

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 492
Thursday, June 11, 1987, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Quarles Smith White	Chappelle	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, June 9, 1987, at 12:35 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Acting Chairman White called the meeting to order at 1:00 p.m.

MINUTES:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Smith, White, "aye"; no "nays"; Quarles, "abstaining"; Chappelle, "absent") to **APPROVE** the Minutes of May 28, 1987.

Election of Officers

Board Action:

On **MOTION** of **SMITH** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** the **Election of Officers** until June 25, 1987, to allow all Board members to be present for the election.

NEW APPLICATIONS

Case No. 14488

Action Requested:

Variance - Section 1221.3(f) - General Use Conditions for Business Signs - Use Unit 1221 - Request a variance of setback from the centerline of 15th Street from 50' to 35' to allow for a sign, located at 3008 East 15th Street.

Presentation:

The applicant, Richard Williams, 3008 East 15th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit A-1), and explained that he is planning to construct a new sign for a cleaners at the above stated location. He pointed out that the setback requirement for

Case No. 14488 (continued)

the sign is 50' and asked the Board to allow the sign to be set 35' from the centerline of 15th Street. Mr. Williams stated that the buildings in the area are approximately 35' from the centerline and the sign would be in the driveway, and not visible to motorists, if the required setback is held.

Comments and Questions:

Ms. Bradley asked the applicant if the cleaners has a sign in place at this time, and he replied that the existing sign is on the face of the building.

Ms. Bradley asked Ken Bode, Assistant Sign Inspector, if the applicant will be allowed to have the wall sign as well as the requested sign, and Mr. Bode answered in the affirmative.

Mr. Jackere asked Mr. Williams to state the distance between the building and the street, and he replied that the building is approximately 34' to 35' from the center of the street.

Ms. Bradley inquired if the proposed sign will be lighted, and the applicant replied that it will be lighted.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** (Section 1221.3(f) - General Use Conditions for Business Signs - Use Unit 1221) of setback from the centerline of 15th Street from 50' to 35' to allow for a sign; per plot plan submitted; subject to the execution of a removal contract; finding that the buildings are close to the street in the older area and other signs along 15th Street are as close to the centerline as the sign in question; and finding that the granting of the variance request will not be detrimental to the area; on the following described property:

Lots 1 and 2, Block 1, Avondale Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14489

Action Requested:

Special Exception - Section 440 - Special Exception Uses in Residential Districts - Use Unit 1213 - Request a special exception to allow a home occupation for plant sales in an RS-2 zoned district, located 1366 South 101st East Avenue.

Presentation:

The applicant, Mary Ferguson, 1366 South 101st East Avenue, Tulsa, Oklahoma, was represented by her husband, Ron Ferguson. He informed that he is asking permission to sell plants at his residence and

Case No. 14489 (continued)

pointed out that there will be a very small amount of traffic, except during the spring sale of bedding plants. Mr. Ferguson stated that the sales operation will be open on the weekend from 9 a.m. to 6 p.m., with sales during the week being made by appointment only. He informed that trees and shrubs will not be stored on the property, but will be picked up when they are sold to his customers. Mr. Ferguson stated that he is proposing to have a lease plant business for office buildings. He informed that his driveway has parking for approximately 4 cars. The applicant stated that he has been selling plants at garage sales conducted on the premises, but was not aware he was in violation of the Code until he was cited.

Comments and Questions:

Ms. White asked the applicant if large trucks deliver the plants to his residence, and he replied that he usually uses his pickup to get the plants, but a truck might make occasional deliveries.

Mr. Smith inquired as to the number of cars owned by the applicant, and he replied that he has one car and one pickup. He informed that he has parked farming equipment on the center median in front of his home, but removed it after he was notified that it is illegal to park on the median. Mr. Ferguson informed that he moved some of the equipment to his back yard.

Ms. Bradley asked the applicant where he will store the plants, and he replied that they will be kept inside the carport area and the garage.

Mr. Jackere inquired if trees or shrubs will be stored on the subject property, and he replied that he has some trees in the back yard at this time, but doesn't plan to store a large number.

Protestants:

Ms. Frank Cotton, 1348 South 101st East Avenue, Tulsa, Oklahoma, stated that he lives two doors down from the Ferguson property and is concerned that the value of her property will be adversely affected by the plant sales business. She submitted a petition (Exhibit B-1) signed by homeowners in the area that oppose the special exception request.

Ms. Bradley asked if a large number of cars visited the Ferguson residence during the plant sale, and Ms. Cotton replied that there were several cars at the sale.

June Yocham, 1358 South 101st East Avenue, Tulsa, Oklahoma, stated that she lives next door to the Ferguson property and is opposed to shrubs being stored in the back yard. She informed that there is farm equipment in the yard at this time and asked the Board to deny the application.

Case No. 14489 (continued)

Lee Hedevar, 1316 South 101st East Avenue, Tulsa, Oklahoma, stated that the median is maintained by the homeowners in the area and dirt is required to fill in the ruts caused by motorists crossing the median. He informed that during the garage sale many cars parked on the median and in his opinion, the plant business would be detrimental to the character of the neighborhood.

Jean Edmonson, 1340 South 99th East Avenue, Tulsa, Oklahoma, stated that the addition is well kept and feels the plant business will lower the property values in the area.

Board Action:

On **MOTION** of **SMITH** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Special Exception** (Section 440 - Special Exception Uses in Residential Districts - Use Unit 1213) to allow a home occupation for plant sales in an RS-2 zoned district; finding the plant sale business to be too intense an operation for the residential neighborhood; and finding that the granting of the special exception request would be detrimental to the area and not in harmony with the spirit and intent of the Code, or the Comprehensive Plan; on the following described property:

Lot 7, Block 6, Crescent Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14490

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1215 - Request a use variance to allow for the operation of a flea market in an RS-3 zoned district, located 3812 West 53rd Place, Tulsa, Oklahoma.

