

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 501
Thursday, October 22, 1987, 1:00 p.m.
(Continued from October 15, 1987)
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Chappelle, Chairman Quarles Smith White		Gardner Jones Moore Taylor	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, October 13, 1987, at 1:10 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Chappelle called the meeting to order at 1:05 p.m.

MINUTES:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the Minutes of October 1, 1987.

UNFINISHED BUSINESS

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. Taylor informed that Mr. McGraw has requested by letter (Exhibit A-1) that the lot split application be withdrawn.

Mr. Gardner pointed out that it would be appropriate to strike the item from the agenda, since the lot split request has been withdrawn and the variance will no longer be needed. He pointed out that the applicant can readvertise at a later date if necessary.

Case No. 14593 (continued)

Board Action:

On **MOTION** of **SMITH**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **STRIKE** a **Minor Variance** (Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of lot width from 100' to 83' in order to allow a lot split; finding that the applicant is not in need of the relief requested at this time; on the following described property:

Lot 6, Block 6, Villa Grove Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14592

Action Requested:

Variance - Section 1221.7(i) and 122.5(a) - Use Conditions for Outdoor Advertising Signs and Business Signs - Request a variance of display surface area in IL District to allow 2400 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 1200 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, located SW/c Mingo Valley Expressway and Broken Arrow Expressway.

Presentation:

The applicant, Bill Stokley, 1011 East 45th Place, Tulsa, Oklahoma, requested by letter (Exhibit B-1) that Case No. 14592 be withdrawn.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **WITHDRAW** Case No. 14592, as requested by the applicant.

Case No. 14619

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of setback from the centerline of East 21st Street from 95' to 50', a variance of

Case No. 14619 (continued)

setback from the south property line to 7' and a variance of lot area from 9000 sq. ft. to 8379 sq. ft., located SE/c East 21st Street and South Rockford Avenue.

Presentation:

The applicant, Rondell King, 319 East 21st Street, Tulsa, Oklahoma, stated that he has returned to the Board with a drawing (Exhibit C-1) of a house that can be constructed on the subject property. Mr. King explained that he intends to sell the lot, and is providing the footprint in order to determine what type of structure the Board will allow on the lot. He informed that he has met with Stan Bolding, Stormwater Management Department, and it was determined that, with minor excavation, the lot will drain into the new pumping station for the park. Mr. King informed that he has visited with the protestant that was present at the last meeting and she has approved the plans. A grading plan (Exhibit C-2) was submitted.

Comments and Questions:

Mr. Gardner pointed out that, due to the shape of the lot, the applicant cannot build a structure on the property without some relief from this Board.

Stan Bolding, Stormwater Management Department, stated that the water runoff from a house will flow both north and south, instead of all water running to the south with the slope of the vacant lot. He informed that the runoff toward the adjoining property can be directed toward the west with the installation of a swale or down spouts.

Mr. Smith inquired if the construction will be under the supervision of Stormwater Management, and Mr. Bolding replied that it will not be under that department's supervision, but that he was merely advising the applicant in this situation.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from the centerline of East 21st Street from 95' to 50', a variance of setback from the south property line to 7' and a variance of lot area from 9000 sq. ft. to 8379 sq. ft.; per drawing submitted; subject to final building plans be presented to the Board for review prior to construction; and subject to Stormwater Management approval; finding a hardship imposed on the applicant by the corner lot location and the narrow shape of the tract; and finding that the variance request approved does not cause substantial detriment to the public good, or impair the purposes, spirit and intent of the Code or the Comprehensive Plan; on the following described property:

The North 57' of Lot 1, Block 2, Terwilliger Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14627

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted In Residential Districts - Use Units 1203 and 1215 - Request a use variance to allow for livestock use and to allow for an electrical office/warehouse in an RS-3 zoned district.

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209 - Request a special exception to allow for the replacement of an existing mobile home, located 1609 East 11th Street.

Comments and Questions:

Ms. Bradley pointed out that the Board approved the livestock use and the mobile home use at the previous meeting.

Mr. Gardner advised the Board that granting a principal use variance for warehouse use at the above stated location would be inconsistent with the Comprehensive Plan. He suggested that, if inclined to be supportive of the application, the Board could consider the request like a home occupation, with the applicant being subject to the Home Occupation Guidelines.

Presentation:

The applicant, Marvin Moffett, 3347 South 142nd East Avenue, Tulsa, Oklahoma, was represented by his wife, Patricia Moffett, who submitted a plot plan (Exhibit D-1) for the proposed warehouse. She informed that the size of the building has been reduced from 40' by 60' to 30' by 50', and it will be located by the mobile home and out of the floodplain. Ms. Moffett explained that the structure will be used as an accessory building for the purpose of storing personal items and building materials.

Additional Comments:

Mr. Chappelle inquired if the building will be used for the operation of a business, and the applicant replied that there will be no business operated on the premises.

