

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 513  
Thursday, April 21, 1988, 1:00 p.m.  
City Commission Room, Plaza Level  
Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Bradley Chappelle, Chairman Quarles Smith White		Gardner Taylor 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, April 19, 1988, at 10:35 a.m., as well as in the Reception Area of the INCOG offices.

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

**MINUTES:**

On **MOTION** of **WHITE**, the Board voted 3-0-1 (Bradley, Chappelle, White, "aye"; no "nays"; Quarles, "abstaining"; Smith, "absent") to **APPROVE** the Minutes of April 7, 1988.

On **MOTION** of **BRADLEY**, the Board voted 3-0-1 (Bradley, Chappelle, Quarles, "aye"; no "nays"; White, "abstaining"; Smith, "absent") to **APPROVE** the Minutes of March 17, 1988.

**UNFINISHED BUSINESS**

**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.

Case No. 14690 (continued)

**Comments and Questions:**

Mr. Gardner stated that he has spoken with the applicant and there may be a need for a variance, but it will not be for the lot size, as was stated in this application. He suggested that the Board strike the case without prejudice, and pointed out that Mr. Dodson can readvertise under the same application if he needs other relief.

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **STRIKE** without prejudice Case No. 14690.

**Case No. 14776**

**Action Requested:**

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from 25' to 9' on 59th Street to allow for an existing carport, located 1562 East 59th Street.

**Presentation:**

The applicant, Michael Gidley, 1562 East 59th Street, Tulsa, Oklahoma, asked the Board to allow an existing carport which encroaches into the front setback. He informed that the neighbors view is not blocked by the structure, and that a similar carport is in place at 5731 South Rockford.

**Comments and Questions:**

Ms. White asked the applicant how long the carport has been at the present location, and he replied that Standard Builders began construction of the carport in November of 1987.

Ms. White asked if the contractor obtained a Building Permit, and Mr. Gidley replied that he did not make application for a permit.

**Protestants:**

Mr. Chappelle informed that Staff has received a letter of protest (Exhibit A-1) from Ms. Riley, a resident of the area.

Ms. Robert Fisher, 1597 East 59th Place, Tulsa, Oklahoma, stated that this is a well-kempt neighborhood and the carport in question is unsightly. She also voiced a concern with the approval of one carport setting a precedent in the area.

**Additional Comments:**

Ms. White asked the applicant to state the hardship for this case.

The applicant explained that he asked the builder if a permit was required, and he stated that he has been in business in Tulsa for over 20 years and constructs over 100 carports each year without permits. Mr. Gidley stated that the contractor assured him that a permit was not required.

Case No. 14776 (continued)

Ms. White pointed out that a hardship is something unique or unusual about the property that prevents it from being used in accordance with Code requirements.

The applicant stated that his 17' garage is more narrow than the standard 20' garage and two cars cannot be parked inside.

Mr. Quarles stated that he would not have supported the application if Mr. Gidley had come to the Board before construction began.

**Board Action:**

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **DENY** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from 25' to 9' on 59th Street to allow for an existing carport; finding that the applicant failed to demonstrate a hardship for the variance request.

Lot 8, Block 1, Southern Gardens Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14774**

**Action Requested:**

Appeal - Section 1650 - Appeals from the Building Inspector - Use Unit 1213 - Request an appeal from the decision of the Building Inspector in issuing a zoning clearance permit for a sexually oriented business, located 5925 East 11th Street.

**Presentation:**

The applicant, Blake Champlin, 1211 South Canton, Tulsa, Oklahoma, submitted a survey (Exhibit B-4), and a packet (Exhibit B-1) containing photographs, affidavits and letters supporting their position. He stated that the Zoning Clearance Permit obtained by the Eastside Video should not have been issued, due to the fact that there are two private parks in the immediate area. It was pointed out by Mr. Champlin, that the Farris property and property owned by the Oklahoma Fixture Company are both used for parks and are within 500' of the sexually oriented business. He informed that one of the exhibited photographs was taken of the Farris property and shows a vacant lot with a backstop in place. He pointed out that since the appeal has been filed, the backstop has been removed and "no trespassing" signs have been placed on the lot. Mr. Champlin stated that affidavits signed by residents in the area state that the lot has been used for recreational purposes, with the owners consent, on a regular basis during the past 19 years.

**Comments and Questions:**

A packet (Exhibit B-5) was submitted by the Chief Zoning Officer, which contained material from her office pertaining to this case.

Case No. 14774 (continued)

Mr. Quarles asked Mr. Champlin if the owner of the property, William Farris, is present for this meeting, and Mr. Champlin replied that he is elderly and stated that he does not want to get involved in the matter. He informed that Mr. Farris had advised that anyone could use the property if they would mow the grass and assume liability for any injuries.

Mr. Jackere advised the Board that he is concerned with third persons claiming that a piece of property is a private park. He pointed out that Mr. Farris is not here to confirm the statement that this lot is a park.

Mr. Quarles asked the age of Mr. Farris, and Mr. Champlin stated that he is elderly and is ill.

Mr. Quarles asked who authorized the demolition of the backstop and the erection of the "no trespassing" signs, and Mr. Champlin replied that Mr. Salisbury informed him that the property owner authorized this action.

Mr. Quarles noted that it appears that it is the intent of the owner that the property cease to be a park, if in fact it has been a park in the past.

Mr. Champlin pointed out that the property was a park on the date the permit for the Eastside Video was issued.

