

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 484
Thursday, February 19, 1987, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Chappelle, Chairman Quarles White	Smith	Gardner Taylor 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, February 17, 1987, at 10:35 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **BRADLEY**, the Board voted 3-0-1 (Bradley, Chappelle, Quarles, "aye"; no "nays"; White, "abstaining"; Smith, "absent") to **APPROVE** the Minutes of February 5, 1987.

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 - 1211.4 - Off-Street Parking and Loading Requirements - Request a variance of the parking requirements from 10 to 9.

Case No. 14192 (continued)

Comments and Questions:

Mr. Taylor informed that PUD 421 and RM-1 zoning on the subject tract will be heard by the City Commission on February 24, 1987.

Presentation:

The applicant, Harvey Heller, was represented by Robert Nichols, 111 West 5th Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit A-1), and explained that the variance application was filed prior to his involvement in the case. He informed that Mr. Heller had an application for OL zoning on the easterly tract, but that request has now been changed to RM-1. Mr. Nichols advised that the applicant had requested a variance of the setback requirement from 14th Street to allow the closing in of a porch, but this has been deleted from the plan and that relief is no longer needed. He informed that the screening requirement was for screening of OL zoned property, and the lots are now zoned residential. Mr. Nichols stated that he thought that the Planning Commission had the authority to approve the site plan in its entirety, and did not know he would need Board of Adjustment approval for parking relief.

Additional Comments:

Mr. Gardner informed that TMAPC can grant special exception requests through the PUD process, but is unable to vary parking or square footage requirements.

Mr. Nichols stated that the parking requirement for the office building is 6 spaces and asked the Board to reduce that number to 4 spaces on the eastern lot.

Mr. Gardner informed that TMAPC approved the use and required that the parking spaces be located on the south end of the eastern most lot.

Mr. Nichols pointed out that more parking spaces could be provided, but there are numerous trees on the lot, which Mr. Heller would like to preserve. He informed that Mr. and Mrs. Heller live in the home on the west portion of the tract and office in the building to the east. He informed that the applicant has an oil and gas investment business and very few clients visit his office.

Mr. Gardner informed that as long as the owner lives on the property and has an office next door, less parking spaces would be needed, but if the property was sold to another owner it would have a shortage of parking spaces. He noted that the PUD conditions required that one lot could not be sold without the other.

Mr. Quarles asked Mr. Gardner how many of the variances in this application are needed, and he replied that the applicant is only in need of a variance of the parking requirements from 6 spaces to 4 spaces.

Case No. 14192(continued)

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-1 (Bradley, Chappelle, Quarles, "aye"; no "nays"; White, "abstaining"; Smith, "absent") to **WITHDRAW** a **Variance** (Section 430/630 - Bulk and Area Requirements in Residential and Office Districts - Use Unit 1211) of setback requirements from 14th Street from 55' to 53' 11"; to **WITHDRAW** a **Variance** (Section 1211.3 - Office and Studios, Use Conditions) of the screening requirement from OL (pending) to RS-3 tract; to **WITHDRAW** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts) of the livability requirements from 4,000 sq. ft. to 3,900 sq. ft.; and to **APPROVE** a **Variance** (Section 1211.4 - Off-Street Parking and Loading Requirements) of the parking requirements from 6 spaces to 4 spaces; per plan submitted; subject to the applicant living in the house located on the western portion of the tract; finding that the parking spaces needed are actually reduced by 2 spaces and are sufficient as long as the owner lives next door to his office; on the following described property:

West 100' of Lot 1, Block 5, Terrace Drive 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, 111 West 5th Street, Tulsa, Oklahoma, stated that he presented this case to the Board at a prior meeting, which was continued to allow the Board members to view the property in question. Mr. Nichols informed that his client, Mr. Branscom, is out of town. He stated that he is prepared to present the case today if the Board is agreeable to hearing it, but if a site plan is required at this time, he asked that a continuance be granted. He informed that the mobile homes have been moved 10' farther from the residential area and the operator of the business has stated that he will limit the number of units on the lot to 50.

Comments and Questions:

Mr. Quarles noted that the Board denied the variance request in 1983 and the applicant has ignored this action and continued to operate the mobile home sales.

Mr. Nichols advised that his client filed an appeal in District Court and that he can lawfully continue operation of the business during the time the case is pending.

