

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 491
Thursday, May 28, 1987, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley	Quarles	Gardner	Jackere, Legal
Chappelle,		Taylor	Department
Chairman		Moore	Hubbard, Protective
Smith			Inspections
White			Parnell, Protective
			Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, May 26, 1987, at 3:55 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 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** the Minutes of May 14, 1987.

UNFINISHED BUSINESS

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 and fence materials in a CS zoned district, located west of SW/c 41st and Mingo Road.

Presentation:

The applicant, William Mann, PO Box 263, Broken Arrow, Oklahoma, submitted photographs (Exhibit A-1) and explained that he is planning to lease the subject property for the display and sale of wood portable buildings. He noted that fences will also be sold on the lot, but construction of the units and storage of materials will be at another location. A copy of the Stormwater Case Review (Exhibit A-1) was submitted.

Comments and Questions:

Ms. Bradley asked the applicant if the buildings will be stored on the lot, and Mr. Mann replied that the storage buildings will be displayed and sold from the lot.

Case No. 14467 (continued)

Mr. Smith noted that the tract is rather large and asked if the entire acreage will be used for the proposed business, and the applicant replied that he will only utilize the land east of the creek.

Ms. White asked Mr. Mann to state the days and hours of operation for the business in question, and he answered that the business will be open every day from 8 a.m. until 6 p.m., and from 12 p.m. to 5 p.m. on Sunday.

Mr. Smith asked if there will be fencing supplies on the property, and Mr. Mann reiterated that there will be no supplies on the lot. He pointed out that different types of fences will be displayed in the showroom.

Protestants:

Attorney Doug Dodd, who represented St. John's Medical Center, stated that his client objects to the special exception request. He noted that the property in the application abutts property owned by the Medical Center, and they feel that any type of outside storage is inappropriate for the area. In the event the application is approved by the Board, Mr. Dodd requested that very stringent guidelines be imposed on the operator of the portable building and fence sales business.

Ms. White asked Mr. Dodd if his client is opposed to a display and showroom being located on the subject tract, and if he feels the hours of operation will be compatible with those of the medical facility.

Mr. Dodd pointed out that the medical center will probably be open longer hours than the building sales business, but the major concern is the type of business on the subject property. He noted that truck traffic in the area is also a concern of his client.

Mr. Gardner informed that the property in question is somewhat unique in that 41st and Mingo is not the typical commercial node. He noted that there are single-family subdivisions on the northeast and northwest corners, and most of the CS district to the south is office use, with the exception of a service station on the corner and a nearby telephone exchange. He pointed out that the land to the west has remained vacant. Mr. Gardner noted that there is a floodplain in the area and if portable buildings are near the creek they could float away during times of high water and cause damage to nearby storm sewers and bridges.

Ms. Bradley asked Staff how close to the east property line the storage buildings can be placed, and Ms. Hubbard stated that the buildings can be placed up to the property on the east.

Case No. 14467 (continued)

Applicant's Rebuttal:

Mr. Mann stated that the appearance of the property will be in keeping with the area. He pointed out that the property is for sale and in the event that it sells, he will remove his storage buildings within a 90 day period.

Mr. Smith asked the applicant if he could limit the number of buildings to 20, and Mr. Mann answered in the affirmative.

Interested Parties:

James Hill, 11010 East 51st Street, Tulsa, Oklahoma, stated that the owners are aware that this is not the highest and best use of the property. He stated that the applicant is willing to lease the property for \$1,800 a month and will only use 2 acres of the 7-acre tract. He pointed out that the land is located in Floodplain C.

Board Action:

Ms. Bradley's motion for denial died for lack of a second. On **MOTION** of **WHITE** the Board voted 2-2-0 (Smith, White, "aye"; Bradley, Chappelle, "nay"; no "abstentions"; Quarles, "absent") **APPROVE*** a **Special Exception** (Section 710 - Principal Uses Permitted In Residential Districts - Use Unit 1215) to allow for the sale of portable buildings and fence materials in a CS zoned district; subject to a maximum of 20 buildings; subject to no storage of materials and no construction on the premises; subject to Stormwater Management approval; subject to hours of operation being from 8 a.m. to 6 p.m., Monday through Saturday and 12 p.m. to 5 p.m., Sunday; subject to only one freestanding sign and applicant returning to the Board for approval of the sign; and subject to no property west of the creek being utilized for the business; on the following described property:

*The motion failed for lack of 3 affirmative votes.

A part of Lot 1, Block 7, less beginning 660.61' west and 50' south NE/c of Section 25, T-19-N, R-13-E, thence west 195.39', south 112.41', thence on curve left 94.81', southeast 106.63, thence on curve left 94.81, north 308.55' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

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.

Case No. 14456 (continued)

Variance - Section 1221.4 - Use Conditions for Business Signs - Use Unit 1221 - Request a variance of signage from 246 sq. ft. to 260 sq. ft. to allow for existing sign, located at 6005 South Peoria.

