CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 514
Thursday, May 5, 1988, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley		Gardner	Jackere, Legal
Chappelle, Chairman		Taylor	Department
Quarles		Moore	Hubbard, Protective
Smith			Inspections
White			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, May 3, 1988, at 4:25 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the Minutes of April 21, 1988.

UNFINISHED BUSINESS

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'.

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 land area, all to permit a lot split, located 2450 East 24th Street.

Presentation:

The applicant, Design Properties, was represented by Jack Arnold, 7318 South Yale, Tulsa, Oklahoma, who stated that a decision has been made to withdraw the application. He informed that the applicant failed to gain an approval from TMAPC and it has been determined that they will not continue the project at this time.

Case No. 14801 (continued)

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 **STRIKE** Case No. 14801, as requested by Jack Arnold, representative for the applicant.

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.

Presentation:

The applicant, Design Properties, was represented by Jack Arnold, 7318 South Yale, Tulsa, Oklahoma, who stated that he has previously appeared before the Board and the case was continued to allow review of the property. He informed that he is asking for a variance of setback from 35' to 28' instead of the previously approved 35' to 30'. It was pointed out that only one portion of the house is protruding into the setback and will not make a negative impact on the area. Mr. Arnold submitted a letter (Exhibit A-1) from an appraiser which stated that the new construction would enhance the surrounding neighborhood. A plat of survey (Exhibit A-2), a plot plan (Exhibit A-3) and photographs (Exhibit A-4) were submitted.

Comments and Questions:

Ms. Bradley asked Mr. Arnold if the size of the house has been changed, and he replied that the entire house is shifted forward a distance of two feet.

Mr. Gardner advised that all setback measurements should be taken from the centerline of the street.

Protestants:

Carol Liebendorfer, 1634 East 31st Street, Tulsa, Oklahoma, stated that Mr. Arnold's architectural and quality standards are good, but objects to the fact that he has not met any criteria set out in the ordinance for a variance request. She pointed out that one variance has already been granted and a financial hardship is not a legitimate hardship for obtaining a variance. Ms. Liebendorfer stated that any loss of funds should be recovered from the survey company if they were in error, and the surrounding property owners should not be made to suffer a financial hardship by appealing an adverse decision to District Court. She suggested that Mr. Arnold has created his own hardship by building the house before obtaining needed variances. Ms. Liebendorfer asked Mr. Jackere to give a legal opinion as to whether or not proper guidelines have been met by Mr. Arnold.

Mr. Jackere informed Ms. Liebendorfer that he does not disagree with anything she has said concerning the application.

Case No. 14802 (continued)

Mr. Quarles stated that Mr. Arnold has built over the setback and if the application is denied, two feet of the existing house will have to be removed. He asked Ms. Liebendorfer if it is significantly important to her that two feet of the house in question be removed, and she answered in the affirmative. It was pointed out that two feet is important when the view and light is cut off.

Mr. Quarles asked if there is anything that Mr. Arnold could do, landscape or other compromise, which would allow him to keep the house in tact. She informed that she has previously spoken to Mr. Arnold concerning windows of his house that overlooked her property, and was told that a landscape architect would contact her concerning the matter. Ms. Liebendorfer pointed out that she was not contacted again regarding the issue, and stated that she does not believe that Mr. Arnold is concerned with the neighbors. It was noted by the protestant that she has already spent approximately $2000 on trees to block the view of the house in question.

Additional Comments:

Ms. Bradley asked the protestant if work continued to progress on the house after she received notice of this hearing, and she replied that work has never ceased, with the external brick work being started on the Monday before the previous hearing.

Applicant's Rebuttal:

Mr. Arnold stated that he has moved the windows to another side of the house to help alleviate that concern, and would be agreeable to landscaping. He pointed out that Ms. Liebendorfer does not own the land adjacent to the subject property and that she has informed him that the adjoining property owner will not allow him to landscape.

Ms. Bradley asked Mr. Arnold to state the hardship for this case, and he replied that the lots are small, with easements on all four sides.

Mr. Smith noted that it appears that the houses to the east of the subject property are closer to the street than the house in question.

Mr. Gardner advised that in 1970 the ordinances of the City regarding setbacks were amended to require 85' from the centerline, instead of the previous 75'. He informed that the majority of the houses in the area were built under the previous 75' setback requirement. Mr. Gardner asked Mr. Jackere if this amendment of the zoning ordinance that controls the property in that area along 31st Street can be considered a hardship.

