

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 518
Thursday, July 7, 1988, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, July 5, 1988, at 12:38 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 **QUARLES**, the Board voted 3-0-1 (Chappelle, Quarles, Smith, "aye"; no "nays"; White, "abstaining"; Bradley, "absent") to **APPROVE** the Minutes of June 16, 1988.

UNFINISHED BUSINESS

Case No. 14838

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 a dwelling unit in an RS-2 zoned district, located north of NE/c of Cincinnati and Owasso Avenues.

Presentation:

The applicant, Carole Deatherage, 2531 South Cincinnati, Tulsa, Oklahoma, requested by letter (Exhibit A-1) that Case No. 14838 be withdrawn.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **WITHDRAW** Case No. 14838, as requested by the applicant.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14863

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request a minor variance of setback from 30' to 24.2' to allow for an existing dwelling in an RS-2 zoned district, located 3838 South Victor Avenue.

Presentation:

The applicant, April Smith, 2457 East 26th Place, Tulsa, Oklahoma, stated that the existing house was built over the setback and asked the Board to approve the variance in order to clear the title on the subject property. A plat of survey (Exhibit B-1) was submitted.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206) of setback from 30' to 24.2' to clear the title for an existing dwelling in an RS-2 zoned district; per survey submitted; on the following described property:

Lot 13, Block 17, Amended Plats of Blocks 1, 2, 3, 11 and 12, Highland Park Estates Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14864

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of setback from the centerline of South Richmond Avenue from 50' to 45', located 3478 South Richmond.

Presentation:

The applicant, Steven Fate, 3748 South Richmond Avenue, Tulsa, Oklahoma, who submitted a plat of survey (Exhibit C-1) and photographs (Exhibit C-2), requested permission to erect a gable roof over an existing porch. He informed that the porch was originally constructed over the required setback.

Comments and Questions:

Ms. White asked if the roof is merely being replaced and redesigned, and the applicant answered in the affirmative.

Protestants: None.

Case No. 14864 (continued)

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from the centerline of South Richmond Avenue from 50' to 45'; per plat submitted; finding that the structure will not be enlarged and the only changes will be the replacing and redesigning of the roof; on the following described property:

Lot 1, Block 15, Walter Foster Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14869

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirement in Residential Districts - Use Unit 1206 - Request a minor variance of setback from the centerline of South Louisville Avenue from 60' to 48' to allow for a dwelling unit in an RS-1 zoned district, located NE/c of South Louisville Avenue and 64th Place South.

Presentation:

The applicant, Jon Vrooman, 6138 South Louisville, Tulsa, Oklahoma, submitted a site plan (Exhibit D-1) and explained that he is proposing to construct a porte cochere which will extend into the required setback. Mr. Vrooman pointed out that construction of the house at the proposed location will allow the preservation of some trees and because of the slope of the yard, less fill in of soil will be required. Mr. Vrooman pointed out that, due to the heavily wooded northern boundary, the house to the north is not visible, and this neighbor is the only resident that could be affected by the proposed porte cochere.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirement in Residential Districts - Use Unit 1206) of setback from the centerline of South Louisville Avenue from 60' to 48' to allow for a dwelling unit in an RS-1 zoned district; per plot plan submitted; finding that the portion of the dwelling that will encroach into the required setback is actually a porte cochere and not a solid structure which would block visibility; and finding that the granting of the variance request will not cause substantial detriment to the public good or impair the spirit, purposes and intent of the Code, or the Comprehensive Plan; on the following described property:

Lot 8, Block 1, Southern Hills 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14878

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of setback from the centerline of 55th Street South from 50' to 42' to allow for an addition to the existing dwelling, located 5508 South Yorktown Place.

Presentation:

The applicant, Mike Woods, 10935 North 108th East Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit E-1) and stated that he is representing the owner of the property in question. Mr. Woods informed that a 6' addition to enlarge the kitchen and dining room is planned for the existing dwelling.

