

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 515
Thursday, May 19, 1988, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Chappelle, Chairman Smith White	Quarles	Gardner 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, May 17, 1988, at 12:55 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 1:04 p.m.

MINUTES:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** the Minutes of May 5, 1988.

UNFINISHED BUSINESS

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.

Presentation:

The applicant, Gerald Snow, was not present.

Comments and Questions:

Mr. Taylor stated that Mr. Snow was notified that this case was continued from the previous meeting and would be heard today.

Interested Parties:

Several people were present, but did not speak. Their names are listed in the May 5th meeting minutes.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **DENY** without prejudice Case No. 14812, due to the absence of the applicant for two consecutive meetings.

05.19.88:515(1)

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.

Presentation:

Charles Norman, 909 Kennedy Building, Tulsa, Oklahoma, submitted a plot plan (Exhibit A-1) for a proposed addition to The Philbrook Museum of Art. Mr. Norman pointed out that there was a 16,000 sf expansion of the facility in 1980, and the proposed addition will contain approximately 14,000 sf, a 37% increase, or 27% of the total footprint. It was noted that some of the existing buildings will be removed and reconstructed with the addition. He informed that 120 parking spaces will be provided, as required by the Code, and a proposed future parking deck will accommodate approximately 34 vehicles. Mr. Norman stated that the increase in impervious area will be approximately 37,000 sf, with the added run off being picked up by catch basins and directed to a nearby creek through a 42" storm sewer. A fact sheet (Exhibit A-2) was submitted.

Comments and Questions:

Ms. Bradley asked Mr. Norman if the new structure will be taller than the existing building, and he replied that the new construction will be 48' high, or 12' to 14' taller than the existing building.

Ms. White asked when the proposed parking deck will be completed, and the applicant replied that that phase of the construction will take place in approximately 5 years.

Ms. Bradley asked if the residential area will be screened, and Mr. Norman informed that the retaining wall will be stabilized and trees planted in that area. He stated that an agreement concerning the screening has been worked out with the abutting property owner.

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 **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow the expansion of an existing art gallery and museum and related accessory uses in an RS-1 zoned district; per plot plan submitted; and subject to compliance with the screening plan agreed upon with the property owners to the north; on the following described property:

All of Philbrook, an addition to the City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14833

Action Requested:

Variance - Section 430-1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor amendment of lot width from 100' to 97.5' to allow for a lot split, located 3100 Block of South Birmingham Avenue.

Presentation:

The applicant, Roy Hinkle, 1515 East 71st Street, Tulsa, Oklahoma, submitted photographs (Exhibit B-1) and a plat (Exhibit B-2), and asked the Board to allow the subject property to be split into two lots (LS #16926), with each lot being 97.5 feet in width. He explained that there is an existing older house on the property which will be removed and a new home built on each lot.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-1 (Bradley, Chappelle, White, "aye"; no "nays"; Smith, "abstaining"; Quarles, "absent") to **APPROVE** a **Variance** (Section 430-1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of a minor amendment of lot width from 100' to 97.5' to allow for a lot split; per plat submitted; finding that there are numerous lots in the area that are similar in width to the lots in question; and finding that the granting of the request 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 north 160' of Lot 3 and the south 35' of vacated 31st Place, Rothhammer Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14823

Action Requested:

Variance - Section 1221.4 - CS Use Conditions for Business Signs - Use Unit 1221 - Request a variance of setback from the centerline of South Memorial Drive from 80' to 62' to allow for a 50' tall sign, located 8101 East Skelly Drive.

Case No. 14823 (continued)

Presentation:

The applicant, Terry Howard, 6550 East Independence, Tulsa, Oklahoma, was represented by Mr. Hare, who submitted a plat of survey and a sign plan (Exhibit C-1). He asked the Board to approve the sign at the above stated location in order that the gasoline prices can be viewed by motorists traveling on I-44. It was pointed out by Mr. Hare that the sign will be an addition to the existing sign.

Protestants:

Mr. Chappelle stated that the Board has received a letter of protest (Exhibit C-2) from Terry Wilson, District No. 5 Chairman.