Mr. Jackere replied that he does not consider the change in the ordinance as creating a hardship.

Case No. 14802 (continued)

Protestants:

Mr. Quarles stated that he has viewed the property, but did not view the street from the Liebendorfer property. He asked the protestant how much broader view she will have of 31st Street if the corner of the house is removed, and she informed that it will make a great deal of difference. Ms. Liebendorfer pointed out that the property separating her property from the house in question is a private drive leading to the home of an elderly couple, who frequently need medical care and ambulance service. She pointed out that the private drive is not wide enough for landscaping.

Mr. Chappelle asked the protestant if she attended the 1987 hearing regarding the property in question, and she replied that they did not attend because it was not clear which house was under application.

Mr. Quarles stated that he would like to see a compromise between Mr. Arnold and the protestant, but cannot support the application, due to the lack of a hardship.

Mr. Chappelle remarked that he would not have supported the application if the lot was vacant and the house did not exist, due to the absence of a hardship.

Ms. White informed that she is in agreement with Mr. Quarles and Mr. Chappelle and cannot support the application.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; Smith, "abstaining'; none, "absent") to **DENY** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from the front from 35' to 28' to allow for a dwelling; finding that a hardship was not demonstrated that would warrant the granting of the variance request; on the following described property:

The east 70' of the north 126.4' of a tract beginning 341.7' west and 50' south of the NE/c, NE/4, NE/4, NW/4, Section 19, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; thence west 158.3' to the NE/c of Lot 1, Block 1, Leland Terrace Addition; thence south 266' to the SE/c of Lot 6, Block 1, of said addition; thence east 0.52' to a point of curve; thence along a curve to the left with a radius of 75' for 48.26' to a point of reverse curve; thence along a curve to the right with a radius of 50' for 84.54'; thence east 39.47'; thence north 266' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

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, located 1439 East 34th Street.

Presentation:

The applicant, John B. Walton, requested by letter (Exhibit B-1) that Case No. 14803 be withdrawn.

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 **WITHDRAW** Case No. 14803, as requested by the applicant.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14815

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a minor variance of setback from the centerline of Lewis Avenue from 50' to 21' to allow for a business sign, located 1346 North Lewis Avenue.

Presentation:

The applicant, Terry Howard, 6550 East Independence, Tulsa, Oklahoma, was represented by Charles Hare of the same address. He submitted a sign plan (Exhibit C-1) and stated that a 10' DX Oil Company sign will be replaced with a new 9' sign, which will be installed on the existing pole.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES,** the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) of setback from the centerline of Lewis Avenue from 50' to 21' to allow for a business sign; per sign plan submitted; finding that the new sign will replace an existing sign and will be installed on the existing pole; and finding that the replacement sign will be smaller than the original one; on the following described property:

Beginning at a point on the east property line of Lot 28, 25' south of SE/c, thence north along side of east property line 25', thence west along south line for 30', thence in a southeasterly direction along straight line to Point of Beginning. East 115' of the north 135' of Lot 28, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14816

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a minor variance of setback from the centerlines of Yale Avenue and 21st Street to allow for two business signs respectively, located 2105 South Yale Avenue.

Presentation:

The applicant, Terry Howard, 6550 East Independence, Tulsa, Oklahoma, was represented by Charles Hare of the same address. He submitted a sign plan (Exhibit E-1) and stated that two 10' DX Oil Company signs will be replaced with new 9' signs, which will be installed on the existing pole.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) of setback from the centerlines of Yale Avenue and 21st Street to allow for two business signs respectively; per sign plan submitted; finding that the new signs will replace existing signs and will be installed on the existing poles; and finding that the replacements will be smaller than the original signs; on the following described property:

Lot 1, Block 1, Gracemont 1st Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14783

Action Requested:

Variance - Section 750 - Location of Sexually Oriented Businesses - Use Unit 1213 - Request a variance of spacing to allow for the continued operation of an adult nightclub, located 4404-C South Peoria Avenue.

Presentation:

The applicant, Thomas Salisbury, 201 West 5th Street, Tulsa, Oklahoma, requested by letter (Exhibit F-1) that Case No. 14783 be continued to June 2, 1988, to allow additional time for preparation of the case. The applicant, Mr. Salisbury, was in attendance.

Case No. 14783 (continued)

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. 14783 to June 2, 1988, as requested by the applicant.

Case No. 14810

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from the centerline of Vancouver Avenue from 50' to 35' to allow for an addition to an existing dwelling, located 1805 West Easton Street.

