

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 505
Thursday, December 17, 1987, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Chappelle, Chairman Smith White	Quarles	Gardner 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, December 14, 1987, at 12:48 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Ms. White called the meeting to order at 1:02 p.m.

MINUTES:

On **MOTION** of **BRADLEY**, the Board voted 3-0-1 (Bradley, Chappelle, Smith, "aye"; no "nays"; White, "abstaining"; Quarles "absent") to **APPROVE** the Minutes of December 3, 1987.

UNFINISHED BUSINESS

Case No. 14677

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1215 - Request a use variance to allow for both an air conditioner repair shop and off-street parking in an RS-3 zoned district, located 3322 East 30th Street.

Presentation:

The applicant, Bob Omstead, was represented by John Sublett, 320 South Boston, Tulsa, Oklahoma, who submitted a location map and photographs (Exhibit A-1). He informed that a parts appliance company is in operation on the subject tract at this time. Mr. Sublett explained that a post office was previously constructed on the site and off-street parking was approved across the street from the building in 1961, with the property to the east also being purchased for additional parking. He informed that the old post office building is now occupied by the parts business. Mr. Sublett submitted a petition of support (Exhibit A-3) and stated that the residents of the area are in favor of the application.

Case No. 14677 (continued)

Comments and Questions:

Ms. Bradley remarked that there is not a screening fence between the residence to the east and the parts business. Mr. Sublett replied that the applicant owns that property and it is occupied by his son.

Protestants:

Daniel Cervantez, 3329 East 30th Street, Tulsa, Oklahoma, stated that his property abutts the north parking lot. He stated that his name is not on the petition of support, and pointed out that the lot was recently sold and the new owner removed the vegetation and installed a gravel parking lot. Mr. Cervantez informed that the vine covered chain link fence which screened his residence from the abutting lot was removed. He stated that, after discussing the matter with Mr. Omstead, it was agreed that a screening fence would be installed. Mr. Cervantez informed that a substandard wood fence was erected approximately three months after the conversation with Mr. Omstead. He pointed out that the poor condition of the fence detracts from the value of his property and would prevent him from making a profit on his investment in the future.

Ms. White asked Mr. Cervantez if he would be supportive of the application if a hard surface parking lot was installed, with a proper screening between his property and the business in question. Mr. Cervantez answered in the affirmative.

Armella Krull, 3335 East 30th Street, Tulsa, Oklahoma, stated that there have been new additions to the existing building and permits have not been obtained by the applicant. She stated that a storage building was recently erected and additional trucks parked on the subject tract. Ms. Krull informed that the business generates a great deal of traffic in the neighborhood, which is dangerous for the school children walking to the nearby school. She pointed out that excavation is taking place in the back yard of the applicant's house to the east and he is preparing to install a parking lot in that area.

Jerry Dixon, stated that he owns property at 3334 East 30th Street, and submitted photographs (Exhibit A-2) of properties that have recently sold in the area. He pointed out that the houses in the neighborhood are nice and is concerned that the gravel parking lot will negatively affect property values.

Applicant's Rebuttal:

Mr. Sublett stated that he has informed the applicant that a hard surface covering is required for the parking lot. He remarked that the screening fence should be repaired or replaced if it is not satisfactory.

Additional Comments:

Mr. Chappelle asked if the lot that was approved for parking in 1961 has been used continuously for a parking lot, and Mr. Sublett answered in the affirmative.

Case No. 14677 (continued)

Mr. Gardner suggested that the issue of the parking on the residential property to the east could be resolved by a screening fence requirement between the existing parking lot and the house. He informed that the use variance request is for the expansion of the building that extends into the parking lot.

Ms. Bradley asked if customers only will park on the north parking lot, and Mr. Sublett replied that the north lot is to provide parking for employees only, with customers parking on the south lot.