Presentation:

The applicant, Stephen Williams, 505 North Walnut, Broken Arrow, Oklahoma, was represented by Mike Hackett, who submitted photographs (Exhibit B-1) and explained that the signage for the Burger Baron is the subject of this application. Mr. Hackett stated that there will be no ground signs, but the top portion of the building is surrounded with color stripes which are lighted by three sets of fluorescent tubing. He noted that the building is 14' across the front and 34' long, and stripes are in place along the front and both sides, with logo boxes making up 108' of the total 396' of signage. He pointed out that the canopy was designed to actually be the top part of the building. He asked the Board to allow his client the same type of consideration given to a previous Circle K application, which involved color bands around the top of the building. Mr. Hackett informed that the Burger Baron is a drive through business and will have no inside seating. He stated that the hours of operation will be from 11 a.m. to 10 p.m., and the lighting will be turned on only during the nighttime hours.

Comments and Questions:

A letter (Exhibit B-2) from Ken Bode, Assistant Building Inspector, was submitted.

Ms. Bradley asked if there will be ground signs advertising the Burger Baron, and Mr. Hackett replied that there are no ground signs proposed.

Mr. Gardner pointed out that this case and the previous case dealing with the Circle K signs are different in that the Circle K signage did not completely encircle the building as is proposed for the subject sign. He explained that if this case is treated in the same manner as the Circle K application, the color bands would only extend across the front and down a portion of the sides.

Ms. Bradley asked the height of the striped canopy, and he replied that the stripe is 4' high and the 3 logo boxes are 6' in height.

Mr. Smith suggested to Mr. Hackett that the sign for the Burger Baron be placed only across the front and approximately 6' down each side.

Mr. Hackett stated that the building is a very small structure and the lights will only be turned on during the evening hours.

Case No. 14456 (continued)

Mr. Smith asked if the lights can be removed from the side panels and leave only the front portion lighted, and Mr. Hackett replied that removing the lights would damage the overall integrity of the awning. He pointed out that this design is to be used for all of the Burger Baron buildings across the United States.

Ms. White asked Mr. Hackett to address the hardship for this case, and he replied that the building is narrow, with 188' of street frontage, and will have no signage other than the lighted canopy.

Mr. Smith stated that, in his opinion, the hardship is self-imposed, and Ms. White stated that she is in agreement with Mr. Smith and feels that Mr. Hackett is requesting excessive signage for the business.

After conferring with his client, Mr. Hackett stated that his client was initially asking for illumination of the canopy, but he has agreed to turn off the lighting from the logo box to the back of the building on both sides, a total of 192 sq. ft.

Ms. Bradley asked if the sign will continue to be in place where the lighting has been removed, and Mr. Hackett inform that the canopy will remain in place.

Mr. Gardner pointed out that the variance request was from 240' to 396' and now is down to 204', but the question remains as to whether or not the canopy is a sign if it is not lighted.

Protestants: None.

Board Action:

On **MOTION** of **WHITE** the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **DENY** an **Appeal** (Section 1650 - Appeals from the Building Inspector - Use Unit 1221) and **UPHOLD** the **Decision** of the Building Inspector's office with regard to existing awnings and signs; finding that the appeal was not filed within a 10 day period, and therefore was not a timely request; and to **APPROVE** a **Variance** (Section 1221.4 - Use Conditions for Business Signs - Use Unit 1221) of signage from 246 sq. ft. to 380 sq. ft. to allow for an existing sign; subject to lighting fixtures being removed from 48' (192 sq. ft.) of the canopy (24' on both sides, from the logo boxes to the rear of the building); on the following described property;

Lot 2, Block 1, Willow-Wick Park Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14471

Action Requested:

Variance - Section 710 - Bulk and Area Requirements in Commercial Districts - Use Unit 1211 - Request a variance of setback from the centerline of 31st Street from 100' to 70' and 95' to allow for an existing building.

Variance - Section 1211.4 - Off-Street Parking Requirements - Use Unit 1211 - Request a variance to allow for 82 parking spaces on an existing parking lot, located 4501 - 27 East 31st Street.

Presentation:

The applicant, Stephen Schuller, Suite 300, 610 South Main Street, Tulsa, Oklahoma, submitted a plat of survey (Exhibit C-1), and stated that he is representing the owner of the subject property. He stated the one of the two existing buildings is used as offices for an insurance agency and the other is used for a variety of shopping and commercial uses. Mr. Schuller informed that the buildings and parking lots were constructed approximately 20 years ago. He noted that his client acquired the property in 1985 and in connection with obtaining permanent financing, the violations of the Code were discovered. A copy of distribution of uses (Exhibit C-2) was submitted.

Comments and Questions:

Mr. Chappelle asked the applicant if any physical changes will be made, and he stated that no changes will be made to the buildings in question.

Mr. Chappelle asked Mr. Schuller if the requested application was made in order to clear the title, and he answered in the affirmative.

Board Action:

On **MOTION** of **BRADLEY** the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 710 - Bulk and Area Requirements in Commercial Districts - Use Unit 1211) of setback from the centerline of 31st Street from 100' to 70' and 95' to allow for an existing building; and to **APPROVE** a **Variance** (Section 1211.4 - Off-Street Parking Requirements - Use Unit 1211) to allow for 82 parking spaces on an existing parking lot; per survey submitted; finding that the buildings and parking lots in question have been at the present location for approximately 20 years; on the following described property:

Lots 2 and 3, Block 1, Southern Elms Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14473

Action Requested:

Variance - Section 240.2 - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the rear yard coverage to allow for more than 20% of coverage, located 2912 West 41st Street.

