

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 487
Thursday, April 2, 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 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, March 31, 1987, at 1:30 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 1:00 p.m.

MINUTES:

Ms. White pointed out that she was not present during the hearing of Case No. 14434 on March 19, and did not vote as was reflected in the minutes.

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** the Minutes of March 19, 1987, as corrected.

UNFINISHED BUSINESS

Case No. 14402

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Street from 50' to 34' to allow for the placement of a business sign, located at 3223 East 31st Street.

Presentation:

The applicant, Ron Van Tuyl, was represented by Steve Williams, 505 North Walnut, Broken Arrow, Oklahoma. He submitted a location sketch (Exhibit A-1), and explained that this case was continued from the previous meeting to allow the Traffic Engineering Department to review the sign. Mr. Williams informed that the department has checked and approved the sign.

Comments and Questions:

Ms. White stated that there was a question concerning the distance from the bottom of the sign to the ground.

Case No. 14402 (continued)

Mr. Williams informed that he did not know about that question.

Ms. Bradley asked when the sign approval document was signed, and Mr. Williams replied that it was signed on March 30, 1987.

Ken Bode, Sign Inspector, stated that he has no knowledge of the height of the subject sign.

Mr. Gardner stated that the Traffic Engineer has apparently checked the location and height and is satisfied with the safety aspect of the sign, but it will also be required to comply with the Sign Code, which will be determined by the Sign Inspector.

Mr. Williams informed that he spoke to Mr. French from the Traffic Engineering Department this morning and he signed a sketch of the sign. He stated that Mr. French told him that such a situation was usually handled by a phone conversation with Mr. Bode.

Ms. Bradley asked Mr. Bode if he has been contacted by Mr. French and he replied that he has not had a call from Mr. French.

Board Action:

On **MOTION** of **SMITH**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Street) from 50' to 34' to allow for the placement of a business sign; subject to Traffic Engineering approval (review again after constructed); finding that there are other signs along 31st Street that are as close to the street as the sign in question; on the following described property:

All that part of the SE/4, of the SE/4 of Section 17, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, more particularly described as follows, to-wit: Beginning at a point 540' west of the SE/c of said Section 17, thence north 208'; thence west to the east boundary of the SW/4 of the SE/4 of the SE/4 of said Section 17; thence south 208'; thence east to the point of beginning.

AND

All that part of the SE/4, of the SE/4 of Section 17, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, more particularly described as follows, to-wit: Beginning at a point 540' west of the SE/c of said Section 17; thence north 208' to a point of beginning; thence north 122'; thence west 120'; thence south 122'; thence east 120' to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14417

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1210 - Request a special exception to allow for off-street parking in an RM-2 zoned district, located at 1210 South Jackson Avenue.

Presentation:

Mr. Jones informed that the applicant, C. N. Mathias, is not in need of the relief requested, and suggested that the entire application fee be refunded. He pointed out that Mr. Mathias was referred to INCOG by the Street Commissioner, who thought the applicant was in need of a special exception.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **STRIKE** Case No. 14417; finding that the applicant is not in need of the relief requested.

Case No. 14418

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1205 - Request a special exception to allow for a church and related uses in an AG zoned district, located 1/2 mile east of NE/c 101st and Harvard.

Presentation:

The applicant, John Moody, 7666 East 61st Street, Suite 240, Tulsa, Oklahoma, informed that he has been meeting with abutting and surrounding property owners and asked that Case No. 14418 be continued until April 16, 1987. Mr. Moody stated that progress is being made and he feels that these discussions will be completed by the next Board meeting. A letter requesting a continuance (Exhibit B-1) was submitted.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **CONTINUE** Case No. 14418 until April 16, 1987, in order that the applicant will have sufficient time to complete meetings with the surrounding property owners.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14423

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential District - Use Unit 1206 - Request a minor variance of setback from the front property line from 30' to 24' to allow an addition to an existing dwelling unit, located at 1251 Hazel Boulevard, Tulsa, Oklahoma.