Comments and Questions:

Mr. Gardner asked Mr. Hare if the sign in question faces the expressway, and he answered in the affirmative.

Ms. White asked if the numbers change on the sign, and Mr. Hare replied that the numbers change periodically.

In response to Mr. Smith's inquiry as to the number of times the sign oscillates per minute, Mr. Hare replied that he does not know how rapidly the numbers change.

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 1221.4 - CS Use Conditions for Business Signs - Use Unit 1221) of setback from the centerline of South Memorial Drive from 80' to 62' to allow for a 50' tall sign; per sign plan submitted; subject to price change numbers oscillating a maximum of once every five seconds; finding that the sign in question will actually be attached to the existing Sunoco sign and will not encroach further into the setback; on the following described property:

A tract of land lying north of Interstate Highway 44, located in the SW/4, SW/4 of Section 13, T-19-N, R-13-E, Tulsa County, Oklahoma, and being more particularly described as follows, to-wit: Beginning at a point 33.0' east and 203.09' south of the NW/c, SW/4, SW/4; thence east a distance of 175.0' to a point; thence south a distance of 63.54' to a point on the northerly right-of-way line of Interstate Highway 44; then southwesterly along the northerly right-of-way line of said Highway, a distance of 181.57' to a point; thence northwesterly along said right-of-way a distance of 23.4' to a point; thence northerly along said right-of-way a distance of 80.0' to a Highway marker thence westerly along said right-of-way a distance of 18.0' to a Highway marker; thence northerly a distance of 93.0' to the point of beginning, City of Tulsa, Tulsa County, Oklahoma. Recorded in Book 3128, Page 47; the west 17' of the north 93' of above tract dedicated to Public, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14824

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted In Office Districts - Use Unit 1205 - Request a special exception to allow for a children's nursery in an OL District, located 4131 South Harvard Avenue.

Presentation:

The applicant, Juli Hales, 12607 East 31st Place, Tulsa, Oklahoma, stated that she has leased property at the above stated location, and asked the Board to allow her to operate a children's nursery on the property.

Comments and Questions:

Ms. White asked the applicant how many children will be enrolled at the nursery, and Ms. Hales replied that she can serve a maximum of 44 children.

In response to Ms. Whites inquiry as to the days and hours of operation, the applicant informed that she plans to be open Monday through Friday, 6:30 a.m. to 6:00 p.m.

Ms. Bradley asked how many employees will work in the business, and Ms. Hales replied that she could have as many as 6 employees.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 610 - Principal Uses Permitted In Office Districts - Use Unit 1205) to allow for a children's nursery in an OL District; subject to a maximum of 44 children; and subject to days and hours of operation being Monday through Friday, 6:30 a.m. to 6:00 p.m.; finding that the nursery will not be detrimental to the area and will be in harmony with the spirit and intent of the Code; on the following described property:

Lot 3, Block 1, Villa Grove Heights I Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14825

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1211/1213 - Request a variance of lot frontage from 150' to 75' and a variance of setback from 50' to 25' all in a CS zoned district, located northwest of Riverside Drive and Peoria Avenue.

Presentation:

The applicant, Jack Cox, 7935 East 57th Street, Tulsa, Oklahoma, who submitted a plat of survey (Exhibit D-1), stated that he is proposing to develop the tract in question. He asked the Board to allow the three lots that abutt Riverside Drive, but have no access on that street, to be 75' in width and have a setback of 25'. Mr. Cox informed that the triangular tract was purchased from the City of Tulsa.

Protestants: None.

Comments and Questions:

Ms. Bradley asked the use planned for the lots, and Mr. Cox replied that office buildings will be constructed on the lots.