Ms. White asked Mr. Champlin if he asked Mr. Farris to issue an affidavit stating that his property is a private park, and he replied that he did not want to get involved in the issue. He stated that he asked the owner if he would grant permission for the lot to be used by a ball team, and he replied that he would allow anyone to use the lot if they maintained the property and issued a release of liability.

Ms. White remarked that she viewed the Farris property and it is not being maintained at all.

Mr. Champlin informed that the Oklahoma Fixture Park is located to the northwest of Eastside Video and was constructed approximately nine years ago. He pointed out that the park is used for various ball games, golf and other activities.

Mr. Jackere asked if Oklahoma Fixture Company is present for this meeting, and Mr. Champlin stated that he has spoken with a company representative and they do not want to get involved in the issue.

Mr. Champlin pointed out that the Eastside Video is within 500' of the Oklahoma Fixture Park.

**Interested Parties:**

Shirley Hoppis, 1226 South Fulton, Tulsa, Oklahoma, represented the Mid-Tulsa Neighborhood Association, and pointed out that

Case No. 14774 (continued)

Oklahoma Fixture Company has contributed \$200 to legal fees incurred by the appeal. She submitted a petition (Exhibit B-2) containing 1700 signatures of persons opposing the location of the sexually oriented business. Ms. Hoppis submitted a letter of protest (Exhibit B-7) from the Eastgate Lodge.

Ms. Bradley asked Ms. Hoppis how Oklahoma Fixture Company responded when approached concerning the appeal, and she replied that they donated \$200, but stated that they do not want to get publicly involved at this time

Mr. Quarles asked Ms. Hoppis if the people that signed the petition were attesting to the fact that the Farris property and the Oklahoma Fixture property are parks, or are they opposed to the video business. Ms. Hoppis replied that the signatures are from residents that are opposed to the sexually oriented business.

Ms. Hoppis pointed out that there is an interior wall inside the building housing the video business, and if the wall was removed the business would be too close to the residential neighborhood to the rear.

**Counsel for the Sexually Oriented Business:**

Tom Salisbury, 201 West 5th Street, Tulsa, Oklahoma, stated that the Board may consider staying action in this case, based upon the recent ruling of the Court of Appeals in the Night Moves case. He informed that the Court of Appeals has determined that the ordinance, in regards to how measurements are made, is unconstitutionally vague. He stated that the case has gone to the Supreme Court, and that decision may be determinative of the question of measurement in this case. Mr. Salisbury stated that he filed a motion to dismiss the appeal, finding that it was not filed within the 10 day period after the permit was issued for the Eastside Video. He stated that he is not sure what a private park is, but Mr. Farris told him that he has not given anyone permission to use the lot for the past eight to ten years. Mr. Salisbury stated that he has spoken to representatives of Oklahoma Fixture Company and they informed that their land is not open to the public, and they have not given anyone permission to use it. He stated that this company did not want to get involved and would not issue him an affidavit stipulating that the land is a private park, or is not a private park. An aerial photograph (Exhibit B-3) of the area was submitted. It was pointed out by Mr. Salisbury that trees and rubbish cover the portion of the park that is nearest the video business, and the usable area is well out of the 500' range required by the Code. He informed that the business in question is not visible from the portion of the land that is actually used. Mr. Salisbury pointed out that the owners of the land which is referred to as a park do not want to get involved in the issue, and asked the Board to uphold the decision of the zoning officer. Photographs (Exhibit B-6) were submitted.

Case No. 14774 (continued)

Additional Comments:

Mr. Quarles asked Mr. Salisbury if he is in agreement with the information supplied by Mr. Champlin which found Eastside Video to be approximately 454' from the Oklahoma Fixture property, and he answered in the affirmative.

Mr. Quarles asked Mr. Salisbury if his client has purchased the Farris property, and he replied that he is negotiating the purchase of the east lot, but is not purchasing the lot behind the business.

Mr. Smith inquired as to the use of the portion of the building not being used for the video business, and Mr. Salisbury replied that it is vacant. He informed that the tenant wall was placed approximately 305' from the residential boundary.

Ms. Bradley asked Mr. Jackere to comment on the statement made by Mr. Salisbury concerning the appeal to the Supreme Court. Mr. Jackere stated that the ordinance regulating sexually oriented businesses has been determined by the Court of Appeals to be unconstitutionally vague because it does not state where measurements should begin or end. He stated that it was determined that people of common intelligence cannot determine where to measure. He stated that the City disagrees with this opinion, and while the appeal to the Supreme Court is pending, the decision of the Court of Appeals is stayed. Mr. Jackere pointed out that it cannot be determined what the outcome will be, so nothing would be accomplished by delaying this hearing.

Mr. Salisbury stated that the store would suffer economic hardship if the permit was revoked and the City lost the case in the Supreme Court. He pointed out that the Board could avoid this possibility by staying proceedings until they know the outcome of the appeal.

Mr. Jackere pointed out that Mr. Salisbury has been involved in other cases of this type and is aware of the fact that, if this Board should revoke the permit, the owner of the video business has the right of appeal. He further noted that Mr. Salisbury is aware of the fact that the business will be allowed to remain open and will not suffer economic loss.

Ms. Bradley asked Mr. Jackere to address the subject of the filing of a timely appeal, and he replied that the ordinance stated that anyone aggrieved must file within 10 days of the decision of the Zoning Officer. He pointed out that the only person that would know of that decision would be the person applying for the permit, so he suggested that the 10 days would begin from and after the discovery of the notice or the time construction began. He stated that, in order to file an appeal, a person must be an aggrieved party, and it would seem that the owner of the park would have to be the aggrieved party in this issue.