Presentation:

The applicant, James Brackett, 1251 Hazel Boulevard, Tulsa, Oklahoma, submitted photographs (Exhibit C-1) and explained that he is planning to make a major addition to his existing residence, which will encroach on the front setback approximately 6'. He pointed out that the existing house is small compared to the other houses in the neighborhood, and that he is proposing an addition that will bring his home up to the area standard. Mr. Brackett informed that the lots are large and Hazel Boulevard is extremely wide. He stated that his house is on one lot, with a vacant lot next door, and that his desire is to construct an addition that will utilize the vacant portion and still preserve the integrity of the neighborhood. Mr. Brackett explained that the existing detached garage is too small to accommodate two cars and a new one will be attached to the house on the front.

Comments and Questions:

Mr. Smith inquired as to the distance from the curb to the proposed garage, and he replied that the distance will be 42'.

Ms. Bradley asked the applicant if his house will extend farther toward the street than the other houses in the block, and he replied that he doesn't think the proposed house will be closer to the street, but that the street curves and there may be two different setbacks for the existing houses.

Protestants:

David Patterson, 1241 East Hazel Boulevard, Tulsa, Oklahoma, stated that he lives to the west of the proposed construction. He pointed out that Hazel Boulevard curves slightly south and the house on the corner is closer to the curb than the houses in the middle of the block, but they appear to be set in a straight line. He informed that the proposed garage will impair his view if it is allowed to be constructed at the requested setback. Mr. Patterson noted that all garages in the area are small, but will accommodate two cars. He stated that the front garage will protrude 30' toward the street from the remainder of the house. He pointed out that the applicant has sufficient space to place the addition at another location on the lot.

Mike Lang, 1246 Hazel Boulevard, Tulsa, Oklahoma, stated that he does not find the plans objectionable, but asked that the approval be tied to the plans presented. He noted that he has a small concern with the fact that the house will not align with the existing residences.

Case No. 14423 (continued)

Grant Hall, 1202 East 18th Street, Tulsa, Oklahoma, Mapleridge Homeowner's Association, pointed out that the street is on the National Historical Register and asked the Board to deny the setback variance. He noted that a hardship has not been demonstrated by the applicant, and that all garages in the area are behind the homes and detached.

Additional Comments:

Mr. Smith pointed out that if the street is 36' wide, the right-of-way would be 60', and half of the 36' of paving plus 42' from the curb would be 60', which is the required setback.

Ms. Hubbard stated that she has not had an opportunity to review the plans, as Mr. Brackett has not applied for a building permit, but according to the information presented it appears that he may not need the relief requested. Mr. Chappelle suggested that the Board allow a few minutes for Ms. Hubbard to examine the plans.

After reviewing the plans with the applicant, Ms. Hubbard stated that Mr. Brackett does not need the relief requested since Hazel Boulevard has more dedicated right-of-way than a standard residential street.

After questions from the protestants, Mr. Jackere suggested the case be continued for two weeks in order that the applicant can apply for a building permit and allow sufficient time for that office to review the site plan.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 14423 until April 16, 1987, to allow the applicant sufficient time to confer with the Building Inspector and determine if he is in need of the relief requested.

NEW APPLICATIONS

Case No. 14421

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1213 - Request a use variance to allow for a grocery store in an RM-1 zoned district.

Variance - Section 1213.3 - Use Conditions - Use Unit 1213 - Request a variance of the screening requirements, located 2402 North Peoria (NW/c Peoria and 24th Street North)

Presentation:

The applicant, James Williams, 2404 North Peoria, Tulsa, Oklahoma, was represented by the owner of the subject property, Ms. Ada

Case No. 14421 (continued)

Wooten, 5032 North Xanthus, Tulsa, Oklahoma. She informed that a grocery store has been at the present location for approximately 60 years, but is temporarily closed. Ms. Wooten explained that the previous operator damaged the building and dismantled some of the fixtures before moving out, but reopening of the store is planned if this application is approved by the Board.

Comments and Questions:

Mr. Chappelle asked Ms. Wooten if she plans any changes or expansion of the building, and she replied that the original building will be repaired and no expansion is proposed.

Mr. Chappelle informed that he is familiar with the area and the previous operation of the grocery store.

Ms. Bradley asked if the building has ever been used for a purpose other than a grocery store, and Ms. Wooten stated that the building has always been used for a grocery.

Ms. White inquired if the old cars will be removed from the parking lot beside the store, and the owner replied that the lot will be cleared and used for parking.

Ms. Bradley noted that a variance of the fencing requirements is requested, and Ms. Wooten replied that she will comply with any fencing requirements imposed by the Board.