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 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1211/1213) of lot frontage from 150' to 75' and a variance of setback from 50' to 25' all in a CS zoned district; finding that the tract in question is irregular in shape; and that the lots will not have ingress and egress on Riverside Drive, but will be accessed from an interior private street; on the following described property:

Commencing at a point on the east line of said Section 1, said point lying 1485.0' north of the SE/c thereof; thence N 89°57'32" W a distance of 750.00' to the point of beginning; thence N 89°57'32" W a distance of 118.16' to a point; thence S 24°04'34" E a distance of 0.00' to a point of curve; thence along said curve to the left, said curve having a radius of 1173.24', a central angle of 20°54'36" a distance of 428.17' to a point; thence N 19°21'26" W a distance of 371.71' to the Point of Beginning, containing 0.6027 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14826

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1212 - Request a use variance to allow for a beauty shop/salon to locate in a travel trailer, as an accessory use, in an RS-2 zoned district.

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1212 - Request a variance to allow for said trailer to locate in the side yard, located 6633 South Rockford Avenue.

Presentation:

The applicant, Paul Bonham, 6633 South Rockford Avenue, Tulsa, Oklahoma, requested by letter (Exhibit E-1) that Case No. 14826 be withdrawn.

Board Action:

On **MOTION** of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **WITHDRAW** Case No. 14826.

Case No. 14827

Action Requested:

Special Exception - Section 910 - Principal Uses in Industrial Districts - Use Unit 1205 and 1219 - Requests a special exception to allow for a bingo hall and a special exception to allow for church uses in an IL zoned district, located south of 33rd Street South and the west side of Memorial Drive.

Presentation:

The applicant, Kelly McNew, 1841 East 15th Street, Tulsa, Oklahoma, submitted a fact sheet (Exhibit F-1) and asked the Board to approve the operation of both a bingo hall and church use in his strip center at the above stated location. Mr. McNew informed that both uses will be non-profit.

Comments and Questions:

Ms. Bradley asked if the entire building will be used for church and bingo activities, and the applicant stated that a portion of the building is already leased and approximately 5000 square feet will be used for the activities in question.

Mr. Smith stated that he is concerned with parking, and asked how many bingo players will be visiting the site. Mr. McNew replied that he does not know at this time.

Mr. Gardner stated that the property in question is zoned IL, but has developed commercial. He explained that a church would be allowed by right in a commercial zoned district, and the required parking spaces will be determined by the seating capacity of the auditorium.

Case No. 14827 (continued)

Ms. White stated that she viewed the property in question and counted 41 parking spaces for the center.

Mr. Chappelle asked how large the bingo operation would be, and the applicant replied that he is not sure, because he decided to ask permission from the Board before pursuing the request any further.

Ms. White asked Mr. Gardner if there will be sufficient parking for either of the requested activities, and he replied that the bingo parlor will require approximately 20 parking spaces. However, it was pointed out by Mr. Gardner that the church use will require 62 parking spaces if half of the total square footage is sanctuary area.

Ms. White stated that it has been established that parking requirements for a church cannot be met.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **DENY** a **Special Exception** (Section 910 - Principal Uses in Industrial Districts - Use Unit 1205 and 1219) to allow for church use in an IL zoned district; finding that there is not sufficient parking on the property to accommodate church use.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses in Industrial Districts - Use Unit 1205 and 1219) to allow for a bingo hall in an IL zoned district; subject to the bingo activity being conducted in the west wing (5000 sf) of the strip center; subject to days and hours of operation being Monday through Saturday, 12:00 noon to 12:00 midnight; finding a hardship demonstrated by the fact that the property is zoned IL, but has developed commercial; on the following described property:

Beginning at a point 150' south and 50' west of the NE/c of the N/2, SE/4, NE/4 of Section 23, T-19-N, R-13-E, Tulsa County, Oklahoma; thence south parallel with the east line of said Section a distance of 150' to a point; thence west 250' to a point; thence north 150.22'; thence S 89°57'00" E a distance of 250' to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14828

Action Requested:

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance to allow for a detached accessory building (garage) to be located in the side yard, located 6705 East 106th Place South.

Presentation:

The applicant, Jan Macormick, 6705 East 106th Place South, Tulsa, Oklahoma, submitted a plot plan (Exhibit G-2), elevations (Exhibit G-3) and a location map (Exhibit G-4). She stated that she recently purchased a house with a contingency in the contract stating that a detached garage could be constructed in the side yard. She stated that it was discovered, when application was made for a building permit, that the portion of the garage that extends into the side yard is prohibited by the Code. Ms. Macormick stated that she has already moved phone, water and electric lines to allow for the new construction, and asked the Board to approve the application. A petition of support was submitted (Exhibit G-1).