Presentation:

The applicant, Marvin Alexander, owner of the property in question, was represented by Margaret Gibbs, 4833 North Wheeling, Tulsa, Oklahoma. She informed that the building was formerly used as a grocery store, but that she plans to operate a flea market on the property if approved by the Board. Ms. Alexander stated that the items for sale will mainly consist of small household articles.

Comments and Questions:

Mr. Quarles asked Ms. Gibbs to state the use of the property surrounding the building in question, and she stated that a park is across the street, a vacant lot to the east, a residence to the west, with houses being located to the rear of the property.

Mr. Smith asked if there will be items displayed outside the house, and Ms. Gibbs informed that all merchandise will be stored inside the building.

Case No. 14490 (continued)

In response to Mr. Quarles Inquiry as to the hours of operation for the business, Ms. Gibbs replied that the store will be open from 12 noon until 5 p.m.

Mr. Smith asked Ms. Gibbs how she obtains her items for sale, and she replied that she formerly operated a resale shop on North Harvard before that building was sold to the Highway Department.

Ms. Bradley asked if she will rent stalls to other vendors, and she stated that she plans to rent some spaces in the future.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1215) to allow for the operation of a resale shop in an RS-3 zoned district; subject to no outside storage; and subject to applicant selling only her own wares, with no outside vendors being permitted; finding that the building has never been used as a residence and is not suitable for that use; 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 Plan; on the following described property:

Lots 4 - 7, Block 13, South Haven Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14491

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213 - Request a variance of frontage to permit the platting of a property having 249' of frontage into one lot having 35' of frontage, one lot having 70' of frontage and another lot having 144' of frontage, located on the SE/c Riverside Drive and 71st Street.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, submitted a plat (Exhibit C-1), and stated that he is representing Anderson Properties. He informed that the 6 acre tract in question was zoned CS last year, except for the southerly portion which was zoned for parking. Mr. Johnsen pointed out that 150' of frontage is required on arterial streets and the tract in question has approximately 250' of frontage on 71st Street. He stated that his client is proposing to divide the lots in such a way that they will not meet these frontage requirements in each instance. He informed that a plat has been filed and the two proposed access points have

Case No. 14491 (continued)

been approved by the Traffic Engineer. He pointed out that the property was initially platted in the 1920's and the shape of the tract was altered by right-of-way acquisition for Riverside Parkway. Mr. Johnson explained that the tract of land also has frontage on Quincy and Riverside Parkway. He stated that the 35' lot will provide a means of access to the back four acres and will be a shared access with the 70' lot. Mr. Johnson informed that there is a Shoney's Restaurant and a Quik-Trip in the immediate area. He stated that the larger of the 71st frontage lots is under contract for a Burger King restaurant.

Comments and Questions:

Mr. Jackere inquired if three signs will be requested for the property, and Mr. Johnson replied that only two signs will be placed on the 71st properties.

Mr. Gardner explained that the 35' could be a part of the 70', making 105' with an access easement, but Anderson Properties wants ownership to actually extend to 71st Street.

Mr. Johnson informed that there are practical reasons and financing reasons for keeping ownership of the 35' with the back lot, but use and intensity will not change.

Mr. Gardner asked if the 35' handle provides the only access to the 70' lot, and the applicant answered in the affirmative.

In response to Mr. Smith's question concerning access to Quincy, Mr. Johnson replied that there will be an access on Quincy.

Ms. Bradley asked if the back lot will have three access points, and the applicant replied that the lot in back will have access to 71st Street, Quincy and Riverside Parkway.

Mr. Smith asked if a Goodyear store will be located on the property, and Mr. Johnson informed that at one time such a store was proposed, but he does not know what type of business will be located on the 70' lot.

Protestants:

Joe Westervelt, 2505 South Boston Place, Tulsa, Oklahoma, stated that he is opposed to the application. He informed that he is a developer and is not opposed to development, but feels that the property was purchased in the existing configuration and no hardship exists. Mr. Westervelt pointed out that the narrow frontages will be detrimental to the area and the buildings, as well as signs, will be too close together.

Web Sherrill, 11009 South Quebec, Tulsa, Oklahoma, stated that he owns the property (Shoney's) to the east of the tract in question. He stated that his development conforms to all of the codes, and pointed out that although he requested an access point on his

Case No. 14491 (continued)

property, he was required to share access with Quik-Trip. Mr. Sherril informed that he is opposed to the property being divided into three lots.

Ms. Bradley inquired as to the frontage of the Shoney's property, and Mr. Sherril replied that his property has approximately 150' of frontage on 71st Street as does Quik-Trip, for a total of 300'.

Applicant's Rebuttal:

Mr. Johnsen pointed out that the third lot is actually an access drive and three buildings will not be constructed on the property. He stated that two buildings will not be excessive for the 249' frontage, and the two access points were approved by Traffic Engineering. He reiterated that the property was originally platted in the 1920's and one lot had a 90' frontage and the westernmost tract had 159' of frontage on 71st Street, which was reduced by the Riverside Parkway. He noted that a reconfiguration of the tract is proposed which will change the 90' lot to 148' and, if the angular portion taken by the Riverside Parkway is included in the lot dimensions, will leave the remaining lot with 150' of street frontage. He pointed out that access control has been met by replatting and that he has agreed to have only permitted signage on the property.

