and to **APPROVE** a **Variance** (Section 930 - Bulk and Area Requirements in Industrial Districts - Use Unit 1223) a variance of setback from the abutting R Districts; per plot plan submitted; finding a hardship demonstrated by the corner lot location and multiple zoning classifications in the surrounding neighborhood; and finding that there are numerous setback encroachments in the older area; on the following described property:

Lots 1 and 2, Block 7, Lynch-Forsythe's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14369

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1212 - Request a special exception to allow a sexually oriented business in an IL zoned district, located at 9535 East 47th Place.

Comments and Questions:

Mr. Jones informed that a letter (Exhibit H-1) requesting withdrawal of the application was received by Mr. Radcliff.

Presentation:

The applicant, Floyd Radcliff, 310 South Harvard, Tulsa, Oklahoma, was present.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **WITHDRAW** Case No. 14369.

Case No. 14370

Action Requested:

Use Variance - Section 410 - Principal Uses in Residential Districts - Use Unit 1221 - Request a use variance to allow for a sign as a principal use in an RD zoned district.

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1221 - Request a variance of the lot area from 6,900 sq. ft. to 2,336 sq. ft. and a variance of the land area from 8,400 sq. ft. to 4,436 sq. ft. in order to permit a lot split, located at SW/c 91st Street and College Place.

Comments and Questions:

Mr. Jones informed that TMAPC approved the lot split on December 17, 1987. He stated that he has conferred with the applicant prior to this meeting and it was concluded that sufficient notice was not given for the use variance, as all property owners within a 300' radius were not notified. He informed that abutting property owners were notified, which is required for hearing the lot split. The applicant has requested that the use variance portion of the application be tabled until sufficient notice is given.

Presentation:

The applicant, Tom Creekmore, 3800 First National Tower, Tulsa, Oklahoma, stated that he is representing the proposed purchaser of the subject tract. He submitted a photograph (Exhibit J-1) of the entry, which is on land owned by a neighbor, and will be purchased for Whitside Village Subdivision. Mr. Creekmore informed that the small tract primarily consists of landscaping.

Case No. 14370 (continued)

Comments and Questions:

Mr. Gardner informed that the tract of land is small, with landscaping and entry signs for the development. He pointed out that the homeowners will maintain the property.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **TABLE** a **Use Variance** (Section 410 - Principal Uses in Residential Districts - Use Unit 1221) to allow for a sign as a principal use in an RD zoned district; and to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1221) of the lot area from 6,900 sq. ft. to 2,336 sq. ft. and a variance of the land area from 8,400 sq. ft. to 4,436 sq. ft. in order to permit a lot split; subject to conditions imposed by TMAPC on December 17, 1986; finding that the small entry area will be landscaped and maintained by the homeowners; finding that the use variance portion of the application was not properly advertised to property owners within a 300' radius; on the following described property:

Lot 1, Block 1, Wimbledon Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14371

Action Requested:

Variance - Section 1221.3(k) - General Use Conditions for Business Signs - Use Unit 1221 - Request a variance to allow for an existing roof sign in a CH District, located at 3410 South Peoria Avenue.

Presentation:

The applicant, Ed Schenmerhorn, 2251 East Skelly Drive, Tulsa, Oklahoma, submitted photos (Exhibit K-3) and a letter of support (Exhibit K-2). He asked the Board to allow him to continue the use of the roof sign for his business, the Sunset Grill. The applicant pointed out that the grill has live entertainment nightly, and the names on the sign are changed each day to announce the entertainer for the evening. Mr. Schenmerhorn informed that the sign has indirect lighting, with no flashing lights. He stated that the grill has been open for approximately 6 months and has been quite successful. He informed that, due to the trees, utility pole, and stop light, there is not an appropriate place to erect a sign.

Comments and Questions:

Ms. Bradley asked if the restaurant has other signs on the property, and the applicant informed that the name of the grill is on the south side of the building.

Case No. 14371 (continued)

Ms. Bradley Inquired if there are other roof signs in the area, and he informed that Country Tile and the Brook Theater have roof signs.

Ken Bode, Protective Inspections, informed that the sign in question was installed without an electrical or a sign permit. He pointed out that no new roof sign installations are permitted in the City. Photographs were submitted (Exhibit K-1).

Ms. Bradley asked the applicant to address the hardship for this case, and he replied that there is not an appropriate place to install a sign, since the trees would block visibility.