Comments and Questions:

Ms. Bradley asked how much of the building is in the side yard, and the applicant replied that the bulk of the 25' deep garage is in the back yard, but 11' extends into the side yard.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206) to allow for a detached accessory building (garage) to be located in the side yard; per plan submitted; finding that the bulk of the garage is located in the back yard, with only a portion extending into the side yard; and finding that the granting of the request will not be detrimental to the area; on the following described property:

Lot 10, Block 3, Forrest Trails Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14829

Action Requested:

Variance - Section 420.2 a(3) - Use Unit 1206 - Request a variance of setback from 3' to 0' from the interior lot line to allow for a detached accessory building, located 1340 East 19th Street.

Presentation:

The applicant, Frederick M. Stowell, 1340 East 19th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit H-1) for a gazebo which has been constructed on the back portion of his property. He stated that he was informed that a building permit would not be required for the structure since it does not exceed 100 square feet. Mr. Stowell informed that he failed to check the setback requirement and the gazebo was built to the property line. He informed that the structure is actually a half gazebo, with the back portion open to allow air passage. Photographs (Exhibit H-2) were submitted. Mr. Stowell stated that an old fence was removed and a white picket fence was installed on the property line, and against an existing retaining wall. A letter of support (Exhibit H-4) from the neighbor to the east was submitted.

Protestants:

Jana Stevens, stated that she is representing Jean Boyd, the property owner to the south. She informed that Ms. Boyd is unable to attend the meeting due to illness. Ms. Stevens, who submitted photographs, a list of negotiable solutions and a letter of protest (Exhibit H-3), stated that the back portion of the gazebo, as viewed from Ms. Boyd's yard, is unfinished and very unsightly. She noted that it was Ms. Boyd's assumption that the old privacy fence would be removed and replaced, and that there was no mention of a building being constructed during her conversation with Mr. Stowell.

Comments and Questions:

Ms. Bradley asked Ms. Stevens to state the height of the existing fence, and she replied that it is approximately four feet high.

Ms. Bradley inquired as to the height of the gazebo, and Ms. Stevens informed that it is approximately 16' tall.

Mr. Stowell advised that he has been painting the exterior of the back portion, but the interior is stained. He stated that it was not his intention to have a fence, other than the decorative picket fence.

Ms. White asked the applicant if he has seen the negotiable solutions submitted by Ms. Boyd, and he replied that he has not seen the list.

Mr. Chappelle suggested that the application be continued for two weeks to allow the applicant and his neighbor to the south sufficient time for review of possible solutions to the existing problem.

Jessica Stowell, wife of the applicant, stated that she thought the issue before the Board is the variance request concerning a setback, and not the aesthetic appearance of the gazebo.

05.19.88:515(10)

Case No. 14829 (continued)

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **CONTINUE** Case No. 14829 to June 2, 1988 to allow the applicant to confer with the protesting property owner to the south.

Case No. 14830

Action Requested:

Variance - Section 430.1 - Bulk and Area requirements in Residential Districts - Use Unit 1206 - Request a variance of side yard setback from 5' to 8" in an RS-1 zoned district, located 2819 East 37th Place.

Presentation:

The applicant, Richard Graybill, 1604 South Louisville, Tulsa, Oklahoma, who submitted a site plan (Exhibit K-1), stated that he is the contractor for the project and is representing the owner of the property in question. He asked the Board to allow the construction of a carport on the west portion of the lot, which will open toward the south.

Comments and Questions:

Ms. White asked if the retaining wall belongs to the owner of the property, and Mr. Graybill answered in the affirmative.

Mr. Graybill submitted a letter of support (Exhibit K-2) from the property owner to the west of the subject tract.

In response to Mr. Smith's inquiry as to the hardship for the 8 inch setback, the applicant replied that there is no hardship.