Ms. White inquired as to the use of the addition that extends into the RS-3 Zone, and Mr. Sublett replied that it is used for storage only and that the applicant was not aware of any zoning encroachment at the time of construction in 1978.

There were statements made from the audience that the addition was constructed within the past year.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1215) to allow for both an air conditioner repair shop and off-street parking in an RS-3 zoned district; subject to a screening fence being erected along the entire length of the east side of the south lot; subject to the fence on the north lot being painted, refurbished and made to stand erect; subject to the north parking lot being covered with an approved hard surface; and to approve the building extension in the RS-3 Zone for storage only; finding that an existing addition to the main building, which is being used for storage only, extends into the RS-3 Zone; and finding that the lot to the north is appropriate for off-street parking, and the proposed uses will not cause substantial detriment to the area; on the following described property:

Lot 6, Block 6 and Lot 7, Block 3, Bellaire Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14687

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a minor variance of setback from the centerline of Gilcrease Museum Road and West Newton Street to allow for an Identification sign, located NE/c Gilcrease Museum Road and West Newton Street.

Case No. 14687 (continued)

Presentation:

The applicant, Larry Duke, 1919 West Seminole, Tulsa, Oklahoma, who represented Gilcrease Hills Homeowner's Association, submitted a plot plan and photographs (Exhibit B-2), and asked permission to install a subdivision identification sign at the above stated location. A plat of survey (Exhibit B-1) was submitted.

Comments and Questions:

Mr. Jones informed that Kathy Hinkle, Co-chairman for District 11, informed him by phone that the residents of that district are not opposed to the sign, but requested that Traffic Engineering review the location with regards to the line of sight for motorist entering the intersection. Mr. Jones informed that the sign will also require City Commission approval if it is located on the City right-of-way.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Minor Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) of setback from the centerline of Gilcrease Museum Road and West Newton Street to allow for a subdivision identification sign; per plan submitted; subject to Traffic Engineering and City Commission approval; on the following described property:

Beginning at the SW/c of Section 27, T-20-N, R-12-E, thence north 30', east 50', south 30', west 50' to the Point of Beginning, said tract lying in the right-of-way of Gilcrease Museum and West Newton Street, City of Tulsa, Osage County, Oklahoma.

Case No. 14690

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of lot width from 100' to 70' (80' front, 60' rear, average lot width), lot area from 13,500 sq. ft. to 8500 sq. ft. and land area from 16,000 sq. ft. to 12,500 sq. ft. in order to permit a lot split, located SE/c Utica Avenue and 27th Street.

Presentation:

The applicant, Rick Dodson, was not present.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **CONTINUE** Case No. 14690 to January 7, 1987.

Case No. 14690 (continued)

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of setback from the front property line from 30' to 29' to allow for an existing dwelling in order to clear the title, located 4338 East 86th Street South.

Presentation:

The applicant, Jim R. Miller, 4338 East 86th Street South, Tulsa, Oklahoma, submitted a plat of survey (Exhibit C-1) and stated that the existing house was built over the setback line approximately three years ago. He informed that the original survey showed the house to be setback 30' from the property line, but during a refinancing process a second survey showed the setback to be approximately 29'.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from the front property line from 30' to 29' to allow for an existing dwelling in order to clear the title; per survey; finding a hardship demonstrated by the curvature of the street and the irregular shape of the lot; on the following described property:

Lot 3, Block 1, Thousand Oaks Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14705

Action Requested:

Variance - Section 280 - Structure Setback from Centerline of Streets - Use Unit 1221 - Request a minor variance of setback from the centerline of South Yale Avenue from 60' to 30' to allow for an existing real estate sign, located 4515 South Yale Avenue.

Presentation:

The applicant, Sue Langford, 7666 East 61st Street, Tulsa, Oklahoma, asked that a temporary real estate leasing sign be installed at the above stated location. She informed that the office space in the complex is being leased and is now approximately 62 percent occupied.