Ms. White pointed out that screening is in place on the west property line, but the north boundary is not screened.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1213) to allow for a grocery store in an RM-1 zoned district; and to **APPROVE** a **Variance** (Section 1213.3 - Use Conditions - Use Unit 1213) of the screening requirements; subject to the grocery business being operated in the existing building; finding that a grocery store has been at the present location for many years and has proved to be compatible with the neighborhood; on the following described property:

S/2 of Lots 1 and 2, Block 3, Sunnyslope Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14422

Action Requested:

Variance - Section 1221.4(b) - CS District Use Conditions for Business Signs - Use Unit 1221 - Request a variance of the permitted 3 sq. ft. per lineal foot of building wall for a proposed sign, located 7911 East 71st Street.

Presentation:

The applicant, Terry Young, P.O. Box 3351, Tulsa, Oklahoma, submitted photographs (Exhibit D-1) and stated that his clients Frank and Bonnie Wong are owners and operators of Peking Gardens and Egg Roll Express restaurants. He noted that this sign request concerns only the newest of the Egg Roll Express restaurants which is located on 71st Street. Mr. Young explained that the red, yellow and green canopy, which is across the front and wraps around on both ends of the building, is the item in question. He noted that the canopy is a plastic material and the lights for the walkway create an impression of an illuminated sign. He asked the Board to allow the canopy to remain in its present position.

Comments and Questions:

Ms. White asked Mr. Young if there is advertising on the canopy, and he replied that Chinese symbols and Egg Roll Express may be placed on the canopy.

Mr. Smith asked the applicant if he can state the width of the band, and he stated that he does not know the width.

Ken Bode, Sign Inspector, informed that the canopy is approximately 4 1/2' high and that he has no objection to the variance request.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 1221.4(b) - CS District Use Conditions for Business Signs - Use Unit 1221) of the permitted 3 sq. ft. per lineal foot of building wall for a proposed sign; subject to approval being for the canopy sign at 7911 East 71st only, with no other wall signs being attached to the other walls of the building without further Board approval; on the following described property:

The west 140' of Lot 1, Block 1, Self Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14424

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request an exception to allow for an existing mobile home in an RS-3 zoned district.

Case No. 14424 (continued)

Variance - Section 440.6 - Special Exception Requirements In Residential - Use Unit 1209 - Request a variance of the time regulation from 1 year to permanently, located 1543 North Kingston Place.

Presentation:

The applicant, Christine Fanning, 1543 North Kingston Place, Tulsa, Oklahoma, asked the Board to allow her to permanently place a mobile home at the above stated location. She informed that there are other mobile homes in the area.

Comments and Questions:

Mr. Smith inquired if the mobile home is on a foundation and made to look permanent, and the applicant stated that it is still on the wheels.

Ms. Bradley remarked that she has viewed the area and that the neighborhood is being revitalized; however, the mobile home in question is in poor condition compared to the surrounding homes. She suggested that a time limit be placed on the mobile home to see if it can be brought up to the current neighborhood standard.

Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception (Section 310 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for an existing mobile home in an RS-3 zoned district; and to APPROVE a Variance (Section 440.6 - Special Exception Requirements In Residential - Use Unit 1209) of the time regulation from 1 year to 2 years; finding that there are other mobile homes located in the area; on the following described property:

Lot 11, Block 1, Hefflefinger Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14425

Action Requested:

Variance - Section 1221.3(a) - General Use Conditions for Business Signs - Use Unit 1221 - Request a variance of setback from freeway right-of-way from 10' to 1' to allow for a sign, located south of SW/c Sheridan Road and Apache Street.

Presentation:

The applicant, Charles O. Hare, 6550 East Independence, Tulsa, Oklahoma, was represented by Steve Emery, 4348 South 109th East Avenue, Tulsa, Oklahoma. He stated that there was previously 33' of

Case No. 14425 (continued)

space to the south of the business, but a large portion of that land was taken by the City for a ramp to the Gilcrease Expressway. He pointed out that this action moved the property line to within 7' of the existing building. Mr. Emery informed that the business had a sign within this area, which was removed. He asked the Board to allow the erection of a new sign. Mr. Hare noted that the sign will be attached to an 18' sign pole and placed 1' inside the property line. A copy of the design standards (Exhibit E-1) was submitted.