Presentation:

The applicant, Stephen Olsen, 324 East 3rd Street, Tulsa, Oklahoma, stated that he is the architect for the owners of the property in question, and it has been determined that the relief requested may not be needed. He asked that the case be continued for four weeks to allow sufficient time to obtain a building permit and determine if additional relief is required.

Board Action:

On **MOTION** of **SMITH**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **CONTINUE** Case No. 14810 to June 2, 1988, as requested by the applicant.

Case No. 14811

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215 - Request a special exception to allow for a dry cleaning plant in a CS zoned district, located 8104 South Sheridan Road.

Presentation:

The applicant, Frank Lucenta, PO Box 35949, Tulsa, Oklahoma, stated that he has previously acquired a special exception to construct a building to house Royal Cleaners, but due to the depressed economy, has not begun the project. He informed that the time limitation for the special exception has expired and asked the Board to again approve the request. A packet (Exhibit G-1) containing a plot plan, a drawing and a letter to the Board was submitted.

Comments and Questions:

Mr. Smith asked the applicant to describe the buildings that are on the property at this time, and he replied that there are several buildings on the property which are of wood frame construction. He informed that two of the buildings have aluminum siding.

Case No. 14811 (continued)

Ms. Bradley asked if all buildings on the property will remain in use, and Mr. Lucenta informed that he will continue to use some of the buildings.

Mr. Smith inquired as to a time for the beginning of the construction, and the applicant replied that construction should begin in approximately one year. Mr. Smith remarked that the property has been an eyesore for some time. Mr. Lucenta informed that he intends to construct a shopping center, but economic conditions have prevented his carrying out the plans at the present time. Mr. Smith pointed out that one of the conditions of approval stated that no metal buildings will be located on the subject property. The applicant stated that he does not classify buildings with aluminum siding as being metal buildings, and asked the Board to approve the application as previously granted.

Protestants:

Lee Garrett, 8604 South 68th East Avenue, Tulsa, Oklahoma, stated that he was present when the previous application was approved. He pointed out that there was to be a shopping center constructed on the site and Mr. Lucenta's dry cleaning plant was to be located in the center. Mr. Garrett informed that a temporary structure was moved on the premises and gravel, pottery and fencing were sold. He stated that a truck rental business was also operated on the site, and the lot is very unsightly.

Mr. Gardner advised that fencing and gravel sales, or truck rentals are not allowed on the property.

Michael Merrick, 8736 South 68th East Avenue, Tulsa, Oklahoma, submitted photographs (Exhibit G-2) and stated that he is representing the Chimney Hills Estates Homeowner's Association. He stated that the business is operating in an irresponsible manner, and is not at all like the shopping center previously presented to, and approved by the Board. Mr. Merrick informed that portable swimming pools were sold on the lot at one time, and signs are located on the right-of-way.

Mr. Jackere advised that the plot plan presented in 1985 was approved at that time.

Kenneth Brooking, 6565 East 86th Street, Tulsa, Oklahoma and Jim Pardee, 7706 East 85th Street, Tulsa, Oklahoma, stated that they concur with the views of the previous protestants, and asked the Board to deny the application.

Applicant's Rebuttal:

Mr. Lucenta stated that the original application was strictly for the operation of a dry cleaning business on the northeast portion of the property. He pointed out that he has not made application for a shopping center.

Case No. 14811 (continued)

Mr. Quarles stated that he has viewed the property and asked the applicant if the present state of the property is what was envisioned when he was previously before the Board. Mr. Lucenta stated that the present structures were already on the property at that time, and that the only business he owns is the cleaners, which will be moved into the new structure after it is built. He informed that the shopping center was merely a proposal for the future.

Mr. Smith stated that it seemed to be the feeling of the Board at the time of approval in 1985 that the business would be compatible with the high quality neighborhood. He informed that, based on the facts presented, he cannot support the application at this time.

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 **DENY** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215) to allow for a dry cleaning plant in a CS zoned district; finding that the dry cleaning operation previously approved in 1985 has not been operating per conditions imposed, and was found to be incompatible with the surrounding area; on the following described property:

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

Case No. 14812

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of required street frontage from 30' to 10.12' to allow for a lot split, located South Yukon Avenue at 47th Place South.

Presentation:

The applicant, Gerald Snow, PO Box 662, Catoosa, Oklahoma, was not present, and Mr. Taylor informed that legal fees have not been paid for this application.