Mr. Smith asked Ms. Moffett if she is willing to enter into a covenant, recorded at the Court House, stating that the building will never be used for business purposes, and she answered in the affirmative.

Ms. White asked if employees will come to the warehouse, and Ms. Moffett stated that there will be no employees on the property except family members.

Case No. 14627 (continued)

After concerns were stated that the proposed structure may be much larger than a typical garage, Mr. Jackere pointed out that there are large buildings permitted on the surrounding agricultural properties. He explained that, although the application is similar to a home occupation, the applicant has stated that there will be no customers or employees coming to the property. He suggested that, if approved, restrictions could be placed on the operation that would prohibit the use of the building for business purposes.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Use Variance** (Section 410 - Principal Uses Permitted In Residential Districts - Use Units 1203 and 1215) to allow for a 1500 sq. ft. accessory building for storage of personal items and electrical materials; per plan submitted; and subject to the Home Occupation Guidelines as set forth in the Code; finding that the use is similar to a home occupation, but will have no customers or employees visiting the property; finding that there are other large buildings on the surrounding agricultural properties; and finding that the accessory building will be compatible with the surrounding area and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The W/2, of the W/2, of the SW/4, of the SE/4 of Section 2, T-19-N, R-14-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, containing 10 acres, more or less, also know as 16909 East 11th Street, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14646

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', a variance of lot area from 6000 sq. ft. to 5150 sq. ft. and a variance of land area from 7500 sq. ft. to 6925 sq. ft. all in order to permit a lot split, located southeast of East Haskell Street and North Atlanta Place.

Presentation:

The applicant, Dick Anderson, 1451 North College, Tulsa, Oklahoma, submitted a location map (Exhibit X-1), and stated that he is attempting to clear the title for a duplex that was constructed approximately 40 years ago.

Case No. 14646 (continued)

Protestants: None.

Board Action:

On **MOTION** of **SMITH** the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of lot width from 60' to 50', a variance of lot area from 6000 sq. ft. to 5150 sq. ft. and a variance of land area from 7500 sq. ft. to 6925 sq. ft. all in order to permit a lot split; finding that there are other lots of similar size in the older area; on the following described property:

Lot 2, Block 1, Bailes Subdivision, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14628

Action Requested:

Special Exception - Section 420 - Accessory Uses In Residential Districts - Use Unit 1213 - Request a special exception to allow a home occupation for a manicure and gift shop in an RS-3 zoned district, located 762 South 142nd East Avenue.

Presentation:

The applicant, Sandy Costello-Collins, 762 South 142nd East Avenue, Tulsa, Oklahoma, asked the Board to allow her to operate a manicure shop in her home that is located on a half acre lot at the above stated address. She informed that she has recently completed a manicure course and plans to work by appointment only. The applicant pointed out that she has visited with her neighbors and has found that they are supportive of her new business. She noted that a beauty shop has operated next door to her residence, but is not in operation at this time.

Comments and Questions:

Ms. White asked the applicant to explain the gift shop portion of the application, and to state the days and hours of operation for the business. The applicant replied that the gift shop will be secondary to the manicure operation, and will be open Monday through Friday, from 9 a.m. to 8 p.m. She informed that she does ceramics, makes pillows and collects antiques, which will be displayed in the shop. The applicant stated that she plans to take some articles on consignment.

Case No. 14628 (continued)

Ms. Bradley asked if there will be a display in the windows or outside the house, and the applicant stated that there will be no displays except inside the studio.

Ms. Bradley asked the applicant if she is familiar with the Home Occupation Guidelines, and she answered in the affirmative.

Mr. Smith pointed out that the articles taken in on consignment could prove to be a problem, since employees outside the family are not allowed to be involved in a home occupation. The applicant stated that she will not take consignment articles if that practice is in violation of the Home Occupation Guidelines.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 420 - Accessory Uses in Residential Districts - Use Unit 1213) to allow a home occupation for a manicure and gift shop in an RS-3 zoned district; per Home Occupation Guidelines; subject to hours of operation being from 9 a.m. to 8 p.m., Monday through Friday; finding 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:

Lot 8, Block 1, Eleventh Street Acres II Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14629

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1202 - Request a special exception to allow for the sale of Christmas trees for the 1987 Christmas season, located SE/c 41st Street and Harvard Avenue.

Presentation:

The applicant, Southwest Nursery, 5401 West Skelly Drive, Tulsa, Oklahoma, was represented by J. D. Spencer, 7032 South Richmond, Tulsa, Oklahoma, who requested that the sale of Christmas trees be permitted at the above stated location.

Protestants: None.

Case No. 14629 (continued)

Board Action:

On **MOTION** of **BRADLEY** the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1202) to allow for the sale of Christmas trees for the 1987 Christmas season; finding that the sale has been conducted on the property for several years and has proved to be compatible with the area; on the following described property:

Lot 1, Block 1, Villa Grove Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14630

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RS-3 zoned district.