Comments and Questions:

Ms. Bradley asked why the sign is not set back, and the applicant replied that there are 2 curb cuts in front of the building and the sign is placed away from the traffic.

Mr. Smith asked if the sign is a billboard, and Mr. Emery informed that it is not a billboard, but is a 7' by 14' double-faced illuminated sign.

Ken Bode, Sign Inspector, informed that the sign was placed at the location Mr. Emery stated because of the traffic flow in and out of the lot.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 1221.3(a) - General Use Conditions for Business Signs - Use Unit 1221) of setback from freeway right-of-way from 10' to 1' to allow for a sign; per design standards submitted; finding a hardship imposed on the applicant by the close proximity of the business to the entrance ramp of the Gilcrease Expressway after the taking; on the following described property:

Block 1, Happy Homes Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14426

Action Requested:

Special Exception - Section 430 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request an exception to allow classroom use in conjunction with the existing church use on Lot 8 and to allow related parking on Lot 9.

Variance - Section 440 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1205 - Request a variance of setback from the east property line from 25' to 18' and from the west property line from 25' to 12' to allow for existing building.

Case No. 14426 (continued)

Variance - Section 1205.3 - Use Conditions - Use Unit 1205 - Request a variance of the lot area from 43,560 sq. ft. (1 acre) to 41,760 sq. ft.

Variance - Section 1340(e) - Design Standards for Off-Street Parking Areas - Use Unit 1209 - Request a variance of the 6' screening fence along the north and west property lines, located at 9123 East 22nd Place.

Presentation:

The applicant, Harold Brumley, 15515 East Winding Creek Drive, Collinsville, Oklahoma, stated that Mingo Christian School moved a prefab classroom building to their property in 1982, but it was never used. He informed that the buildings are on one lot and the parking on another and asked that the 2 lots be tied together. Mr. Brumley stated that there is a screening fence on the east side of the property and money has been donated for the installation of a 4' chain link fence on the north boundary. He stated that the church will erect a wood screening fence on the west to screen the existing residences. Mr. Brumley stated that a concrete floor will be poured for the classroom building. A plot plan (Exhibit F-1) was submitted.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 430 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow classroom use in conjunction with the existing church use on Lot 8 and to allow related parking on Lot 9; to **APPROVE** a **Variance** (Section 440 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1205) of setback from the east property line from 25' to 18' and from the west property line from 25' to 12' to allow for existing building; to **APPROVE** a **Variance** (Section 1205.3 - Use Conditions - Use Unit 1205) of the lot area from 43,560 sq. ft. (1 acre) to 41,760 sq. ft.; and to **APPROVE** a **Variance** (Section 1340(e) - Design Standards for Off-Street Parking Areas - Use Unit 1209) of the 6' screening fence along the north property line; subject to the execution of a tie contract on Lot 8 and Lot 9; and subject to chain link fencing being acceptable on the north property line only until such time as the land is developed residentially and a solid screening fence is needed; finding that the church and school have been at the present location for several years and have proved to be compatible with the area; and finding that the granting of the requests will not be detrimental to the neighborhood and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 8 and 9, Block 2, Memorial Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14427

Action Requested:

Variance - Section 1221.3(j) - General Use Conditions for Business Signs - Use Unit 1221 - Request a variance to allow for an existing pole sign to set within 30' of another pole sign, located south of SE/c of 45th Street and Yale Avenue.

Comments and Questions:

Mr. Chappelle asked the applicant to address the difference in this application and the one heard by the Board in January.

Presentation:

The applicant, Dr. Charles Hitt, 4515 South Yale, Suite 112, Tulsa, Oklahoma, stated that a letter which was presented to the Board at the previous hearing was not considered at that time. He pointed out that this letter stated that no other occupants of the building are interested in having a sign on the premises. He asked the Board to allow the sign to remain for six to nine months until he has an opportunity to build his practice. A letter from Bill Richert, Richert Properties, Inc. (Exhibit G-1) was submitted.

Additional Comments:

Ms. Bradley pointed out that the present tenants may not request a sign, but the following occupants of the offices may all request signs.

Ms. White asked the applicant if his name can be placed on the sign with the other occupants of the building, and he explained that his name is on the sign, but that his name is on the bottom and the parked cars block visibility of that portion of the sign.