Comments and Questions:

Mr. Gardner informed that the applicant has appeared before the Planning Commission for a lot split, which required action by this Board concerning street frontage for the interior lots. He pointed out that the four lots have narrow ownership handles which provide street access from Yukon. Mr. Gardner stated that there is a need for review of the application by Stormwater Management. He remarked that the Board might consider hearing the concerns of the protestants that are in the audience.

Protestants:

G. W. Pollard, 4712 South Yukon, Tulsa, Oklahoma, stated that he does not object to the development of the property behind his residence, but pointed out that the area has a serious drainage

Case No. 14812 (continued)

problem. Mr. Pollard informed that an average rain causes from two to six inches of water to be retained in his back yard, and 12 to 18 inches in some areas of the neighborhood. Mr. Pollard remarked that Mr. Snow was not concerned about removing building rubble from previous construction and probably will not be concerned about the water problem either. Mr. Pollard submitted a letter of protest (Exhibit H-1) from a resident of the neighborhood.

Mr. Gardner asked if the street has been cut for the development, and Mr. Pollard replied that the work was started and has further aggravated the water situation.

Ms. Hubbard informed that the drainage issue will be investigated by Stormwater Management as a part of the permit process. She stated that Mr. Snow has made application for building permits.

There was Board discussion concerning a continuance of the case.

Mr. Quarles explained to the protestants that, if the case should be continued in order to hear the applicant's proposal, their concerns will be noted and considered at that time.

Jerry Leshan, 4715 South Yukon, Tulsa, Oklahoma, stated that the storm drains are inadequate for the area. He pointed out that the residences are surrounded by hills and additional construction is going to aggravate an existing water problem.

Marvel Fish, 4716 South Yukon, Tulsa, Oklahoma, stated that Mr. Snow told them, at the time they purchased their property, that the hill behind their home would never be developed because of the huge boulders. She pointed out that Mr. Snow has since purchased the hillside where the construction is now planned. Ms. Fish stated that she has had water in her home twice, and once since the street construction has begun. She stated that mud has washed down the hill and covered a portion of her back yard. Ms. Fish informed that she has a serious water problem, and that she has not been successful in her efforts to contact Mr. Snow concerning the situation. She remarked that Mr. Snow is apparently not interested in the buyers problems after his homes are sold.

Ms. Bradley suggested that the residents of the area contact Stormwater Management concerning the magnitude of the water situation in the area.

Carol Pollard, 4712 South Yukon, Tulsa, Oklahoma, informed that she has visited with Stormwater Management after receiving notice of this hearing, and they are aware of the existing water problem, as well as the potential problem that could be caused by improper development of the property in question. She pointed out that the problem will worsen when the grass and trees are removed from the hillside.

Case No. 14812 (continued)

Mr. Smith remarked that erosion control measures are to be taken before the building project begins. He suggested that the residents of the area make a second visit to Stormwater Management and make known their concerns.

Mr. Gardner pointed out that a water problem is existing, and if there is a solution, other than through the courts, it is in the proper development of the subject tract.

Board Action:

On **MOTION** of **SMITH**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **CONTINUE** Case No. 14812 to May 19, 1988.

Additional Comments:

Mr. Quarles assured the protestants that, if they are unable to attend the May 19th meeting, their protest will be given the same consideration as if they were present.

Case No. 14813

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RS-1 zoned district.

Variance - Section 440 - Special Exception Requirements - Use Unit 1209 - Request a variance of the time regulation from one year to permanent, located NE/c 7th Street and South 191st East Avenue.

Presentation:

The applicant, Teresa Harmon, 721 Ramm Road, Claremore, Oklahoma, requested by letter (Exhibit J-1) that Case No. 14813 be withdrawn.

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 **WITHDRAW** Case No. 14813, as requested by the applicant.

Case No. 14814

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow the expansion of an existing art gallery and museum and related accessory uses in an RS-1 zoned district, located 2727 South Rockford Avenue.

Presentation:

The applicant, Charles Norman, Suite 909 Kennedy Building, Tulsa, Oklahoma, stated that interested parties, Mr. and Mrs. Eaton

Case No. 14814 (continued)

requested by letter (Exhibit K-1) that Case No. 14814 be continued to May 19, 1988. Mr. Norman stated that he is not opposed to the continuance.

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 **CONTINUE** Case No. 14814 to May 19, 1988, as requested by the interested parties, Mr. and Mrs. Eaton.

Case No. 14817

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow for automotive and allied activities (Use Unit 17) in a CS zoned district, located south of the SE/c of 46th Street North and North Mingo Road.