Ms. Bradley asked the applicant why the garage is needed, and he replied that his client works on cars.

In response to the applicant's inquiry as to the meaning of a hardship, Mr. Gardner explained that a hardship is something unique about the property that prohibits the owner from complying with the 5' side yard setback. He further noted that the owner would not have sufficient space to maintain the west wall of the structure without going onto his neighbor's property.

Protestants: None.

Case No. 14830 (continued)

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **DENY** a **Variance** (Section 430.1 - Bulk and Area requirements in Residential Districts - Use Unit 1206) of side yard setback from 5' to 8" in an RS-1 zoned district; finding that the applicant failed to demonstrate a hardship for the variance request; and finding that there would not be sufficient space for outside building maintenance between the wall of the garage and the existing retaining wall; on the following described property:

The east 5' of Lot 3, all of Lot 4, Allen Estates Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14831

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1205 - Request a special exception to allow for the expansion of the existing use (adolescent residential treatment center) and requests a special exception to allow for school uses as an accessory use to the existing facility, located 1819 and 1825 East 15th Street, Tulsa, Oklahoma.

Comments and Questions:

Ms. White informed that she will abstain from hearing this case.

Presentation:

The applicant, Charles Norman, Suite 909, Kennedy Building, Tulsa, Oklahoma, stated that he is representing Dillon Family and Youth Services, which is owner and operator of Shadow Mountain Institute. He informed that a division of this business has been in operation at the above stated location since 1973.

Additional Comments:

Mr. Smith informed that he has completed work for the business and will also have to abstain on this case. He pointed out that he was not aware that the residential treatment facility referred to in the action requested was a part of Shadow Mountain Institute.

Mr. Norman informed that he is not opposed to both Ms. White and Mr. Smith hearing the application, but both Board members stated that they could not hear the case.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **CONTINUE** Case No. 14831 to June 2, 1988, finding there would not be sufficient votes to consider the case.

Case No. 14832

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted In Industrial Districts - Use Unit 1214 - Request a special exception to allow for a Use Unit 14 (Shopping Goods and Services) in an IL zoned district, located 7727 East 41st Street.

Presentation:

The applicant, Greg Chapman, 2865 East Skelly Drive, Tulsa, Oklahoma, was represented by Darrell Chabino, President of Sight and Sound Appliance Center, Oklahoma City, Oklahoma. He asked the Board to allow retail sales in an IL zoned district. It was noted by Mr. Chabino that the property is surrounded by other retail businesses.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted In Industrial Districts - Use Unit 1214) to allow for a Use Unit 14 (Shopping Goods and Services) in an IL zoned district; finding that there are numerous retail uses in the area, and that the granting of the special exception request will not violate the spirit and intent of the Code or the Comprehensive Plan and will not be detrimental to the area; on the following described property:

The E/2, SW/4, SE/4, SE/4, Section 23, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14834

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 (tire store) in a CS zoned district, located NW/c 21st Street and South 145th East Avenue.

Presentation:

The applicant, Roy Hinkle, 1515 East 71st Street, Tulsa, Oklahoma, stated that a Goodyear Store, containing 5800 square feet of floor space, will be constructed on the property in question. He stated that sufficient parking will be supplied on the site.

Comments and Questions:

Ms. Bradley asked if repairs will be made to automobiles, and Mr. Hinkle replied that only minor repairs will be made.

There was discussion as to outside storage for the business, and the applicant stated that new tires could be displayed occasionally, but there will be no permanent outside storage on the premises.

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 **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to allow for automotive and allied activities (tire store) in a CS zoned district; subject to no outside storage; and subject to all activities being conducted inside the building; finding that the use is compatible with the area and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 2, Block 1, Eastland Plaza, less beginning at the SE/c Lot 2, thence north 20', southwesterly 28.3' and east 20' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14835

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.

Presentation:

The applicant, Nellie Glance, 8403 East 19th Street, Tulsa, Oklahoma, stated that a day care center has been located on the subject property for approximately 21 years, and asked permission to install a mobile home on one end of the tract.