Ms. White and Ms. Bradley stated that they see no significant difference in this request and the one previously heard in January.

Mr. Smith stated that he would not be opposed to the sign being left at the present location for a period of one year, but is opposed to the large sign on the premises that advertises businesses that are at another location.

Ms. White commented that the other tenants in the building could make the same request if the sign is allowed to remain.

Mr. Jackere informed that the Board should determine if there has been different information submitted by the applicant and elect whether or not to rehear the case.

Board Action:

On **MOTION** of BRADLEY, the Board voted 4-0-1 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; Quarles, "abstaining"; none "absent") to **DENY** a request for the rehearing of Case No. 14427; finding that no new or different information has been presented and that the application is the same one that was heard and denied in a previous meeting (BOA #14329, 1-8-87).

Case No. 14428

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1218 - Request a special exception to allow for a drive-in restaurant in a CS zoned district.

Variance - Section 730 - Bulk and Area Requirements In Commercial Districts - Use Unit 1218 - Request a variance of the frontage requirement of 150' to permit the platting of a tract which has 225' of frontage into 1 lot having 100' of frontage and 1 lot having 125' of frontage, located north of the NE/c 31st Street and 129th East Avenue.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Suite 900, Tulsa, Oklahoma, submitted a plot plan (Exhibit H-1) and stated that he is representing the owners of the property in question. Mr. Johnsen informed that the tract has 225' of frontage on 129th Street and a Sonic drive-in restaurant is proposed for the north 125' of the lot. He informed that the ordinance requires 150' of frontage on an arterial street, with the objective of the requirements being to control access. He informed that prior to 1970 there were no requirements and a land owner could divide his property into many small lots, with each having an access. Mr. Johnsen noted that platting for the tract is in process and the access points have been approved by the Traffic Engineer. He informed that Hesselbein Tire Company is located to the west of the proposed site and a US Post Office to the north of that business.

Comments and Questions:

Ms. White asked Mr. Johnsen to state the number of cars the restaurant will accommodate, and he replied that 24 stalls are proposed.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1218) to allow for a drive-in restaurant in a CS zoned district; and to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements In Commercial Districts - Use Unit 1218) of the frontage requirement of 150' to permit the platting of a tract which has 225' of frontage into 1 lot having 100' of frontage and 1 lot having 125' of frontage; per plot plan submitted; finding a hardship imposed on the applicant by the size of the lot and other similar size lots in the area; and finding that the granting of the requests will not be detrimental to the area and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Case No. 14428 (continued)

A tract of land containing 1.4205 acres, that is part of the SW/4, of the SW/4, of Section 16, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to wit: Beginning at a point on the westerly line of Section 16, 275.00' northerly of the SW/c thereof; thence N 0°05'56" E along the westerly line of Section 16 for 225.00'; thence S 89°58'47" E and parallel to the southerly line of Section 16 for 275.00'; thence S 0°05'56" W and parallel to the westerly line of Section 16 for 225.00'; thence N 89°58'47" W and parallel to the southerly line of Section 16 for 275.00' to the Point of Beginning of said tract of land, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14429

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 7.4' to allow for the addition of a garage onto the existing dwelling unit, located SE/c 28th Street and 74th East Avenue.

Presentation:

The applicant, Walter Wolfe, 9115 East Newton Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit J-1) and photographs (Exhibit J-2), and stated that he is representing Mr. and Mrs. Sparks. He informed that a fire destroyed a portion of the house and garage and the house was repaired at an earlier time. Mr. Wolfe pointed out that Mrs. Sparks suffers from a severe case of arthritis and asked the Board to allow the addition of a garage to the existing home.

Comments and Questions:

Ms. Bradley asked if the privacy fence on the south boundary will remain, and the applicant answered in the affirmative.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the rear yard setback from 20' to 7.4' to allow for the addition of a garage onto the existing dwelling unit; per plot plan submitted; finding a hardship demonstrated by the narrow shape of the property and the corner lot location with setbacks from two streets; on the following described property:

Case No. 14429 (continued)

Lot 20, Block 30, Boman Acres 4th Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 14430

Action Requested:

Special Exception - Section 1680 - Use Unit 1210 - Request an exception to allow for parking in an RM-2 zoned district, located east of SE/c of Latimer Court and North Utica.