Variance - Section 440 - Special Exception Requirements - Use Unit 1209 - Request a variance of the time restriction from 1 year to permanently, located NE/c of 43rd West Avenue and 57th Street.

Presentation:

The applicant, Charles Gruse, 3224 West 56th Street, Tulsa, Oklahoma, submitted a plat of survey (Exhibit E-1) and requested permission to place a mobile home on the property at the above stated location. He stated that a percolation test has been conducted and approved by the Health Department. Mr. Gruse informed that there are numerous mobile homes in the area and one within 300' of his property.

Comments and Questions:

Ms. Bradley inquired if utilities are available, and the applicant replied that water and electricity are available, but a septic system is required for waste disposal.

Mr. Chappelle informed the Board that a letter of protest (Exhibit E-2) was received from an adjacent landowner.

Mr. Gardner asked the applicant if the unit is a double wide unit, and he replied that it is a 14' by 80' mobile home.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY** the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none

Case No. 14630 (continued)

"absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for a mobile home in an RS-3 zoned district; and to **APPROVE** a **Variance** (Section 440 - Special Exception Requirements - Use Unit 1209) of the time restriction from 1 year to 2 years; per plan submitted; subject to Health Department approval; finding that there are numerous mobile homes in the surrounding area and the granting of the requests will not be detrimental to the neighborhood and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 9 and 10, Block 6, Doctor Carver Addition, City of Tulsa, Tulsa Oklahoma.

Case No. 14632

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of side yard setback from 10' to 5' and a variance of the rear yard setback from 20' to 10' to allow for an addition to an existing dwelling unit, located 1228 North Cheyenne Avenue.

Presentation:

The applicant, Vincent Bagby, 1228 North Cheyenne, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-1), and asked the Board to approve the addition of two bedrooms and a living area to an existing residence. He informed that many of the homes in the older area are constructed close to the property line.

Comments and Questions:

Mr. Gardner informed that most of the area has developed single-family, although it is zoned for apartments. He pointed out that only a 5' side yard setback would be required if the property was zoned for single-family dwellings.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of side yard setback from 10' to 5' and a variance of the rear yard setback from 20' to 10' to allow for an addition to an existing dwelling unit; per plan submitted; finding a hardship demonstrated by the narrowness of the lot, and the fact that the area is zoned for apartments, but has developed single-family which would only require a 5' side yard setback; on the following described property:

Lot 7, Block 1, Grandview Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14633

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RS-3 zoned district.

Variance - Section 440 - Special Exception Requirements - Use Unit 1209 - Request a variance of the time regulation from one year to permanently, located 27 North 106th East Place.

Presentation:

The applicant, Dennis A. Steely, 1715 East 71st Street North, Tulsa, Oklahoma, submitted a plot plan (Exhibit G-1), and asked permission to demolish an old burned out house, which is located on his property, and replace it with a mobile home.

Comments and Questions:

Ms. Bradley remarked that there is a creek to the north of the property in question.

Ms. White asked the applicant if he has seen the Stormwater Case Review for this property, and he replied that he has not read the review, but has spoken with a representative of that department who told him that there would be no problem with the proposed location for the mobile home.

Stan Bolding, Stormwater Management, stated that, according to Cooley Creek Master Drainage Plan, the entire lot is in the floodplain. He informed that the City has recently purchased the entire Holiday Mobile Home Park because of the flooding situation that occurred at that location. He pointed out that in order to meet elevation requirements the mobile home would have to be raised somewhere between 5 1/2' to 11 1/2'. A Stormwater Case Review was submitted (Exhibit G-2).

Mr. Quarles asked if the applicant could replace the old house with another house at the same location, and Mr. Bolding replied that he would be required to elevate the house.

Mr. Steely stated that the mobile home park that was purchased by the City is lower than his property.

Mr. Smith pointed out that the little creek which crosses the property becomes very treacherous during rainy seasons.

Mr. Quarles asked the applicant if he owns the property in question, and he replied that he has purchased the tract from his brother. He stated that it would be easier for him to elevate the mobile home than to build a new house and comply with elevation requirements.

Case No. 14633 (continued)

Ms. Bradley asked Mr. Jackere if the Board should consider only mobile home use on the property and not be concerned with Stormwater requirements, and he replied that generally that is correct.

Mr. Jackere asked Mr. Bolding if Stormwater ordinances will prohibit the location of the mobile home on the lot in question, and he replied that he is not sure, since he has not been informed of the exact placement of the mobile.

Mr. Steely pointed out that there is a mobile home sales lot approximately two feet from where his mobile home will be located. He stated that his mobile will be on higher ground than the sales lot.