Case No. 14378 (continued)

Ms. Bradley stated that she is very apprehensive about overturning a previous Board decision.

Mr. Gardner pointed out that the Board will have to make a determination as to the compatibility of the mobile home sales business with the area.

Mr. Nichols noted that this case has been pending in District Court for approximately 4 years, and stated that his client is agreeable to skirting all of the mobile homes that face the street and install screening on Admiral. Mr. Nichols informed that his client is also willing to abide by any reasonable conditions that are imposed by the Board.

Mr. Quarles inquired as to the proposed screening for the lot, and Mr. Nichols replied that there is presently a brick wall on the southern boundary of the property which can be raised. He informed that the bright light which was directed toward the residential area has been removed and the mobile homes have been moved 10' from the brick wall.

Mr. Quarles asked Mr. Nichols to state the height of the brick screening wall that is now in place, and he replied that it is 5 or 6 feet tall.

Ms. White stated that she viewed the mobile home lot from the residential area to the south and found that due to the size of the units, the 10' distance was of little consequence.

Mr. Gardner pointed out that it appears that the subject property is at a higher elevation than the residential neighborhood to the south, and if the Board is inclined to approve the application, the height of the fence should be raised and the height stipulated in the Board action.

Mr. Chappelle stated that he is inclined to approve the application with a higher fence being installed on the southern boundary of the property, and the mobile homes being arranged so as to further remove them from the south lot line.

Ms. White advised that she too is inclined to approve the application if the fence is extended to 8' in height and the mobile homes moved at least 20' north of the fence.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-1-0 (Chappelle, Quarles, White, "aye"; Bradley, "nay"; no "abstentions"; Smith, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1217) to allow for an existing

Case No. 14378 (continued)

mobile home sales use in a CS zoned district; subject to an 8' screening fence being installed on the south and west lot lines; subject to a maximum of 50 mobile homes; subject to all units being placed a minimum distance of 20' from the screening fence; subject to all mobile homes along Admiral being skirted; and subject to applicant returning to the Board for approval of a site plan; finding that the granting of the special exception request as regulated will not be injurious 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:

Block 2 of Lot 2, less the north 150' of the west 150' thereof, Western Village Mart Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14382

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1213 - Request a variance of setback from the centerline of East Admiral Place from 100' to 60' to allow for building expansion, located NW/c of Admiral Place and 165th East Avenue.

Presentation:

The applicant, David Grooms, 901 North Mingo, Tulsa, Oklahoma, submitted a letter (Exhibit X-1) requesting that Case No. 14382 be continued to March 5, 1987 to allow the applicant sufficient time to revise their proposal and prepare a new site plan.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **CONTINUE** Case No. 14382 to March 5, 1987, in order that the applicant will have sufficient time to revise the original site plan.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14389

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of setback from the centerline of Winston Avenue from 50' to 47' to allow for the construction of a carport, located at 1424 South Winston Avenue.

Case No. 14389 (continued)

Presentation:

The applicant, Judy Stephens, 1424 South Winston Avenue, Tulsa, Oklahoma, submitted photographs (Exhibit B-1) and stated that the attached garage has been converted to a room and asked the Board to allow the construction of a carport.

Mr. Stephens, 1424 South Winston Avenue, Tulsa, Oklahoma, informed that the roof line will be extended to make a 3 tier roof.

Comments and Questions:

Ms. White commented that she has viewed the area and found that there are numerous carports in the neighborhood.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from the centerline of Winston Avenue from 50' to 47' to allow for the construction of a carport; finding that there are numerous carports in the neighborhood; and finding that the granting of the variance request will not cause substantial detriment to the public good or impair the spirit, purposes and intent of the Code or the Comprehensive Plan; on the following described property:

Lot 5, Block 4, Adamson Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14396

Action Requested:

Minor Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of rear yard setback from 25' to 21' to allow for additional construction on the existing dwelling unit, located at 2140 East 30th Street South.

Presentation:

The applicant, Bill Stoskopf, 3809 South Troost, Tulsa, Oklahoma, submitted a plot plan (Exhibit C-1), and stated that his clients Mr. and Mrs. Donald Baker are proposing to construct an addition to their home at the above stated location. He informed that the portion of the addition which contains the indoor pool and dressing rooms will encroach over the rear yard setback line.