Mr. Smith asked the applicant if the roof sign was on the building when he purchased the business, and he answered in the affirmative.

Ms. White inquired if the applicant would be permitted to construct a sign similar to the Blackeyed Pea sign, and he replied that any type of projecting or ground sign would require a setback variance from the Board and removal of the canopy.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 1221.3(k) - General Use Conditions for Business Signs - Use Unit 1221) to allow for an existing roof sign in a CH District; finding that a similar roof sign was in place prior to the applicant's acquiring the property; and finding the building in question and many of the surrounding buildings in the older area are constructed close to the street and encroach into the major street setback; on the following described property:

Lot 56, Block 1, Burgess Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14372

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1223 - Request a variance of setback from the abutting R Districts from 75' to 18" to allow for the construction of a building.

Variance - Section 1223.3 - Use Conditions - Use Unit 1223 - Request a variance of the screening requirements, located west of SW/c of 1st Street and Rockford Avenue.

Presentation:

The applicant, Robert Criss, 7424 East 30th Place, Tulsa, Oklahoma, stated that he is planning to construct a 1,200 sq. ft. building on the west property line of his lot. He explained that in 1982 the

Case No. 14372 (continued)

Board granted a similar request for a variance of setback and screening requirements on the subject property, for a period of 3 years only. He informed that he has discussed the fence with his next door neighbor and found that he agreed to the installation of the chain link fence.

Comments and Questions:

Mr. Gardner asked the applicant if the west wall is solid, and he answered that it is solid. Mr. Gardner pointed out that the building wall will serve the same purpose as a screening fence, and the Board will have to determine if the balance of the lot shall have screening.

Interested Parties:

Laverne Tracy, stated that she owns the property to the east, 110 South Rockford, which houses the bar. She stated that, if the setback and the screening requirement are the only issues before the Board, she is not opposed to the application.

Additional Comments:

Ms. Bradley asked the applicant to state the use of the new building, and he informed that it will be used for an office and warehouse for storage of household goods.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1223) of setback from the abutting R Districts from 75' to 18" to allow for the construction of a building; and to **APPROVE** a **Variance** (Section 1223.3 - Use Conditions - Use Unit 1223) of the screening requirements; finding a hardship demonstrated by multiple zoning classifications in the area and the fact that the area is planned for industrial; and finding that the building will have no windows on the west and will actually serve as a screen between the applicant's lot and the abutting residential property; on the following described property:

Lot 2, Block 14, Lynch and Forsythe's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14373

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow for an educational facility in an RS-3 zoned district, located at 3514 South Yale Avenue.

Presentation:

The applicant, Thomas Birmingham, 1323 East 71st Street, Tulsa, Oklahoma, stated that he is representing the Jane Ann Stola Educational Foundation. He explained that the property in question is a structure comprised of 2 single-family residences which have previously been joined together. He informed that the building will now be used as an educational facility for gifted children. Mr. Birmingham stated that the days and hours of operation will be Monday through Friday, 9 a.m. to 2:30 p.m. and 3:30 p.m. to 6:30 p.m. He noted that there are 42 students in the morning session, with 7 faculty, and 10 students, with 3 faculty, in the evening class. He stated that no changes will be made to the existing structure, and parking will be located to the rear of the building. Letters of support (Exhibit L-1) from the Highland Homeowner's Association and Margaret Conner, an area resident, were submitted to the Board.

Comments and Questions:

Ms. Bradley asked if the school plans an expansion, and the applicant replied that the size of the facility will not be expanded.

Ms. White stated that, in her opinion, the proposed use is a good one, but is concerned with the large amount of cars parked on the street during the evening hours. Ms. White asked the applicant if any plans are being made to enhance the parking area, and Mr. Birmingham replied that he is not aware of any such plans, but will relay the concerns to the owner.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow for an educational school facility in an RS-3 zoned district; subject to the school being limited to the existing structure and days and hours of operation being Monday through Friday, 9 a.m. to 6:30 p.m.; finding that the educational facility will be compatible with the neighborhood and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

That part of the North Half of the South Half of the Southeast Quarter of the Northeast Quarter (N/2 S/2 SE/4 NE/4) of Section Twenty-one (21), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows, to-wit:

Case No. 14373 (continued)

BEGINNING at the Northeast corner of said N/2 of S/2 of SE/4 of NE/4; thence North 89°50'40" West along the North boundary of said N/2 of S/2 of SE/4 of NE/4 a distance of 280 feet; thence South parallel to the East boundary of said N/2 of S/2 of SE/4 of NE/4 a distance of 195.11 feet; thence South 89°50'40" East parallel to the North boundary of said N/2 of S/2 of SE/4 of NE/4 a distance of 280 feet; thence North along the East boundary of said N/2 of S/2 of SE/4 of NE/4 a distance of 195.11 feet to the Point of Beginning, LESS AND EXCEPT the East 50 feet thereof, City of Tulsa, Tulsa County, Oklahoma.