Presentation:

The applicant, Jack Scott, 2912 West 41st Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1), and explained that he owns three lots and recently made application for permission to build a three car garage, which was denied. He informed that the garage would have been too far toward the front of the property, due to railroad tracks that are located on one corner of the lot. Mr. Scott stated that he then attempted to construct a carport at the side of his house, but was given notice to cease work on it.

Comments and Questions:

Mr. Gardner explained that the applicant would have sufficient space to complete the construction if all of the 3+ lots were tied together.

Mr. Smith asked the applicant if he is familiar with the conditions of a Tie Contract, and Mr. Scott answered that he has such a contract in his possession and would not be opposed to a Tie Contract being required.

Board Action:

On MOTION of SMITH the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 240.2 - Permitted Yard Obstructions - Use Unit 1206) of the rear yard coverage to allow for more than 20% of coverage; subject to the execution of a Tie Contract on Lots 1 - 3 and the east 50' of Lot 8; finding that the lots will supply the required space for the building; and finding that the granting of the request 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 1, 2, 3, and the east 50' of Lot 8, Block 1, Frisco Addition to Red Fork Addition, less railroad right-of-way, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14474

Action Requested:

Variance - Section 1221.3 (f) - General Use Conditions - Use Unit 1221 - Request a variance of setback from the centerline of 11th Street from 50' to 33' to allow for a sign, located 2924 East 11th Street.

Presentation:

The applicant, Leo Pickett, 4485 East 31st Street, Tulsa, Oklahoma, submitted photographs (Exhibit E-1), and explained that he is proposing to replace an existing sign with a new sign. He stated that the proposed sign will align with others along the street. Mr. Pickett advised that the sign will be in the middle of the parking lot and will not be visible to motorists if the required 50' setback is held.

Protestants: None.

Board Action:

On **MOTION** of **SMITH** the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 1221.3 (f) - General Use Conditions - Use Unit 1221) of setback from the centerline of 11th Street from 50' to 33' to allow for a sign; subject to the execution of a Removal Contract; and subject to the removal of the existing sign; finding there are many signs in the older area that are as close, or closer, to the street as the sign in question; and finding that the sign would be located in the driveway if the required setback is adhered to; on the following described property:

Lots 1 and 2, Block 3, Pilcher-Summit Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14475

Action Requested:

Variance - Section 280 - Structure Setbacks from Abutting Streets - Use Unit 1206 - Request a variance of setback from the centerline of Peoria Avenue from 50' to 30' and from the centerline of 26th Street from 25' to 18' to allow for a fence.

Special Exception - 240.2 - Permitted Yard Obstructions - Use Unit 1206 - Request a special exception to allow for an 8' high fence in the front yard, located 1306 East 26th Street.

Presentation:

The applicant, Theresa Killgore, 1306 East 26th Street, Tulsa, Oklahoma, asked permission to construct a brick fence along her property line next to Peoria Avenue. She informed that the fence will turn on 26th Street and extend along the front of the property for approximately 15'. Ms. Killgore informed that the house behind

Case No. 14475 (continued)

her has constructed a similar fence. She informed that the fence will protect the property and serve as a noise barrier. Ms. Killgore explained that the fence will be constructed of the same type of brick that is on her home and will be approximately 7' to 8' high on Peoria, but will curve down to 4' on 26th Street.

Comments and Questions:

Ms. Bradley asked the applicant if there are other fences on 26th Street that are as close to the street, and she stated that there are none on 26th Street. She pointed out that she is continuing the height of the fence already in place behind her on Peoria and it will slope down in front of her home as it extends to the circle drive.

Protestants: None.

Board Action:

On **MOTION** of **WHITE** the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setbacks from Abutting Streets - Use Unit 1206) of setback from the centerline of Peoria Avenue from 50' to 30' and from the centerline of 26th Street from 25' to 18' to allow for a fence; and to **APPROVE** a **Special Exception** (Section 240.2 - Permitted Yard Obstructions - Use Unit 1206) to allow for an 8' high fence in the front yard; subject to a removal contract and traffic engineering approval; and subject to City Commission approval if necessary; finding that the fence will actually be a continuation of an existing fence located to the rear of the subject property and will not be detrimental to the neighborhood; on the following described property:

Lot 16, Block 2, Travis Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14476

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1215 - Request a special exception to allow a home occupation for a kennel to house 5 dogs, located 2248 South Indianapolis Avenue.

Presentation:

The applicant, Juanita Rippy, 2248 South Indianapolis, Tulsa, Oklahoma, submitted photographs (Exhibit F-2) and letters of support (Exhibit F-3). She asked the Board to allow her to continue to keep her five small dogs at her home. Ms. Rippy informed that the animals have the best medical care available and the yard is treated and kept clean. The applicant stated that the yard has a 6' privacy fence.

Protestants:

Gladys Brown, 2231 South Indianapolis, Tulsa, Oklahoma, submitted a petition of protest (Exhibit F-1), and stated that she lives two doors down from the Rippy home. She informed that occasionally there are more than 5 dogs in the yard.

Ms. White asked Ms. Brown if she objects to a kennel on the property, or the 5 dogs, and she replied that she objects to a kennel. She informed that other people bring dogs to the Rippy home and she is not sure how many dogs are in the yard.

Ms. Bradley asked Ms. Brown if she is annoyed by the dogs barking, and she replied that barking is not a problem, but the odor is a problem in warm weather.

Ms. Bradley asked Mr. Jackere of the Legal Department to address the subject of housing dogs in a residential neighborhood.