Case No. 14774 (continued)

Mr. Salisbury noted that there is no record that would support the fact that either of the properties mentioned in this case have been set aside as private parks by the owners.

Mr. Smith asked Mr. Jackere if the Board is bound to take the partition wall as the outside wall for the business, and Mr. Jackere replied that in the past a sexually oriented business in a shopping center is measured from the wall of the tenant space.

Mr. Jackere advised that it is difficult to recognize a private park, due to the fact that there is no sign. He stated that the question before the Board today is whether or not all of the Oklahoma Fixture park area is actually maintained and used for a park.

Mr. Smith remarked that a public park or a school yard enjoys more protection from these types of businesses than a residence, and suggested that future changes in the ordinance should reflect a change in this area.

Ms. White remarked that she would not be comfortable with making a decision to designate property as a park without the permission of the owner.

Ms. Bradley, Mr. Quarles and Mr. Chappelle stated that they are in agreement with Ms. White.

**Board Action:**

On **MOTION** of **QUARLES**, the Board voted 4-1-0 (Bradley, Chappelle, Quarles, White, "aye"; Smith, "nay"; no "abstentions"; none, "absent") to **UPHOLD** the **Decision** of the Building Inspector; and to **DENY** an **Appeal** (Section 1650 - Appeals from the Building Inspector - Use Unit 1213) from the decision of the Building Inspector in issuing a zoning clearance permit for a sexually oriented business; finding that the lot to the rear of the business is actually only a vacant lot; finding that the portion of the property used by Oklahoma Fixture Company for a private park is more than 500' from the sexually oriented business in question; and finding that the owners of the two properties, referred to as private parks in this appeal, did not oppose or support the location of the sexually oriented business; on the following described property:

The south 200' of the W/2, Lot 2, Block 64, Glenhaven Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14789**

**Action Requested:**

Use Variance - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1223 - Request a use variance to allow for an existing pipe supply company and related uses in an AG zoned district, located 17801 East 11th Street.

Case No. 14789 (continued)

**Presentation:**

The applicant, E. P. Reddy, was represented by Robert Nichols, 111 West 5th Street, Tulsa, Oklahoma, who stated that the business in question has been in operation since 1962, which predates the adoption of the Zoning Code, and asked the Board to permit the continued use. He stated that used equipment will be located on the lot, with no salvage, and screening will be installed according to Board requirements. Mr. Nichols stated that the business will be open Monday through Saturday and will keep normal business hours.

**Comments and Questions:**

Ms. Bradley asked Mr. Nichols if he is asking for the operation of a pipe supply company only, and he answered in the affirmative.

Ms. Bradley inquired as to the distance from the intersection to the west boundary, and Mr. Nichols replied that the distance is 442'.

**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 **Use Variance** (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1223) to allow for an existing pipe supply company and related uses in an AG zoned district; subject to no salvage on the lot; subject to days and hours of operation being Monday through Saturday, 7:00 a.m. to 6:00 p.m.; finding that the business has been in continuous operation since 1962 and has proved to be compatible with the area; on the following described property:

Beginning at the SW/c of Section 1, T-19-N, R-14-E, thence east 472.97' to the Point of Beginning, thence north 990', east 330', south 990', west 330', to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14794**

**Action Requested:**

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1213 - Request a use variance to allow for a retail trade establishment (gifts, novelty items and souvenirs) in an RM-1 zoned district, located 2645 East 7th Street.

**Presentation:**

The applicant, M. F. Merchant, was represented by Robert Nichols, 111 West 5th Street, Tulsa, Oklahoma, who submitted photographs (Exhibit C-1) and a letter of conditions (Exhibit C-2). He informed that the hours of operation for the business in question will be consistent with those for Mr. Schmidt's store to the east. Mr. Nichols stated that four off-street parking spaces are provided and there will be no tobacco, alcoholic beverages or explicit materials



Case No. 14794 (continued)

sold on the property. He pointed out that the applicant plans to utilize only 10% of the building for the business and the remaining portion will continue to be used for apartments. It was pointed out by Mr. Nichols that a hardship is demonstrated by the changing social and economic conditions. He stated that this portion of the building has been difficult to rent and the business would be in keeping with the surrounding use.

**Comments and Questions:**

Ms. Bradley pointed out that this application is not in accordance with the Amended District 4 Plan.

Mr. Nichols noted that the property in question is on the fringe of the special district and the owner will be operating the business.

Ms. White noted that Schmidt's Antiques, which is located to the east of the proposed business, is a nonconforming commercial use, and remarked that all apartment owners are experiencing difficulty in keeping rental units occupied.

Mr. Nichols pointed out that a use variance was granted to Schmidt's Antiques.

Mr. Chappelle asked the size of the building in question, and Mr. Nichols informed that it contains 10,000 sq. ft. of floor space.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 2-3-0 (Bradley, White, "aye"; Chappelle, Quarles, Smith, "nay"; no "abstentions"; none, "absent") to **DENY** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1213) to allow for a retail trade establishment (gifts, novelty items and souvenirs) in an RM-1 zoned district.

Ms. White's motion failed for lack of three affirmative votes.

**Additional Comments:**

Ms. Bradley commented that a lot of effort has gone into amending the District 4 Plan, and pointed out that the effort is to no avail if the Board does not adhere to the amendment.

Mr. Chappelle stated that he feels this is a unique situation because of the large size of the building. He pointed out that the church and school are the only structures that are as large as the building in question.

Mr. Quarles suggested that the application be approved for a specific period of time, and at the end of the period, a review of the case be conducted to determine compatibility of the business with the area.