Additional Comments:

Ms. Bradley remarked that she is opposed to a 35' lot on 71st Street and feels that the property will have excessive access points.

Mr. Johnsen pointed out that the 35' access is for the rear lot and the Traffic Engineer would have rejected his proposal if the access request had been unreasonable. He informed that, if the Board desires, he can amend his request to one 105' lot instead of two lots which are 70' and 35'.

Ms. Bradley stated that she would be agreeable to the division of the tract into two lots, with two access points.

Ken Bode, Assistant Sign Inspector, informed that the 35' lot would be eligible for a sign if tied to either the lot on 71st Street or the lot to the rear.

Ms. White and Mr. Quarles agreed that the third lot would only be for access purposes and stated that they have no problem with the application.

Board Action:

Mr. Quarles' motion for approval of the application, per plat and subject to signage for two lots only, died for lack of a second.

Mr. Smith stated that he will abstain, due to a possible conflict of interest.

Case No. 14491 (continued)

Board Action:

On **MOTION** of **BRADLEY** the Board voted 1-2-1 (Bradley, "aye"; Quarles, White, "nay"; Smith, "abstaining"; Chappelle, "absent") to **DENY*** a **Variance** (Section 730 - Bulk and Area Requirements In Commercial Districts - Use Unit 1213) of frontage to permit the platting of a property having 249' of frontage into one lot having 35' of frontage, one lot having 70' of frontage and another lot having 144' of frontage.

*Ms. Bradley's motion for denial failed due to the lack of a majority vote.

Additional Comments:

The applicant, Mr. Johnsen, stated that he was not aware that Mr. Smith had a conflict of interest and asked the Board to continue this case until the next scheduled meeting.

Mr. Jackere pointed out any notice of abstaining should be given before the applicant's presentation, and suggested that Mr. Johnsen would have had an opportunity to ask for a continuance at that time if he had been aware of Mr. Smith's intention to abstain.

Mr. Gardner explained that the motion to deny the application failed for lack of a majority vote, so another motion is in order at this time.

Mr. Jackere instructed that the Board should rescind the previous action.

Board Action:

On **MOTION** of **QUARLES** the Board voted 2-1-1 (Quarles, White, "aye"; Bradley, "nay"; Smith, "abstaining"; Chappelle, "absent") to **RESCIND*** the previous action on Case No. 14491.

On **MOTION** of **QUARLES** the Board voted 3-1-0 (Quarles, Smith, White, "aye"; Bradley, "nay"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 14491 to June 25, 1987.

Case No. 14492

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1210 - Request a use variance to allow for a parking lot in an RS-2 zoned district.

Variance - Section 1330 - Use Unit 1210 - Setbacks - Request a variance of setback from 50' to 30'.

Variance - Section 1340(e) - Design Standards - Use Unit 1210 - Request a variance of the screening requirements, located 819 South 91st East Avenue.

Case No. 14492 (continued)

Presentation:

The applicant, Stan Bolding, 200 Civic Center, Room 642, Tulsa, Oklahoma, was not present.

Mr. Jones inquired by phone as to the whereabouts of Mr. Bolding, and was informed by an employee in the Stormwater Management office that Mr. Bolding is on vacation. Mr. Jones asked if someone in that department could represent the applicant, and they informed that there was not person in the office qualified to present the application. Mr. Jones informed the Board that the representative he spoke with asked that the application be continued to the June 25, 1987 meeting. Due to the fact that protestants were present, Ms. White requested that Mr. Jones contact the Stormwater office by phone and ask if they could send a representative to address the Board. After a discussion with Tom Zimmerman, Mr. Jones informed that Mr. Zimmerman requested that the Board either strike the case or continued it to the June 25th meeting.

Board Action:

On **MOTION** of **BRADLEY** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **STRIKE** Case No. 14492.

Case No. 14493

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request a special exception to allow for a home occupation for a speech and language therapy practice in an RS-2 zoned district, located 1136 East 26th Street.

Presentation:

The applicant, Cheryl LaFortune, 1136 East 26th Street, Tulsa, Oklahoma, stated that she is proposing to practice speech and language pathology in her home at the above stated location. She informed that she plans to work a maximum of 19 hours each week, or one-half day for 4 days.

Comments and Questions:

Ms. White asked the applicant how many parking spaces are available at her residence, and she replied that she has a single drive which will accommodate 4 cars.

Mr. Quarles asked Ms. LaFortune if she is employed at this time, and she replied that she has been at home with her children and has not worked for approximately three years. The applicant stated that she might expand the business when her children are older.

Protestants:

Hubert Marlow, 1123 East 26th Street, Tulsa, Oklahoma, who lives to the north of the subject property, submitted a letter of protest from one of his neighbors and asked if the Board received a letter of opposition from the Maple Ridge Association. Ms. White noted that the Board has received the letter (Exhibit D-1). Mr. Marlow stated that he is concerned that the home occupation will set a precedent in the area and will also cause a traffic problem on the narrow residential streets.

Virginia Kritikos, 1131 East 26th Street, Tulsa, Oklahoma, stated that she is in agreement with Mr. Marlow. She informed that she does not object to Ms. LaFortune's profession, but feels that the residential area is not an appropriate site for a business. She pointed out that there are many cars parked on the street at this time, and the streets are too narrow for street parking.

Additional Comments:

Mr. Smith asked the applicant how her business differs from the teaching of piano lessons in the home, and she replied that it is very similar in that her patients are only there for a short time.

Ms. Bradley asked Ms. LaFortune to be more specific about her hours of operation, and she replied that she will work one-half day on Monday, Tuesday, Wednesday and Thursday.