Mr. Jackere pointed out that the City animal ordinances only permit the keeping of 3 dogs, and the keeping of more than 3 dogs is presumed to be the operation of a kennel, requiring kennel license. He explained that Ms. Rippy's property is not properly zoned for a kennel, so in order to keep the 5 dogs, she needs relief from this Board.

Willia Boyd, 2228 South Indianapolis, Tulsa, Oklahoma, stated that she lives three doors to the north and the odor is a problem.

Larry McDonald, 3504 East 22nd Place, Tulsa, Oklahoma, stated that the odor problem was so severe at one time that the Health Department was contacted and did checked the property.

Ms. Bradley remarked that she feels that 5 dogs is an excessive number for a residential neighborhood.

Donna Graves stated that her mother is one of the protestants and, in her opinion the older neighborhood residents should not be subjected to the problem of living near a neighbor with 5 dogs.

Interested Parties:

Mike Hule, 3201 Bohama Drive, Sand Springs, Oklahoma, stated that he has been to the Rippy home and has found the yard to be extremely clean.

Doctor Moore, 2210 South Indianapolis, Tulsa, Oklahoma, stated that he is a veterinarian and lives 7 doors from the Rippy home. He explained that the dogs are very well cared for and have air conditioned rooms to live in.

Case No. 14476 (continued)

Lou Rippy, 2248 South Indianapolis, Tulsa, Oklahoma, stated that he has never had any of the neighbors complain about his dogs. He stated that he does not plan to increase the number of dogs and will not replace them if they die. He pointed out that three of the dogs are over five years old at this time.

Ms. White asked Mr. Rippy if he has been contacted by the Health Department concerning the odor in the back yard, and he replied that he has not.

Mr. Jackere suggested that photographs of the 5 dogs be made a part of the permanent file so that they can be identified. He informed that it can then be determined if additional dogs are added after the death of the dogs that are presently owned by the applicant.

Board Action:

On **MOTION** of **SMITH** the Board voted 3-1-0 (Chappelle, Smith, White, "aye"; Bradley, "nay"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1215) to allow a home occupation for a kennel to house 5 dogs; subject to none of the dogs being replaced as they die, until the number is reduced to 3 dogs; finding that the applicant will not operate a kennel at his home, but the 5 dogs that are now owned by the applicant will be allowed to remain on the premises until the number, due to death, will be reduced to three; on the following described property:

Lot 9, Block 8, Jefferson Hills Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14477

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from the centerline of East 69th Place from 55' to 28' to allow for an existing dwelling, located SW/c East 69th Place and South Oswego Avenue.

Presentation:

The applicant, Frank Casey, 3140 South Winston, Tulsa, Oklahoma, stated that his client fenced his back and side yard approximately 10 years ago and is in the process of constructing an addition to his home at this time. He informed that the house is located on a corner lot, with setbacks from both 69th Place and Oswego. Mr. Casey pointed out that the addition is located inside the existing fence. A plat of survey (Exhibit G-1) and a copy of the Stormwater Management Review (Exhibit G-2) were submitted.

Case No. 14477 (continued)

Comments and Questions:

Ms. Bradley asked the applicant if the fence obstructs the view of motorists coming around the curve, and Mr. Casey replied that it does not. Photographs (Exhibit G-2) were submitted.

Mr. Jackere noted that the application may not be clear because it states that the variance is for an existing dwelling and not a new addition.

Mr. Smith asked the applicant how long the fence has been in place, and he replied that it was built approximately 10 years ago.

Ms. Hubbard informed that the applicant should have requested a variance of setback from the centerline of East 69th Place from 55' to 35'.

Board Action:

On **MOTION** of **SMITH** the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **CONTINUE** Case No. 14477 to June 25, 1987, to allow the applicant to readvertise for additional relief.

Case No. 14478

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1227 - Request a special exception to allow for automobile dismantling and/or salvage use in an IM zoned district, located north side of 5th Street, west of Charles Page Boulevard.

Presentation:

The applicant, Richard Ryan, 314 West 32nd Place, Sand Springs, Oklahoma, submitted a plot plan and a letter of Intended use (Exhibit H-3), and stated that the property in question has been out of use for several years. He noted that weeds are growing on the property and the fence is in need of repair. Mr. Ryan explained that he is proposing an automobile dismantling operation, which is not intended to be a typical salvage yard. He informed that the cars will be on the lot only long enough to remove the parts and then will be shipped to another location. He informed that he has spoken with many of the neighbors and have found them to be in support of the business after the true nature of the operation was explained. He informed the hours of operation will be from 9 a.m. to 6 p.m. and that there will be no noise during the dismantling process.

Comments and Questions:

Ms. Bradley asked the applicant how the parts can be taken from the cars without making noise, and he replied that mechanics tools and air ratchets are used.

Case No. 14478 (continued)

Ms. Bradley inquired as to where the dismantling will take place, and Mr. Ryan informed that this operation will take place inside the building.

Ms. Bradley asked how the cars will be moved to the lot, and Mr. Ryan replied that he will transport them in a car hauler.

Mr. Jackere asked the applicant if he has wrecked vehicles on the lot, and he replied that he can bid on these vehicles.

Mr. Jackere inquired if the cars will be removed on a daily basis and if tires will be stored on the lot.