Board Action:

On **MOTION** of **SMITH**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for a mobile home in an RS-3 zoned district; and to **APPROVE** a **Variance** (Section 440 - Special Exception Requirements - Use Unit 1209) of the time regulation from one year to three years only; subject to Stormwater Management approval; finding that a mobile home sales lot is abutting the property in question; and finding that the granting of the requests will not be detrimental to the area and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 2, Spring Grove Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14634

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a variance of setback from the centerline of Riverside Drive from 75' to 45' to allow for an identification sign, located 3903 Riverside Drive.

Presentation:

The applicant, Tava Scott, 3903 Riverside Drive, Tulsa, Oklahoma, submitted a site plan (Exhibit H-1), and stated that she is property manager for the Chalet Apartments. Ms. Scott explained that the existing sign is not visible because of the heavily treed street, and asked the Board to allow the placement of a new identification sign.

Case No. 14634 (continued)

Comments and Questions:

Ms. White asked the applicant if the old sign will be removed, and she answered in the affirmative.

In response to Ms. White's inquiry as to the alignment with other signs along Riverside Drive, she stated that she is not sure where other signs are located.

Ken Bode, Sign Inspection, stated that the setback would have been 50' before Riverside was made a special trafficway. He informed that some signs are closer than Ms. Scott's proposed sign.

Mr. Jackere asked how close to the curb the proposed sign will be placed, and Mr. Bode replied that it will be approximately 15' from the curb. Mr. Jackere asked how tall the sign will be, and Ms. Scott replied that it will be 6' tall (Exhibit H-2) and below the branches of the trees.

Mr. Jackere pointed out that a City Commission hearing will be required if the proposed sign is located in the dedicated street right-of-way.

Ms. Hubbard informed that the applicant will be required to apply for a sign permit and the sign inspector will determine if further relief is needed.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) of setback from the centerline of Riverside Drive from 75' to 45' to allow for an identification sign; per plan submitted; subject to the execution of a removal contract; and subject to City Commission approval if required; finding that there are numerous signs in the area that are closer to the street than the proposed sign; on the following described property:

Beginning at the NW/c of Block 4, Michael Jane Addition, thence south 205', west 428.61' to the east line of Riverside Drive, thence northeasterly along road 208.53' to the south line of 39th Street, thence east to the Point of Beginning, Section 24, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14635

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an AG zoned district, located 5322 East 36th Street North.

Presentation:

The applicant, Joe Hill, Box 582503, Tulsa, Oklahoma, submitted a plot plan (Exhibit J-1), and stated that a mobile home has been in place on the subject property for approximately 15 years. Mr. Hill explained that the gas meter was knocked over by an individual that was mowing the yard, and the gas company has refused to install another meter without approval for the mobile home in an AG zoned district. He stated that he previously had approval for a period of five year, which has lapsed, and asked the Board to allow the mobile home to remain at its present location. He pointed out that there are numerous mobile homes in the area.

Comments and Questions:

Ms. White asked the applicant if he is aware that a Watershed Development Permit will be required for the mobile home, and he replied that he has been in contact with Stormwater Management. A Stormwater Case Review (Exhibit J-2) was submitted by Staff.

Protestants:

John Rulard, 5320 East 36th Street North, Tulsa, Oklahoma, stated that he lives next door to the subject tract and is opposed to the granting of the special exception request. He pointed out that there are several dwelling units already on the property and feels that they depreciate the value of his land. Mr. Rulard asked that the application be denied. Photographs (Exhibit J-3) were submitted.

Additional Comments:

Mr. Hill stated that the protestant has two garbage trucks parked on his property and the tract is littered with trash.

Mr. Quarles pointed out that Mr. Rulard's property is not under application at this time.

Mr. Jackere suggested to Mr. Hill that he report the garbage trucks to Code Enforcement if there is a problem.

Mr. Quarles asked Mr. Rulard how long he has been a resident at the present address, and he replied that he has lived there approximately 15 years.

Ms. White inquired as to the number of dwelling units on the property at this time, and the protestant replied that there are four units on one septic tank, along with another large building.

Ms. Bradley asked Mr. Gardner how many mobile homes are allowed by right, and he replied that, according to the Code, only one dwelling unit is allowed per tract.

Case No. 14635 (continued)

Mr. Quarles asked the applicant who lives in the mobile home in question, and he replied that his sister-in-law lives in the mobile home. He informed that the other units on the property are not occupied, but are used for storage.

In response to Mr. Quarles inquiry as to the use of the buildings, Mr. Hill informed that the office is not in use, and his son stores tools in the remaining buildings.

Mr. Jackere pointed out that the office and tool storage buildings are not permitted, and if approval for the mobile home is granted, it could be made subject to everything else being removed from the premises.