Mr. Smith asked if only one person will be scheduled at any given time, and the applicant answered in the affirmative.

Ms. White voiced a concern that the business will increase as Ms. LaFortune's children get older, and Mr. Quarles pointed out that the expansion of the business could be controlled by limiting the hours of operation.

Board Action:

On **MOTION** of **QUARLES** the Board voted 3-1-0 (Bradley, Quarles, Smith, "aye"; White, "nay"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1211) to allow for a home occupation for a speech and language therapy practice in an RS-2 zoned district; subject to Home Occupation Guidelines; and subject to days of operation being Tuesday, Wednesday, and Thursday, 4 hours per day, a maximum of 12 hours per week; finding the business to be similar to that of piano lessons or tutoring in the home; and finding that the business 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:

Case No. 14493 (continued)

A part of Lots 3 and 4, Block 12, Sunset Terrace, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, being more particularly described as follows, to-wit:

Beginning at the NW/c of said Lot 3; thence easterly along the north line of said Lot 3; a distance of 25' to a point on the north line of said Lot 3; thence southerly 50' from and parallel to the east line of said Lot 3 to a point on the south line of Lot 3; thence westerly along the south line of said Lot 3 a distance of 22.74' to the SW/c of said Lot 3; thence northerly along the west line of said Lot 3 a distance of 124.94' to the Point of Beginning; AND,

Beginning at the NE/c of Lot 4; thence westerly along the north line of said Lot 4, a distance of 50' to a point on the north line of Lot 4; thence southerly to a point on the south line of said Lot 4; thence easterly along the south line of Lot 4 a distance of 52.26' to the SE/c of Lot 4; thence northerly along the east line of said Lot 4 a distance of 124.94' to the Point of Beginning; City of Tulsa, Tulsa County, Oklahoma.

Case No. 14494

Action Requested:

Special Exception - Section 440 - 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 Uses - Use Unit 1209 - Request a variance of the time regulation from 1 year to permanently.

Variance - Section 208 - One Single Family Dwelling per Lot of Record - Use Unit 1209 - Request a variance to allow for 2 dwellings on one lot of record, located 18101 East Admiral Place.

Presentation:

The applicant, Norma Bivens, 18101 East Admiral, Catoosa, Oklahoma, stated that she received previous approval to place her mobile home at the above stated location for a period of one year. She informed that she has been out of the state and was unable to make application when the one year term expired. Ms. Bivens asked the Board to allow her to place the mobile home permanently on her property.

Comments and Questions:

Mr. Gardner informed that there is one mobile home and one house on the property at this time. He pointed that the long range plan for this area is designated industrial, but there are a few existing dwellings on the north.

Ms. White asked the applicant if the mobile home is skirted, and she answered in the affirmative.

Case No. 14494 (continued)

Protestants: None.

Board Action:

On **MOTION** of **SMITH** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** (Section 440 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for a mobile home in an RS-1 zoned district; to **APPROVE** a **Variance** (Section 440.6 - Special Exception Uses - Use Unit 1209) of the time regulation from 1 year to permanently; and to **APPROVE** a **Variance** (Section 208 - One Single Family Dwelling per Lot of Record - Use Unit 1209) to allow for 2 dwellings on one lot of record; subject to a time limitation of 5 years; finding that the mobile home has been at the present location for more than one year and has proved to be compatible with the area; finding that the long range plan for the district is industrial and that the granting of the requests will not cause substantial detriment to the area or impair the spirit and intent of the Code or the Comprehensive Plan; on the following described property:

A tract of land in Lot 3, Section 1, T-19-N, R-14-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:

Beginning at a point on the west line of Lot 3, 40.0' north of the SW/c of Lot 3; thence east along the line parallel to the south line of Lot 3, 40.0' equal distance north of the south line of Lot 3, a distance of 247.2'; thence north a distance of approximately 558' to a point on the south property line of Skelly Drive, said point being 100.2' south of the north line of Lot 3; thence west along the south property line of Skelly Drive a distance of 247.2' to a point on the west line of Lot 3, 100.4' south of the NW/c of Lot 3; thence south along the west line of Lot 3, a distance of 557.0' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14495

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the lot width from 60' to 37.8', lot area from 6000 sq. ft. to 5922 sq. ft., land area from 7500 sq. ft. to 6903 sq. ft. and the sideyard setback from 10' to 3.9', all in order to permit a lot split, located west of the SW/c of 3rd Street and 51st West Avenue.

Presentation:

The applicant, Lane Canes, 6730 East 91st Street, Tulsa, Oklahoma, submitted a survey (Exhibit E-1), and stated that he is planning to construct a Jim Walters home on one lot if the lot split is approved. He informed that there are some lots in the area that are 35' in width, and many that are 40' to 45' wide.

Case No. 14495 (continued)

Comments and Questions:

Mr. Gardner informed that the area is zoned for apartments, but the predominant use is single-family dwellings.

Mr. Quarles inquired as to the size of the proposed dwelling, and he replied that the house will have approximately 1400 sq. ft. of floor space.

Mr. Jones informed that the Planning Commission approved the lot split on June 3, 1987.

Protestants: None.

Board Action:

On **MOTION** of **SMITH** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the lot width from 60' to 37.8', lot area from 6000 sq. ft. to 5922 sq. ft., land area from 7500 sq. ft. to 6903 sq. ft. and the sideyard setback from 10' to 3.9', to permit a lot split; per plot plan submitted; finding a hardship demonstrated by the size and shape of the tract; and finding that there are other lots in the area that are similar in size; on the following described property:

Lot 21, Block 1, Ownwell Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14496

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request a special exception to allow for office use in an RM-1 zoned district (per OL Bulk and Area Requirements), east of the NE/c of 67th Street and Peoria.