Mr. Ryan informed that the cars will be hauled away as soon as the parts are removed. He stated that the tires will be separated, with the usable ones being stored on racks and the damaged ones sent to an environmental dump.

Protestants:

Jenna Garland, 3618 West 4th Street, Tulsa, Oklahoma, submitted a petition of protest (Exhibit H-1), and explained that she lives to the north of the subject property and, although the buildings on the lot are vacant, does not support the type of business described by Mr. Ryan. Ms. Garland stated that she is concerned that the cars will not be removed from the lot after the parts are removed and asked the Board to deny the request. A letter of protest (Exhibit H-2) was submitted.

Otis Dempsey, 3440 West 4th Street, Tulsa, Oklahoma, stated that he does not feel that the business is compatible with the neighborhood and does not want a salvage operation in his back yard. He pointed out that area is being improved after the flooding of 1984 and asked the Board to deny the special exception request.

Vernon Case, 3408 West 4th Street, Tulsa, Oklahoma, stated that he has never seen a neat salvage yard. He informed that his property abutts the subject tract and he is opposed to the automobile dismantling operation.

T. O. McCrackin, 141 North 41st West Avenue, Tulsa, Oklahoma, informed that he owns property in the area and feels that the business in question will be detrimental to property values.

Interested Parties:

Ira Dozier, 3320 West 4th Street, Tulsa, Oklahoma, informed that his property abutts the subject tract. He pointed out that the weeds have not been mowed this season and that a new business and new fence will be an asset to the community.

Applicant's Rebuttal:

Mr. Ryan stated that all of the oils and transmission fluids are drained from the cars and sent to another location to be recycled. He stated that his operation will not have the appearance of a

Case No. 14478 (continued)

salvage yard because junk cars will not be stored on the lot and the cars waiting to be dismantled will not be seen above the fence.

Additional Comments:

Ms. White asked the applicant if he has called a meeting with the neighbors to explain the proposed business. Mr. Ryan replied that he canvassed the neighborhood and explained the operation, but has not called a meeting of the area residents.

Board Action:

On **MOTION** of **WHITE** the Board voted 4-0-0 (Bradley, Chappelle, Smith, White; "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **CONTINUE** Case No. 14478 to June 25, 1987, to allow the Board to view the property, allow the applicant to meet with the area residents and supply the Board with a layout of the proposed operation.

Case No. 14479

Action Requested:

Variance - Section 1205.3 - Use Conditions - Use Unit 1205 - Request a variance of the spacing requirements between residential treatment centers from 1320' to 250', located 1108 South Detroit Avenue.

Presentation:

The applicant, Louis Reynolds, 909 Kennedy Building, Tulsa, Oklahoma, submitted photographs (Exhibit J-2) and stated that his client is proposing to lease property from J & A Enterprises, and is requesting permission to open a treatment center at the above stated location. He informed that the alcohol and drug treatment center is a non-profit corporation, which was organized by various members of the Tulsa community. Mr. Reynolds stated that his client was aware of the Horace Mann Prerelease Center in the area, but did not know about Hobbs 1014 House which was also located in the area. He informed that the Altamont Apartments are approximately 1200' from the proposed center. He noted that the center will provide treatment for 24 patients, both men and women, and will be supervised by a medical doctor from Hillcrest Hospital. Mr. Reynolds informed that a counselor, a representative from Alcoholic Anonymous and an on-call medical doctor will be working at the center. He pointed out that the center will provide extended care after the acute or critical treatment of the patient and the fee will be \$2,500 per month. A packet (Exhibit J-1) containing a location map, letters of support and a general review of the operation were submitted.

Protestants:

Mr. Chappelle informed that a letter of opposition (Exhibit J-3) was received by the Board.

Wayne Wheatley, 3531 East 100th Street, Tulsa, Oklahoma, stated that he is the founder of the organization referred to earlier as the Altamont Apartments (12 and 12 Transition House). He informed that it has been operating as a transitional living center for

Case No. 14479 (continued)

approximately 6 years. Mr. Wheatley noted that the program presented today is commendable and needed, but the area already has several similar facilities.

Comments and Questions:

Ms. Bradley asked the applicant if the building will be renovated, and Mr. Reynolds answered in the affirmative.

Ms. Bradley inquired if Mr. Reynolds' client will buy the property in question, and he replied that they are proposing to lease the building.

Mr. Jackere pointed out that the clustering of such residential treatment facilities brought about the adoption of the requirement for spacing to protect the residential areas (adopted approximately 1 1/2 years ago).

Ms. White asked the applicant to address the hardship for this case, and he pointed out that the center is for short term treatment and is well suited for the area.

Ms. White remarked that she is sympathetic to the need, but feels that the area is saturated with treatment centers.

Board Action:

On MOTION of WHITE the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **DENY a Variance** - Section 1205.3 - Use Conditions - Use Unit 1205 - Request a variance of the spacing requirements between residential treatment centers from 1320' to 250'; finding that a hardship was not demonstrated by the applicant; and finding that the treatment center does not meet the spacing requirements, as there are other treatment centers in close proximity to the proposed location; and finding that the granting of the variance request would be detrimental to the area and would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The southerly 34' of Lot 1 and the northerly 16' of Lot 2, Block 200, Original Town of Tulsa Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14480

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1210 - Request a use variance to allow for parking in an RM-1 zoned district, located 600 Block North between Denver and Cheyenne.

