

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 498
Thursday, September 3, 1987, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Quarles Smith White	Bradley Chappelle	Frank Jones Moore	Jackere, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, September 1, 1987, at 3:46 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Vice-Chairman Quarles called the meeting to order at 1:04 p.m.

MINUTES:

Mr. Quarles pointed out that Ms. White was not present for the August 20th meeting and suggested that consideration of those minutes be continued to September 17, 1987.

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** consideration of the minutes for August 20, 1987 to September 17, 1987.

Amend Minutes from August 6, 1987, Case No. 14563

Mr. Jones informed that the Minutes for Case No. 14563, Applicant's Rebuttal, should have stated that federal funds will be released to progressively add to the Mingo Creek development, instead of adding to the park development.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **AMEND** the **Minutes** of August 6, 1987, Case No. 14563, Applicant's Rebuttal, to read that federal funds will be released to progressively add to the Mingo Creek development instead of the park development, as reflected in those minutes.

UNFINISHED BUSINESS

Case No. 14567

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1208 - Request a special exception to allow for a retirement center with medical staff in an RS-3 zoned district, located 2277 North Evanston Place.

Presentation:

The applicant, James Harlin, 2277 North Evanston Place, Tulsa, Oklahoma, was not present.

Mr. Jones pointed out that this case was continued from the previous meeting and Staff has had no contact with the applicant since that time. He stated that he was informed by Ms. Hubbard that an application for a Zoning Clearance Permit was picked up at her office, but was not returned.

Protestants:

Donna Moss, 2272 North Evanston Place, Tulsa, Oklahoma, submitted a petition of protest (Exhibit X-1) which has been signed by residents of the surrounding neighborhood. She informed that traffic is already a problem in the area, and asked the Board to deny the application.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **STRIKE** Case No. 14567; finding that the applicant has not filed for a Zoning Clearance Permit; and finding that the case has been continued from a previous meeting and the applicant was not in attendance to present the case.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14591

Action Requested:

Variance - Section 430 -1 - Bulk and Area Regulations in Residential Districts - Use Unit 1206 - Request a minor variance of lot width from 60' to 50' to allow for a lot split, located south of Intersection of 4th Street and 38th West Avenue.

Presentation:

The applicant, Pauline O'Dell, 115 South 64th West Avenue, Tulsa, Oklahoma, was not present.

Case No. 14591 (continued)

Comments and Questions:

Mr. Jones informed that TMAPC has approved the lot split, subject to this Board's approval, and that the lot size requested is comparable to the surrounding lots in the area.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **APPROVE** a **Variance** (Section 430 -1 - Bulk and Area Regulations in Residential Districts - Use Unit 1206) of lot width from 60' to 50' to allow for a lot split; finding that there are other lots in the area that are similar in size, or smaller than, the lots in question; 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:

The south 50' of the north 119' of the W/2, E/2, SW/4, SE/4, Section 4, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14593

Action Requested:

Minor Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of lot width from 100' to 83' in order to allow a lot split, located east of NE/c of 44th Place and Columbia Avenue.

Comments and Questions:

Mr. Jones informed that this application has been presented to TMAPC more than one time, and at the first hearing the Commission did not approve the 83' lot frontage. He stated that they requested a revision of the lot split, but still did not approve the configuration of the lot. He stated that the case was continued for a 30 day period to allow the applicant sufficient time to make further revisions. Mr. Jones informed that it is a customary procedure to allow TMAPC to hear the case prior to Board of Adjustment action.

Presentation:

The applicant, Joseph McGraw, 4564 South Harvard Avenue, Tulsa, Oklahoma, was represented, but no comments were made.

Protestants: None.

Case No. 14593 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **CONTINUE** Case No. 14593 to October 15, 1987, to allow TMAPC sufficient time to hear the application before it is considered by this Board.

Case No. 14601

Action Requested:

Minor Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of front yard setback from 30' to 24' to allow for an addition to an existing dwelling, located 125 East Woodward Boulevard.