Presentation:

The applicant David Cannon, 10301 East 51st Street, Tulsa, Oklahoma, submitted a site plan (Exhibit F-1), and informed that the subject tract is approximately 400' from the intersection of 67th Street and Peoria Avenue. He stated that he is representing the Bank of Oklahoma City Plaza, who will be repossessing the property. Mr. Cannon asked the Board to allow the property to be used for light office.

Comments and Questions:

Mr. Gardner pointed out that there is an unusual zoning pattern in the area. He explained that the single-family houses were constructed in the RM-1 Zone which fronted vacant property, so

Case No. 14496 (continued)

whether apartment or office use is developed across the street, some adverse affects will be experienced by the single-family residents. He suggested that a one-story office building could be the better use for the property. He stated that, if approval is given, it should be subject to a landscape plan and access control.

Mr. Cannon informed that there will be two access points on the property.

Interested Parties:

Sue Wald, represented her mother who resides at 1335 East 67th Street, Tulsa, Oklahoma. She informed that her mother owns property to the east of the subject tract and is concerned with drainage in the area as more development occurs. Ms. Wald pointed out that water stands in the low areas and asked that drainage be looked into. She noted that the land has been vacant for a long period of time and is pleased that a nice development is being planned.

Protestants:

Todd Hilton, 1326 East 67th Street, Tulsa, Oklahoma, stated that he lives to the south of the proposed office building and is opposed to the application. He stated that the office use will depreciate the value of his property and feels that the streets are too narrow to accommodate the traffic.

Ms. White pointed out that an apartment building could be constructed on the site as a matter of right, and Mr. Hilton replied that it would not be feasible to construct apartments on the property.

Board Action:

On **MOTION** of **SMITH** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1211) to allow for office use in an RM-1 zoned district (per OL Bulk and Area Requirements); subject to applicant returning to the Board with an access plan and landscape plan; and subject to Stormwater Management approval; finding that office use will be compatible with the area and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The east 65' of Lot 4 and the west 180' of Lot 5, Block 2, Kelm Garden Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 14497

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1205 - Request a special exception

Case No. 14497 (continued)

to allow for the expansion of an existing church use, located 10310 South Sheridan Road.

Presentation:

The applicant, Jerry Ledford, 8209 East 63rd Place South, Tulsa, Oklahoma, submitted a master plan (Exhibit G-1), a Phase I Development Plan (Exhibit G-2) and a sketch plat (Exhibit G-3). He explained that he is the engineer for South Tulsa Baptist Church, owner of the subject property. Mr. Ledford stated that the church has acquired additional tracts of land, which requires a platting process and relief from this Board for Phase I of the expansion.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1205) to allow for the expansion of an existing church use; per plot plan submitted; on the following described property:

The S/2, SW/4, NE/4, NE/4 and the west 865', N/2, S/2, NE/4, NE/4 of Section 27, T-18-N, R-13-E, of the IBM, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 14498

Action Requested:

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the permitted size of an accessory building from 750 sq. ft. to 840 sq. ft., located west of NW/c Independence and Jamestown.

Presentation:

The applicant, Shirley Smith, 3323 East Independence, Tulsa, Oklahoma, was represented by her husband, Lynn Smith. He asked permission to build a garage large enough to include a storage area and parking space for his two vehicles. He pointed out that his older home does not have adequate storage space.

Comments and Questions:

Ms. Bradley asked the applicant if a storage building is presently located on his property, and he replied that a portable building is on the lot. He informed that there was a garage on the property at one time. Mr. Smith explained that the garage was old and in bad repair, so he removed it and added the portable building.

Ms. Bradley asked if the storage building will remain on the property, and Mr. Smith replied that the portable building will be removed when the garage is completed.

Case No. 14499 (continued)

point of reverse curve; thence southeasterly and southerly along a curve to the right with a central angle of 45°00'00" and a radius of 220.00' for 172.79' to a point of tangency; thence S 0°11'54" W along said tangency for 176.45' to a point of curve; thence southerly, southwesterly, and westerly along a curve to the right with a central angle of 90°00'00" and a radius of 540.00' for 848.23' to a point of tangency; thence N 89°48'06" W along said tangency for 546.06' to a point on the westerly line of Block 1 of Oral Roberts University Heights 2nd Addition; thence N 00°00'34" W along said westerly line for 1036.46' to the Point of Beginning of said tract of land, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14500

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1206 - Request a special exception to allow for a single-family dwelling in a CS zoned district, located 1915 South Gary Avenue.

Presentation:

The applicant, Betty Spencer, 1945 South Gary, Tulsa, Oklahoma, submitted a packet (Exhibit J-1) containing newspaper articles, a letter from an insurance company and chronology of events. The applicant asked the Board to allow her to use the subject property as a single-family dwelling. Ms. Spencer stated that Protective Inspections has endangered the ownership of the property, with disregard for safety. She informed that an order was issued by that department to cease work on the property and live wires were left exposed.

Comments and Questions:

Ms. White pointed out that the only issue that is before this Board is the determination if the CS property in question can be used for a single-family residence. She informed that any objections to the decision to cease work on the property should be directed to the Protective Inspections Department.

Ms. Spencer informed that the property has been used for residential purposes for 22 years and prior to that it was used for a dental office.

Dean Spencer, husband of the applicant, asked that the record reflect that Protective Inspections would not allow them to proceed with construction until his case was heard by this Board. Photographs (Exhibit J-2) were submitted.