Protestants:

Mike Lewis, 2141 East 30th Place, Tulsa, Oklahoma, informed that he

Case No. 14396 (continued)

lives to the south of the subject property and is concerned with the water run-off which would be increased by the 3,000 sq. ft. addition. He informed that his property is lower than the subject tract and the high pitched roof which will be approximately 21' from his lot line, will dominate his back yard.

Comments and Questions:

Ms. White asked Mr. Lewis if resolving the drainage problem is his main concern with the application, and he replied that he is concerned with drainage, but also objects to building the addition so close to his property line.

Mr. Stoskopf informed that water run-off to the west from the subject property is handled by an underground system that outlets at 30th and Zuni and as many outlets as needed will be channeled in that direction. He pointed out that the Lewis house is not next to the construction.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Minor Variance** (Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of rear yard setback from 25' to 21' to allow for additional construction on the existing dwelling unit; per plot plan submitted with installation of drainage systems; subject to Stormwater Management approval; finding a hardship demonstrated by the size and shape of the lot; on the following described property:

Lots 1 and 2, Block 15, Forrest Hills Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14398

Action Requested:

Minor Variance - Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a minor variance of setback from the front from 30' to 25', from the side yard from 10' to 8' 6" and from the rear yard from 25' to 20' 6" in order to permit a dwelling unit, located at 2108 East 25th Place.

Presentatlon:

The applicant, John Woolman, Oklahoma, was represented by Steve Schuller, 610 South Main, Tulsa, Oklahoma, who submitted a revised plot plan (Exhibit E-1). He informed that the subject property is located in a neighborhood where all of the lots are approximately 50' to 60' wide. Mr. Schuller pointed out that the owner designed a house for the lot and assumed that the zoning was RS-3; however, when he applied for a Building Permit, he found that the property was zoned RS-2. He explained that Mr. Woolman is attempting to

Case No. 14398 (continued)

build a home in keeping with the character of the neighborhood and asked the Board to approve the minor variance.

Comments and Questions:

Ms. White asked Mr. Schuller if the house in question will align with the other houses along 25th Place, and he answered in the affirmative.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Minor Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from the front from 30' to 25', from the side yard from 10' to 8' 6" and from the rear yard from 25' to 20' 6" in order to permit a dwelling unit; per plot plan submitted; finding a hardship imposed on the applicant by the exceptional narrowness of the lot in the older neighborhood; on the following described property:

Lot 9, Block 7, Wildwood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14399

Action Requested:

Minor Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a minor variance of setback from the centerline of 21st Street from 60' to 50' to allow for a business sign, located at 5126 East 21st Street.

Presentation:

The applicant, Bill Bradley, 5126 East 21st Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-1) and photographs (Exhibit F-2). Mr. Bradley informed that he purchased the subject property in October of 1985 and moved his insurance business to that location. The applicant explained that he contracted C and R Signs to erect a sign on the lot in September of 1986. He informed that the sign company assured him that they had the necessary permit for installing the sign, and completed the job. Mr. Bradley stated that the sign was installed 50' from the centerline of 21st Street, instead of the required 60'. He informed that the sign would be in the middle of the driveway if moved back an additional 10' and asked the Board to approve the minor variance. A copy of the citation (Exhibit F-3) was submitted.

Protestants: None.

Case No. 14399 (continued)

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Minor Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) of setback from the centerline of 21st Street from 60' to 50' to allow for a business sign; per plan submitted; finding that there are other signs in the area as close to the street as the one in question; and finding that the sign would be in the middle of the circle driveway if it was located at the required 60' setback; on the following described property:

Lot 4, Block 6, Gracemont 3rd Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14387

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of street frontage from 30' to 0' in order to allow access by a private street, located at 2403 North Columbia Place.

Presentation:

The applicant, Ruby Deschamp, 1745 South Pine Place, Broken Arrow, Oklahoma, informed that approximately 40 years ago her father and uncle purchased 5 acres of land together at the above stated location. She explained that her uncle took the 2 1/2 acres on Columbia Place and her father built on the property that would have been on Delaware Avenue if that street had been extended past his property. She stated that the two landowners had a verbal agreement, at the time of purchase, that a private driveway would be permitted to her father's property from Columbia Place. Ms. Deschamp said that her mother is planning to split the tract in 2 parcels and give an equal amount of land to her and her sister, with each to have a separate deed.