Mr. Quarles stated that he is inclined to approve the requested mobile home use, but is opposed to the other units remaining on the property.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1209) to allow for a mobile home in an AG zoned district for a period of 5 years only; subject to all other portable buildings being removed from the property; subject to Stormwater Management approval; and subject to Health Department approval; finding that mobile home use is prevalent in the area, and that the granting of the special exception 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:

The E/2 of the W/2, NW/4, NE/4, NW/4, Section 22, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14636

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of setback from the centerline of South Delaware Avenue, from 85' to 75', located northeast and southeast corners of South Delaware and 89th Street South.

Case No. 14636 (continued)

Presentation:

The applicant, Cedarcrest Joint Venture, 9410-E East 51st Street, Tulsa, Oklahoma, was represented by Phillip Smith, Hammond Engineering, who submitted a site plan (Exhibit K-1) and explained that the addition was originally subdivided as Cedarcrest, then later resubdivided into smaller lots. Mr. Smith noted that the owner was not aware that the City had widened the street right-of-way requirement on Delaware and an additional 10' is required. He explained that they were attempting to make all of the lots approximately the same size, so as to accommodate the same size houses. Mr. Smith stated that a hardship was created by the required dedication of the additional 10' of right-of-way.

Comments and Questions:

Ms. Bradley remarked that a fence is being built at this time, and asked how far the fence is from the centerline of the street. Mr. Smith replied that the fence is on the original property line, or 40' from the centerline.

A Stormwater Case Review (Exhibit K-2) was submitted by Staff.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; Smith, "abstaining"; none "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of setback from the centerline of South Delaware Avenue, from 85' to 75'; per site plan submitted; finding a hardship demonstrated by the extra 10' of required right-of-way on Delaware; on the following described property:

Lot 1, Block 1, and Lot 1, Block 2, Cedar Crest III Addition,
City of Tulsa, Tulsa County, Oklahoma.

Case No. 14637

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of setback from 35' to 25' to allow for dwelling units, located 1/2 mile east of SE/c of Lewis Avenue and 71st Street.

Presentation:

The applicant, Richard Kosman, 1331 South Denver, Tulsa, Oklahoma, was not present.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **CONTINUE** Case No. 14637 to November 5, 1987, due to the absence of the applicant.

Case No. 14638

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of side yard setback from 5' to 26" to allow for an existing carport, located 6625 East Newton.

Presentation:

The applicant, Lois DeHart, 6625 East Newton Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit L-1), and explained that the carport was built by a contractor that failed to obtain a permit. She stated that there are other carports in the neighborhood that are closer to the property line than the one in question.

Comments and Questions:

Mr. Quarles inquired as to the construction date and the name of the contractor. Ms. DeHart replied that the carport was built approximately two months ago by Henry Fillon.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY** the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of side yard setback from 5' to 26" to allow for an existing carport; finding a hardship imposed on the applicant by the narrowness of the lot; and finding that there are other structures in the neighborhood that are closer to the lot line than the carport in question; on the following described property:

Lot 6, Block 1, Lane Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14639

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213 - Request a variance of setback from the centerline of 25th Street from 50' to 42', from the centerline of Harvard Place from 50' to 25', from the south property line from 10' to 9.5' and from the centerline of Harvard Avenue from 100' to 76', located SE/c 25th Street and Harvard Avenue.

Case No. 14639 (continued)

Presentation:

The applicant, Nelson Rice, 3342 East 25th Street, Tulsa, Oklahoma, was represented by Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, who submitted a plot plan (Exhibit M-1) for a shopping center at the above stated location. He informed that his client has purchased the center and is updating the buildings. Mr. Johnsen explained that a six inch stucco material and awnings will be added to the exterior, which will cosmetically improve the deteriorated shopping center. He pointed out that the variances are required because the existing buildings were constructed under previous zoning codes and do not meet today's Code.

Comments and Questions:

Mr. Quarles asked if there will be any expansion of the buildings, and Mr. Johnsen replied that there will be no additions, but only cosmetic work will be done.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213 - Request a variance of setback from the centerline of 25th Street from 50' to 42', from the centerline of Harvard Place from 50' to 25', from the south property line from 10' to 9.5' and from the centerline of Harvard Avenue from 100' to 76'; per plan submitted; finding that the existing shopping center, which was constructed before the current Code was adopted, will be refurbished and no expansion will take place; on the following described property:

A part of Block 2, Harvard Apartment 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 a point 80' east of center line of Harvard Avenue and 30' south of center line of 25th Place, said point being NW/c of said Block 2; thence east along north line of said Block a distance of 120' to the west line of Harvard Court; thence southerly along west line of Harvard Court, said line also being a curve to left having a radius of 3744.25', a distance of 206.11' to a point; thence west along a line parallel to and 206.00' south of the north line of said Block 2 a distance of 125.23' to a point on west line of said Block 2; thence north along west line of said Block 2 of said Harvard Apartment Addition a distance of 206.00' to NW/c thereof and the Point of Beginning; LESS AND EXCEPT the north 20' of the west 20' of said Block 2. Also known as the Harvard Shopping Center, 2501-23 South Harvard, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14640

Action Requested:

Special Exception - Section 420 - Accessory Uses Permitted In Residential Districts - Use Unit 1211 - Request a special exception to allow a home occupation for a counseling service in an RS-3 zoned district, located 1531 South Troost Avenue.