Case No. 14480 (continued)

Presentation:

The applicant, Terry Young, PO Box 3351, Tulsa, Oklahoma, submitted a site plan (Exhibit K-1) and informed that he is representing the buyers of the Fairview Apartments. He explained that there is no parking for the building at this time and asked the Board to allow parking on the tracts located to the north and to the east of the apartment complex. Mr. Young informed that his client's purchase of the apartment building and the lots for parking are contingent on Board of Adjustment approval. He noted that a tie contract has been executed. The applicant informed that the building is being renovated and the number of apartments will be reduced from 29 units to 23 units.

Comments and Questions:

Ms. Bradley noted that one lot for the proposed parking is sloping, and asked Mr. Young how it will be utilized for parking.

Mr. Young informed that the lot will be leveled and paved by the owners. He advised that 44 parking spaces are required and a reciprocal use agreement will be entered into between Fairview Apartments and the United Methodist Church, which will provide additional parking if needed.

Protestants: None.

Board Action:

On **MOTION** of **SMITH** the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1210) to allow for parking in an RM-1 zoned district; subject to the execution of a Tie Contract; finding that there are numerous similar parking lots in the surrounding commercial and residential area; and finding that the parking lot 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:

The north 45' of Lot 7, and the east 80.43' of Lot 10, Block 5, North Tulsa Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14481

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 RS-1 zoned district.

Variance - Section 440.6 - Special Exception Requirements - Use Unit 1209 - Request a variance of the time regulation from 1 year to permanent, located 17116 East 11th Street.

Presentation:

The applicant, Barbara Storjohann, 17116 East 11th Street, Tulsa, Oklahoma, asked the Board to allow her to permanently locate her mobile home at the above stated location. She informed that she was granted permission in 1986 to place the mobile home on her property for a period of one year. A letter of support (Exhibit L-1) and a Stormwater Case Review (Exhibit L-3) were submitted.

Protestants:

Trisha Beach, 1204 South 173rd Street, Tulsa, Oklahoma, stated that the corner of her property joins that of the applicant, but she was not notified of the hearing. She informed that she was made aware of the application by a neighbor. Ms. Beach stated that there are two trailers on the property and voiced a concern with the sewage disposal system. She informed that a nearby creek is a run-off from a sewage lagoon that services a nearby housing addition and she feels the lateral lines will also drain into the creek. She advised that the creek has a foul odor and is concerned for her children that play in the area. A petition of opposition (Exhibit L-2) was submitted.

Ms. Hubbard informed that the applicant was issued a Watershed Development Permit by Stormwater Management and the Health Department approved the layout of the lateral lines.

Eileen Phillips, 17108 East 11th Street, Tulsa, Oklahoma, stated that she did not receive notice of the hearing and is opposed to the permanent location of the mobile home. She pointed out that she lives in a mobile to the west of the applicant, but is planning to build a home in the future. Ms. Phillips stated that she has Board approval for the trailer to remain at its present location for 5 years.

Richard Johnson, 17006 East 11th Street, Tulsa, Oklahoma, stated that the creek in the area floods and asked the Board to deny the request.

Johna Kelso, 17270 East 11th Street, Tulsa, Oklahoma, submitted photographs (Exhibit L-3) and stated that her property abutts the subject tract. She informed that the land in the area has a percolation problem, according to the Health Department. She stated that more trailers are going to be moved on the tract and feels they will be detrimental to the neighborhood.

Comments and Questions:

Ms. Bradley inquired as to the number of trailers on the lot at this time, and Ms. Kelso replied that there are two there at this time. She stated that the ponds are being drained and filled with dirt and stated that they are apparently attempting to add enough soil so it will pass the perk test. She said that the Health Department informed her that the red clay soil will not perk unless it is filled in with other soil. Ms. Kelso stated that she has just built a new home on her property.

Case No. 14481 (continued)

Applicant's Rebuttal:

Ms. Storjohann stated that she does not know about other trailers that are going to be located on the property. She informed that she will landscape the area and plant a living barrier between her property and the abutting property. She stated that she is leasing, with option to purchase. The applicant informed that notices were not received by some of the property owners because their names were not on the legal records.

Board Action:

On **MOTION** of **BRADLEY** the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for a mobile home in an RS-1 zoned district; and to **APPROVE** a **Variance** (Section 440.6 - Special Exception Requirements - Use Unit 1209) of the time regulation from 1 year to 5 years; per Health Department approval; finding that there are other mobile homes in the area; and finding that the granting of the requests will not cause substantial detriment 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:

The east 79.5' of Lot 5, Block 1, Lynn Lane Estates, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14482

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted In Office Districts - Use Unit 1206 - Request a special exception to allow for a single family dwelling in an OL zoned district.

Variance - Section 1420 - Nonconforming Use of Building and Land - Use Unit 1206 - Request a variance to allow for the expansion of an existing dwelling unit.

Variance - Section 630 - Bulk and Area Requirements - Use Unit 1206 - Request a variance of the height restriction from 1 story to 2 stories and a variance of setback from the centerline of Pine Street from 100' to 75', located at 1540 North Knoxville Avenue.

Presentation:

The applicant, E. J. Crawl, 1504 North Knoxville, Tulsa, Oklahoma, stated that his family has increased in number and more living space is needed. The applicant asked the Board to allow an addition of a second story to his existing dwelling.