Comments and Questions:

Ms. Bradley asked the applicant how the lot will be split, and she replied that the houses on the property face south and the lot will be split north and south.

Protestants:

Tom Bingham, 5 West 22nd Street, Tulsa, Oklahoma, stated that he represents the owner of houses along North Columbia Place and pointed out that there is access to the subject property from Delaware Avenue. He informed that the private road infringes upon the property of his client's mother.

Case No. 14387 (continued)

Additional Comments:

Mr. Gardner informed that a lot split has been approved by TMAPC, subject to Board of Adjustment approval. He stated that there may be a legal question as to the right of access and pointed out that the Planning Commission was not aware that there was a dispute as to the access when they heard the case. He advised that the Board might consider continuation of the case if the protestant would like to be heard by the Planning Commission.

Mr. Jackere asked Mr. Bingham if a survey has been conducted, and he replied that his client has not had the property surveyed.

Mr. Jackere asked Mr. Bingham how he determined that the road is on his client's property, and he informed that his client has been aware of the situation for many years.

Mr. Jackere pointed out that every lot which contains any building used in whole or part for residential purposes must have a minimum of 30' of frontage on a public street or dedicated right-of-way.

Mr. Bingham inquired if the applicant is asking for the 30' of frontage to be on Columbia Place, and Mr. Jackere stated that she is not.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Variance** (Section 207 - Street Frontage Required - Use Unit 1206) of street frontage from 30' to 0' in order to allow access by a private street; finding that the subject property is landlocked and has no frontage on a public street; and finding that the access road to the property has been in place for many years; on the following described property:

The S/2 of the E/2 of the following tract of land: Beginning at a point 2,305' east of the SW/c of the N/2 of the NW/4 of Section 29, T-20-N, R-13-E, of the Indian Base and Meridian, according to the U. S. Government Survey thereof, said Point of Beginning being the center of Columbia Place, thence east 335' along and parallel to the north City Limits, to a point, said point being the center of Delaware Avenue, thence north 325.07' a continuation of Delaware Avenue to a point, thence west parallel to the north City Limits a distance of 335' to a point, thence south 325.07' to the Place of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14388

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1207 - Request a special exception to allow for a duplex in an RS-3 zoned district.

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1207 - Request a variance of setback from the centerlines of 31st Street and Peoria Avenue from 85' to 55', located SW/c 31st Street and Peoria Avenue.

Comments and Questions:

Mr. Taylor informed the Board that the applicant is in need of additional relief of the livability space requirement, and if the Board is inclined to approve the application, this portion of the request can be continued to the next scheduled meeting.

Presentation:

The applicant, Kenneth Shouse, 717 South Houston, Tulsa, Oklahoma, stated that he is representing Pearl Harwell, owner of the subject property. He informed that his client also owns the lot to the west of the subject tract. Mr. Shouse stated that Mr. Harwell would like permission to construct a duplex on the corner lot, which is bounded on three sides by streets. He informed that there is a duplex at 29th and Peoria and numerous apartments in the area. The applicant pointed out that the property is unique in the fact that it is bounded by streets on 3 sides, and that the lots were bought separately and have never been treated as one piece of property. A letter of support (Exhibit G-2) was submitted to the Board.

Protestants:

Letters (Exhibit G-1) recommending denial of the application were received from 17 property owners in the area and there were numerous protestants in the audience.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1207) to allow for a duplex in an RS-3 zoned district; and to **DENY** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1207) of setback from the centerlines of 31st Street and Peoria Avenue from 85' to 55'; finding that the application is not consistent with the District 6 Plan; and finding that a hardship was not demonstrated that would warrant the granting of the variance request; on the following described property:

Lot 7, Block 1, Westview Amended Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14390

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1211 - Request a variance of setback from the centerline of Peoria Avenue from 100' to 97' to allow for an existing building, located at 4835 South Peoria Avenue.

Presentation:

The applicant, PAJAM Partnership, was represented by Mitch Adwan, P.O. Box 52099, Tulsa, Oklahoma, who stated that the property in question was recently purchased and a survey was done for closing, at which time it was discovered that the building is encroaching on the setback line.

Comments and Questions:

Mr. Chappelle inquired if any changes will be made to the exterior of the building, and Mr. Adwan answered that there will be no changes.