Presentation:

The applicant, Ricky Yingst, 4517 North Mingo, Tulsa, Oklahoma, asked the Board to approve the operation of a car lot at the above stated location.

Comments and Questions:

Ms. White asked if automobiles will be repaired on the lot, and Mr. Yingst replied that he does not do repairs.

Mr. Smith inquired if salvage cars will be stored on the lot, and the applicant replied that all vehicles will be operable and no salvage will be stored on the property.

In response to Mr. Chappelle's inquiry as to the number of cars displayed, Mr. Yingst replied that he will have a maximum of 10 automobiles on the lot. He informed that he operates a tile business and plans to sell cars when the construction business is slow.

Ms. Bradley asked the applicant if he owns the subject tract, and he replied that his mother is the owner.

Mr. Gardner informed that the area has mixed industrial and commercial uses, and if the lot was across the street to the north, the car sales would be permitted by right.

Interested Parties:

Helen Ferguson, 4320 North Mingo Road, Tulsa, Oklahoma, stated that she is not protesting, but was not sure what type of business would be operating on the lot. She informed that some old cars are parked

Case No. 14817 (continued)

on the lot and it appears that a salvage business might be opening. Ms. Ferguson stated that she is opposed to a salvage operation, but is not opposed to automobile sales.

Additional Comments:

Ms. White asked the applicant if the car lot is covered with a hard surface, and he answered in the affirmative.

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 automotive and allied activities (Use Unit 17) in a CS zoned district; subject to car sales only; subject to a maximum of 10 cars, all of which are operable; and subject to no salvage being stored on the lot; finding that there are other car lots in the area and that the granting of the special exception request will not be detrimental to the area, but will be in harmony with the spirit and intent of the Code; on the following described property:

The west 198' of the N/2, NW/4, NW/4, NW/4, less and except the north 145', Section 18, T-20-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14818

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of side yard setback from 10' to 5' to allow for an addition to an existing dwelling, located 114 South Santa Fe Avenue.

Presentation:

The applicant, Robert Sellers, 3204 North Ridge Avenue, Sand Springs, Oklahoma, submitted a drawing (Exhibit L-1) of a proposed addition to an existing home. He informed that the new construction will align with the north side of the house and extend 6' to the rear.

Comments and Questions:

Ms. Hubbard informed that the existing house encroaches into the side yard setback and that Mr. Sellers is aligning the new construction with the existing side wall.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area

Case No. 14818 (continued)

Requirements in Residential Districts - Use Unit 1206) of side yard setback from 10' to 5' to allow for an addition to an existing dwelling, per drawing submitted; finding that the new construction will align with the existing wall and will not encroach further into the setback than the existing house; on the following described property:

Lot 3, Block 1, Newblock Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14819

Action Requested:

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

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

Variance - Section 208 - One Single-Family Structure per Lot of Record - Use Unit 1209 - Request a variance to allow for two dwellings on one lot of record, located 5400 South Olympia Avenue.

Presentation:

The applicant, Carl Funderburk, 2630 East 16th Street, Tulsa, Oklahoma, submitted a location map (Exhibit M-1) and asked the Board to allow the installation of a mobile home on 28 wooded acres owned by the YMCA. He informed that a gymnasium, 2 prefab buildings, a house for the executive director and a pool are currently located on the property. It was noted by the applicant that there are numerous pieces of maintenance equipment and some YMCA buses stored on the premises, and he requested that a mobile home for a security guard be approved.

Comments and Questions:

Ms. White asked if the mobile home will be a full time residence for the security guard, and Mr. Funderburk answered in the affirmative.

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 **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow a mobile home in an RS-3 zoned district; to **APPROVE** a **Variance** (Section 440 - Special Exception Uses Requirements - Use Unit 1209) of the time regulation from one year to permanently; and to **APPROVE** a **Variance** (Section 208 - One Single-Family Structure per Lot of

Case No. 14819 (continued)

Record - Use Unit 1209) to allow for two dwellings on one lot of record; finding a hardship demonstrated by the large size of the tract and multiple zoning classifications in the area; and finding that the granting of the requests will not be detrimental to the area, but will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The SE/4, NW/4, less the west 10 acres for ROW, Section 35, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14820

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 10' to allow for an addition to an existing dwelling, located 111 South 163rd East Avenue.

Presentation:

The applicant, James Nitz, PO Box 35828, Tulsa, Oklahoma, represented Johnson Construction, and stated that only a corner of the proposed addition, a space approximately 10' by 10', will encroach into the rear yard setback. He pointed out that the lot is irregular in shape.