Mr. Jackere stated that the courts have taken the position that, if a use is compatible, it is compatible regardless of time.

Case No. 14794 (continued)

**Protestants:**

Dr. Caldwell, representative of the College Hill Presbyterian Church, stated that he is opposed to a retail business in the area and asked that the variance request be denied.

Jack Robertson, Kendall-Whittier Ministries, stated that the neighborhood is opposed to the application. He stated that the residents are struggling to keep the residential area in a stable condition.

Charles Olds, 2635 East 7th Street, Tulsa, Oklahoma, stated that he works for Mr. Schmidt and lives three houses to the west of the property in question. He pointed out that the property has been improved by the applicant and that he is supportive of the application.

H. D. Staires, Tulsa University, stated that the application is not in accordance with the District 4 Plan and asked the Board to deny the application. He pointed out that the property in question is across the street from the primary acquisition area and approval of the application will set a bad precedent in the neighborhood.

Fran Pace, 1326 South Florence Avenue, Tulsa, Oklahoma, District 4 Planning Team, stated that the property in question is in the special consideration portion of the TU Special District. She pointed out that a great deal of time was spent updating the special district and asked the Board to maintain the residential character of the area.

Mr. Quarles stated that he has reconsidered and will now support a motion for denial.

Ms. White stated that the type of merchandise offered in the proposed business will generate more traffic than Schmidt's antiques.

One letter of protest (Exhibit C-3) was submitted to the Board.

**Applicant's Rebuttal:**

Mr. Nichols pointed out that the application is unique in that there is nonresidential property on three corners. He pointed out that the building is not residential in character and was built for a retail operation. Mr. Nichols stated that the use is consistent with the other uses around the University.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-1-0 (Bradley, Quarles, Smith, White, "aye"; Chappelle, "nay"; no "abstentions"; none, "absent") to **DENY** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1213) to allow for a retail trade establishment (gifts, novelty items and souvenirs) in an RM-1 zoned district; finding that the proposed business would not be compatible

Case No. 14794 (continued)

with the neighborhood, and that the granting of the variance request would impair the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 6, Block 9, Highland Addition, City of Tulsa, Tulsa County, Oklahoma.

**MINOR VARIANCES AND EXCEPTIONS**

**Case No. 14796**

**Action Requested:**

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of rear yard setback from 20' to 16' to allow for an addition to an existing dwelling unit, located 7930 South 72nd East Avenue.

**Presentation:**

The applicant, Robert Schramke, 7930 South 72nd East Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1) and stated that he has lived at the present location for approximately 14 years. He asked the Board to allow him to construct an addition on the back portion of the existing house. Mr. Schramke pointed out that the home was constructed over the lot line and the new addition will not extend further into the setback.

**Protestants:** None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of rear yard setback from 20' to 16' to allow for an addition to an existing dwelling unit; per plot plan submitted; finding a hardship demonstrated by the corner lot location; and finding that the new addition will not protrude further into the setback than the existing house; on the following described property:

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

**Case No. 14799**

**Action Requested:**

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a minor variance of setback from the centerline of Harvard Avenue from 50' to 40' to allow for a business sign, located 3315 South Harvard Avenue.

Case No. 14799 (continued)

**Presentation:**

The applicant, John Owen, 1889 North 105th East Avenue, Tulsa, Oklahoma, a representative of Craig Neon, stated that a client is proposing to place a 4' by 3 1/2' sign in front of his business at the above stated address. He pointed out that the setback requirement would place the sign inside the building. Mr. Owen stated that there are other signs in the area that are as close to the street as the sign in question. Photographs (Exhibit E-1) and a sign plan (Exhibit E-2) were submitted.

**Comments and Questions:**

Mr. Smith asked if there will be sufficient sight distance for vehicles in the area, and Mr. Owen answered in the affirmative.

**Protestants:** None.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) of setback from the centerline of Harvard Avenue from 50' to 40' to allow for a business sign; per sign plan submitted; finding that there are other signs along Harvard that are as close to the street as the sign in question; and finding that the buildings in the area are constructed close to the street and that the sign would actually be located inside the building if the required setback was met; on the following described property:

The south 150' of the west 135' of Lot 24, Albert Pike Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14804**

**Action Requested:**

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a minor variance of setback from the centerline of South Yale from 60' to 30' to allow for a business sign, located SW/c 4th Place and Yale Avenue.

**Presentation:**

The applicant, Terry Howard, was represented by Charles Hare, 6550 East Independence, Tulsa, Oklahoma, who submitted a sign plan (Exhibit F-1) and a location map (Exhibit F-2). He informed that there is an existing sign on the property which is to be replaced with a new style sign with the same dimensions. Mr. Hare stated that the sign will not protrude further into the setback than the existing canopy.

**Protestants:** None.

Case No. 14804 (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 **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) of setback from the centerline of South Yale from 60' to 30' to allow for a business sign; per plan submitted; subject to the execution of a removal contract; finding that the sign will be placed on the existing pole and will not extend further into the setback than the existing canopy; on the following described property:

Lot 1 and the North 95.07' of Lot 2, Block 1, Kendall View Additon, City of Tulsa, Tulsa County, Oklahoma.

**NEW APPLICATIONS**

**Case No. 14797**

**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 40', of lot area from 6900 sq. ft. to 5324 sq. ft. and land area from 8400 sq. ft. to 6324 sq. ft. to allow for a lot split.

Variance - Section 420.2 - Accessory Use Conditions - Use Unit 1206 - Request a variance of the side yard setback from accessory buildings from 3' to 1', located 3315 East 7th Street.