Ms. Bradley asked if the variance is needed to clear the title, and Mr. Adwan answered in the affirmative.

Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to APPROVE a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1211) of setback from the centerline of Peoria Avenue from 100' to 97' to allow for an existing building; per survey; finding that there is no new construction planned and that there are numerous buildings along Peoria that are as close to the street as the building in question; on the following described property:

South 180' of the west 180' of Lot 1, Southern Center Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14391

Action Requested:

Special Exception - Section 440 - Special Exception Uses in Residential Districts - Use Unit 1211 - Request a special exception to allow for an existing real estate office as a home occupation in an RS-3 zoned district, located at 5815 South 94th East Place.

Presentation:

The applicant, Betty Kelcey, was represented by her son Howard Kelcey, 8905 East 60th Street, Tulsa, Oklahoma. He informed that his mother is a real estate broker and needs an address for her

Case No. 14391 (continued)

business. He stated that she also does clerical work for the family construction business and uses 1 room of her home for an office.

Comments and Questions:

Ms. Bradley asked Mr. Kelcey if his mother has employees in her business, and he replied that she does not.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Special Exception** (Section 440 - Special Exception Uses In Residential Districts - Use Unit 1211) to allow for an existing real estate office as a home occupation in an RS-3 zoned district; per Home Occupation Guidelines; finding that the office will be compatible with the residential neighborhood; on the following described property:

Lot 1, Block 1, Woodland View Park VI Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14392

Action Requested:

Variance - Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of the rear yard setback from 20' to 10' and a variance of the lot area from 6,900 sq. ft. to 6,700 sq. ft. in order to permit a lot split, located NE/c of Quebec Avenue and Haskell Street.

Presentation:

The applicant, Beverly Hall, P.O. Box 581027, Tulsa, Oklahoma, requested that Case No. 14392 be withdrawn.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **WITHDRAW** Case No. 14392.

Case No. 14393

Action Requested:

Special Exception - Section 440- Special Exception Uses In Residential Districts - Use Unit 1217 - Request a special exception to allow for the installation of car stereos as a home occupation, located at 8604 East 47th Street.

Case No. 14393 (continued)

Presentation:

The applicant, Harold Withrow, 8604 East 47th Street, Tulsa, Oklahoma, informed that he has been working out of his home for approximately 4 1/2 years, but most of the work is done for car dealers at their location. Mr. Withrow explained that he does car stereo installations for the 3 Silo stores in the City, which is done by appointment only. He informed that the number of cars are limited and the hours of operation are not late at night. A letter of support (Exhibit H-2) was submitted.

Comments and Questions:

Mr. Chappelle asked the applicant if he installs alarm systems, and he replied that he does not.

Mr. Quarles inquired as to the number of installations done at the residence during a normal day, and he replied that he might have as many as 6 cars visit his home each day during the peak season, such as Christmas.

Ms. Bradley asked if there is sawing and drilling involved in the installation of a stereo system, and Mr. Withrow informed that there is some work of this type done during the installing of the system.

Ms. White asked the applicant if he has installed car alarms in the past, and he stated that he did install alarms a few years ago, but no longer does this type of work.

Ms. White requested that the applicant state the days and hours of operation for the business, and he replied that he works from 9 a.m. to 9 p.m.

Mr. Gardner asked the applicant if he has ever had a sign in his yard or a commercial type vehicle which stated the type of business that is operated on the property. Mr. Withrow replied that he has not had any advertising or signs on the property, but did have a tag on his car that had the name of his business, with no address.

Mr. Gardner asked if the car alarms were tested at his home, and the applicant answered in the affirmative.

Protestants:

Linda Harper, Secretary of Regency Park Homeowner's Association, who submitted letters of opposition (Exhibit H-3), a plat (Exhibit H-1) and photographs (Exhibit H-4), represented the area residents who opposed the application.

Mr. Chappelle inquired if any of the homeowners in the area were aware that the stereo installation business was being conducted at the residence of Mr. Withrow. Ms. Harper replied that she was not aware of the business operation, but that some of the neighbors had voiced a concern that the business would generate a large amount of traffic in the neighborhood.

Case No. 14393 (continued)

Ms. White asked Ms. Harper if the amount of traffic is the only concern of the neighborhood, and she answered in the affirmative.

