

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 490
Thursday, May 14, 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 Smith White		Gardner Jones Moore	Jackere, Legal Department Hubbard, Protective Inspections Parnell, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, May 12, 1987, at 3:29 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:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the Minutes of April 30, 1987.

UNFINISHED BUSINESS

Case No. 14456

Action Requested:

Appeal - Section 1650 - Appeals from the Building Inspector - Use Unit 1221 - Request an appeal from the decision of the Building Inspector's Office with regard to existing awnings and signs, located 6005 South Peoria.

Comments and Questions:

Mr. Jones informed that Staff has received a letter (Exhibit A-1) from Mr. Hackett, attorney for the applicant, requesting that Case No. 14456 be continued to May 28, 1987 in order that the subject case can be heard along with Case No. 14486 which is scheduled to be heard on that date.

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. 14456 to May 28, 1987.

NEW APPLICATIONS

Case No. 14460

Action Requested:

Special Exception - Section 440 - Special Exception Uses In Residential Districts - Use Unit 1213 - Request a special exception to allow for a home occupation for a beauty shop in an RS-3 zoned district, located 2710 North Norwood Avenue, Tulsa, Oklahoma.

Presentation:

The applicant, Lillie Steward, 2710 North Norwood, Tulsa, Oklahoma, asked the Board to allow her to convert one room of her home into a beauty shop. She stated that she will work alone and have only one chair.

Comments and Questions:

Mr. Chappelle asked the applicant to state the hours of operation for the shop, and she replied that she will only work during the daytime.

Ms. Bradley inquired if the shop will be open 6 days each week, and Ms. Steward informed that she plans to be open for business Monday through Saturday.

Ms. Bradley asked if there is sufficient parking on the premises, and the applicant replied that she has a long driveway, but will only have one customer at any given time.

Mr. Quarles inquired if the shop is presently in operation, and Ms. Steward replied that it is not.

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 440 - Special Exception Uses In Residential Districts - Use Unit 1213) to allow a home occupation beauty shop in an RS-3 zoned district; per Home Occupation Guidelines; subject to one chair only; subject to days and hours of operation being from 8 a.m. to 6 p.m., Monday through Saturday; finding that a beauty shop 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:

Lot 28, Block 2, Robin-Dell Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14462

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in Office Districts - Use Unit 1208 - Request a variance of rear yard setback from 15' to 10' and of the front setback from 25' to 18' to allow for a residence and garage, located south of the SE/c of Yorktown Place and South 48th Place South.

Presentation:

The applicant, Howard Kelsey, 5815 South 94th East Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit B-1), and stated that he is representing the owner of the property in question. He informed that the new residence will be located in an OL District and the lot is irregular in shape, both of which constitute a hardship for this case. He informed that the house to the north is the same as this one.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 630 - Bulk and Area Requirements in Office Districts - Use Unit 1208) of rear yard setback from 15' to 10' and of the front setback from 25' to 18' to allow for a residence and garage; per plot plan submitted; finding a hardship demonstrated by the zoning and irregular shape of the lot, due to the curvature of the street; and finding that there are similar setbacks in the addition; on the following described property:

Lot 3 and North 10' of Lot 4, Block 2, Bolewood Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14463

Action Requested:

Variance - Section 1221 - Use Conditions - Use Unit 1221 - Request a variance of the size of sign from 200 sq. ft. to 672 sq. ft. to allow for an existing sign, located 2938 West Skelly Drive.

Presentation:

The applicant, Tom Howell, 9310 East 46th Street North, Tulsa, Oklahoma, was represented by Mike Hackett, 1809 East 15th Street, Tulsa, Oklahoma, who submitted photographs (Exhibit C-2) and a packet (Exhibit C-1) containing the history of action on the subject tract. Mr. Hackett explained that a billboard at the above stated location was erected on May 1, 1984, and the owner of the 7-acre tract then obtained a lot split and operated a used car lot on one lot. He stated that there is a question as to whether or not the

Case No. 14463 (continued)

billboard is located within the 100' frontage, with a maximum of 200 sq. ft. total signage, or whether the size is based on the 477' frontage of the entire 7-acre tract before the lot split was acquired. He informed that a permit for the sign in question was issued in April of 1984 and the owner, who lives on the tract, has no objection to it remaining at that location. Mr. Hackett stated that the car sales business is no longer in operation on the property. He suggested that the hardship for this case is the fact that the billboard was in its present location prior to the lot split approval and did comply with the requirements at that time. He informed that the Sign Inspector has asked that the sign be removed.

Comments and Questions:

Mr. Gardner pointed out that if all of the property was under one ownership when the billboard was erected and the tract was split into smaller lots later, the lot split may have caused the subject billboard to be nonconforming.

The applicant informed that the billboard in question meets the spacing requirement, being 1280' from the nearest sign to the east, and approximately 2600' from the nearest sign to the west.