Comments and Questions:

Ms. White asked the applicant if the existing house faces Yorktown Place, and he answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from the centerline of 55th Street South from 50' to 42' to allow for an addition to the existing dwelling; per plot plan submitted; finding a hardship imposed on the applicant by the corner lot location and setback requirements on two streets; on the following described property:

Lot 1, Block 1, Rondo Valley 3rd Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14858

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1227 - Request a special exception to allow for automobile salvage in an IM zoned district, located 5523 East Archer Street.

Case No. 14858 (continued)

Presentation:

The applicant, Jerri Mirecki, 2624 East 14th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-1) and photographs (Exhibit F-2) of the business in question and the surrounding area, and requested that the Board approve a 100' expansion of an existing salvage operation. She explained that the business has previous approval to operate a salvage on the north 160' of the tract and has proved during the past 1 1/2 years that the business does not operate in an unsightly manner. Ms. Mirecki informed that it is the intention of the owner to relocate the existing fence and expand the salvage yard approximately 100'. She pointed out that the property has been improved since the beginning of the business, with the ground being leveled and water pits filled.

Comments and Questions:

Ms. White informed that she has viewed the property and that it appears to be better maintained than most of the sites in the surrounding area.

Mr. Quarles asked the applicant if it is the intention of the owner to merely expand the business 100', or if the application includes the entire 20 acre tract. Ms. Mirecki replied that the screening fence for the salvage operation will be moved to 260' on the north boundary of the property, instead of the present 160'.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1227) to allow for a 100' expansion of an automobile salvage to the north, in an IM zoned district; per plan submitted; finding that the existing salvage has been in operation for a period of 1 1/2 years and has proved to be compatible with the area; on the following described property:

A tract of land in Section 34, T-20-N, R-13-E, Tulsa County, Oklahoma, beginning 289' East of the SW/c of the SE/4, SE/4, SW/4; thence east along the south section line 81.48'; thence north 4°22' east 661.92'; thence west 272.38'; thence south 0°6'50" East 385'; thence east 139'; thence south 0°6'50" east 275'; to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14859

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 RM-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 735 North Quaker Avenue.

Presentation:

The applicant, Tony Mortimer, was represented by Ira Kirby, 742 North Quincy, Tulsa, Oklahoma, who stated that he is the owner of the property in question and his son-in-law resides in the existing mobile home. He informed that the neighbors in the area are supportive of the application. Photographs (Exhibit G-1) were submitted.

Comments and Questions:

Ms. White remarked that she has viewed the property and found that the mobile home is better maintained than most of the properties in the area. She informed that the area could be in transition during the following years and that she would not be in favor of allowing the mobile home to be installed permanently, but would be agreeable to a 5 year time period.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for a mobile home in an RM-1 zoned district; and to **APPROVE** a **Variance** (Section 440 - Special Exception Requirements - Use Unit 1209) of the time regulation from one year to five years only; finding that the mobile has been located at the present location since September of 1987 and has proved to be compatible with the neighborhood during that time period; but finding that the area is being revitalized and that the mobile home may not be compatible with the area beyond the five year period; on the following described property:

Lots 25 and 26, Block 11, Capital Hill Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14861

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow for an adult day care center in an RS-3 zoned district, located 4021 East 35th Street.

Comments and Questions:

Mr. Smith informed that he will abstain from hearing this case to avoid a possible conflict of interests.

Presentation:

The applicant, Frances Mabry, PO Box 581105, Tulsa, Oklahoma, was represented by Attorney Jim Hays, who submitted a plot plan (Exhibit H-1), and stated that his client is proposing to operate an adult day care center on the two acre tract. He informed that the house is very large and has been appraised at \$225,000. Mr. Hays stated that approximately 30 elderly people will be cared for during the daytime hours only. It was noted that the surrounding properties are screened by the living fence of trees and shrubbery around the perimeter of the property. A letter of support (Exhibit H-2) from one of the abutting property owners was submitted to the Board. Mr. Hays informed that his clients invited the neighbors in the area to attend an open house and answered questions concerning the proposed business. He stated that they did not encounter any opposition to the day care center. Mr. Hays explained that the house is approximately 180' from the street and the traffic flow would not be increased, as the house is very spacious and would accommodate a large family if utilized as a residence. It was noted that the gravel drive will be widened and covered with asphalt to prevent dusting in the neighborhood. Mr. Hays informed that the swimming pool will be enclosed by a 7' stockade fence and will not be made available to the adults coming to the center. Photographs (Exhibit H-4) and a letter (Exhibit H-3) outlining the applicants request was submitted.