Case No. 14705 (continued)

Comments and Questions:

Ms. White asked the applicant how long the leasing sign has been at the present location, and she replied that it was erected approximately two months ago, but was removed when cited by the City.

Ms. Bradley remarked that the sign will be very close to Yale Avenue if installed 30' from the centerline.

Ms. White asked if the sign could be placed on the existing rock wall, and the applicant informed that the rock wall is to be removed.

Mr. Smith asked Ms. Langford how long the sign will be in place, and she replied that a year would allow sufficient time for the property to be renovated and leased.

Ms. Bradley asked the applicant if the sign will block the view of motorists entering Yale from the parking lot, and she replied that drivers will be able to see around the sign, as signs are not allowed to be placed where they will block vision.

Mr. Smith inquired as to the distance from the curb to the sign location, and Ms. Langford replied that the sign will be in the middle of the grassy area between the edge of the parking lot and the curb.

Mr. Gardner asked if the sign in question will be at least six feet from the curb, and the applicant answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback from Centerline of Streets - Use Unit 1221) of setback from the centerline of South Yale Avenue from 60' to 30' to allow for a temporary real estate sign for a period of one year only; on the following described property:

Beginning 50' east of the NW/c of the W/2 of the SW/4, thence east 501.85', southwest 294.68', southwest 121.2', northwest 117.09', west 150', north 118.03' to the Point of Beginning, Section 27, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14685

Action Requested:

Variance - Section 440.7d - Special Exception Uses, Requirements - Use Unit 1205 - Request a variance of setback from the north property line from 25' to 6' and a variance of setback from the east property line from 25' to 10' to allow for a temporary storage building, located NE/c of 60th Street and South Sheridan Road.

Presentation:

The applicant, Alan W. Carlton, 10770 South 77th East Avenue, Tulsa, Oklahoma, who represented Parkview Baptist Church, informed that the church is requesting permission to construct a 10' by 20' storage building on the northeast corner of the church property. He informed that the required setback for a church storage building is 25', while the abutting residential property is only required to have a 3' setback for a storage building in the rear yard.

Comments and Questions:

Ms. White asked if the church property is screened from the residences on the north and east, and the applicant replied that there is a wood screening fence in place on the east, and a chainlink fence with vegetation on the north boundary.

Ms. White inquired if the proposed building is metal, and Mr. Carlton answered in the affirmative.

Ms. Bradley asked the applicant why the building is to be placed within 6' of the boundary line, and he replied that the proposed site was selected to allow one of the abutting residents to continue to gain access to the back of his property through a double gate that opens out onto the church parking lot.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 440.7d - Special Exception Uses, Requirements - Use Unit 1205) of setback from the north property line from 25' to 6' and a variance of setback from the east property line from 25' to 10' to allow for a 10' by 20' temporary storage building; finding that the requested setbacks are comparable to those required by the surrounding residences in the area; on the following described property:

From a point 1325' north from the south line and 400' east from the west line of Section 35, T-19-N, R-13-E, thence south 25', west 15', north 25', east 15' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14686

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1214 - Request a use variance to allow for an existing antique shop in an RM-2 zoned district.

Variance - Section 1214 - Use Conditions - Use Unit 1214 - Request a variance of the screening requirements, located 2701 East 7th Street.

Presentation:

The applicant, W. J. Schmidt, 2701 East 7th Street, Tulsa, Oklahoma, stated that he has conducted antique sales in the building in question for approximately 30 years. He asked the Board to allow him to continue to operate his antique business at the present location.

Comments and Questions:

Ms. White asked Mr. Schmidt why he is before the Board at this time, and he replied that there was fire damage on the second floor of the building and a building permit was required before repairs were made.

Ms. Hubbard pointed out that the applicant has the burden of proving lawful nonconformity.