Presentation:

The applicant, Cyndy Gammill, 2898-D East 51st Street, Tulsa, Oklahoma, stated that she is purchasing the property for use as a residence, and a private counseling business as a home occupation. She informed that she also works part time at St. John's Hospital.

Comments and Questions:

Mr. Quarles asked the applicant to state her educational background, and Ms. Gammill replied that she has a master's degree in counseling and is a licensed professional counselor. She informed that she is currently working with women who have weight concerns, and with professional people who are focusing on growth oriented issues.

Ms. Bradley inquired as to the parking arrangement for customers, and the applicant replied that she is currently instructing two groups (8 to 10 people) which meet on Monday and Friday and park beside the house or on the street.

Ms. White remarked that there are apartments on the block, and asked what hours the business will operate. Ms. Gammill stated that she is currently counseling five to eight hours each week, but may extend those hours to a maximum of 17 hours per week. She stated that she will have clients Monday through Saturday, 9 a.m. to 9 p.m.

Ms. Bradley and Ms. White voiced a concern with a parking problem that could be intensified by additional cars on the narrow streets.

Protestants:

Barbara Day, 1521 South Quaker, Tulsa, Oklahoma, submitted a letter of protest (Exhibit N-1) and stated that she is representing the Swan Lake Neighborhood Association. She brought to the attention of the Board an amendment to the Comprehensive Plan for this Special Consideration Area, which addressed increased traffic encroachments on residential neighborhoods. Ms. Day pointed out that the apartments in the area generate a great deal of traffic on the narrow street. She pointed out that the potential exists for the intrusion of more medical related services into the residential area, since Ms. Gammill is already employed by St. John's Hospital. She asked that the application be denied. Photographs (Exhibit N-2) were submitted.

Case No. 14640 (continued)

Interested Parties: (Applicant's attorney)

Attorney, Lillian Hamor, 3314 East 51st Street, Tulsa, Oklahoma, stated that she is representing the applicant. She pointed out that only four hours each week will involve more than one car, and parking is available in the driveway for two cars. Ms. Hamor stated that the group meetings are held in the evening hours, and the businesses in the area will be closed, so any overflow parking can utilize these spaces.

Additional Comments:

Mr. Quarles stated that the street is very narrow and parking is limited for the proposed counseling service. He stated that the applicant is obviously a dedicated professional, but the location is not appropriate for the home occupation.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Special Exception** (Section 420 - Accessory Uses Permitted in Residential Districts - Use Unit 1211) to allow a home occupation for a counseling service in an RS-3 zoned district; finding that the home occupation, due to inadequate parking, will not be compatible with the area, and the granting of the special exception would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

West 100' of Lot 9, Block 2, Orcutt Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14641

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Use Unit 1213 - Request a special exception to allow a home occupation for a beauty/barber shop and related uses in an RS-3 zoned district, located 16638 East Admiral Boulevard.

Comments and Questions:

Mr. Chappelle asked that the difference in this application and the one previously denied by the Board be addressed in the presentation.

Presentation:

The applicant, Deborah Stewart, 16638 East Admiral Boulevard, Tulsa, Oklahoma, was represented by Steven Oakley, 500 West 7th Street, Tulsa, Oklahoma, who stated that the previous application requested that an instructor be allowed on the premises. He informed that the applicant has enrolled in a beauty school and there will be no instructor at Ms. Stewart's home. Mr. Oakley stated that the protestant at the previous meeting has reviewed the conditions submitted (Exhibit P-2) and no longer objects to the home occupation. A petition of support (Exhibit P-1) was submitted.

Case No. 14641 (continued)

Comments and Questions:

Ms. Bradley asked Mr. Oakley to address the related uses, and he replied that the related uses consists of the tanning salon and manicuring. He informed that his client is receiving her manicure license this week and will graduate from cosmetology and barber school in approximately one year.

Ms. Bradley asked if the equipment for the home occupation is in the home at this time, and Mr. Oakley replied that two tanning beds, a shampoo bowl and a manicure table are in the house.

Mr. Chappelle and Mr. Quarles concurred that this application is significantly different from the prior one.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 420 - Accessory Uses in Residential Districts - Use Unit 1213) to allow a home occupation for a beauty/barber shop and tanning salon in an RS-3 zoned district; subject to no loud music in the shop; subject to no employees; subject to no more than three customers at any given time and parking being allowed only in front of the shop or in shop driveway; subject to a disposal unit for trash being provided; subject to no customer loitering near the homes; subject to all outside lights being turned off at 8:00 p.m.; subject to no customers being accepted after 10:00 p.m. and any customers entering the shop after 8:00 p.m. being required to use the front entrance only; on the following described property:

Lot 3, Block 5, Rose-Dew Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14643

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow for a preschool, located 3709 North Hartford Avenue.