Comments and Questions:

Mr. Smith asked if the application has been cleared with the utility companies, and Mr. Nitz replied that the utilities have been moved to the other end of the house and that he is not sure about the utility easement.

Mr. Jackere informed that there is a 10' utility easement to the rear of the property, but only the variance request should be considered by the Board.

Protestants:

Larry Abbott, 102 South 164th Street, Tulsa, Oklahoma, informed that he and his wife live in the residence directly to the rear of the property in question. He pointed out that his home is lower than the subject property and the proposed addition is to have a lot of glass overlooking his back yard. Mr. Abbott explained that he has recently installed a wood privacy fence, but if the house is to be extended to within 10' the fence line, his neighbors will have a direct view into his back yard. Photographs (Exhibit N-1) were submitted.

Comments and Questions:

Ms. Bradley asked if the proposed addition is higher than the roof line of the existing house, and Mr. Abbott replied that it is approximately the same height.

Ms. Bradley asked Mr. Abbott if he would agree to extend the height of the privacy fence, and he stated that the homeowner will not extend the the fence.

Case No. 14820 (continued)

In response to Mr. Smith's inquiry as to the hardship in this case, the applicant replied that this is the only building space on the lot.

Mr. Chappelle asked if an addition can be constructed on the north or south end of the residence, and the applicant replied that this is not possible.

Ms. Bradley asked if the roof of the proposed addition will be the same height as the roof of the existing house, and he replied that the wall will be the same height, but the roof will be lower.

Mr. Smith remarked that the proposed construction would be an intrusion into the privacy of the abutting property owner to the rear.

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 **DENY** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of rear yard setback from 20' to 10' to allow for an addition to an existing dwelling; finding that an approval of the request would result in an invasion of the privacy of the abutting property owner; and finding that the applicant failed to demonstrate a hardship for the variance; on the following described property:

Lot 6, Block 13, Rose Dew II Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14821

Action Requested:

Variance - Section 830 - Bulk and Area Requirements in the Corridor District - Use Unit 1206 - Request a variance of setback from the centerline of South Garnett Road from 85' to 80' to allow for proposed dwellings, located 76th Street and South Garnett Road.

Presentation:

The applicant, Robert Jones, 3601 East 51st Street, Tulsa, Oklahoma, Developer of Southbrook V, submitted a plat (Exhibit P-1), and asked the Board to approve a 5' variance for the four lots in the development which abutt Garnett Road. Mr. Jones stated that he was in error when determining the requirements for the lots in the Corridor District.

Comments and Questions:

Mr. Smith inquired if only the four lots along Garnett Road need setback relief, and the applicant answered in the affirmative.

Protestants: None.

Case No. 14821 (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 830 - Bulk and Area Requirements in the Corridor District - Use Unit 1206) of setback from the centerline of South Garnett Road from 85' to 80' to allow for proposed dwellings; per plat submitted; on the following described property:

The S/2, NW/4, less the east 565' of the north 770' and less the west 312' for Highway ROW, Section 7, T-18-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14822

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow for an existing after school care program in an existing school building in an RS-3 zoned district, located 11391 East Admiral Place.

Presentation:

The applicant, Demalda Newsome, 2938 South 121st East Avenue, Tulsa, Oklahoma, asked the Board to approve an after school program that she is operating in a private school. She stated that she will only accept children that are students at the school, and the school is geared to meet the needs of working parents.

Comments and Questions:

Mr. Quarles asked if the children will be further instructed after the regular school day ends, and she answered in the affirmative.

Ms. White inquired as to the hours of operation, and Ms. Newsome replied that she will keep the children from 3:00 p.m. to 6:00 p.m.

Mr. Chappelle asked the applicant how long she has been operating the after school program, and she replied that she has been in business since September of 1987.

Ms. Bradley asked Ms. Newsome how many students are enrolled in the program in question, and she replied that she will have a maximum of 10 students.

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 **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow

Case No. 14822 (continued)

for an existing after school care program in an existing school building in an RS-3 zoned district; subject to a maximum of 12 children, with ages ranging from school age to 12 years; finding that the after school program has been in operation for several months and has proved to be compatible with the area; on the following described property:

Lots 1 and 2, Block 1, Springlake Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof and the E/2, W/2 of Government Lot 4, and the S/2, W/2, E/2, of Government Lot 4, all in Section 5, T-19-N, R-14-E of the IBM, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:55 p.m.

Date Approved 5-19-88

Chairman