Ms. Bradley asked the applicant if there is a dwelling unit in the building, and Mr. Schmidt replied that there are no dwelling units and the entire building is used for showrooms.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1214) to allow for an existing antique shop in an RM-2 zoned district; and to **APPROVE** a **Variance** (Section 1214 - Use Conditions - Use Unit 1214) of the screening requirements; finding the antique business has been in operation at the present location for approximately 30 years and, therefore, a nonconforming use; on the following described property:

The south 150' of Lot 1, Block 16, Highlands Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14688

Action Requested:

Variance - Section 420.2 (a2) - Accessory Use Conditions - Use Unit 1206 - Request a variance to allow for a detached accessory building to be located in a side yard, 7804 South 28th West Avenue.

Presentation:

The applicant, Terry Cearley, 2525 South 111th East Avenue, Tulsa, Oklahoma, stated that he has been employed to construct a storage building on the property at the above stated location. He explained that the proposed 18' by 24' building will be used for storage and will be placed in the side yard because the house is set to the rear of the tract, with a steep ridge running along the back property line. Mr. Cearley informed that there is a similar building on the property next door. A plot plan (Exhibit D-1) and photographs (Exhibit D-2) were submitted.

Protestants: None.

Comments and Questions:

Ms. White asked if there will be a business operating in the building, and Mr. Cearley replied that the owner raises pecans and has some farming tools to store.

Ms. White asked if the owner sells pecans, and the applicant replied that he has not sold pecans to him and he is not aware of any pecan sales.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 420.2 (a2) - Accessory Use Conditions - Use Unit 1206) to allow for a detached accessory building to be located in a side yard; per plot plan; subject to the accessory building being used for storage only; finding that the small size and steep incline of the lot prevents the construction of the building in the back yard; and finding that there are similar structures in the area; on the following described property:

The SW/4, SW/4, NE/4, SW/4, less the north 25' and the east 25' for right-of-way, Section 10, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14689

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow for a church and church related uses in an RS-3 zoned district, located 1/4 mile north of NE/c 145th East Avenue and 21st Street.

Presentation:

The applicant, Leroy Veale, was not present.

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Case No. 14689 (continued)

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **CONTINUE** Case No. 14689 to January 7, 1988.

Case No. 14691

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow for an automobile auction in a CS zoned district, located 8544 East Admiral Place.

Presentation:

The applicant, William Elliott, 2251 East Skelly Drive, Tulsa, Oklahoma, stated that he is representing the Roblee Thompson Trust, and asked permission to conduct an automobile auction on a former mobile home sales lot.

Comments and Questions:

In response to Ms. Bradley's inquiry as to when the auction is conducted, Mr. Glen Powers, 8534 East Admiral, Tulsa, Oklahoma, replied that the car auction will be held on Monday nights and will be primarily for car dealers.

Mr. Gardner informed that the area is not a typical CS area, as there are multiple heavy commercial and light industry zoning classifications in the area. He asked Mr. Powers if the auction is performed inside, and he answered in the affirmative. He stated that the only outside speakers will be those used for paging.

Mr. Smith inquired if the cars are removed from the premises immediately, and Mr. Powers stated that some dealers from out of state accumulate a transport load before removing their vehicles from the lot.

Mr. Smith asked if all vehicles are operable, and Mr. Powers replied that they are all in running conditions, because their license prohibits the sale of junk.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to allow for an automobile auction in a CS zoned district; finding that a mobile home sales business was previously in operation on the subject tract and that there are multiple zoning classifications in the area; and finding that the automobile auction is compatible with the existing uses and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Case No. 14691 (continued)

Lot 4, Block 3, Day Suburban Acres Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 14693

Action Requested:

Use Variance - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1209 - Request a use variance to allow for a mobile home on an IL zoned property for security purposes, located 16901 East Admiral Place.

Presentation:

The applicant, Am-Track Railroad Company, was represented by Cindy Soares, 16901 East Admiral Place, Tulsa, Oklahoma, who asked the Board to allow the installation of a mobile home for security purposes. She informed that the business has been burglarized in the past, as have others in the area.