Presentation:

The applicant, George Thomas, P.O. Box 50395, Tulsa, Oklahoma, was represented by Tom Creekmore, 3800 First National Tower, Tulsa, Oklahoma, who submitted a plot plan (Exhibit K-1) and photographs (Exhibit K-2). He explained that the lots to the east of the subject property are filled with trash and weeds, the commercial structure at the northeast corner of Utica and Latimer Place was most recently used as a flea market, and many houses in the area are used for rental purposes. Mr. Creekmore informed that there is also a railroad storage yard in the area. A petition of support (Exhibit K-3) was submitted.

Comments and Questions:

Ms. White asked if the parking lot in question will be covered with a hard surface, and if the owner would object to a tie contract for the lots.

Mr. Creekmore replied that the owner is not asking for a waiver of the hard surface parking requirement and is agreeable to the execution of a tie contract; however, the intended purchaser has indicated that he may want a waiver of the screening requirement because the neighbor to the east does not want screening installed. He asked that the screening issue be tabled at this time so the same case number can be used when that subject is addressed at a later time. A petition of support (Exhibit K-3) was submitted.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 1680 - Use Unit 1210) to allow for parking in an RM-2 zoned district; subject to the execution of a tie contract; finding that there are mixed uses in the area and that the granting of the special exception request will not be detrimental to the area; and to **TABLE** the balance of the application, as relates to screening, which will require new notice; on the following described property:

Lot 11, Block 7, Berry-Hart Addition, City of Tulsa, Tulsa
County, Oklahoma.

Case No. 14431

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1219 - Request a special exception to allow for Use Unit 19 in an IL zoned district, located NE/c 55th Place and South Mingo Road.

Presentation:

The applicant, Vernon Mudd, 2816 East 51st Street, Tulsa, Oklahoma, asked the Board to approve Use Unit 19 for a shopping center at the above stated location. He informed that there are retail and commercial businesses, and food establishments in the area. Mr. Mudd noted that in 1982 the Board approved Use Units 12, 13 and 14 for the center, but at this time a new tenant is leasing that requires Use Unit 19.

Comments and Questions:

Ms. Bradley pointed out that Use Unit 19 provides a very large coverage and asked the applicant to state a specific use.

Mr. Mudd stated that a hobby shop selling radio controlled cars and planes is planning to open an indoor track. He pointed out that they are small, electrically powered and make no noise.

Mr. Smith asked the applicant if he would object to the use being limited to the indoor track only, and Mr. Mudd stated that a bridge club is also operating in the center at this time and would like it to be allowed to continue.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1219) to allow for an indoor electrical car track and a bridge club, Use Unit 19, in an IL zoned district; excluding all other Use Unit 19 uses; finding that the indoor track and the bridge club will be compatible with the area and the existing uses in the center; on the following described property:

Lot 3, Block 5-A, Tulsa Southeast Industrial District Addition,
City of Tulsa, Tulsa County, Oklahoma.

Case No. 14432

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the sideyard setback from 5' to 0' to allow for an addition to an existing dwelling unit, located at 2240 South Troost Avenue.

Presentation:

The applicant, Debbie Hull, 2240 South Troost, Tulsa, Oklahoma, was represented by her husband, Joe Hull, who submitted a plat of survey (Exhibit L-1). Mr. Hull explained that he and his wife are expecting a new baby and are planning to add a room to their existing dwelling, which will encroach on the side yard setback.

Comments and Questions:

Ms. Bradley asked Mr. Hull where the new room will be added, and he replied that it will be on the north side of the existing house. He informed that the addition will be square and, due to the shape of the lot, will meet the lot line at one point. Mr. Hull noted that a garage will be located below the second floor addition.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the sideyard setback from 5' to 0' to allow for an addition to an existing dwelling unit; per plat of survey; finding a hardship imposed on the applicant by the size and irregular shape of the lot and the fact that only the corner of the building will encroach; and finding that the granting of the variance request will not cause substantial detriment to the neighborhood, or impair the spirit, purposes and intent of the Code or the Comprehensive Plan; on the following described property:

Lot 17, Block 6, Terwilliger Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14433

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request a use variance to allow for office use in an RS-3 zoned district.

Variance - Section 1211 - Off-Street Parking Requirements - Use Unit 1211 - Request a variance of the number of required parking spaces, located at 1632 South Victor Avenue.