Additional Comments:

Ms. White asked if the privacy fence will be extended from the pool along the north property line, and Mr. Hays answered in the affirmative.

Ms. White inquired if 30 participants are proposed for the center, and Mr. Hays informed that the Department of Human Services could approve as many as 60 or 70.

Ms. White informed that she would be inclined to approve the application for 30 to 40 adults, but any number in excess of that amount might cause a traffic problem in the neighborhood.

Mr. Hays requested that the number of participating adults be raised to 50, and Ms. White pointed out that the house might accommodate that number of people, but the increased traffic could cause a problem in the neighborhood.

Protestants: None.

Case No. 14861 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-1 (Chappelle, Quarles, White, "aye"; no "nays"; Smith, "abstaining"; Bradley, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205) a special exception to allow for an adult day care center in an RS-3 zoned district; per plot plan; subject to a maximum of 40 adult participants being brought to the center; subject to days and hours of operation being Monday through Friday, 7 a.m. to 5:30 p.m.; subject to the installation of a 6' privacy fence along the north boundary as indicated on the plot plan; subject to the driveway being constructed of a hard surface material and being wide enough for two cars to pass; finding that the adult day care center for 40 participants will not be detrimental to the area and will not impair the spirit and intent of the Code; on the following described property:

Lot 1, Block 1, Corrie Lynn Estates Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14862

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205 - Request a special exception to allow for a Use Unit 5 - Church Camp and Related Activities - in an AG Zoned Districts, located approximately West 28th Street North and North 55th West Avenue.

Presentation:

The applicant, Michael Mowery, 5801 East 41st Street, Tulsa, Oklahoma, was represented by Wally Wosenkraft, who explained that there is an existing house and several out buildings on the tract at this time, and the Catholic Church is proposing to construct additional buildings and use the property for a church camp and retreat area. He informed that there is 360 acres in the entire parcel, with approximately 50 acres being under City jurisdiction. Mr. Wosenkraft stated that an activity building, with a seating capacity of 200, as well as 6 ranch style cabins will be built during the first phase of construction. It was noted that the camp will be in use primarily during the summer months or on weekends, and will not be in operation on a daily basis. Mr. Wosenkraft stated that the construction of a chapel on the high point of the grounds will be the second phase of work. He explained that a sewage lagoon will be installed on the tract and City water is available.

Comments and Questions:

Mr. Quarles asked if the submitted plot plan depicts the entire development, or if future plans will be significantly different, and Mr. Wosenkraft replied that the only change that might occur would be additional cabins. He informed that the number of over night campers will not exceed 200.

Case No. 14862 (continued)

Protestants:

Paul Stewart, Route 6, Box 528, Tulsa, Oklahoma, stated that he lives on property that abuts the subject tract and that his 5 acres has no street access since the owner closed the road. It was noted by Mr. Stewart that the property in question drains through his acreage, and he is concerned with any construction that might take place in that area.

Additional Comments:

Mr. Gardner stated that it appears that the proposed buildings would cover less than 5 percent of the property in question and the amount of run-off was not significant enough to be a concern of the City. He informed that several City departments have investigated the matter and the safety aspects of the development have been satisfied, as a detention fee or detention pond was not required. He pointed out that this type of use is customarily reserved for a sparsely developed area, which is a characteristic of this area. Mr. Gardner stated that Mr. Stewart's property is located to the east of the subject tract and that most of the proposed development will take place on the west portion of the property. He pointed out that the road issue may be a private legal issue and should not affect this Board's decision .