Case No. 14482 (continued)

Comments and Questions:

Mr. Gardner pointed out that the applicant could build a two story house if the property was zoned residential, but the one corner lot owned by the applicant is zoned OL (light office).

Ms. White asked the applicant if the construction will be any further toward Pine Street, and Mr. Crawl replied that it will not, but the existing dwelling is encroaching on the setback.

Protestants: None.

Board Action:

On **MOTION** of **SMITH** the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 610 - Principal Uses Permitted In Office Districts - Use Unit 1206) to allow for a single family dwelling in an OL zoned district; to **APPROVE** a **Variance** (Section 1420 - Nonconforming Use of Building and Land - Use Unit 1206) to allow for the expansion of an existing dwelling unit; and to **APPROVE** a **Variance** (Section 630 - Bulk and Area Requirements - Use Unit 1206) of the height restriction from 1 story to 2 stories and a variance of setback from the centerline of Pine Street from 100' to 75'; finding a hardship imposed on the applicant by the OL zoning in a residential neighborhood; and finding that the applicant would be allowed by right to construct a second story if the property had a residential zoning classification similar to the abutting properties; on the following described property:

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

Case No. 14483

Action Requested:

Variance - Section 1211.4 - Off-Street Parking Requirements - Use Unit 1211 - Request a variance of parking requirements from 19.2 to 7 spaces.

Use Variance - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1223 - Request a use variance to allow for storage in a CS zoned district, located 1133 South 120th East Avenue.

Presentation:

The applicant, William Gillespie, 1133 South 120th East Avenue, Tulsa, Oklahoma, was represented by Doug Dodd, 1000 Atlas Life Building, Tulsa, Oklahoma, who submitted photographs and a site plan (Exhibit M-1). He explained that his client is an inventor and electrical/mechanical designer, and has operated out of his home. Mr. Dodd informed that Mr. Gillespie thought it would be appropriate

Case No. 14483 (continued)

to tear down the old house and construct a new one. He pointed out that during the construction the tools of his trade and personal property were stored in a metal building on the lot. Mr. Dodd noted that the metal building is on the portion of the lot where parking is proposed. He stated that no retail activity is planned on the property and his client has only one occasional employee. Mr. Dodd pointed out that Mr. Gillespie has no need for the 19 parking spaces.

Comments and Questions:

Ms. Bradley asked Mr. Dodd if his client plans to use the vacant office building on the tract for living quarters, and he answered in the affirmative. He explained that Mr. Gillespie previously lived in the old house on the property and worked in the garage, and in the new building he plans to work in the garage and have his living quarters in the upstairs portion. Mr. Dodd informed that the use has not changed and is compatible with the other uses in the area.

Mr. Jackere asked if the use of the garage will be a laboratory in which the applicant will invent, fabricate and test his inventions. Mr. Dodd replied that his client is primarily a designer and will not be testing everything he designs.

Mr. Jackere pointed out that it is not clear what use unit classification the applicants business will have, and if the applicant is planning to live on the premises, he needs additional relief.

Mr. Dodd asked the Board to approve the request for storage on the property to allow his client to transfer articles from the storage building and proceed with preparations for surfacing the parking lot.

Protestants: None.

Board Action:

On **MOTION** of **WHITE** the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **CONTINUE** a **Variance** (Section 1211.4 - Off-Street Parking Requirements - Use Unit 1211) of parking requirements from 19.2 to 7 spaces until June 25, 1987, to allow the applicant to advertise for additional relief; and to **APPROVE** a **Use Variance** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1223) to allow for storage in a CS zoned district; per plot plan submitted; finding that although a new building has been constructed, the use has not changed; and finding that the granting of the request will not be detrimental to the area; and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property;

Case No. 14483 (continued)

That part of the west 200' of the E/2, of the NE/4, of the NE/4, of the NW/4, of Section 8, T-19-N, R-14-E of the Indian Base and Meridian, more particularly described as follows, to-wit: Beginning 300' south of the NW/c of above tract, thence south 65'; thence east 200'; thence north 65'; thence west 200' to the point of beginning, City of Tulsa, Tulsa County, Oklahoma, according to the US Government Survey thereof.

Case No. 14484

Action Requested:

Variance - Section 420.2(a2) - Accessory Use Conditions - Use Unit 1206 - Request a variance to allow for a detached accessory building to be placed in the side yard.

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the size of the detached accessory building from 750 sq. ft. to 1200 sq. ft. (30' x 40'); located 2520 West Easton.

Presentation:

The applicant, Leo Buthod, 512 North 28th West Avenue, Tulsa, Oklahoma, submitted photographs (Exhibit N-1) and stated that the existing garage (32' by 22') is very old and will be removed from the property. The applicant asked permission of the Board to replace the old structure with a new one which will house a boat, utility trailer, 2 cars and supply sufficient room for a hobby shop.

Comments and Questions:

Ms. Bradley asked if the shop work is a home occupation, and the applicant reiterated that he is requesting space for a hobby shop.