Mr. Chappelle pointed out that a home occupation is supposed to be conducted in such a fashion that no one is aware that a business is being conducted on the premises. He noted that this business appears to be operating in this way, since it has been in the area for 4 years without being detected.

Ms. Bradley voiced a concern with the added number of cars that will be parked at the residence.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-1-0 (Chappelle, Quarles, White, "aye"; Bradley, "nay"; no "abstentions"; Smith, "absent") to APPROVE a Special Exception (Section 440- Special Exception Uses in Residential Districts - Use Unit 1217) to allow for the installation of car stereos as a home occupation; per Home Occupation Guidelines; subject to car stereos only (no car alarms) being installed on the property; and subject to hours of operation being from 9 a.m. to 8 p.m., Monday through Saturday; on the following described property:

Lot 4, Block 4, Regency Park West Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14394

Action Requested:

Special Exception - Section 410 - Principal Uses in Residential Districts - Use Unit 1205 - Request a special exception to allow for a church and related uses in an RM-1 zoned district, located west side of Lewis avenue at 75th Street.

Presentation:

Mr. Taylor informed that Staff has received a letter (Exhibit J-1) from the applicant's attorney, Charles Norman, which stated that Thomas Creekmore, attorney representing the adjacent landowners, has requested a continuance of this case to March 5, 1987. Mr. Norman stated that he has no objection to the continuance.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **CONTINUE** Case No. 14394 to March 5, 1987.

Case No. 14395

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1207 - Request a use variance to allow for the construction of a duplex in an RS-2 zoned district, located SW/c of 21st Street and Peoria Avenue.

Presentation:

The applicant, John Walton, 2101 South Madison, Tulsa, Oklahoma, submitted a plot plan (Exhibit K-2) and stated that he is the owner of the subject tract. He informed that he has been in contact with the Mapleridge Board and explained that he is proposing to build a duplex on the property. Mr. Walton stated that the tract has 120' of frontage on Peoria and 108' on 21st Street, with the entrance being on 21st Street. He noted that inside the entrance there will be a motor court with 4 off street parking stalls and the structure will have 2 single car garages on each end.

Comments and Questions:

Ms. White noted that the Board has received a letter (Exhibit K-1) from the Mapleridge Association which endorses the project. She asked the applicant if a duplex is located on the property to the west of the tract, and he answered in the affirmative.

Protestants: None.

Interested Parties:

Joe Farris, 1221 East 30th Place, Tulsa, Oklahoma, President of Mapleridge Homeowner's Association, stated that this organization has mailed a letter of support to the Board and he is present to reaffirm their support of the application.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Use Variance** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1207) to allow for the construction of a duplex in an RS-2 zoned district; per plot plan submitted; finding that the lot is a large corner lot at a major intersection and that there are other duplexes in the area; and finding that the granting of the variance request will not cause substantial detriment of the public good or impair the spirit, purposes and intent of the Code, or the Comprehensive Plan; on the following described property; on the following described property:

Lot 4, Block 15, Sunset Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14397

Action Requested:

Variance - Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of the side yard setback from 10' to 1' to allow for the construction of a garage, located at 2245 East 23rd Street.

Presentation:

The applicant, Kathleen Page, 233 South Detroit, Suite 310, Tulsa, Oklahoma, was represented by Steve Dodson, 2245 East 23rd Street, Tulsa, Oklahoma. He submitted a plot plan (Exhibit L-2) and explained that the existing 1-car garage will be torn down and replaced with a 2-car garage which will be moved forward and connected to the house. Mr. Dodson pointed out that the property slopes and the existing garage floods during heavy rains. He informed that the neighbor to the west who would be affected by the construction has viewed the plans and is supportive of the project. Photographs (Exhibit L-3) and a letter of support (Exhibit L-1) were submitted.

Comments and Questions:

Mr. Gardner informed that the applicant will have a very limited space to maintain the garage within the 1' setback.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirement in residential Districts - Use Unit 1206) of the side yard setback from 10' to 1' to allow for the construction of a garage; per plot plan submitted; finding a hardship imposed on the applicant by the slope and narrow shape of the lot; on the following described property:

East half of Lot 21, and all of Lot 22, Block 6, Brentwood Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14408

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted In Office Districts - Use Unit 1211 - Request a special exception to allow for a drive-in bank facility in an OL zoned district.