Board Action:

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

Case No. 14500 (continued)

APPROVE a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1206) to allow for a single-family dwelling in a CS zoned district; finding that the house has been used for a residence for 22 years; and that the granting of the special exception 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:

W/2 of Lot 23 and W/2 of Lot 24, Block 3, Florence Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14501

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from the Frankfort Street property line from 25' to 15', located SE/c Frankfort Street and Newton Place.

Presentation:

The applicant, Tulsa Development Authority, was not present. The case was passed temporarily to allow Staff to contact the applicant by phone.

Bob Wooten, Tulsa Development Authority, arrived at the meeting approximately 15 minutes after being contacted by Mr. Jones. He submitted a plot plan (Exhibit K-1), and stated that a single-family dwelling is proposed for the lot. He stated that the lot is narrow and will be of no use without a variance from this Board.

Comments and Questions:

Ms. Bradley asked if the house will front on Frankfort, and the applicant answered in the affirmative.

Mr. Gardner remarked that most of the houses on the block face the north.

Ms. Bradley pointed out that the proposed dwelling will be closer to the street than other homes in the area.

Protestants:

Ken Walker, 510 East Newton, Tulsa, Oklahoma, informed that he lives on the property abutting the subject tract and pointed out that the lot is not large enough to construct a home comparable to the other homes in the area. He informed that the lot is less than 50' wide. Mr. Walker noted that he purchased 25' of the lot in question from the City.

Mr. Jackere explained that if a residence cannot be constructed on the lot it would cause it to be of no use to the owner.

Case No. 14501 (continued)

Mr. Walker stated that the values of the larger homes in the area will be adversely affected if the applicant is allowed to construct a small house on the lot.

Mr. Quarles stated that he is not inclined to approve the application, because the remaining portion of the lot seems to be too small for the construction of a dwelling.

Mr. Jackere remarked that the owner may have created a hardship by selling 25' of the lot.

Board Action:

On **MOTION** of **QUARLES** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from the Frankfort Street property line from 25' to 15'; finding that the house will not align with the other homes along the street; and finding that the proposed dwelling will not be compatible with the surrounding neighborhood and the granting of the request would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 12, Block 7, Greenwood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14502

Action Requested:

Use Variance - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1223 - Request a use variance to allow for wholesale uses in a CS zoned district.

Variance - Section 730 - Bulk and Area Requirements in the Commercial District - Use Unit 1223 - Request a variance of the rear setback from 24' to 1' and from the front property line from 50' to 18'.

Variance - Section 1223.3 - Use Conditions - Request a variance of the screening requirement on the south property line, located 3700 West Skelly Drive.

Presentation:

The applicant, John Sublett, 320 South Boston, Suite 805, Tulsa, Oklahoma, submitted a plot plan (Exhibit L-1), and informed that a retail mower supply was located on the subject property in the 1950's. He stated that the nature of the business has changed over the years and now the operator stocks and ships parts by mail. Mr. Sublett pointed out that his client has purchased the property to the west and will construct an 80' by 200' building. He asked that the screening requirement be waived next to the alley, which is not

Case No. 14502 (continued)

open. He informed that the back of the building will be a solid wall, with no windows, and will serve as a screening wall. Mr. Sublett informed that a large portion of the front lot was condemned when the expressway was built.

Comments and Questions:

Ms. White stated that there were a number of shipping pallets stored outside, and asked if there will be outside storage.

Mr. Sublett replied that he was not aware of outside storage and is not sure if the pallets are on his clients property.

Ms. Bradley asked if the parking lot will be screened, and the applicant replied that there is no parking on the lot at this time.

Protestants: None.

Board Action:

On **MOTION** of **SMITH** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Use Variance** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1223) to allow for wholesale uses in a CS zoned district; to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements in the Commercial District - Use Unit 1223) of the rear setback from 24' to 1' and from the front property line from 50' to 18'; and to **APPROVE** a **Variance** (Section 1223.3 - Use Conditions) of the screening requirement on the south property line; per plot plan submitted; finding that the applicant has added the shipping of wholesale parts to his existing lawn mower and chain saw business; finding that the back of the building will have no windows and will serve as a solid screening wall; and finding a hardship demonstrated by the narrow width and the irregular shape of the lot; on the following described property:

Lots 6 - 17, Block 3, Southhaven Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14503

Action Requested:

Variance - Section 1221.3 - General Use Conditions for Business Signs - Use Unit 1221 - Request a variance of setback from the centerline of 11th Street from 50' to 35' to allow for a sign and a variance to allow for a flashing sign within 200' of an R zoned district, located at 3008 East 11th Street.

Presentation:

The applicant, David Grooms, was represented by Ed Poston, 7335 South Lewis, Tulsa, Oklahoma, submitted a plot plan (Exhibit M-1), and explained that a Quik-Trip is being constructed in an area that

Case No. 14503 (continued)

developed before the Code was in existence. He pointed out that the 50' setback would require the sign to be constructed in the middle of the parking lot. He noted that there are other signs in the area that are as close to the street as the proposed Qwik-Trip sign, which will be 13' from the curb. Mr. Poston informed that there is one residence in the area.

Comments and Questions:

Ms. White inquired if the flashing sign referred to in the application is the gasoline price sign, and the applicant answered in the affirmative.

Protestants:

Mr. Jones informed that Staff had a call from Jack Pearson, who owns the nearby single-family dwelling, stating that he is concerned that the sign may be a traffic hazard.

Mr. Poston pointed out that the proposed sign is the same distance from the curb as the surrounding signs.