Comments and Questions:

Ms. Bradley asked who will live in the mobile home, and the applicant replied that one of their employees will live in the mobile.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Use Variance** (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1209) to allow for a mobile home on an IL zoned property for security purposes only; finding that the tract is large and there are mixed residential and industrial zoning classifications in the area; on the following described property:

Lot 1, Block 1, Dalton Addition, City of Tulsa, Tulsa County,
Oklahoma.

Case No. 14694

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the front setback from 30' to 17' to allow for an existing dwelling unit in order to clear the title, north of NW/c 84th Street and South Indianapolis Place.

Presentation:

The applicant, John Hudson, was represented by Linda Hudson, 8314 South Indianapolis Place, Tulsa, Oklahoma, who submitted a plat of survey (Exhibit E-1), and explained that a corner of the house in question was constructed over the required front setback.

Case No. 14694 (continued)

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the front setback from 30' to 17' to allow for an existing dwelling unit in order to clear the title; per survey submitted; finding that one corner of the house encroaches into the front setback, due to the curvature of the street; on the following described property:

Lot 28, Block 11, Forrest Creek Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14695

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the front setback from 30' to 21' to allow for an existing dwelling in order to clear the title, located 3610 East 70th Street.

Presentation:

The applicant, Weldon G. Spitzer, 3610 East 70th Street, Tulsa, Oklahoma, stated that his existing dwelling encroaches into the front setback approximately 9'. A plat of survey (Exhibit F-1) and photographs (Exhibit F-2) were submitted.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the front setback from 30' to 21' to allow for an existing dwelling in order to clear the title; per survey submitted; finding a hardship demonstrated by the curvature of the street; on the following described property:

Lot 14, Block 2, Vienna Woods Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14696

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1223 - Request a use variance to allow for a 6,000 sq. ft. storage building in an RS-3 zoned district, located 1301 South Owasso Avenue.

Case No. 14696 (continued)

Presentation:

The applicant, Rachel Zebrowski, 1849 East 32nd Street, Tulsa, Oklahoma, stated that she is the architect for the project in question. She explained that the property is zoned RS-3, with commercial zoning to the east and the Broken Arrow Expressway on the south and west sides. Ms. Zebrowski pointed out that the property is not well suited for residential use due to the noise generated by the expressway, and that the low rental income does not cover the upkeep of the property. She stated that the owner of the subject property also owns and operates a printing business on the commercial property to the east on Peoria. Ms. Zebrowski informed that the proposed building in the residential area will be used as a storage facility for the existing printing business. She pointed out that the new structure will be of residential character and will have the required screening. A plot plan (Exhibit G-1) was submitted.

Comments and Questions:

Ms. Bradley asked the applicant if the house in question is vacant at this time, and she answered in the affirmative.

Mr. Gardner asked if the existing dwelling will be removed and a new building erected in its place, and the applicant replied that a new structure will be built because the deterioration of the existing one is such that renovation is not feasible.

Ms. Bradley asked if the two residences to the south are occupied, and Ms. Zebrowski replied that they are rented.

In response to Ms. Bradley's request that the parking issue be addressed, the applicant explained that there is a parking lot to the north, beside the existing printing business, which will satisfy the parking requirement for both buildings.

Mr. Gardner pointed out that, if the application is approved, a tie contract should be executed which would tie the lot in question to the two lots where the existing business, as well as the parking lot, is located.

Protestants:

Carla Lund, 1220 South Owasso, Tulsa, Oklahoma, stated that she is a member of the Tracy Park Homeowner's Association and a longtime resident of the area. She asked the Board to help prevent the intrusion of business into the neighborhood. It was pointed out by Ms. Lund that the house in question has been occupied and the occupants were asked to move because the warehouse was planned for the lot. A petition of opposition (Exhibit G-2) was submitted.

Applicant's Rebuttal:

The applicant stated that the renters that occupied the subject property purchased property at another location and moved out.