Additional Comments:

Ms. White asked Mr. Birmingham to relay to his client the concerns of the Board regarding the parking problem occurring during evening events at the school, and he assured Ms. White that he will deliver the message to the owner of the school.

Case No. 14374

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow for a church and related uses in an RS-3 zoned district.

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1205 - Request a variance of setback from the centerline of 46th Street North from 85' to 66'.

Variance - Section 440.7(d) - Special Exception Uses in Residential Districts - Use Unit 1205 - Request a variance of setback from the west property line from 25' to 24'.

Variance - Section 1205.3(a)1 - Use Conditions - Use Unit 1205 - Request a variance of lot area from 43,560 sq. ft. (1 acre) to 43,460 sq. ft.

Variance Section 1205.3(a)2 - Use Conditions - Use Unit 1205 - Request a variance to allow for parking in the required front yard.

Variance - Section 1340(e) - Design Standards for Off-Street Parking Areas - Use Unit 1205 - Request a variance of the screening requirements along the north, east and west property lines.

Variance - Section 1205.4 - Off-Street Parking and Loading Requirements - Use Unit 1205 - Request a variance of the parking requirements from 77 spaces to 52 spaces, located at 1205 East 46th Street North.

Presentation:

The applicant, LaVerne Phillips, 3691 North New Haven, Tulsa, Oklahoma, submitted a plot plan (Exhibit M-1) and asked the Board to allow the construction of a church building at the above stated address. She explained that the Board approved church use on the property in 1982, but the time limitation expired before the church could be built.

Comments and Questions:

Ms. Bradley asked if there is a church located on the subject property at this time, and the applicant informed that there is a building on the lot.

Ms. Bradley inquired as to the size of the congregation, and Ms. Phillips replied that church attendance is approximately 100.

Ms. White asked if the church is proposing to have a day care center, and the applicant replied that they do not propose any type of nursery facility.

Mr. Smith asked if there is sufficient space for church parking on surrounding property, and she answered in the affirmative.

Mr. Gardner inquired if the proposed building will align with the houses to the east, and Ms. Phillips informed that the church will be farther from the street than the houses.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205) to allow for a church and related uses in an RS-3 zoned district; to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1205) of setback from the centerline of 46th Street North from 85' to 66'; to **APPROVE** a **Variance** (Section 440.7(d) - Special Exception Uses In Residential Districts - Use Unit 1205) of setback from the west property line from 25' to 24'; to **APPROVE** a **Variance** (Section 1205.3(a)1 - Use Conditions - Use Unit 1205) of lot area from 43,560 sq. ft. (1 acre) to 43,460 sq. ft; to **APPROVE** a **Variance** (Section 1205.3(a)2 - Use Conditions - Use Unit 1205) to allow for parking in the required front yard; to **APPROVE** a **Variance** (Section 1340(e) - Design Standards for Off-Street Parking Areas - Use Unit 1205) of the screening requirements along the north, east and west property lines; and to **APPROVE** a **Variance** (Section 1205.4 - Off-Street Parking and Loading Requirements - Use Unit 1205) of the parking requirements from 77 spaces to 52 spaces (more space on the tract that could be paved for parking); per plot plan submitted; finding a hardship demonstrated by the size of the tract and mixed zoning classifications in the area; finding that the RS-3 property to the north and west of the subject tract is vacant land; and finding that

Case No. 14374 (continued)

church use is compatible with the neighborhood and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The north 212.48' of the south 232.48' of the east 205' of the following described tract: Beginning 30' north and 505' west of the southeast corner of the SE/4 of Section 12, T-20-N, R-12-E; thence west 288.98', thence N 26°31'36" W a distance of 502.93'; thence east 517.28'; thence S 0°27'55" W, 450' to the point of beginning, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 14375

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the livability space from 4,000 sq. ft. to 3,175 sq. ft.