**Comments and Questions:**

Mr. Jones informed that TMAPC approved the lot split at the April 20, 1988 meeting.

**Presentation:**

The applicant, Arlene Phillips, 320 South Boulder, Tulsa, Oklahoma, was represented by Bobbie Bricker, who submitted a survey (Exhibit G-1) and stated that she is appearing on behalf of the owner of the property. She asked the Board to allow the lot split in order to provide separate ownership of two existing houses. It was noted that the lots across the street are comparable in size to those created on the subject property.

**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 40', of lot area from 6900 sq. ft. to 5324 sq. ft. and land area from 8400 sq. ft. to 6324 sq. ft. to allow for a lot split; and to **APPROVE** a **Variance** (Section 420.2 - Accessory Use Conditions - Use Unit 1206) of the side yard setback from accessory

Case No. 14797 (continued)

buildings from 3' to 1'; per survey submitted; finding that the lots created by the lot split will be comparable in size to the lots across the street; and finding a hardship imposed on the applicant by the location of the existing garage and the size and shape of the tract; on the following described property:

Lots 8 and 9, Block 1, Acme Farm Addition, City of Tulsa, Oklahoma.

**Case No. 14798**

**Action Requested:**

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow for a car sales lot in a CS zoned district, located NW/c 3rd Street and Gillette Avenue.

**Presentation:**

The applicant, Sharon Miller, was represented by Ken Underwood, 1424 Terrace Drive, Tulsa, Oklahoma. He informed that Ed and Joyce Dubois are purchasing the subject property and are planning to operate a car sales business on the lot. Mr. Underwood informed that there will be no garage work or contract maintenance work performed on the property. He informed that used car sales have been conducted on the lot since 1926, except for the time the property was in probate. A plot plan (Exhibit H-1) was submitted.

**Comments and Questions:**

Ms. Hubbard informed that the property was in probate for more than three years and lost its status as being nonconforming.

Mr. Chappelle asked how many cars will be displayed on the lot, and Mr. Underwood stated that there will be a maximum of 25 cars.

Mr. Underwood stated that a privacy fence will be installed between the subject property and the apartments to the north and the dentist office next door.

**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 **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to allow for a car sales lot in a CS zoned district; subject to no contract maintenance being performed on the property; subject to a 6' screening fence being installed on the north property line and on the west boundary between the car sales lot and the dentist office, per plan submitted; subject to a maximum of 25 cars; and subject to all lighting being directed to the interior of the lot; finding that

Case No. 14798 (continued)

the car sales business 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 east 75' of Lot 1, Block 4, Hillcrest Ridge addition and Lots 10 and 11, less the west 14.5', Block 7, Wakefield Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14800

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required street frontage from 30' to 15' to allow for a lot split, located east of NE/c of 55th Place and Atlanta Avenue.

Comments and Questions:

Mr. Taylor informed that TMAPC approved the lot split at the April 20, 1988 meeting.

Presentation:

The applicant, Bill Preaus, 940 East 37th Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit J-1) and explained that a tract has been split into two lots with a 15' handle for access from 55th Place to the back lot. He asked the Board to approve the 15' frontage.

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 207 - Street Frontage Required - Use Unit 1206) of the required street frontage from 30' to 15' to allow for a lot split; per plot plan submitted; finding a hardship imposed on the applicant by the narrow shape of the lot; and finding that the 15' frontage is actually a handle for access to the lot located to the rear of the property; on the following described property:

The east 117' of the west 132' of the east 330' of the N/2, SE/4, SW/4, NW/4, Section 32, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma,

Case No. 14801

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of required street frontage from 30' to 0'.

Case No. 14801 (continued)

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of lot width from 75' to 68' and 70' and a variance of the lot area all to permit a lot split, located 2450 East 24th Street.

Comments and Questions:

Mr. Taylor informed that this application was heard by TMAPC on April 20, 1988, and was continued to the May 4, 1988 meeting.

Mr. Gardner stated that interested parties are in the audience and the Board can hear the application today if it chooses to do so, but if approved, will also require TMAPC approval.

Presentation:

The applicant, Design Properties, 7318 South Yale, Tulsa, Oklahoma, was represented by Jack Arnold, who submitted a drawing (Exhibit K-1) and a survey (Exhibit K-2), and stated that the property in question is at the end of 24th Street, west of Lewis. He explained that it is proposed to remove the existing house and split the tract into four lots, with a private drive to serve the new homes.

Mr. Gardner asked if the 24th Street right-of-way was carried through the two lots to the east, and Mr. Arnold replied that 24th Street serves these two lots, but does not extend through to the subject tract. Mr. Gardner stated that 24th Street would never be extended through, due to the decision that has been previously made for the lots to the east.

Ms. Bradley asked if the access to the property would be west on 24th from Lewis Avenue, and Mr. Arnold answered in the affirmative.

Mr. Arnold pointed out that the water line will loop through the addition and the sewer is located adjacent to the property.

Ms. Bradley remarked that there are no other lots in the area that have a frontage less than 75'.

Mr. Arnold informed that 43,500 sq. ft. of land area is required for for the four houses, and the tract in question has a total of 43,240 sq. ft. Mr. Gardner asked the total lot area for each lot, and Mr. Arnold replied that the lot area is 9,520 sq. ft. for the north lots and 14,400 sq. ft. for the one to the south, with the turn around and guest parking included. He stated that the lot to the south is basically the same size as those to the north if the turn around is excluded.

Mr. Gardner pointed out that the lots in the surrounding area are larger than than zoning requirements. He stated that the lots in the proposed development meet the lot area requirement, but do not meet the street frontage and land area requirements.