Board Action:

On **MOTION** of **BRADLEY** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** (Section 1221.3 - General Use Conditions for Business Signs - Use Unit 1221) of setback from the centerline of 11th Street from 50' to 35' to allow for a sign and a variance to allow for a flashing sign within 200' of an R zoned district; per plot plan submitted; subject to Traffic Engineer approval and subject to price change mechanism being controlled to change (flash) at one second intervals; finding that all of the signs in the older area are closer than the 50' required setback; on the following described property:

Lots 22, 23 and 24, Block 1, E. N. Adams Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14504

Action Requested:

Use Variance - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1221 - Request a use variance to allow for 2 existing directional, off-premise, ground signs in an AG zoned district, located SE/c 61st And 107th East Avenue.

Presentation:

The applicant, John T. Spradling, 5400 Northwest Grand, Oklahoma City, Oklahoma, submitted a location map (Exhibit N-2), and stated that he is representing the Bedford Apartments. He informed that the apartment complex has directional signs on a leased parcel of property in an AG zoned district at the above stated location. He

Case No. 14504 (continued)

stated that the signs along 61st Street have red arrows and progress toward the apartment access point. Mr. Spradling noted that customers have difficulty locating the complex, and asked the Board to allow the signs to remain at their present location. He stated that this application is unusual in that the surrounding properties are allowed signs by right, while signs are restricted in the AG district. Photographs were submitted (Exhibit N-1).

Comments and Questions:

Ms. White asked if the signs in question will be permanently located on the property, and Mr. Spradling stated that they are not permanent. He informed that the tract may be sold in the future, and noted that a permanent sign location is being sought, so the signs will remain at their present location a maximum of three years.

Ms. White asked the applicant when the lease expires, and Mr. Spradling replied that he is not sure.

Protestants:

Debbie Showalter, 6326 South 107th East Avenue, Tulsa, Oklahoma, stated that she is manager of Southport Apartments, which are located near the Bedford Apartments on 107th East Avenue. She informed that the Bedford sign is located across the street from the Southport sign. Ms. Showalter explained that she was recently required to remove and repermit her sign, due to the expressway construction. She noted that she had placed some small signs on the apartment property and was advised that they were in violation of the Code. Ms. Showalter pointed out that the Bedford Apartments were served with the same request for removal of their signs, but have not complied with that request. She stated that he does understand the problem of customers being unable to find the apartments, but pointed out that four signs within a half mile is an excessive amount for one complex.

Additional Comments:

Ken Bode, Assistant Building Inspector, informed that the signs in question have been a problem for a long period of time. He pointed out that both of the signs in question are billboards advertising the apartments. He advised that the State will not allow outdoor advertising signs in an AG zoned district.

Ms. Bradley asked if the complex property has more signage than allowed by the Code, and he replied that they are in compliance with the Code.

Mr. Quarles remarked that competition has evidently prompted an over abundance of signs in the area.

Board Action:

On **MOTION** of **QUARLES** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a Use Variance (Section 310 - Principal Uses Permitted in

Case No. 14504 (continued)

Agriculture Districts - Use Unit 1221) to allow for 2 existing directional, off-premise, ground signs in an AG zoned district; finding that a hardship was not demonstrated by the applicant; on the following described property:

A tract of land beginning at a point located 250' south and 25' east of the NW/c of the W/2, of the E/2, of the NW/4 of the NE/4 of Section 6, T-18-N, R-14-E, Tulsa County, Oklahoma, thence from said point of beginning south 1070'; thence east 305'; thence north 1120'; thence west 229.73'; thence southwesterly 90.05' to the point or place of beginning, containing 7.799 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14505

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow for a small engine repair business in a CS zoned district, located 5026 South 32nd West Avenue.

Presentation:

The applicant, C. Wayne Johnson, 5026 South 107th East Avenue, Tulsa, Oklahoma, was represented by his wife, Mary Johnson. She asked the Board to allow Mr. Johnson to repair lawn equipment at their residence. She informed that there is an office building in the block and several rental properties. Ms. Johnson stated that the days and hours of operation will be Monday through Friday, 8 a.m. to 5 p.m., and Saturday, 8 a.m. to 12 noon. She noted that her husband will stock parts, but will not sell retail.

Comments and Questions:

Ms. White asked Ms. Johnson how long the business has been in operation, and she replied that her husband has been repairing lawn equipment for two summers. She pointed out that her husband is a construction worker and, due to the economy, has not been able to find employment in that field.

Ms. White inquired if the the repair work is performed outside, and she replied that the bulk of the work is completed inside the garage.

Ms. Bradley asked where the mowers are stored, and Ms. Johnson stated that they are stored in a fenced portion of the yard.

Ms. Johnson informed that the house is not large enough for their family of six and they will be moving to another location. She stated that they will retain the house for the lawn repair business.

Case No. 14505 (continued)

Ms. Bradley remarked that there are residences nearby and there is a lot of noise involved in the lawnmower repair operation.

Protestants:

Larry Neal, 6839 East 60th Street, Tulsa, Oklahoma, stated that he owns rental property two houses to the south of the subject property. He pointed out that the neighborhood is quiet and feels that the business is noisy and not compatible with the area.

Ms. L. Spurkett, 5018 South 32nd West Avenue, Tulsa, Oklahoma, stated that the Johnsons are good neighbors, but feels that a repair business will depreciate the value of the property in the area. She noted that many older residents live in the area and would be annoyed by the noise.

Applicant's Rebuttal:

Ms. Johnson stated that the family needs the business as a means of support. She informed that there will be no changes made to the exterior of the house and the appearance will be in keeping with the character of the neighborhood.

Ms. Bradley voiced a concern with approving such a use in a residential neighborhood.