Variance - Section 240.2 - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the 20% rear yard coverage requirement, in order to add on to an existing dwelling unit, located at 1915 South Yorktown Avenue.

Presentation:

The applicant, Willard Tuttle, 1915 South Yorktown, Tulsa, Oklahoma, submitted a plot plan (Exhibit N-2) and asked the Board to allow him to add a master bath and closet space to an existing home. He informed that approximately 180 sq. ft. will be added, with the existing structure containing approximately 1,750 sq. ft. Mr. Tuttle asked the Board to allow him to make the necessary improvements. Letters of support (Exhibit N-1) were submitted.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the livability space from 4,000 sq. ft. to 3,175 sq. ft.; and to **APPROVE** a **Variance** (Section 240.2 - Permitted Yard Obstructions - Use Unit 1206) of the 20% rear yard coverage requirement, in order to add on to an existing dwelling unit; per plot plan submitted; finding a hardship imposed on the applicant by the long narrow shape of the lot in the older neighborhood; on the following described property:

Lot 11, Block 8, Woodward Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14376

Action Requested:

Special Exception - Section 440 - Special Exception Uses in Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RS-3 zoned district.

Variance - Section 440(6e) - Special Exception Uses in Residential Districts - Use Unit 1209 - Request a variance of the time restriction from 1 year to permanent, located at 1137 North Quebec.

Presentation:

The applicant, Violet Guess, 1137 North Quebec, Tulsa, Oklahoma, was represented by her sister, Bertha Cole. She stated that the mobile home that is presently located on the property replaced one that burned approximately 5 years ago.

Comments and Questions:

Mr. Jones informed that Stormwater Management has notified Staff that a Watershed Development Permit will be required by that agency.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 440 - Special Exception Uses in Residential Districts - Use Unit 1209) to allow for a mobile home in an RS-3 zoned district; and to **APPROVE** a **Variance** (Section 440(6e) - Special Exception Uses in Residential Districts - Use Unit 1209) of the time restriction from 1 year to permanent; subject to Stormwater Management approval; finding that the mobile home has been at the present location for 5 years and has proved to be compatible with the neighborhood; on the following described property:

S/2 of Lot 57, Westrope Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14378

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow for an existing mobile home sales use in a CS zoned district, located at 11920 East Admiral Place.

Presentation:

The applicant, Robert Nichols, 115 West 5th Street, Tulsa, Oklahoma, submitted photographs (Exhibit O-2) and a drawing (Exhibit O-1), and

Case No. 14378 (continued)

stated that he is representing the owner of the subject property, Leo Walter, and also the tenant, Joe Branscom. He informed that the property has been used as a mobile home sales lot since 1969. Mr. Nichols noted that a complaint concerning the business was filed with Protective Inspections in 1980 or 1981, and application was made for a special exception in 1983. He informed that the application was denied by the Board and Mr. John Sublett was retained to appeal the decision to District Court. Mr. Nichols stated that he was contacted by Mr. Sublett in the latter part of 1986 and asked to represent the owner and the tenant in this case. After a review of the file, Mr. Nichols stated that, in his opinion, the case merits a special exception from this Board, rather than an appeal to District Court; therefore, the application has been refiled. He pointed out that property immediately to the east of the subject tract is operating as a mobile home sales lot, the property to the west is also involved in mobile home sales, and a mobile home park is located across the street. Mr. Nichols stated that his client will comply with fencing requirements, limit hours of operation, and limit the number of mobile homes on the lot to 50.

Comments and Questions:

Ms. Bradley asked the applicant how this case differs from the one denied in 1983, and he replied that it does not differ, except in preparation for the case.

Mr. Gardner informed that there have been other mobile home applications in the general area, and over a period of time there were several mobile home operations being conducted. He pointed out that the Building Inspector issued cease and desist orders and many of the operations did cease. Mr. Gardner informed that Mr. Nichols' client was also issued such an order. He pointed out that the property east of the subject property is zoned industrial, with mobile homes being permitted by right in that area; however, from the east boundary of the subject property to the west, for a distance of 1 mile, there are no mobile home sale lots in operation except the one in question and the NE/c of Admiral Boulevard and Garnett Road. Mr. Gardner pointed out that the mobile homes on the subject lot are very close to the single-family dwellings to the south.

Ms. Bradley asked why this case is before the Board again if it was denied at an earlier hearing.