Case No. 14696 (continued)

Additional Comments:

Ms. White remarked that other property owners along 13th Street have made similar applications, and voiced a concern that a precedent would be set by allowing the business use to cross the zoning line into the residential area.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **DENY** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1223) to allow for a 6,000 sq. ft. storage building in an RS-3 zoned district; finding that the proposed warehouse would not be compatible with the neighborhood and would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 10, Block 1, Broadmoor Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14697

Action Requested:

Use Variance - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1213 - Request a use variance to allow for a women's custom wardrobe studio in an OM zoned district, located 1431 East 41st Street.

Action Requested:

The applicant, Danita B. Findahl, 2645 South Boston, Tulsa, Oklahoma, stated that she moved to Tulsa approximately 10 years ago and has been employed by Miss Jackson's and Orbach's. She stated that a strong clientele for her business was built during the years of employment at the two stores, and later she and a partner opened a business of their own. Ms. Findahl informed that the partnership has now been dissolved and a location is needed where she can continue to operate her business. She stated that she was not aware that the property did not have the proper zoning. It was pointed out by the applicant that the only sign on the door will be her name and the wardrobe studio will be geared to helping individuals build and maintain a wardrobe that fits their requirements. She pointed out that the front of the business will be residential in character and most of the clients will be seen on an appointment basis only. The applicant stated that there will be no media advertising.

Comments and Questions:

Ms. White stated that she is familiar with Ms. Findahl's previous business operation, and asked the applicant if the same type of business will be conducted at the new location.

Ms. Findahl replied that the business operation will be the same, but that she will not have a business partner.

Case No. 14697 (continued)

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Smith, Quarles, "absent") to **APPROVE** a **Use Variance** (Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1213) to allow for a women's custom wardrobe studio in an OM zoned district; finding that the use as proposed is very much like an office function and, therefore, compatible with the area; on the following described property:

Lot 2, Block 1, Olde Village Shoppes Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14698

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1207 - Request a special exception to allow for a duplex in an RS-3 zoned district, located south of SE/c Latimer Street and Elgin Avenue.

Presentation:

The applicant, TURA, was represented by Terry Gilliland, 707 South Houston, Tulsa, Oklahoma, who asked the Board to allow the construction of a duplex on the property at the above stated location. He submitted a location map (Exhibit H-1) of other duplexes in the area.

Comments and Questions:

Mr. Gardner pointed out that the proposed location is directly across the street from apartment zoning both to the west and south, and the duplex would serve as a buffer between the apartments and single family residences.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Smith, Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1207) to allow for a duplex in an RS-3 zoned district; finding that there are other duplexes 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:

Lots 29, 30, 31 and the South 10' of Lot 32, Block 2, Lincoln Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14699

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205 - Request a special exception to allow for a children's nursery in an RS-3 zoned district, located 6208 South 101st East Avenue.

Presentation:

The applicant, Roy Johnsen, requested by letter (Exhibit J-1) that Case No. 14699 be continued to January 7, 1988.

Protestants: None.

Board Action:

On **MOTION** of BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Smith, Quarles, "absent") to **CONTINUE** Case No. 14699 to January 7, 1988, as requested by the applicant.

Case No. 14700

Action Requested:

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1206 - Request a variance to allow for two (2) dwellings on one (1) lot of record, located 1419 South Jamestown Avenue.

Presentation:

The applicant, Charles Porter, 1419 South Jamestown, Tulsa, Oklahoma, requested permission to construct a garage apartment on a portion of his property. He explained that his son-in-law was injured in a welding accident and is unable to work at a full time job. Mr. Porter stated that the family is in need of a place to live, and asked the Board to approve the application.

Comments and Questions:

Ms. Bradley asked if the construction will be all new, and the applicant replied that the existing garage is in bad repair and it will be removed and replaced by the new building. He explained that it will be a two story structure, with living quarters on both floors.