Presentation:

The applicant, Stephen Olsen, 324 East 3rd Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit A-1), and stated that he is the architect for the owner of the property in question. He explained that the existing carport is connected to the residence by a breezeway and the owner is proposing to replace it with a garage. He pointed out that in order to place the garage next to the house it will extend over the front yard setback approximately 6'. Mr. Olsen stated that the subject property abutts a jogging trail on the side where the garage will be added.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **APPROVE** a **Minor Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of front yard setback from 30' to 24' to allow for an addition to an existing dwelling; per plot plan submitted; finding a hardship imposed on the applicant by the irregular shape of the lot; on the following described property:

Lot 9, Block 6, III Amended Plat, Riverside Drive Addition,
City of Tulsa, Tulsa County, Oklahoma.

Case No. 14607

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of lot width from 60' to 50' to allow for a lot split, located 219 South 89th East Avenue.

Case No. 14607 (continued)

Presentation:

The applicant, Jeff Arnette, 7126 South 92nd East Avenue, #1803, Tulsa, Oklahoma, submitted a plot plan (Exhibit B-1), and explained that he and his wife have inherited a portion of property (50' by 150') from his grandmother's estate. He informed that the required lot width is 60' and asked the Board to approve the lot split as presented.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of lot width from 60' to 50' to allow for a lot split; per plan submitted; finding that there are other similar size lots in the area; 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:

Lot 2, Block 6, Day Suburban Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14587

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206 - Request a variance of the lot width from 200' to 90', of the lot area from 2 acres to .380 acres and of the land area from 2.2 acres to .431 acres, all in order to permit a lot split, located 9119 East 61st Street South.

Presentation:

The applicant, Thomas Allen, 5200 South Harvard, #7-B, Tulsa, Oklahoma, was represented by G. W. Garren, 9005 East 35th Street, Tulsa, Oklahoma. He informed that Woodland Hills Church of Christ owns the tract in question and is planning to split off and sell a portion of the property that is not utilized by the church. A location map (Exhibit C-1) was submitted.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **APPROVE** a **Variance** (Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206) of the lot width from 200' to 90', of the lot area from 2 acres to .380 acres and of the land area

Case No. 14587 (continued)

from 2.2 acres to .431 acres, all in order to permit a lot split; per plan submitted; finding that there are multiple zoning classifications in the area, and other lots that are similar in size to the lot in question; on the following described property:

Beginning 135' west of the SE/c, SW/4, SE/4 of Section 36, T-19-N, R-13-E, thence north 209', west 387', south 209', east 387' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14588

Action Requested:

Variance - Section 1221.3(f) - General Use Conditions - Use Unit 1221 - Requests a variance of setback from the centerline of 21st Street from 60' to 57' to allow for an existing sign, located 2115 South Memorial Drive.

Presentation:

The applicant, Bruce Anderson, 9520 East 55th Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1), and stated that signage will be consolidated for the area at the southeast corner of 21st Street and Memorial. He explained that the sign is set back the required distance from Memorial, but encroaches into the 21st Street setback approximately 3'.

Comments and Questions:

Mr. Quarles inquired if there is an existing sign on the property at this time, and Mr. Anderson replied that the sign is in place.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **APPROVE** a **Variance** (Section 1221.3(f) - General Use Conditions - Use Unit 1221) of setback from the centerline of 21st Street from 60' to 57' to allow for an existing sign; per plan submitted; subject to the execution of a removal contract; finding that the signs will be placed on an existing pole; on the following described property:

Lot 1, Block 1, Memorial Oaks Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14589

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Requests a variance of rear yard setback from 25' to 15' to allow for a proposed addition to an existing dwelling unit, located 3709 East 82nd Place.

Presentation:

The applicant, Peter W. Pryor, 3709 East 82nd Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit E-2) for a proposed addition to an existing house. He informed that an existing patio will be covered and screened. Mr. Pryor submitted letters of support (Exhibit E-1) from his neighbors, and explained that one letter is from the homeowner to the rear that will be most affected by the construction.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 3-0-0 (Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of rear yard setback from 25' to 15' to allow for a proposed addition to an existing dwelling unit; per plot plan submitted; finding a hardship imposed on the applicant by the size and shape of the lot; and finding that there are other dwellings in the area that are as close to the rear boundary as the one in question; on the following described property:

Lot 27, Block 4, Forest Creek II Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14583

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of front setback from 35' to 27.5' to allow for an existing building in order to clear the title, located 10949 South Urbana Avenue.