Comments and Questions:

Ms. White asked the applicant if she is planning to live in the mobile home, and she replied that the mobile will be a residence for her and her daughter.

Mr. Gardner asked if the residence on the lot is used for day care purposes only, and the applicant answered in the affirmative.

Ms. White stated that she does not think mobile home use is appropriate at this location, since there are no other mobile homes in the area.

Mr. Gardner remarked that there is a relatively new single-family subdivision located to the east of the subject property.

Protestants:

Mr. Chappelle stated that the Board has received a petition of protest (Exhibit L-2), and letters of protest (Exhibit L-1) from Ray Cosby, District No. 5 Co-Chairman, and other residents of the neighborhood. There were numerous protestants in the audience that did not address the Board.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for a mobile home in an RS-1 zoned district; finding that there are no other mobile homes in the area, and that the granting of the special exception request would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

A part of the E/2 of Block 8, O'Connor Park Addition, to-wit: Beginning at the SW/c of the E/2 of Block 8, thence east 172.5', north 305', west 172.5', south 305' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14836

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1206 - Request a use variance to allow a swimming pool to be the principal use on a lot in an RS-3 zoned district, located 1236 South Owasso Avenue.

Presentation:

The applicant, Jonita Marie Crowe, 1236 South Owasso, Tulsa, Oklahoma, submitted photographs (Exhibit M-1) and asked the Board to allow the installation of a swimming pool on her vacant lot beside the existing home. A drawing (Exhibit M-2) was submitted by the applicant.

Protestants:

Mr. Chappelle informed that the Board has received one letter of protest (Exhibit M-3) concerning this application.

Comments and Questions:

Ms. White asked Ms. Crowe if she is opposed to a tie contract on the two lots, which would prevent the sale of one lot without the other. The applicant replied that she is agreeable to the execution of a tie contract on the two lots.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Use Variance** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1206) to allow a swimming pool to be the principal use on a lot in an RS-3 zoned district; subject to the execution of a tie contract on the two lots; finding that the lot has actually served as a side yard for the residence for many years, and that the granting of the request will not be detrimental to the neighborhood; on the following described property:

Lots 9 and 10, Block 6, Ridgewood Addition of Tracy Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14839

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 in an RS-2 zoned district, located 5613 South Columbia Place.

Presentation:

The applicant, John Boyd, 111 West 5th, Suite 800, Tulsa, Oklahoma, submitted a plot plan (Exhibit N-1), and stated that he is representing his son, John Boyd, who is proposing to construct an additional room on the back portion of an existing dwelling. He explained that the required side yard setback was 5' at the time the house was constructed and asked the Board to allow the new addition to align with the existing wall. Mr. Boyd pointed out that all of the houses in the subdivision were constructed with a 5' side yard setback.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of side yard setback from 10' to 5' to allow for an addition to an existing dwelling in an RS-2 zoned district; per plot plan submitted; finding that the new addition will align with the existing house which had a side yard setback requirement of 5' at the time of construction; on the following described property:

Lot 3, Block 4, Valley Grove Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 14813

Action Requested:

The applicant, Teresa Harmon, 721 Ramm Road No. 61, Claremore, Oklahoma, has withdrawn Case No. 14813 and is requesting a refund of filing fees.

Comments and Questions:

Mr. Taylor stated that the application had been fully processed prior to the request for withdrawal and suggested that the public hearing portion of the fee, in the amount of \$25.00, be refunded to the applicant.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **REFUND** fees in the amount of \$25.00, for the public hearing portion of Case No. 14813.

Case No. 14803

Action Requested:

The applicant, John Walton, 2101 South Madison, Tulsa, Oklahoma, has withdrawn Case No. 14803 and is requesting a refund of filing fees.

Comments and Questions:

Mr. Taylor stated that the application had been fully processed prior to the request for withdrawal and suggested that the public hearing portion of the fee, in the amount of \$25.00, be refunded to the applicant.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **REFUND** fees in the amount of \$25.00 for the public hearing portion of Case No. 14803.

There being no further business, the meeting was adjourned at 2:52 p.m.

Date Approved

6.2.88

Car A. Bradley
Chairman