Mr. Stewart stated that the City is presently investigating an existing drainage problem which involves his neighbors septic system draining onto his property.

It was noted by Mr. Smith that the proposed cabins and chapel will be approximately one fourth mile from the nearest point of the Stewart property.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1205) to allow for a Use Unit 5 - Church Camp and Related Activities - in an AG Zoned District; per plot plan submitted; finding that the building space for the proposed construction will required only a small portion of the entire tract; and 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; on the following described property:

The NE/4, NE/4, NW/4, Section 19, T-20-N, R-12-E, and the SW/4, NW/4, Section 20, T-20-N, R-12-E, City of Tulsa, Osage County, Oklahoma.

Case No. 14865

Action Requested:

Special Exception - Section 420 - Accessory Uses Permitted in Residential Districts - Use Unit 1213 - Request a special exception to allow a home occupation for a beauty shop in an RS-3 zoned district, located 1556 North Yorktown Avenue.

Presentation:

The applicant, Joseph C. Casey, 1556 North Yorktown, Tulsa, Oklahoma, was represented by Judy Casey, who stated that she is proposing to install a beauty salon in her home at the above stated location. She informed that she has ample parking for the business and her personal vehicles.

Comments and Questions:

Mr. Chappelle inquired as to the days and hours of operation, and Ms. Casey replied that she usually works Tuesday through Friday, 8:30 a.m. to 5:00 p.m., and 9:00 a.m. to noon on Saturday.

Ms. White asked if a one-chair beauty shop is proposed, and Ms. Casey answered in the affirmative.

In response to Mr. Quarles inquiry, Ms. Casey informed that she has reviewed the Home Occupation Guidelines, and is aware that a business sign is not allowed, but that she is required by the State to have a small sign. Mr. Gardner pointed out that the State requires the sign to be on the premises, but it can be inside the window and not in front of the residence for the general public.

Protestants: None.

Board Action:

On MOTION of QUARLES, the Board voted 4-0-0 (Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to APPROVE a Special Exception (Section 420 - Accessory Uses Permitted in Residential Districts - Use Unit 1213) to allow a home occupation for a beauty shop in an RS-3 zoned district; subject to Home Occupation Guidelines; subject to days and hours of operation being Tuesday through Friday, 8:30 a.m. to 5:00 p.m., Saturday, 9:00 a.m. to noon, by appointment only; and subject to one chair only; finding that the granting of the request will not be detrimental to the neighborhood and will be in harmony with the spirit and intent of the Code; on the following described property:

Lot 7, Block 2, Kinlock Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14866

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 in a CS zoned district, located east of NE/c Riverside Drive and 71st Street.

Presentation:

The applicant, Theodore Sack, was represented by Bob Parmele, 1918 East 51st Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit K-1) for a proposed Goodyear Service Center at the above stated location. It was noted by Mr. Parmele that the nearby Walmart store has a 6 bay service center located to the west of their property. He submitted photographs (Exhibit K-2) of a Goodyear Store recently completed in Dallas, and informed that the proposed Tulsa store will be the same type of construction, with four bays facing to the south and the north. Mr. Parmele stated that an agreement has been reached with abutting property owners to construct a 6' screening fence along the north boundary and turning to the south along the east and west property line. A plat of survey (Exhibit K-3) was submitted.

Comments and Questions:

Mr. Smith inquired if outside storage or work will be outside the building, and he replied that all work and storage will be inside.

Protestants:

Robert Nichols, 111 West 5th Street, Tulsa, Oklahoma, represented State Financial Service Corporation, owner of the property to the east of the proposed automotive center. He stated that his client is agreeable to the construction (Exhibit K-4), subject to a 6' high stockade screening fence being placed along the north property line of Lot 5, and along the east property line at a distance of approximately 35'; subject to the fence being constructed of No. 1 face, standard, untreated cedar with 1" by 4" vertical pickets supported by 4 horizontal cross rails, with 4" by 4" posts set in concrete to a minimum of 3' in depth; subject to the posts being spaced no greater than 8' apart; and subject to the fence being topped with a 2" by 8" horizontal "cat board" (Exhibit K-5). Mr. Nichols requested that approval of the application be limited to the operation of a Goodyear tire store only, or a store supplied by some other name brand tire manufacturer.