Presentation:

The applicant, E. O. Sumner, 8173 East 31st Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-1) and photographs (Exhibit F-2). Mr. Sumner stated that he is representing the owner of the property at the above stated location. He informed that the existing home was constructed with the porch encroaching approximately 2 1/2' over the building line. A plat of survey was submitted (Exhibit F-3).

Comments and Questions:

Mr. Quarles asked Mr. Sumner if he is the builder, and he replied that he is the agent for the owner.

Case No. 14583 (continued)

Mr. Smith asked the applicant if construction into the setback was an error made by the builder, and he answered in the affirmative.

Mr. Quarles remarked that, although he would be opposed to a continued reoccurrence of these types of errors, he cannot see that this particular mistake is detrimental to the neighborhood.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of front setback from 35' to 27.5' to allow for an existing building in order to clear the title; per plan submitted; finding that the granting of the variance 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:

Lot 10, Block 2, Quail Point Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14592

Action Requested:

Variance - Section 1221.7(l) and 1221.5(a) - Use Conditions for Outdoor Advertising Signs and Business Signs - Request a variance of display surface area in IL District to allow 2,400 sq. ft.

Variance - Section 1221.7(b) - Use Conditions for Outdoor Advertising Signs - Request a variance of spacing between signs from 1200' to 0'.

Variance - Section 1221.7(e) - Request a variance of sign face size from 672 sq. ft. to 1,200 sq. ft.

Variance - Section 1221.7(j) - Request a variance to allow more than one support pole.

Variance - Section 1221.7(k) - Request a variance of sign height from 50' to 150'.

Variance - Section 1430.1(a) - Nonconforming Signs - Outdoor Advertising Signs - Request a variance of the removal ordinance.

Comments and Questions:

Mr. Jones stated that the applicant, Bill Stokley, requested by letter (Exhibit G-1) that Case No. 14592 be continued to the September 17, 1987 meeting. Mr. Jones informed that an interested party, Allen Craft, contacted Staff by letter (Exhibit G-2), and asked that the case be continued to a date later than October 13. Mr. Kraft explained that a hearing scheduled prior to that time

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Case No. 14592 (continued)

would not be compatible with his business and make it difficult for him to attend. Mr. Jones informed that Mr. Stokley was agreeable to a hearing date of October 15, 1987.

Interested Parties:

Allen Kraft was present, but did not choose to address the Board.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **CONTINUE** Case No. 14592 to October 15, 1987, as requested by the Interested party, Allen Kraft.

Case No. 14594

Action Requested:

Variance - Section 240.2 - Permitted Yard Obstructions - Use Unit 1206 - Requests a variance to allow for an existing detached accessory building to be located in the side yard and a variance of the size of existing detached building from 750 sq. ft. to 1,080 sq. ft., located 3522 East King Place.

Presentation:

The applicant, Dewey Dougless, 3522 East King Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit H-1), and asked the Board to allow him to construct a 1,080 sq. ft. garage on his property. Mr. Dougless informed that the garage will be used for storage and as a hobby shop.

Comments and Questions:

Mr. Quarles inquired if the building will be located in the side yard, and the applicant answered in the affirmative.

Mr. Smith asked Mr. Dougless to explain the nature of his hobby, and he replied that he works on cars and wood projects.

Ms. White asked the applicant if he has customers that come to him for car repairs, and he replied that he does not work on cars for other people.

Both Mr. Quarles and Mr. Smith agreed that the lot is large, and suggested the garage could be located behind the existing house. Mr. Dougless stated that he has already built the garage and was unaware that he needed permits.

Ms. Hubbard informed that she is aware that construction of the garage has begun, and asked if it is near completion. Mr. Dougless replied that the building will be complete when the siding is added.

Case No. 14594 (continued)

Mr. Jones stated that Stormwater Management has submitted a case review (H-2), and informed Staff that it has been determined by that agency that the structure in question is located in a water course. The applicant stated that he lived in this house during the 1984 flood and there was no water in the house and only 6" of water in the yard on the west side of his property. He pointed out that the garage is located on the east part of the lot.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **CONTINUE** Case No. 14594 to September 17, 1987, to allow the Board to view the site and allow sufficient time for the applicant to confer with Stormwater Management.

Case No. 14596

Action Requested:

Variance - Section 420.2(d) - Accessory Use Conditions; Signs - Use Unit 1221 - Request a variance to allow for three street signs on Memorial Drive and three street signs on East 19th Street South, located south of the SE/c 19th Street and Memorial.