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 - Use Conditions - Use Unit 1221) of the size of sign from 200 sq. ft. to 672 sq. ft. to allow for an existing sign; finding that, at the time of installation and prior to the approval of a lot split, the sign in question was actually located on a 7-acre tract of land and was in compliance with the sign ordinance; on the following described property:

East 100' of the west 508.72' Lot 1, Block 1, Hyde Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14464

Action Requested:

Special Exception - Section 410 - Principal 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 - Special Exception Uses in Residential Districts - Use Unit 1209 - Request a variance of the time regulation from one year to permanently, located 432-38 South 38th West Avenue.

Case No. 14464 (continued)

Presentation:

The applicant, Anna Grace Allen, 1916 South Yorktown, Tulsa, Oklahoma, stated that she is the administratrix of the estate of Donald Davis, which includes the subject property. She explained that there is no longer a house on the 2 lots, but the utility hookups remain in place. Ms. Allen informed that a buyer has been secured, and a mobile home will be placed on the property if the Board approves this application. Ms. Allen submitted photographs (Exhibit D-1) of the mobile home.

Comments and Questions:

Ms. Bradley asked how the mobile home will be positioned on the lots, and Ms. Allen replied that the exact position has not been determined, but it will be placed near the existing utility hookups.

Ms. White asked the applicant if the owners object to the execution of a tie contract, which would prohibit the lots from being sold separately, and Ms. Allen replied that there would be no objection that she is aware of.

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 410 - Principal 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 - Special Exception Uses in Residential Districts - Use Unit 1209) of the time regulation from one year to three years; and subject to the execution of a tie contract on the two lots; finding that there are other mobile homes in the area and 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:

Lot 5, Sherwood Place Addition, and Lot 8, Block 9, Parkview Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14465

Action Requested:

Variance - Section 1221.3 (f) - General Use Conditions - Use Unit 1221 - Request a variance of setback from the centerline of North Sheridan Road from 50' to 34' to allow for a business sign, located 810 - 842 North Sheridan Road.

Presentation:

The applicant, William Chenault, 3546 East 30th Place, Tulsa, Oklahoma, who submitted a plot plan (Exhibit E-1) and photographs (Exhibit E-2), stated that the sign in question is for the Airway Shopping Center at the above stated location. He explained that the Family Dollar store will be a long term tenant and the plan is to

Case No. 14465 (continued)

incorporate their sign with the Airway sign. Mr. Chenault pointed out that the sign will be in the parking lot if the required setback is held, and asked the Board to allow the new sign to be installed at the present location.

Comments and Questions:

Mr. Jackere asked if the existing sign is 34' from the centerline, and the applicant stated that the edge of the sign is 37', but the new sign will extend farther toward the street. Mr. Chenault pointed out that the pole will remain at its present location.

Ms. Bradley asked if there are two signs advertising the shopping center, and the applicant stated that there is a second small sign located on the south end of the lot.

Mr. Gardner noted that the application will require City Commission approval if the sign is located in the City right-of-way.

Mr. Bode informed that the two existing pole signs are in the designated right-of-way. He further noted that his office received two applications for pole signs, one for the Family Dollar and the other for a combination sign. Mr. Bode stated that the sign requests were denied because they did not meet the required setback and only one sign is allowed in a CH Zone per 100' of street frontage. He pointed out that, with roof signs included, there are approximately 10 signs on the center's 450' of street frontage.

Mr. Jackere asked if the applicant will be able to get a sign permit if the relief request is approved by this Board, and Mr. Bode replied that he will not.

Mr. Quarles asked if the signs are nonconforming at this time, and Mr. Bode answered in the affirmative.

Mr. Gardner pointed out that the number of signs is not being increased, but the existing sign is being replaced with a larger new sign on the same pole.

Mr. Smith informed that, according to City Engineering, street dedication in front of the center is 50' from the centerline of Sheridan. He pointed out that City Commission approval will be required.

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 1221.3 (f) - General Use Conditions - Use Unit 1221) of setback from the centerline of North Sheridan Road from 50' to 34' to allow for a business sign as presented; subject to the execution of a removal contract; and

Case No. 14465 (continued)

subject to City Commission approval; finding that the sign in question will be a replacement for an old sign and will be mounted on an existing pole, which has been at the present location for many years; on the following described property:

Lots 1 - 7, Block 1, Mary Ellen Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14466

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RM-1 zoned district.

Variance - Section 440 - Special Exception Uses In Residential Districts - Use Unit 1209 - Request a variance of the time regulation from 1 year to permanently, located 917 North Rockford Avenue.

Comments and Questions:

Mr. Jones informed that Staff received a request by phone that this application be withdrawn. He stated that the mobile home in question is being repossessed and will be moved from its present location.

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 **WITHDRAW** Case No. 14466; finding that the applicant is no longer in need of the relief requested.

Case No. 14467

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted In Residential Districts - Use Unit 1215 - Request a special exception to allow for the sale of portable buildings in a CS zoned district, located west of SW/c 41st Street and Mingo Road.

Presentation:

The applicant, William Mann, PO Box 263, Broken Arrow, Oklahoma, was represented by Deloris Mann of the same address, who explained that her application for the sale of portable buildings was also to include the sale of fencing materials, which was not advertised. Ms. Mann asked the Board to hear the portion of the case concerning portable building sales and continue the hearing for the sale of fencing materials until the next scheduled meeting.