Mr. Quarles remarked that he is sympathetic to the problem of the applicant but, even though the property has a CS zoning classification, it has always been used for residential purposes.

Board Action:

On **MOTION** of **QUARLES** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to allow for a small engine repair business in a CS zoned district; finding that the repair business would not be compatible with the residential neighborhood; on the following described property:

Lot 20, Block 4, Original Town of Carbondale, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14506

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in a Commercial District - Use Unit 1217 - Request a special exception to allow for used truck sales and used truck parts sales in a CS zoned district.

Case No. 14506 (continued)

Use Variance - Section 710 - Principal Uses Permitted in a Commercial District - Use Unit 1227 - Request a use variance to allow the sale of inoperable vehicles for rebuilding purposes in a CS zoned district, located 424 South Lewis Avenue.

Presentation:

The applicant, Lee McArdle, 424 South Lewis, Tulsa, Oklahoma, informed that a previous application for a car lot has been approved, but according to the City Attorney, a pickup is not classified as a car. He asked the Board to allow him to sell inoperable vehicles from his car lot. Mr. McArdle pointed out that a lot containing repossessed vehicles is located across the street from his business, and other car lots are operating in the area. A letter (Exhibit O-1) from the Used Motor Vehicle and Parts Commission was submitted.

Comments and Questions:

Mr. Quarles asked the applicant to state the difference between a lot selling inoperable vehicles and a salvage yard.

Mr. McArdle replied that the difference in state licensing is that the selling of a complete unit is selling inoperable vehicles, and the dismantling of vehicles is a salvage operation.

Ms. Bradley asked the applicant if cars are rebuilt on the lot in question, and he informed that the cars are not repaired on the lot.

Mr. Smith inquired if inoperable vehicles are more difficult to sell than those that are in working order, and the applicant replied that he has never had an inoperable vehicle on his lot more than 45 days.

Ms. Bradley asked Mr. McArdle how many vehicles are on his lot at this time, and he answered that he has approximately 15, some operable and some inoperable.

Protestants:

Clarence Kernutt, a representative of the Lutheran Church, 5th Place and Lewis Avenue, Tulsa, Oklahoma, informed that Whittier Square has been a nice area in the past and is experiencing a renewal at this time. He pointed out that the car lot is unsightly and asked the Board to deny the application.

Judy Boswell, 2312 East 5th Place, Tulsa, Oklahoma, stated that she has lived in the area for many years and is opposed to the application. She stated that the children in the area are attracted by the old cars, and feels that the business is detrimental to the neighborhood.

Evelyn Folkerson, Kendall Whittier Ministry, informed that the organization serves "meals on wheels" and is making a lot of plans for the area. She noted that a business development association has been formed, with a 5 year business development plan that will

Case No. 14506 (continued)

coincide with the expansion of the University of Tulsa. She stated that the cars on the lot look like junk cars, and asked the Board to deny the application.

Mr. Smith asked Ms. Folkerson if she would object to pickups being sold on the lot, and she replied that she has no objection to pickups if they are in working condition.

John Trahune, 3505 South Toledo, Tulsa, Oklahoma, stated that he is Vice-President of People's State Bank, and informed that there are several new buildings in the vicinity. He pointed out that a great deal of money has been spent in an attempt to stabilize the area, and asked that the application be denied. Photographs (Exhibit 0-2) were submitted.

Mr. Jackere informed that a typical used car lot sells cars, vans and pickups that are operable.

Fran Pace, 1326 South Florence, Tulsa, Oklahoma, asked if the car lot in question was granted a waiver of the solid screening fence between the lot and the residential neighborhood.

Ms. White stated that the Board does not have those records, and pointed out that the issue before the Board today is the use for the property in question.

Board Action:

On **MOTION** of **QUARLES** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Special Exception** (Section 710 - Principal Uses Permitted in a Commercial District - Use Unit 1217) to allow for used truck sales and used truck parts sales in a CS zoned district; and to **DENY** a **Use Variance** (Section 710 - Principal Uses Permitted in a Commercial District - Use Unit 1227) to allow the sale of inoperable vehicles for rebuilding purposes in a CS zoned district; finding that the granting of the requests would be detrimental to the area and violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 1 and Lot 2, Block 2, Hillcrest Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14507

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1227 - Request a use variance to allow for an auto salvage/storage business in a RS-3 zoned district, located south of SW/c Mohawk Boulevard and North Peoria Avenue.

Case No. 14507 (continued)

Presentation:

The applicant, Caesar Latimer, requested by letter (Exhibit P-1) that Case No. 14507 be continued to the July 9, 1987 meeting.

Board Action:

On **MOTION** of **BRADLEY** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 14507 to July 9, 1987.

Case No. 14508

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 1.5', located 3648 South Louisville Avenue.

Presentation:

The applicant, John Vreeland, 3648 South Louisville, Tulsa, Oklahoma, submitted drawings (Exhibit R-1) of a new addition to an existing dwelling. He informed that the addition will contain approximately 324 sq. ft. of floor space and will extend 13 1/2' closer to the street than the original house. Mr. Vreeland noted that the new portion of the house will be 26 1/2' from the centerline of 37th Street, instead of the required 30'. He stated that there are numerous encroachments in the area.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES** the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the sideyard setback from 5' to 1.5'; per drawings submitted; finding a hardship imposed on the applicant by the curvature of the street and the corner lot location, with setbacks from both 37th Street and Louisville Avenue; on the following described property:

Lot 11, Block 7, 36th Street Suburb Addition, City of Tulsa,
Tulsa County, Oklahoma.

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

Date Approved

6.25.87


Chairman