Presentation:

The applicant, Terry Troxell, 13997 South 26th Street, Bixby, Oklahoma, requested that Case No. 14596 be continued until September 17, 1987.

Protestants:

One protestant, who was not identified, stated that he is not opposed to the continuance request.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **CONTINUE** Case No. 14596 to the September 17, 1987 meeting, as requested by the applicant.

Case No. 14597

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205 - Request a special exception to allow a day care center (Head Start Program) to be located in an existing elementary school, located 105 East 63rd Street North.

Case No. 14597 (continued)

Presentation:

The applicant, Juanita Mansker, 764 East Virgin, Tulsa, Oklahoma, was represented by Sylvia Wilson, 3348 North Garrison, Tulsa, Oklahoma. She asked the Board to allow the operation of a Head Start Program in a prefab building at Greely Elementary School.

Comments and Questions:

Ms. White asked Ms. Wilson to state the days and hours of operation for the program, and she replied that classes will be held Monday through Friday, 8 a.m. to 6 p.m.

Mr. Quarles inquired as to the age and number of children that will be served by the program, and Ms. Wilson replied that there will be a maximum of 80 children, from 4 years old to school age.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1205) to allow a day care center (Head Start Program) to be located in an existing elementary school; subject to a maximum of 80 children; and subject to days and hours of operation being Monday through Friday, 7 a.m. to 6 p.m.; finding that the 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 south 330' of the SE/4, of the NE/4, of the NE/4 and the N/2 of the NE/4, of the SE/4, of the NE/4 of Section 2, T-20-N, R-12-E of the Indian Base and Meridian, Tulsa County, Oklahoma, containing 10.0 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14598

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in Office Districts - Use Unit 1211 - Request a variance of setback from the centerline of East 17th Street from 50' to 32' to allow for the construction of a building, located 1727 South Utica Avenue.

Presentation:

The applicant, Howard Kelsey, 5815 South 94th East Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit J-1) and stated that he is representing the Allergy Clinic of Tulsa. He informed that a proposed addition (350 sq. ft.) will encroach approximately 2' over the building setback line. Mr. Kelsey stated that the clinic is bounded on two sides by facilities owned by St. John Hospital, with Frontier Federal Savings located to the south.

Case No. 14598 (continued)

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **APPROVE** a **Variance** (Section 630 - Bulk and Area Requirements in Office Districts - Use Unit 1211) of setback from the centerline of East 17th Street from 50' to 32' to allow for the construction of a building; per plan submitted; finding a hardship demonstrated by the large size and irregular shape of the lot; on the following described property:

Lots 9 - 11, and the west 10' of vacated alley, Block 17, Orcutt Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14599

Action Requested:

Variance - Section 240.2 - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the size of detached accessory building from 750 sq. ft. to 1,300 sq. ft., located 1274 South 105th East Avenue.

Comments and Questions:

Mr. Jones informed that a request for an 1,800 sq. ft. accessory building was previously denied by this Board, and the applicant has reduced the size of the building and reapplied for approval of a 1,300 sq. ft. structure.

Mr. Quarles asked the applicant to state the differences in this application and the one previously heard by the Board.

Presentation:

The applicant, William Moffett, was represented by Phil Frasier, 1424 Terrace Drive, Tulsa, Oklahoma, who submitted a plot plan (Exhibit K-1) and photographs (Exhibit K-4). He pointed out that the size of the accessory building has been reduced to 1,300 sq. ft. and the elevation will be no greater than the house on the property. Mr. Frasier informed that plans for the exterior of the proposed building have been changed from steel to wood, in order to conform to the character of the neighborhood.

Additional Comments:

Mr. Quarles asked if Mr. Moffett's hobby involves the restoration of antique cars, and Mr. Frazier replied that his client restores Studebaker automobiles. He stated that the primary use of the building will be for storage of his restored automobiles. He

Case No. 14599 (continued)

assured the Board that there will be no commercial activity on the property.

After discussion, the Board concurred that this case is significantly different from the previous one, and asked Mr. Frasier to continue with his presentation.