Mr. Jackere stated that, in preparing for the appeal, he visited the site on several different occasions, looked for witnesses, and attempted to gather evidence to prove that this particular mobile home sales lot is detrimental to the neighborhood, but was unable to do so. He informed that he spoke with one resident of the addition to the south of the business who stated that a more objectionable business could be operating on the lot. He pointed out that, due to the fact that the case has been pending for several months, the

Case No. 14378 (continued)

Judge has requested that it be disposed of. Mr. Sublett's client was contacted and the trial is scheduled in approximately 30 days if the Board denies the case again or refuses to hear it. Mr. Jackere stated that he has conversed with Mr. Nichols since he was retained as counsel and agreed with him that it would be appropriate to ask the Board to reconsider the case.

Mr. Nichols informed that Mr. Branscom has never received a complaint from any of his neighbors to the south of the business.

Joe Branscom, 11920 East Admiral Place, Tulsa, Oklahoma, stated that his mobile home sales business is separated from the housing addition to the south by a brick fence.

Ms. Bradley inquired as to the height of the fence, and Mr. Branscom replied that the brick fence to the south is approximately 5' high. He informed that a wood privacy fence has been installed on the west boundary of the business, with the remainder of the lot being enclosed with chain link fencing. He stated that no mobile home repairs are done on the lot.

Protestants:

Ralph Burns, 11725 East 1st Street, Tulsa, Oklahoma, submitted a photograph (Exhibit O-2), and explained that he has lived at the present location since 1975. He stated that the trailers tower over the brick wall behind his home and the customers have a direct view into his back yard. He informed that he has told one of the salesmen on the lot about a flood light positioned to shine directly toward the back of his home, but no action was taken to reposition the light. He noted that several of the surrounding neighbors have voiced a complaint about the bright lights.

Mr. Gardner stated that he is not sure of the height of the fence, but when viewing the lot from the residential neighborhood, a large portion of the mobile homes are visible when seated in a car. He pointed out that the current Code would require a 6' fence.

Mr. Smith asked the protestant how many houses are for sale along the street he lives on, and Mr. Burns replied that he is aware of 2 houses that are for sale.

There was discussion about whether there would be any advantage to raising the fence and moving the mobile homes to the interior of the lot. Mr. Burns informed that he has asked the sales business to rearrange the mobile homes, but got no cooperation from them.

Applicant's Rebuttal:

Mr. Nichols stated that Mr. Branscom did not know about the lighting problem and has no objection to removing the flood light, raising the fence, and moving the trailers to the interior of the lot.

Case No. 14378 (continued)

Additional Comments:

Ms. White asked if the area has changed in the last 3 years, and Mr. Gardner replied that the 1-mile strip is cleaner (fewer nonconforming uses) today than it has been in 20 years.

Mr. Jackere pointed out that a trucking business has been approved in the area, and asked if Staff has a record of cases that have been filed along this mile on 11th Street, and Mr. Jones informed that this information can be provided, but only the cases that have been filed in the immediate area are available in the case report at this time. Mr. Jackere stated, that in his opinion, other uses have been approved for the area that are similar uses to the mobile home sales.

Ms. Bradley stated that she has a problem with hearing the same application again, and Mr. Jackere pointed out that the Board has the right to hear the case or deny the rehearing.

Mr. Chappelle remarked that he is concerned with the lighting, the fence between the business and the residential neighborhood, and the number of mobile homes on the lot.

Ms. White commented that the area has changed since the case was heard in 1983.

Mr. Smith remarked that those residents in the outermost part of a neighborhood would feel the first affects of an objectionable abutting business operation.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **CONTINUE** Case No. 14378 to February 19, 1987, to allow the Board to view the area.

Case No. 14380

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request a variance of the livability space from 4,000 sq. ft. to 3,150 sq. ft. to allow for a dwelling unit, located at 1425 East 21st Street.

Presentation:

The applicant, Teresa Norvell, 1425 East 21st Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit P-1) and informed that she is proposing to build a new home on her property at the above stated location. She pointed out that the lot is small and the proposed dwelling will not fit on the lot without a variance of the livability space.

Case No. 14380 (continued)

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206) of the livability space from 4,000 sq. ft. to 3,150 sq. ft. to allow for a dwelling unit; per plot plan submitted; finding a hardship imposed on the applicant by the long narrow shape of the lot; on the following described property:

Lot 9, Burns Subdivision, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:18 p.m.

Date Approved

2-5-87


Chairman