Case No. 14801 (continued)

Protestants:

Larry Carver, 2523 East 24th Street, Tulsa, Oklahoma, stated that he has reviewed the plans and has no objection to the development.

Joe Robson, 2425 East 24th Street, Tulsa, Oklahoma, stated that the applicant is attempting to circumvent the zoning and replatting process. He pointed out that the land area per lot is less than the Code requirement. Mr. Robson asked the Board to deny the application.

Martin Rutherford, 2419 East 24th Street, Tulsa, Oklahoma, stated that he lives four lots to the west of the subject tract and is opposed to the application.

Lane Pennington, 2433 East 24th Street, Tulsa, Oklahoma, remarked that he is concerned with the density of the project. He pointed out that the existing houses are approximately 45' from the curb and the proposed addition will only have 15' to 20' of yard. Mr. Pennington stated that he is also concerned with the amount of traffic that will be generated, with no available parking. He informed that he is representing Mr. and Mrs. Starkweather, who live in the area, and are also opposed to the application.

Hobart Dickson stated that he lives to the east of the property in question and voiced a concern that a fire truck would not be able to negotiate a turn on the 20' street if cars were parked in the area. He pointed out that the Technical Advisory Committee continued their discussion of the plat, and the case was also continued by the Planning Commission.

Mr. Gardner noted that a dedicated cul-de-sac could be constructed at the end of the street and the tract divided into three lots. He pointed out that land area, by definition, includes the lot and half of the abutting street and this development lacks 140 sq. ft. of the required footage for four lots.

Bob Selber, 2420 East 24th Street, Tulsa, Oklahoma, stated that he lives to the west of the subject tract and is in support of the project. He stated that the issue seems to be whether or not the tract should be split into three lots or four lots. He suggested that the area residents be supplied with some guidelines that will be followed during the development. Mr. Selber stated that there would be no visual impact on the neighborhood if there were four lots developed, with a minimal increase in traffic.

Ms. White asked if development standards were submitted during meetings between the developer and the area residents, and Mr. Selber replied that he has not seen a list of the development standards.

Dean Collins, 2448 East 24th Street, Tulsa, Oklahoma, informed that he owns a home to the west of the subject property and recommended approval of the application.

Case No. 14801 (continued)

Kay Starkweather stated that she lives next door to the property and is in favor of the builder, but requested that the Board approve the construction of only three homes on the tract.

**Interested Parties:**

Earlene Morgan stated that she is owner of the property in question, and pointed out that the property to the south was originally a part of the subject tract, but was subdivided and developed successfully.

John Woolman, one of the developers for the subdivision, stated that he does want to work with the neighbors and will supply in writing any information regarding the development.

Ms. Bradley voiced a concern with approving the application without development guidelines.

Ms. White stated that, although she recognizes Mr. Woolman's reputation for doing quality work, she is concerned with the safety aspect concerning the narrow street and the lack of input from the Technical Advisory Committee.

Mr. Smith pointed out that the proposed cul-de-sac will be better than the existing arrangement.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 3-1-1 (Chappelle, Smith, White, "aye"; Bradley, "nay"; Quarles, "abstaining; none, "absent") to **APPROVE** a **Variance** (Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of required street frontage from 30' to 0'; and to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of lot width from 75' to 68' and 70' and a variance of the land area all to permit a lot split; subject to applicant returning to the Board on May 5, 1988 for approval of Development Standards, which are to be circulated to residents of the neighborhood before May 5th; subject to TMAPC approval; and subject to Technical Advisory Committee approval; finding a hardship demonstrated by the large size and interior location of the lot; on the following described property;

East 3', south 210', north 375' of Lot 5, and the west 206', south 210', north 375' of Lot 6, J. P. Harter's Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

**Case No. 14802**

**Action Requested:**

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from the front from 35' to 28' to allow for a dwelling, located 1628 East 31st Street.

Case No. 14802 (continued)

**Presentation:**

The applicant, Design Properties, 7318 South Yale, Tulsa, Oklahoma, was represented by Jack Arnold, who stated that he purchased the property in question and planned the construction of four houses. He informed that he has previous approval of the Board for a 30' front setback. Mr. Arnold pointed out that the house has been constructed, per survey, and is now 2' further to the front of the lot than the previous approval allows. He informed that all four houses are under contract for sale at this time.

**Comments and Questions:**

Ms. Bradley asked if the other three houses comply with the 30' setback, and Mr. Arnold answered in the affirmative.

**Protestants:**

Richard and Carol Liebendorfer, 1634 East 31st Street, Tulsa, Oklahoma, who submitted a petition (Exhibit L-1) and photographs (Exhibit L-2), stated that they live in the adjoining property to the east of the development and strongly object to the application. She pointed out that Mr. Arnold submitted plans for four modest homes for review by the neighbors and then proceeded to build enormous homes on all four lots. Ms. Liebendorfer pointed out that there is limited access to the lots and the house in question sets out many feet in front of her house. She stated that there is a drainage problem in the area and asked the Board to deny the application. It was pointed out by Ms. Liebendorfer that the house is under construction and has not been bricked.

**Applicant's Rebuttal:**

Mr. Arnold stated that an error was made which moved the house further into the setback and asked the Board to grant the variance request.

**Additional Comments:**

Ms. Bradley asked Mr. Arnold to state the hardship for this case, and he replied that the surveyor made an error.

Ms. Liebendorfer pointed out that lost profits is not a valid reason for approval of a variance.

Mr. Quarles stated that he would like another opportunity to review the property and suggested a continuance of the case.