Mr. Frasier stated that there are similar buildings in the neighborhood. He submitted a petition (Exhibit K-3) of support which was signed by property owners in the area. Mr. Frasier further pointed out that the lot is very large, and that the 750 sq. ft. maximum size was based on an average city lot. Mr. Frasier stated that his client's property is approximately three times the size of a standard city lot and, therefore, theoretically would be allowed a larger accessory building. He pointed out that the hedge surrounding the back yard is 11' tall and the proposed garage will be only partially visible to the neighbors. Mr. Frasier informed that the facility will cost approximately \$10,000 and will compliment the existing dwelling.

Interested Parties:

John Oldham, 1264 South 105th East Avenue, Tulsa, Oklahoma, stated that he lives to the north of Mr. Moffett. He informed that he and the applicant had discussed the possibility of the garage before Mr. Moffett purchased the property. He stated that the previous owners of the property were not good neighbors, but does not object to Mr. Moffett restoring old cars on the property.

Alex Wilson, 9037 East 30th Street, Tulsa, Oklahoma, stated that he has observed the restoration work and the applicant does not operate a business or make a profit on the cars.

Comments and Questions:

Ms. White asked the applicant if he belongs to automobile clubs that have meetings in his home. Mr. Moffett replied that he does belong to clubs, but they do not meet in member's homes.

Protestants:

Bill Crow, 1258 South 103rd East Avenue, Tulsa, Oklahoma, stated that he would like to see the tranquility, beauty and high standard of the neighborhood preserved. He voiced a concern that a business will be operating on the subject property and asked the Board to deny the application.

Mr. Quarles assured Mr. Crow that, in the event this application is approved, it will in no way allow any type of business to operate on the property in question or in the residential neighborhood.

Case No. 14599 (continued)

Clayton Jones, 1265 South 103rd East Avenue, Tulsa, Oklahoma, submitted a petition (Exhibit K-2) of opposition, and stated that he is concerned with the construction of such a large accessory building. Mr. Jones suggested that the building might have another use if the property is disposed of by the present owner.

Larry Murray, 1287 South 103rd East Avenue, Tulsa, Oklahoma, stated that the restoration process involves a lot of noise and asked the Board to deny the request.

Harry Green, 1274 South 103rd East Avenue, Tulsa, Oklahoma, pointed out that the area is residential in character and asked that this application be denied.

R. M. Carter, 1259 South 103rd East Avenue, Tulsa, Oklahoma, stated that he is a newcomer to the area, but is concerned with the future of the neighborhood. He informed that he would like to protect his property investment and asked denial of the variance request.

B. E. Frankey, 1404 South 103rd East Avenue, Tulsa, Oklahoma, suggested that a hobby of this type would be an expensive one if the cars were not sold for a profit.

Applicant's Rebuttal:

Ms. White asked Mr. Frazier to address the hardship in his rebuttal.

Mr. Frazier stated that the ordinance restricting the size of an accessory building to 750 sq. ft. was actually written to include lots of average size. He reiterated that Mr. Moffett's lot is approximately three times as large as the average city lot. He asked the Board to allow the garage for his client to use for his hobby only, and no commercial use.

Mr. Quarles asked Mr. Frazier if the building will be finished and insulated so the noise level will be reduced, and Mr. Frazier answered in the affirmative.

Mr. Jackere asked how the vehicles are disposed of when the restoration process is completed, and Mr. Frazier replied that the cars are sold at the club meetings. He stated that the applicant will never have more than four cars for restoration at any given time.

Mr. Jackere inquired as to the average time needed for restoring an automobile, and Mr. Frazier informed that the restoration process requires from one to two years. He stated that his client only does minor body work and sends the cars out for major repairs.

Board Action:

On **MOTION** of SMITH, the Board voted 3-0-0 (Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to

Case No. 14599 (continued)

APPROVE a Variance (Section 240.2 - Permitted Yard Obstructions - Use Unit 1206) of the size of detached accessory building from 750 sq. ft. to 1,300 sq. ft.; subject to building being of wood construction; subject to the execution and recording of a covenant (to run with the land) stating that the building will never be used for commercial purposes; per plan submitted; on the following described property:

Lot 9, Block 4, Crescent Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14600

Action Requested:

Variance - Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of side yard setback from 10' to 6' 9" to allow for an existing dwelling unit, located 2221 South Rockford Avenue.