Case No. 14467 (continued)

Comments and Questions:

Mr. Jones informed that Staff received a letter (Exhibit F-1) from Kevin Coutant, attorney for St. John's Medical Center, requesting continuance of Case No. 14467 until May 28, 1987, to allow both items to be addressed on the same day.

Ms. Mann stated that the portable buildings are already built and that it will create a hardship if the hearing is delayed.

Protestants:

John Brightmire stated that he is representing Kevin Coutant and asked the Board to hear the two issues together on May 28, 1987.

Mr. Smith asked Mr. Brightmire if he will be prepared to proceed with the case on May 28th, and he answered in the affirmative.

Ms. Bradley asked Mr. Brightmire if he objects to both requests, and he stated that his client is opposed to the sale of portable buildings and fencing materials on the subject property.

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 **CONTINUE** Case No. 14467 to May 28, 1987.

Case No. 14468

Action Requested:

Use Variance - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1217 - Request a use variance to allow for a one (1) day automobile sale twice a year in an IR zoned district, located SW/c 41st Street and Yale Avenue.

Presentation:

The applicant, Harry Avey, 106 Amoco Building, 521 South Boston, Tulsa, Oklahoma, manager of the Red Crown Credit Union, asked the Board to allow a one day Hertz used automobile sale, twice each year. He informed that the sale will be held on the parking lot of Amoco Production Company.

Comments and Questions:

Ms. Bradley asked Mr. Avey to state the dates for the sale, and he informed that one sale will be held on June 6, 1987 and another on an undesignated Saturday, probably in October or November.

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

Case No. 14468 (continued)

"absent") to **APPROVE** a **Use Variance** (Section 910 - Principal Uses Permitted In Industrial Districts - Use Unit 1217) to allow for a one (1) day automobile sale twice a year in an IR zoned district; one sale to be held on June 6, 1987 and one sale being held on an undetermined date in October or November of 1987; on the following described property:

An employee parking lot lying on the Tulsa Research Center property in Tulsa County, State of Oklahoma in the NE/4, of the NE/4, and the N/2, of the SE/4, of the NW/4 of Section 28, T-19-N, R-13-E, and more particularly described as follows:

Beginning at the northerly most point of a 384' long curb bounding the east side of said parking lot, said NE/c of employee parking lot being west 361' from a point in the centerline of Yale road being 1,100' south of the intersection of the centerlines of Yale Avenue and 41st Street also being the NE/c of said Section 28; thence, south along centerline of said curb 361' to southerly most point of said curb; thence, with a right deflection angle of 90° 209' to corner of curb bounding the west side of said parking lot; thence, with a right deflection angle of 90° 361' along and beyond said curb to a point; thence, with a right deflection angle of 90° 209' to the point of beginning of said parking lot containing 75,449 square feet more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14469

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 7' 4" to allow for an addition to an existing dwelling, located 4048 East 46th Street.

Presentation:

The applicant, George Brown, 4048 East 46th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit G-1) for a master bedroom and bathroom which will be added to an existing dwelling.

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 **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the side yard setback from 10' to 7' 4" to allow for an addition to an

Case No. 14469 (continued)

existing dwelling; per plot plan submitted; finding a hardship imposed on the applicant by the irregular shape of the lot and the curvature of the street; finding that the granting of the variance request will not be detrimental to the neighborhood and will be in harmony with the spirit and intent of the Code and the Comprehensive Code; on the following described property:

Lot 1, Block 23, Patrick Henry Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14472

Action Requested:

Variance - Section 1221.3 - General Use Conditions - Use Unit 1221 - Request a variance of setback from the centerline of Harvard Avenue from 50' to 38' to allow for an existing pole sign, located 1707 South Harvard Avenue.

Presentation:

The applicant, Mir Khezri, 1889 North 105th East Avenue, Tulsa, Oklahoma, who submitted a site plan (Exhibit H-1) and photographs (Exhibit H-2), explained that his client, Beams of Light Tabernacle, is planning to replace a sign which is approximately 40 years old. He informed that the existing sign is about 30' from the centerline of Harvard and the new sign will have a setback of 38'.

Comments and Questions:

Mr. Smith asked the applicant the width of the right-of-way on each side of the street, and Mr. Khezri replied that there is a 50' right-of-way.

Ken Bode, Sign Inspector, informed that the sign will be located in the City right-of-way and the applicant will be required to obtain a removal contract.

Ms. White asked if the new sign will eliminate the need for the portable sign on the property, 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 1221.3 - General Use Conditions - Use Unit 1221) of setback from the centerline of Harvard Avenue from 50' to 38' to allow for an existing pole sign; per plan submitted; subject to the execution of a removal contract; finding that the proposed sign will be mounted on the existing pole and will not be as close to Harvard Avenue as the existing sign to the south; on the following described property:

Case No. 14472 (continued)

Lots 1 - 5, Block 1, Exposition Heights II Addition, City of
Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:05 p.m.

Date Approved 5.28.87


Chairman