**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 **CONTINUE** Case No. 14802 to May 5, 1988, to allow the Board to review the property in question.

Case No. 14802 (continued)

**Additional Comments:**

Mr. Woolman pointed out that the White Survey Company, and not Mr. Arnold, laid out the house and made a mistake.

Mr. Liebendorfer stated that each time a variance is approved, the problem is compounded. He pointed out that notice of this hearing was received in March, and after that time work continued to progress on the house.

**Case No. 14803**

**Action Requested:**

Variance - Section 240.2(d) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance to allow for an existing detached accessory building (garage) to be located in the front yard, 1439 East 34th Street.

**Presentation:**

The applicant, John B. Walton, 2101 South Madison, Tulsa, Oklahoma, was present.

**Comments and Questions:**

Mr. Chappelle stated that Staff has received a request for continuance (Exhibit M-1) from a protestant, and explained to Mr. Walton that it is the practice of the Board to grant one continuance if the request is timely.

**Protestants:**

One letter (Exhibit M-2) of protest was received by the Board.

Marie Meadows stated that she lives across the street from the subject property and is not opposed to a continuance.

**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 **CONTINUE** Case No. 14803 to May 5, 1988, as requested by a protestant.

**Case No. 14805**

**Action Requested:**

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of rear yard setback from 20' to 12' to allow for an addition to an existing dwelling unit, located 5524 South Joplin Avenue.

**Presentation:**

The applicant, William Storey, 5524 South Joplin, Tulsa, Oklahoma, was represented by Joe Wilkinson, 2702 South Gary, Tulsa, Oklahoma, architect for the project. He submitted a plot plan (Exhibit N-2)

Case No. 14805 (continued)

and explained that his client is proposing to add a garage on the rear portion of the house, which will be large enough to house a motor home. A petition of support (Exhibit N-3) and photographs were submitted (Exhibit N-4).

**Comments and Questions:**

Ms. White asked if the addition will be higher than the existing house, and Mr. Wilkinson informed that the new garage will be 2' 4" higher than the house. He pointed out that there are numerous houses in the area that are greater in height than the new addition.

**Protestants:**

W. A. Black, 5519 South Irvington, Tulsa, Oklahoma, stated that he represents the three neighbors that will be drastically affected by the proposed addition. He submitted photographs (Exhibit N-1) and pointed out that the new addition will be large enough to house a bus. Mr. Black stated that the property values in the neighborhood will be negatively affected by such a large garage in a residential area.

**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 **DENY** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of rear yard setback from 20' to 12' to allow for an addition to an existing dwelling unit; finding that the oversized garage would not be compatible with the neighborhood, and that the applicant failed to demonstrate a hardship that would warrant the granting of the variance request; on the following described property:

Lot 31, Block 7, Park Plaza 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14806**

**Action Requested:**

Use Variance - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1217 - Request a use variance to allow for a one day automobile sale twice a year in an IR zoned district, located SW/c 41st Street and Yale Avenue.

**Presentation:**

The applicant, Harry Avey, 106 Amoco Building, 521 South Boston, Tulsa, Oklahoma, asked the Board to allow one automobile sale on Saturday, May 21, 1988, and one sale on an undesignated Saturday in September or October. He informed that the sale will consist of rental automobiles from Avis, Hertz and National, 8 to 10 camper trailers and a few boats. Mr. Avey pointed out that only automobiles have been sold at past sales.

Case No. 14806 (continued)

**Comments and Questions:**

Mr. Smith asked if the sale will be conducted in the parking lot, and the applicant answered in the affirmative.

**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 **Use Variance** (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1217) to allow for a one day automobile sale on Saturday, May 21, 1988 and a second sale on an undesignated Saturday in September or October of 1988, in an IR zoned district on the parking lot; on the following described property:

An employee parking lot lying on the Tulsa Research Center property in Tulsa county, State of Oklahoma in the NE/4, NE/4, and the N/2 of the SE/4, NE/4 of Section 28, T-19-N, R-13-E and more particularly described as follows:

Beginning at the northerly most point of a 384' long curb bounding the east side of said parking lot, said NE/c of employee parking lot being west 361' from a point in the centerline of Yale road being 1100' south of the intersection of the centerlines of Yale Avenue and 41st Street also being the NE/c of said Section 28; thence, south along centerline of said curb 361' to southerly most point of said curb; thence, with a right deflection angle of 90° 209' to corner of curb bound the west side of said parking lot; thence, with a right deflection angle of 90° 361' along and beyond said curb to a point; thence, with a right deflection angle of 90° 209' to the point of beginning of said parking lot containing 75,449 square feet more or less, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14807**

**Action Requested:**

Special Exception - Section 420 - Accessory Uses in Residential Districts - Use Unit 1215 - Request a special exception to allow a home occupation for a kennel (6 dogs) in an RS-3 zoned district, 9448 East Newton Street.

**Presentation:**

The applicant, James Nelson, 9448 East Newton, Tulsa, Oklahoma, was represented by his wife, Ms. Nelson, who stated that they have four large dogs in the back yard and two house dogs. She informed the dogs are kept in the garage at night and since her son works nights and sleeps during the day, the dogs are kept as quiet as possible.

Case No. 14807 (continued)

**Comments and Questions:**

Mr. Quarles asked Ms. Nelson how long she has had the dogs, and she replied that two of the dogs are one year old.

Mr. Smith pointed out that four large dogs can create an odor problem.

Mr. Smith inquired as to the age of the dogs, and Ms. Nelson replied that one dog is nine years old, two dogs are one year old and one is three years old.