Presentation:

The applicant, Stephen Olsen, 324 East 3rd Street, Tulsa, Oklahoma, stated that his client has a small garage that will accommodate only one car. He asked the Board to allow the construction of a new addition to the garage on the north side of the property. A plot plan (Exhibit L-1) was submitted.

Comments and Questions:

Mr. Jones asked the applicant if the garage is existing or proposed, and Mr. Olsen replied that it is proposed. Mr. Jones informed that there may be a question as to whether or not the case was properly advertised, since the application states that the unit is existing and was advertised in that way. The applicant stated that the existing house is 6' 9" from the south property line and the garage will be constructed on the north.

After discussion of the advertising issue, it was determined by the Board that the case was properly advertised for hearing.

Mr. Smith inquired if the construction plans have been reviewed by the neighbors, and the owner of the property informed that he has discussed the proposed garage with the neighbors and has found that they are not opposed.

Mr. Smith asked if the construction will be next to a garage on the adjoining lot, and the applicant answered in the affirmative. He stated that there is a long distance between the garage and the house on the adjoining lot.

Protestants: None.

Case No. 14600 (continued)

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of side yard setback from 10' to 6' 9" to allow for an existing dwelling unit; per plan submitted; finding a hardship imposed on the applicant by the placement of the existing house on the lot; on the following described property:

Lot 2, Block 3, Terwilliger Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14602

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to permit the use of existing school buildings for church and private school purposes; and an exception to allow the use of a temporary classroom structure, located at 7370 East 71st Street.

Presentation:

The applicant, Charles Norman, 909 Kennedy Building, Tulsa, Oklahoma, submitted a plot plan (Exhibit M-2) and informed that he is representing Victory Christian Church, which has occupied the Thoreau Junior High School building for approximately two years. He stated that the Board has previously approved the use of the existing school for church and school purposes. He explained that the permission that was granted has expired and asked the Board to allow the church to continue the present operation on the premises. Mr. Norman requested permission to locate a temporary classroom building on the campus. He stated that enrollment has increased by approximately 60 students in the last year, and the additional building, which will be on the southwest part of the grounds, will provide two classrooms to accommodate the increased enrollment. Mr. Norman pointed out that the church and school will be moving to a new location, which will be completed in approximately one year. He asked the Board to approve the continued use for a period of two years from this date, to insure sufficient time for completion of the new facility and the removal of the temporary building from the school premises. Elevations (Exhibit M-3) for the temporary building were submitted. He stated that Victory Christian plans to vacate the present location in the fall of 1988 and worship services are being held at Maybee Center at this time.

Comments and Questions:

Mr. Quarles asked if the previous Board approval expired in August of 1986, and Mr. Norman replied that permission to operate the church and school did expire in 1986 and was overlooked at that time.

Mr. Quarles asked if activities on the property in question are the same as they were in 1985, and Mr. Norman replied that they are

Case No. 14602 (continued)

similar, but probably less because of the worship services being moved to the Maybee Center. He informed that enrollment in the school has shown an increase since 1985.

Mr. Smith inquired as to the amount of time needed to remove the building when the property is vacated, and Mr. Norman stated that it will be removed within a 30 day period.

Protestants:

One letter of protest (Exhibit M-1) was received by Staff and submitted to the Board.

Interested Parties:

Judy Halpern, 7420 East 70th Street, Tulsa, Oklahoma, stated that she lives north of the building and inquired as to the type of material that will be used for the exterior and asked if the temporary structure could be placed on the east side of the school. Mr. Norman informed that the temporary building will be a wood frame structure and will be repainted.

After reviewing the plot plan, Ms. Halpern agreed that the temporary building is being placed in an appropriate location.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to permit the use of existing school buildings for church and private school purposes; and an exception to allow the use of a temporary classroom structure; per plan submitted; subject to the temporary building being of painted wood construction; subject to approval for church and school use being for a two year period only; and subject to removal of the temporary classroom within a 30 day period after the property is vacated (2 years from this date); finding that the building has been used for a school and church for a long period of time and has proved to be compatible with the neighborhood and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Beginning at the NE/c, NW/4, NE/4, of Section 11, T-18-N, R-13-E, Tulsa County, Oklahoma; thence due west along the north line of Section 11, a distance of 1,371.53'; thence due south a distance of 49.00'; thence southeasterly along a curve to the left of radius of 225', a distance of 128.39'; thence S 32°41'39" E a distance of 50.24'; thence southeasterly along a curve to the right of radius of 360', a distance of 164.40'; thence S 6°31'42" E a distance of 337.84'; thence due east a distance of 1,217.53'; thence N 0°07'50" W a distance of 702.00' to the Point of Beginning, containing 20.660 acres, more or less.