Case No. 14433 (continued)

Comments and Questions:

Ms. Bradley asked Mr. Gardner the status of the rezoning of this property which was heard by TMAPC, and he replied that the case was continued for 30 days to allow the Board of Adjustment to hear the application.

Mr. Jones remarked that the letter from the applicant indicated that he felt he had a basis for a hardship, which the Planning Commission could not consider.

Presentation:

The applicant, Nancy Holmboe, 3808 East 69th Place, Tulsa, Oklahoma, was represented by Randy Heckenkemper, 5155 East 51st Street, Tulsa, Oklahoma. He informed that prior to his being retained, the applicant filed for rezoning, but after reviewing the case he advised his client that this property is unique in that Brody's Bakery, a commercial business, shares a portion of the lot. Mr. Heckenkemper pointed out that the property is difficult to rent for residential use, and is bounded on the west by a dentist's office and on the south by a child development center. He informed that the applicant is requesting medical and dental office use for the existing structure, with business hours being Monday through Friday, 7 a.m. to 6 p.m. He stated that the medical use would require 4.6 parking spaces, and that 4 spaces will be provided at the rear of the building, with 2 spaces previously approved in the front. Mr. Heckenkemper noted that requirements for lighting, signage, screening and landscaping, similar to those imposed in a PUD, have been noted on the plot plan (Exhibit X-2).

Comments and Questions:

Ms. White asked Mr. Heckenkemper if Brody's Bakery will remain, and he answered in the affirmative.

Ms. White remarked that the bakery is very busy and will be forced to share the parking spaces with the medical office. She further noted that the Child Development Center is across the street from the subject property and 17th Street is very narrow and congested at this point.

Ms. Bradley commented that the lot in question is in the Cherry Street Plan and the amendment to the District 6 Plan states that areas such as this should remain as presently zoned, but if a higher intensity is requested, a PUD is recommended. She asked Mr. Gardner to state the Staff Recommendation that was presented to TMAPC.

Mr. Gardner replied that the applicant filed for OL zoning, and the recommendation was for denial.

Ms. Bradley asked Mr. Heckenkemper if he is familiar with the Cherry Street Plan, and he replied that he is vaguely familiar with the plan.

Case No. 14433 (continued)

Ms. White pointed out that a medical use would intensify the traffic, and all of the other houses in the block are used for residences. She further noted that the application is not in accordance with the District 6 Plan or the Cherry Street Plan.

Protestants:

There were numerous protestants in the audience who submitted a petition (Exhibit X-1) of opposition to the application.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to DENY a Use Variance (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211) to allow for office use in an RS-3 zoned district; and to DENY a Variance (Section 1211 - Off-Street Parking Requirements - Use Unit 1211) of the number of required parking spaces; finding that the request is not in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 8, Block 6, Orcutt Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 14441

Action Requested:

The applicant requested by letter (Exhibit M-1) that filing fees for Case No. 14441 be refunded.

Comments and Questions:

Mr. Jones informed that a portion of the application had been processed prior to the withdrawal request and suggested that a portion of the filing fee, in the amount of \$40, be refunded to the applicant.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to REFUND a part of the filing fee in the amount of \$40; finding that the application had been partially processed prior to withdrawal.

Case No. 14410

Action Requested:

The applicant, Bill Jones, requested a review of a Detail Landscape Plan for property located at 108th Street and South Memorial.

Case No. 14410 (continued)

Comments and Questions:

Mr. Ricky Jones informed that he has been contacted by the applicant, who stated that the landscape plan is not available at this time, and asked that Case No. 14410 be continued to April 16, 1987.

Board Action:

On **MOTION** of **SMITH**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 14410 until April 16, 1987, to allow the applicant to present detail landscape plans.

Case No. 14417

Action Requested:

The applicant, C. N. Mathias, requested a refund of filing fees for Case No. 14417.

Comments and Questions:

Mr. Jones informed that the applicant is not in need of the relief requested, and suggested that, since Mr. Mathias was directed to this Board by the Street Commissioner, his full filing fee of \$125.00 be refunded.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **REFUND** the total filing fee in the amount of \$125.00; finding that the applicant was referred to the Board by the Street Commissioner, but was not actually in need of parking relief.

There being no further business, the meeting was adjourned at 3:02 p.m.

Date Approved

4/16/87



Chairman