Board Action:

On MOTION of SMITH the Board voted 4-0-0 (Bradley, Chappelle, Smith, "aye"; no "nays"; no "abstentions"; White, Quarles, "absent") to APPROVE a Variance (Section 420.2(a2) - Accessory Use Conditions - Use Unit 1206) to allow for a detached accessory building to be placed in the side yard; and to APPROVE a Variance (Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206) of the size of the detached accessory building from 750 sq. ft. to 1200 sq. ft. (30' x 40'); subject to no commercial use on the property; finding a hardship imposed on the applicant by the size of the lot and finding that the new garage will be built at the same location as the existing one; on the following described property:

Beginning 141' west of the NE/c of the SE/4 of the NW/4, thence west 132', south 165', east 132', north 165' to the POB, less the north 25' for ROW, Section 3, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14485

Action Requested:

Variance - Section 930 - Bulk and Area Requirements In Industrial Districts - Use Unit 1223 - Request a variance of setback from the centerline of Utica Avenue from 100' to 75' and from abutting R districts from 75' to 20'.

Variance - Section 1223.3 - Use Conditions - Use Unit 1223 - Request a variance of the screening requirements from an R District, located south of the SE/c of 5th Street.

Presentation:

The applicant, J. D. Stringfellow, 1710 East 5th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit 0-1), and stated that he is proposing to build a 40' by 80' commercial building at the above stated location. He informed that the new building will align with the building to the north. A Stormwater Management Case Review (Exhibit 0-2) was submitted.

Comments and Questions:

Ms. White asked the applicant why he is requesting a variance of the screening requirement from the residential district to the east, and Mr. Stringfellow informed that he enters the building from the alley on the east.

Ms. White asked Mr. Stringfellow if the back of the building will extend to the property line, and he replied that the building is 10' to 20' from the alley and 75' from the centerline of Utica Avenue.

Ms. Hubbard pointed out that if the applicant complied with all of the setback requirements he would have approximately 10' of space for building purposes.

Protestants: None.

Board Action:

On **MOTION** of **SMITH** the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 930 - Bulk and Area Requirements In Industrial Districts - Use Unit 1223) of setback from the centerline of Utica Avenue from 100' to 75' and from abutting R districts from 75' to 20'; and to **APPROVE** a **Variance** (Section 1223.3 - Use Conditions - Use Unit 1223) of the screening requirements from an R District; per plot plan submitted; finding a hardship imposed on the applicant by the shallow depth of the lot; finding that the proposed building will align with the building to the north and that the required screening would actually screen the structure from the alley, which will be used to gain entry to the building; on the following described property:

Lot 26 and 27, Block 11, Abdos Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14486

Action Requested:

Variance - Section 1221.4 - CS District Use Conditions for Business Signs - Use Unit 1221 - Request a variance of the size of wall and canopy signs, located 3727 South Memorial.

Presentation:

The applicant, Steve Williams, 505 North Walnut, Tulsa, Oklahoma, was represented by Mike Hackett, 1809 East 15th Street, Tulsa, Oklahoma, who informed that his clients entire shopping center has a back-lit awning, with letters on the awning. Mr. Hackett stated that he is not sure what constitutes a sign and feels the Board should address this issue. He asked for a continuance in order that he can file an amended application for the consideration of this subject of illumination and the size of the letters for a sign.

Mr. Jackere informed Mr. Hackett that if he intends to file for an appeal of the decision of the Building Inspector, the appeal must come within the 10 day requirement.

Mr. Hackett stated, based on some of the things he has heard today, he cannot comfortably proceed with the case at this time, and his client also may be in need of additional relief.

Protestants: None.

Board Action:

On **MOTION** of **SMITH** the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **CONTINUE** Case No. 14486 until June 25, 1986 to allow the applicant sufficient time to advertise for additional relief.

Case No. 14487

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215 - Request a special exception to allow for a dry cleaning plant in a CS zoned district. Variance - Section 1215.2 - Included Uses - Use Unit 1215 - Request a variance of the maximum floor area from 3000 sq. ft. to 5200 sq. ft. to allow for a dry cleaning plant, located SE/c 61st Street and Memorial Drive.

Case No. 14487 (continued)

Presentation:

The applicant, Tom Williams, 6254 South 88th East Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit P-1), and advised that he is the owner and lessee of the proposed Magic Discount Cleaners. He informed that the business will have 5200 sq. ft. of floor space in the shopping center at the above stated location. He stated that the dry cleaning portion of the building will cover 2000 sq. ft. and the remainder of the area will be used for garment storage, alterations, a call office, cashiers area, the general managers office, a kitchen and restrooms. Mr. Williams informed that he has received Health Department approval.

Comments and Questions:

Mr. Smith asked the applicant how his cleaning plant differs from an industrial dry cleaning establishment, and Mr. Williams replied that the process is the same.

Mr. Smith inquired if clothes will be trucked in and out of the cleaners, and he replied that the entire cleaning operation will be performed in the building for walk-in customers only.

Protestants: None.


Board Action:

On **MOTION** of **BRADLEY** the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1215) to allow for a dry cleaning plant in a CS zoned district; and to **APPROVE** a **Variance** (Section 1215.2 - Included Uses - Use Unit 1215) of the maximum floor area from 3000 sq. ft. to 5200 sq. ft. to allow for a dry cleaning plant; subject to the cleaning plant portion of the business being located in only 2000 sq. ft. of the plant; finding that although the entire business will be operating in 5200 sq. ft. of space, the actual dry cleaning plant will occupy only 2000 sq. ft. of space; on the following described property:

Lot 1, Block 4, Southeast Square Addition, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 4:45 p.m.

Date Approved 6-11-87


Chairman (acting)