Presentation:

The applicant, LaVern Brown, 4040 North Elgin, Tulsa, Oklahoma, asked the Board to approve a preschool which will operate from 7:30 a.m. to 5:30 p.m. and will have a maximum enrollment of 16 children.

Comments and Questions:

Ms. Bradley asked the applicant if there is a preschool in the church next door, and she replied that there was a school there, but it is not in operation at this time.

Case No. 14643 (continued)

Mr. Quarles inquired if the playground area is fenced, and the applicant answered in the affirmative.

In response to Ms. Bradley's inquiry as to employee parking, Ms. Brown explained that one employee rides the bus to work and the other one shares a ride with her husband.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205) to allow for a preschool; subject to hours of operation being from 7:30 a.m. to 5:30 p.m.; and subject to a maximum of 16 students; finding that the granting of the special exception 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 1, Chandler-Frutes III Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14644

Action Requested:

Variance - Section 930 - Bulk and Area Requirements In Industrial Districts - Use Unit 1221 - Request a variance of setback from the centerline of 45th Place from 50' to 45', located SW/c US 169 and Broken Arrow Expressway.

Comments and Questions:

Mr. Taylor informed that a letter (Exhibit R-1) requesting continuance of Case No. 14644 has been received from an interested party, Mr. Allan Kraft, who informed that it is imperative that he be out of the city on the regular hearing date.

Board Action:

On **MOTION** of **SMITH** the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 14644 to November 5, 1987, as requested by Mr. Kraft, an interested party.

Case No. 14645

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1213 and 1215 - Request a use variance to allow for a bakery and for a repair shop for school equipment in an RS-3 zoned district, located SW/c and SE/c of Latimer Street and 91st East Avenue.

Presentation:

The applicant, Nancy Woods, 525 South Main, Tulsa, Oklahoma, stated that she is the attorney representing Tulsa Public Schools. She stated that Ross Elementary School is currently closed and recently a baking center, with five employees, has been opened in the building to supply desserts for seventeen other Tulsa schools. Ms. Woods explained that the employees arrive early and leave at noon, and one truck picks up and delivers the desserts to the various schools. She pointed out that by consolidating the baking process, the five employees are able to do baking that previously required 17 employees.

Comments and Questions:

Ms. Bradley asked Mr. Jackere if the Tulsa Public Schools could sell the facility for continued bakery use if this application is approved, and he replied that it is a possibility; however, any conditions imposed by this Board would still be in effect.

Ms. Woods stated that the school system would not be opposed to conditions, but pointed out that the bakery has been very successful and it has been proposed that another employee will be added in January. She informed that, at that time, 32 schools will be serviced.

Mr. Quarles asked Ms. Woods to address the repair of the school equipment, and she replied that a portion of the school is used for lawn mower repair for the school district. She said this type of work was previously performed at another school, but the space was needed for other activities. Ms. Woods pointed out that all work is done inside the building, with nothing left outside on the lawn.

Mr. Chappelle asked if any new construction is proposed on the site, and Ms. Woods replied that no construction is planned.

Ms. Bradley stated that she is concerned with changing the use of the property, as well as the untidy appearance of the school.

Mr. Gardner pointed out that the uses that are being performed have previously been performed at other individual schools, and if the school was in operation they would be accessory uses instead of a principal uses.

Protestants:

Dale Irwin, 9133 East Latimer, Tulsa, Oklahoma, informed that his residence is across the street from the property in question. He stated that he has lived in the area for many years and the property has been used for a warehouse, a mower repair shop, a bakery and a training facility for police dogs. Mr. Irwin explained that trucks park on the lawn and drive upon the crushed limestone driveway, causing a great deal of dust for the neighborhood. He stated that the school system cuts sod from the school lawn and transports it to the football field at Washington High School. Mr. Irwin pointed out that the grounds are very unsightly, with the grass disturbed and debris collecting all around the building and in the streets. He

Case No. 14645 (continued)

stated that a clapboard addition was built onto the brick facility (without a building permit) and an equipment repair operation began. He explained that there is not an oil disposal facility on the property and the used oil from the equipment is dumped on the school grounds. Mr. Irwin noted that the City Police Department brings their dogs to the school at approximately 9:00 p.m. for training. He stated that the dogs bark and run through the school building, blanks are fired and a lot of shouting takes place during the training operation. Mr. Irwin pointed out that the building is unkempt, with graffiti on the walls (Exhibit R-1) and the grass standing approximately two feet tall. He stated that the emptying of the trash dumpster on the property at 3:00 a.m. is annoying and interrupts his sleep. Mr. Irwin asked the Board to deny the application for a bakery and repair shop on the school premises.