Mr. Quarles asked Ms. Nelson if she is trying to give the dogs to someone, and she replied that she has made many unsuccessful attempts to give the dogs away.

Ms. Bradley remarked that she has viewed the property and that there is no grass in the yard.

Mr. Smith asked Ms. Nelson to state a date in the future when the number of dogs can be reduced to three dogs, which is the maximum number allowed by the Code. Ms. Nelson stated that she will try to find a home for them, but has not been successful in the past.

**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 **DENY** a **Special Exception** (Section 420 - Accessory Uses in Residential Districts - Use Unit 1215) to allow a home occupation for a kennel (6 dogs) in an RS-3 zoned district, and require that the applicant reduce the number of dogs to three by August 1, 1988; finding that the applicant does not operate a dog kennel, but has six dogs on the premises, four of which are very large dogs; and finding that the granting of the request would be injurious to the neighborhood, and would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 1, Block 13, Van Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14808**

**Action Requested:**

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1224 - Request a special exception to allow for an existing sand, soil, gravel and concrete operation (Use Unit 24) in an AG zoned district, located 11300 South Delaware Avenue.

Case No. 14808 (continued)

**Presentation:**

The applicant, Ray Crawford, 6757 South 72nd East Avenue, Tulsa, Oklahoma, asked the Board to allow the operation of a sand and gravel business on the subject tract. He informed that the company was started in 1970, but he did not buy into the company until May of 1986. Mr. Crawford stated that his partner died in January and he discovered that the business was operating without permission.

**Comments and Questions:**

Mr. Quarles asked if a batch plant is in operation on the property, and he replied that only sand is removed from the tract.

Ms. Bradley asked the applicant if he has a mining permit, and he replied that he does have a mining permit and is bonded.

In response to Mr. Jackere's inquiry as to how long the business has been in operation, the applicant informed that it has been at the present location since 1970. He noted that the City annexed the property in 1968.

Mr. Quarles asked if dredging is performed on the property, and Mr. Crawford informed that they dredge and also remove the soil from the 26-acre tract.

**Protestants:**

Roger Cobb, 7421 South Atlanta, Tulsa, Oklahoma, submitted an aerial photograph (Exhibit R-2) and stated that he has property in the area. He pointed out that the 1985 aerial photograph confirms the fact that there had been no top soil removed from property at that time. He informed that during the last three years large pits have been dug on the property, which would cause substantial flooding if high water should occur. He asked that the removal of the top soil cease and the land be restored to its previous condition, with only the dredging operation being allowed. Mr. Cobb pointed out that there are residences in the area that are adversely affected by the present operation.

**Additional Comments:**

Mr. Quarles asked the applicant when he acquired the mining permit for the subject property, and he replied that his deceased partner already had the permit when he bought half interest in the company. Mr. Crawford stated that Mr. Cobb is correct in his report that a lot of soil has been removed from the property, but the property to the east is still approximately 2' lower than his land.

Mr. Quarles inquired as to the amount of additional soil that can be removed according to the Reclamation Plan that has been filed, and the proposed date when the land will be restored to its original condition. Mr. Crawford informed that it is not required that the land be returned to the original condition and some companies dredge from the bottom of the lake that is created by the soil removal. He stated that it is required that the sides of lake be tapered and the property be reseeded.



Case No. 14808 (continued)

Mr. Taylor submitted to the Board a copy of the Stormwater Management Case Review (Exhibit R-1).

**Protestants:**

Charles Schuller, 4838 South 70th East Avenue, Tulsa, Oklahoma, informed that he owns property approximately two blocks south of the sand operation. He stated that the previous owners of the business dredged sand from the river, but did not dig unsightly holes on the property. Mr. Schuller pointed out that an office was located on the river bank and the surrounding property owners have no objection to this type of operation. He pointed out that a sanitary sewer is to be installed in the area and asked the Board to deny the application.

G. W. Newton, 1412 South Boston, Tulsa, Oklahoma, represented Southeast Leasing Company, owner of the property to the north of the property in question. He stated that his client is concerned with possible cave-ins and flooding caused by the accelerated mining operation near their property. Mr. Newton pointed out that property values in the area are negatively affected by the unsightly condition of the subject tract. He stated that someday someone will be responsible for paying for the replacement of the soil and suggested that the owner bear that responsibility.

**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 **DENY** a **Special Exception** (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1224) to allow for an existing sand, soil, gravel and concrete operation (Use Unit 24) in an AG zoned district; finding that the business is not compatible with the surrounding area, and that the granting of the request would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 6 and the SE/4, NE/4, Section 32, T-18-N, R-13-E, and the N/2, SW/4, NW/4, Section 33, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14809**

**Action Requested:**

Variance - Section 730.1 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213 - Request a variance of setback from the centerline of Harvard Avenue from 100' to 52' to allow for an addition to an existing building, located 1617 South Harvard Avenue.

Case No. 14809 (continued)

**Presentation:**

The applicant, Robert Chambers, 1617 South Harvard, Tulsa, Oklahoma, submitted a plot plan (Exhibit S-1) and informed that his client is proposing to enclose an existing porch with glass panels.

**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 730.1 - Bulk and Area Requirements in commercial Districts - Use Unit 1213) of setback from the centerline of Harvard Avenue from 100' to 52' to allow for an addition to an existing building; per plot plan submitted; finding that an existing porch will be enclosed with glass and there will be no additional construction on the property; and finding that the granting of the request will not be detrimental to the area; on the following described property:

Lot 4, Block 8, Sunrise Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

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

Date Approved \_\_\_\_\_

5-5-88



Chairman