Less the following:

Case No. 14602 (continued)

Beginning at a point on the north line of the NW/4, NE/4 of Section 11, T-18-N, R-13-E, in the City of Tulsa, Tulsa County, Oklahoma, said point being 1,161.53' west of the NE/c of said NW/4, NE/4; thence continuing west a distance of 210.0'; thence due south 49.0'; thence along a curve to the left having a radius of 225.0' a distance of 128.39'; thence S 32°41'39" E a distance of 50.24'; thence around a curve to the right having a radius of 360.0' a distance of 80.0' (plus or minus) to a point 285.0' south of the north line of said NW/4, NE/4; thence due east a distance of 110.0' (plus or minus) to a point; thence north a distance of 285.00' to the Point of Beginning. Containing 1.16 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14603

Action Requested:

Special Exception - Sections 410 and 610 - Principal Uses Permitted In Residential/Office Districts - Use Unit 1205 - Request a special exception to allow hospital use in an RS-3 and OL zoned district.

Variance - Section 440.7 - Special Exception Requirements - Use Unit 1205 - Request a variance of setback from 25' to 10' and a variance of floor area ratio from .50 to .65.

Variance - Section 430 and 630 - Bulk and Area Requirements in Residential and Office District - Use Unit 1205 - Request a variance of the height restriction from 35' to 65' and a variance of the required frontage from 75' to 42', located south and east of SE/c of 61st Street and South Yale Avenue.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, submitted a plot plan (Exhibit N-1) and stated that he is representing St. Francis Hospital. He informed that the hospital was approved and constructed in 1958 and a parking garage was built on the east portion of the property in 1970, which encroached into the Warrenton reserve area. Mr. Johnsen explained that a triangular shaped administration building is proposed, which will be attached to the garage. He asked the Board to approve a small strip of land along the east boundary, approximately 42.25' by 1512', as part of the hospital complex. A portion of the strip in question is located in both RS-3 and OL zones. He pointed out that the new construction will align with the east wall of the existing parking garage, which is 7' from the property line instead of the required 25'. Mr.

Case No. 14603 (continued)

Johnsen asked the Board to allow the new building to exceed the height of the garage by one level, and to approve a 42' frontage instead of the required 75' on the small portion of OL zoned property on Yale Avenue. He requested that a variance of floor area ratio from .50 to .65 be withdrawn.

Interested Parties:

Ray Mitchell, 5507 East 61st Place, Tulsa, Oklahoma, asked how close the construction would extend toward Warrenton Addition, and Mr. Johnsen informed that the administration building will align with the existing parking garage on the east boundary.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **STRIKE** a **Variance** (Section 440.7 - Special Exception Requirements - Use Unit 1205) of floor area ratio from .50 to .65.; to **APPROVE** a **Special Exception** (Sections 410 and 610 - Principal Uses Permitted In Residential/Office Districts - Use Unit 1205) to allow hospital use in an RS-3 and OL zoned district; to **APPROVE** a **Variance** (Section 440.7 - Special Exception Requirements - Use Unit 1205) of setback from 25' to 7'; and to **APPROVE** a **Variance** (Section 430 and 630 - Bulk and Area Requirements In Residential and Office District - Use Unit 1205) of the height restriction from 35' to 65' and a variance of the required frontage from 75' to 42'; per plot plan submitted; finding that the hospital has been in operation for many years has proved to be compatible with the area; finding that the east boundary of the new building will align with the east wall of the existing parking garage; and finding a hardship demonstrated by the size of the tract in question and mixed zoning classifications in the area; on the following described property:

A piece or parcel of land lying in Warrenton, an addition to the City of Tulsa, Tulsa County, Oklahoma, further described as follows, to-wit: Beginning at the NW/c of Reserve Area A, said Warrenton, thence S 0°07'32" E along the west line of said Reserve Area A, a distance of 1,312.88'; thence due east a distance of 42.25'; thence N 0°07'32" W a distance of 1,312.88'; thence due west a distance of 42.25' to the Point of Beginning, situated in Section 3, T-18-N, R-13-E, Indian Base and Meridian, City of Tulsa, Tulsa County, Oklahoma.