Additional Comments:

Mr. Quarles stated that he is not concerned with the bakery and repair operation on the school property, but is concerned with the manner in which it has been operating.

Mr. Jackere pointed out that the neighbors in the area have complained to Code Enforcement about the condition of the school and grounds. He stated that he has spoken with the manager over all of the school property, and until now, was only aware of the zoning problem for the bakery and repair shop. He advised that they may also have other issues to resolve.

Ms. White asked Mr. Irwin to state his reasons for opposing the bakery, and the protestant replied that they are training dogs and baking food for school children in the same building.

Mr. Smith remarked that the protestant has a valid complaint, since it is the responsibility of the school system to maintain the building and grounds.

Mr. Irwin stated that the City is required to alleviate the neighborhood of nuisances, and suggested that this school situation can be classified in that category.

Ms. Bradley asked the applicant to address the hardship, other than financial, for this case.

Applicant's Rebuttal:

Ms. Woods pointed out that there are very few uses for a school building if it is not used as such. She stated that it has been determined by school officials that the removal of the sod was a bad decision, and it will not be repeated. Ms. Wood stated that the situation with the training of police dogs will be worked out with the City.

Mr. Chappelle asked how long the bakery has been in the school facility, and Ms. Woods replied that it has been there since the beginning of this school year, or approximately two months.

Case No. 14645 (continued)

In response to Ms. Bradley's inquiry as to the length of time the repair shop has been in the building, Ms. Wood stated that it has been operating for about one year.

Mr. Chappelle stated that he is convinced that a hardship exists, because of the location of a large school facility in an RS-3 District, but is not inclined to approve the application with the building and grounds in such bad repair.

Mr. Jackere pointed out that the large building in an RS-3 zoned district is a unique structure, and should be considered as such.

Ms. White stated that the requested use could be compatible with the neighborhood, but is not inclined to approve the application with the existence of the present building conditions.

Mr. Quarles stated that he does not want to deny the application, but is convinced that this is a horrible substandard operation which should be improved.

Mr. Smith suggested that the situation on the subject property is a dangerous one that should be corrected.

Ms. Woods asked the Board to continue the case, with conditions if necessary.

A copy of the Stormwater Case Review (Exhibit R-2) was submitted by Staff.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-1-0 (Chappelle, Quarles, Smith, White, "aye"; Bradley, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1213 and 1215) to allow for a bakery and for a repair shop for school equipment in an RS-3 zoned district until November 19, 1987; finding that the property is in bad repair and the application was approved for an approximate one month period to allow the owner to improve the appearance of the building and grounds, at which time the Board will reconsider the application; on the following described property:

Lots 5, 6, 7, and 8, Block 1, Mingo Valley Subdivision I, and the NE/4, NW/4, SE/4 of Section 36, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 14635

Action Requested:

Refund of filing fee in the amount of \$25.00.

Comments and Questions:

Mr. Jones informed that a portion of the application which was heard earlier in the meeting was withdrawn prior to processing, and suggested that filing fees in the amount of \$25.00 be refunded to the applicant.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Refund of a portion of the filing fee in the amount of \$25.00; finding that this part of the application was withdrawn prior to processing.

Consider rehearing of Board of Adjustment Case No. 14626 heard by the Board on October 1, 1987

Action Requested:

Tom Salisbury, 201 West 5th Street, Tulsa, Oklahoma, stated that this petition for rehearing was filed before the Board in order to present as evidence the ruling made by Judge Boudreau on the Night Moves case. He stated that the ruling in that case was that measurements were to be made from the building housing the sexually oriented business to the building housing the church. He pointed out that, if that statement is true, church parking lots would not be considered unless they are actually being used for church services. Mr. Salisbury stated that the ruling of this Board might have been different if the decision on the Night Moves case had been considered. He informed that the ordinance states that a sexually oriented business must be 500' from a church, and a church is defined as a building where people go to worship. He asked the Board to reopen the hearing for Case No. 14626.

Comments and Questions:

Mr. Jackere stated that Mr. Salisbury is correct in reciting the statement of Judge Boudreau, but the ruling in the Night Moves case was based on the specific facts in that case. He pointed out that the building wall of that establishment was approximately 5' to 10' away from the building wall of the church. Mr. Jackere noted that there was no church parking lot issue in that case.

Mr. Smith remarked that he voted to deny the application because the sexually oriented business is closer than 500' to the small church in the shopping center.

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 501
Thursday, October 15, 1987, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, October 13, 1987, at 1:10 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum not present, Chairman Chappelle informed that the regularly scheduled meeting for October 15, 1987 will be continued to October 22, 1987.

Date Approved 11-5-87


Chairman