Variance - Section 630 - Bulk and Area Requirements In Office Districts - Use Unit 1211 - Request a variance of setback from abutting R District, located NW/c 21st Street and Birmingham.

Case No. 14408 (continued)

Presentation:

The applicant, Bob Nichols, 111 West 5th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit M-1) and stated that this case has been before the Board on 2 different occasions, has been appealed to District Court and is now before the Board for consideration of a different proposal.

Comments and Questions:

Mr. Quarles asked Mr. Nichols to point out the difference between this application and the one previously heard by the Board.

Mr. Nichols informed that a full service banking facility, Continental Federal Savings and Loan, is in operation on the subject property at this time. He stated that the contractor that was remodeling the building was instructed to install a new canopy and drive-in facilities. Mr. Nichols informed that at that time attached drive-in banking facilities were allowed by right in OL zoned districts, and at that time 3 drive-in windows were proposed, but denied by the Board. In April of 1986 the application was back before the Board with 3 drive-in lanes that were attached to the existing building, and that application was also denied. Mr. Nichols informed that the plans have been modified to show 2 drive-in lanes, with 1 escape lane. He pointed out that there will be a sharp exit to the south and the Traffic Engineer has agreed to locate a sign prohibiting a left turn onto Birmingham, which would route the traffic away from the residential neighborhood. He explained that the new plan would provide stacking room for 27 cars on the site, and landscaping will be placed along the north boundary to screen the property visually, as well as protect residents from fumes emitted from the traffic stack. Mr. Nichols stated that cars will be stacked no closer than 15' of the residential property. He informed that the canopy overhang for the drive-in is closer than 10' to the residential property line.

Interested Parties:

Max Wells, 2547 East 20th Street, Tulsa, Oklahoma, stated that he has visited with the Traffic Engineer and suggested that the exit be 42' 6" to the south. He asked that adequate landscaping be planted along the residential property line, and that banking equipment not be installed in the emergency lane.

Ms. Bradley noted that Mr. Wells was a protestant at the previous hearings and asked if he is in agreement with the revised plan. He replied that the design is much improved and is not opposed to the application.

Mike Hofstrom, 2544 East 20th Street, Tulsa, Oklahoma, stated that he lives to the north of the banking facility and that his major concern with the plan is that proper landscaping is planted. He informed that his children have lung problems and would like assurance that plants that will block out the pollution be planted between his home and the banking facility.

Case No. 14408 (continued)

Mr. Gardner stated that the ordinance has been amended so that in the future each application for a drive-in banking facility in an OL District must be heard by the Board. He pointed out that in this case the canopy is already in place and there was confusion as to the amount of lanes and whether or not Board of Adjustment approval was necessary. Mr. Gardner advised that the Board will have to determine how many drive-in lanes will be appropriate for the area.

Ms. Bradley asked how much stacking room there will be to 21st Street, and Mr. Gardner informed that there is room for 4 or 5 cars.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-1-0 (Chappelle, Quarles, White, "aye"; Bradley, "nay"; no "abstentions"; Smith, "absent") to **APPROVE** a **Special Exception** (Section 610 - Principal Uses Permitted In Office Districts - Use Unit 1211) to allow for a two lane drive-in bank facility in an OL zoned district; and **APPROVE** a **Variance** (Section 630 - Bulk and Area Requirements In Office Districts - Use Unit 1211) of setback from abutting R District; per site plan submitted; subject to the northeast curb cut being located a minimum of 42' 6" to the south of the north property line; subject to applicant returning to the Board with a landscape plan; and subject to the escape lane being maintained as such and not used for banking purposes; on the following described property:

Lots 9 and 10, Block 2, Gilbert Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 13964

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted In Agriculture District - Use Unit 1205 - Request a special exception to allow a church and related activities in an AG zoned district, located South Lewis Avenue, across from Oral Roberts.

Presentation:

Attorney Charles Norman, who represented the applicant, Frank Wallace, requested by letter that Case No. 13964 be withdrawn.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-1-0 (Chappelle, Quarles, White, "aye"; Bradley, "nay"; no "abstentions"; Smith, "absent") to **WITHDRAW** Case No. 13964.

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

Date Approved

Harry White

3/5/87

Chairman