Ms. Bradley inquired if there are other similar units in the area, and Mr. Porter replied that there is one on the lot to the rear of his property.

Case No. 14700 (continued)

Protestants:

C. E. Courtney, 1427 South Jamestown, Tulsa, Oklahoma, stated that the area is very nice and pointed out that property values could be adversely affected by the construction of a garage apartment in the neighborhood.

Stan Keathly, stated that he owns the property located at 1404 South Knoxville, and informed that all garage apartments in the area are nonconforming. He pointed out that the applicant has no control of what might happen to the property in the future, and asked the Board to protect the area from prospective multiple units at this location.

Comments and Questions:

Ms. White stated that, although sympathetic to Mr. Porter's personal problem, it appears that a harmful precedent could be set by approving the application.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Smith, Quarles, "absent") to **DENY** a **Variance** (Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1206) to allow for two (2) dwellings on one (1) lot of record; finding that a hardship was not demonstrated by the applicant; finding that the small lot could not adequately support two dwelling units; and that the request violates the purpose, spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 9, Block 5, Summit Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14703

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the sideyard setback from 3' to 0' and a variance of the rear yard setback from 10' to 8' to allow for an existing nonconforming garage, located 1319 South St. Louis Avenue.

Presentation:

The applicant, Felmet Rhea, stated that he owns property at 1319 South St. Louis, and asked permission to construct a 12' storeroom to the rear of an existing garage. He explained that the garage was built on the boundary line approximately 50 years ago and the storage area will align with the existing wall and extend toward the rear of the lot. A plot plan (Exhibit K-1) was submitted.

Protestants: None.

Case No. 14703 (continued)

Comments and Questions:

Mr. Jackere asked the applicant if anything stored in the building is business related, and the applicant replied that he does not have a business.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Smith, Quarles, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the sideyard setback from 3' to 0' and a variance of the rear yard setback from 10' to 8' to allow for an existing nonconforming garage; subject to the storage facility being used for personal items only; finding that the garage was constructed many years ago and the addition will align with the existing garage wall; on the following described property:

Lot 20, Block 9, Forrest Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14708

Action Requested:

Special Exception - Section 240.2c - Permitted Yard Obstructions - Use Unit 1206 - Request a special exception to permit a six foot tall wrought iron fence in the side and required front yard, located 2745 South Birmingham.

Comments and Questions:

Mr. Jones informed that Traffic Engineering (Exhibit L-1) has reviewed the site and has approved the location and size of the fence in question, subject to the plan submitted (Exhibit L-2).

Presentation:

The applicant, Keith Franklin, 201 West 5th Street, Tulsa, Oklahoma, stated that he is representing the owner of the property, Robin Seigfried. He informed that a 1' high wall is existing and a 5' wrought iron fence will be installed on top of the wall, with stone pillars spaced 13' apart.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Smith, Quarles, "absent") to **APPROVE** a **Special Exception** (Section 240.2c - Permitted Yard Obstructions - Use Unit 1206) to permit a six foot tall wrought iron fence in the side and required front yard; per plan submitted; finding that the proposed see-through fence has been approved by Traffic Engineering; and finding that there are other similar fences in the area; on the following described property:

Case No. 14708 (continued)

The south half of Lot 6, Block 4, Woodycrest Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 14709

Action Requested:

The applicant, Pat Giese, 6208 South 101st East Avenue, Tulsa, Oklahoma, requested a refund of filing fees.

Comments and Questions:

Mr. Jones informed that this application was withdrawn and combined with another application before processing had begun, and suggested that all fees be refunded.

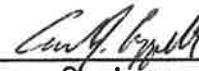
Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Smith, Quarles, "absent") to **REFUND** filing fees in the amount of \$100.00; finding that the application was withdrawn prior to processing.

There being no further business, the meeting was adjourned at 2:47 p.m.

Date Approved

1-21-88



Chairman