AND

A piece or parcel of land lying in Warren Center East, an addition to the City of Tulsa, Tulsa County, Oklahoma, further described as follows, to-wit: Beginning at the NW/c of said Warren Center East, thence S 0°07'32" E along the west line of said Warren Center East a distance of 200' to the SW/c of said

Case No. 14603 (continued)

Warren Center East; thence due East along the South line of said Warren Center East a distance of 42.25'; thence N 0°07'32" W a distance of 200'; thence due west along the north line of said Warren Center East a distance of 42.25' to the point of beginning, situated in Section 3, T-18-N, R-13-E, Indian Base and Meridian, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14604

Action Requested:

Variance - Section 1213.3(b) - Use Conditions - Use Unit 1213 - Request a variance of the required screening requirements, located NE/c of Lewis Avenue and I-244.

Comments and Questions:

Mr. Jones stated that Staff has received a letter (Exhibit T-1) from Fran Pace, an interested party, requesting that this application be continued to allow the residents of the area additional time to review the case.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, agreed to a two week continuance of Case No. 14604, as requested by the interested party.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **CONTINUE** Case No. 14604 to September 17, 1987, as requested by an interested party.

Case No. 14605

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1205 - Request a special exception to allow for a church and church related uses in an IL zoned district, located 11616 East 51st Street.

Presentation:

The applicant, Ronald Steen, PO Box 639, Tulsa, Oklahoma, requested that Case No. 14605 be continued until the September 17, 1987 meeting.

Interested Parties:

Charles Norman, who represented Hill Industries, stated that his client does not object to the continuance.

Case No. 14605 (continued)

Board Action:

On **MOTION** of **SMITH** the Board voted 3-0-0 (Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **CONTINUE** Case No. 14605 to September 17, 1987, as requested by the applicant.

Case No. 14606

Action Requested:

Appeal and Interpretation - Section 1650 - Appeals from the Building Inspector - Use Unit 1213 - Request an appeal and an Interpretation of the determination of the Building Inspector as it relates to off-site parking and principal lot of use.

Variance - Section 1320.(d) - General Requirements - Use Unit 1211 - Request a variance to allow parking on a lot other than lot of principal use, located 5035 East Admiral Place.

Presentation:

The applicant, John Turner, 1023 West 23rd Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit R-1) and stated that he intends to lease a tavern (40' by 40') and use the adjoining lot for customer parking. He informed that the lot will be covered with a hard surface material and will provide parking spaces for 22 vehicles. Mr. Turner stated that both lots are owned by the same individual.

Comments and Questions:

Mr. Jackere suggested that, if approval is granted by the Board, the lease on the building should run concurrently with the lease on the parking lot.

Mr. Turner informed that the present lease expires January 31, 1989, with renewal options until 1999.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **UPHOLD** the **Determination** of the Building Inspector (Section 1650 - Appeals from the Building Inspector - Use Unit 1213) as it relates to off-site parking and principal lot of use; and to **APPROVE** a **Variance** (Section 1320.(d) - General Requirements - Use Unit 1211) to allow parking on a lot other than lot of principal use; per plot plan submitted; subject to lease on building and parking lot running concurrently; finding a hardship imposed on the applicant by the narrow width of the lot; and finding that the appeal from the determination of the Building Inspector was not timely filed; on the following described property:

Lots 6 and 7, Block 2, William C. Charley Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14608

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the rear yard setback from 20' to 10' to allow for an addition to an existing dwelling unit, located SE/c South Houston Avenue and West 67th Street South.

Presentation:

The applicant, Michele Garrison, 6705 South Houston, Tulsa, Oklahoma, submitted a plot plan (Exhibit S-1) and requested permission to add a two story addition to an existing dwelling, at the above stated location.

Protestants: None.

Board Action:

On **MOTION** of SMITH, the Board voted 3-0-0 (Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the rear yard setback from 20' to 10' to allow for an addition to an existing dwelling unit; per plan submitted; finding that the the construction will involve a two story addition to an existing dwelling which extends into the rear yard setback; on the following described property:

The west 100' of Lot 3, Block 4, Cates Addition, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:09 p.m.

Date Approved

9/17/87


Chairman