Mr. Smith asked Mr. Jackere if the site could be restricted to only a name brand tire company, and he replied that this type of restriction is not a valid condition of approval.

Mr. Gardner advised that there will be a substantial investment in the proposed building, and it very unlikely that a substandard business could afford to begin operation in a building of this size and quality.

Case No. 14866 (continued)

Mr. Nichols requested that no metal buildings be allowed on the property in question, and Mr. Parmele informed that the structure will be similar to the building in the photographs (Exhibit K-2) submitted.

Mr. Nichols stated that Use Unit 17 has a number of uses and asked that the approval be limited to automotive and allied activities.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1217) to allow for automotive and allied activities in a CS zoned district; per plot plan; subject to the approval being limited to vehicular repair and services only; subject to the building being of brick construction, similar to the structure in the photographs submitted (Exhibit K-2); subject to the 6' screening fence on the north boundary line and along the east property line a distance of approximately 35' being constructed of No. 1 face, standard, untreated cedar with 1" by 4" vertical pickets supported by 4 horizontal cross rails, with 4" by 4" posts set in concrete to a minimum of 3' in depth; subject to the posts being spaced no greater than 8' apart; subject to the fence being topped with a 2" by 8" horizontal "cat board" (Exhibit K-5); and subject to no outside storage; finding that there are similar uses in the area and that the granting of the special exception request will not be detrimental to the area, and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

A tract of land, containing 0.5744 acres, that is part of Government Lot 7, Section 6, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: Thence N 89°25'55" E along the southerly line of Section 6 for 600.00'; thence due north for 60.00' to the Point of Beginning of said tract of land; thence S 89°25'55" W and parallel to the southerly line of Section 6 for 135.92'; thence due north for 4.00'; thence S 89°25'55" W and parallel to the southerly line of Section 6 for 44.08'; thence due north for 136.00'; thence N 89°25'55" E and parallel to the southerly line of Section 6 for 180.00'; thence due south for 140.00' to the Point of Beginning of said tract of land, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14867

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205 - Request a special exception to allow for a day care center in an RM-1 zoned district, located 3608 North Quaker Avenue.

Case No. 14867 (continued)

Presentation:

The applicant, Helen Ward, 415 East Independence, Tulsa, Oklahoma, stated that she is representing the Tulsa Housing Authority, owner of Comanche Park. She informed that a proposed day care center will be located in a room of the existing office complex and the playground is already in place. Ms. Ward explained that the center will care for a maximum of 14 children, age 2 years to 5 years, and will be in operation Monday through Friday from 7:00 a.m. to 7:00 p.m. She informed that the goal for the center is that it will become a tenant owned and operated business.

Comments and Questions:

Ms. White asked if the day center will be for use of the tenants only, and the applicant answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow for a day care center in an RM-1 zoned district; subject to a maximum of 14 children, age 2 years to 5 years; subject to the center being utilized by tenants only; and subject to days and hours of operation being Monday through Friday, 7:00 a.m. to 7:00 p.m.; finding that the day care center will be compatible with the surrounding apartment use; on the following described property:

Block 2, Comanche Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14868

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the side yard building setback to 15' on all corner lots within the subdivision; a variance of the front building setback to 30' on all lots within the subdivision and a variance of the rear yard building setback on all lots within the subdivision which abut South Yale Avenue, all in an RS-1 zoned district, located East 107th Street South and South Yale Avenue.

Presentation:

The applicant, Richard Dodson, was represented by Jerry Ledford, 8209 East 63rd Place South, Tulsa, Oklahoma, who submitted a plot plan (Exhibit N-1), and stated that the applicant is platting a single-family subdivision and is in need of setback relief on the front of all lots, side yard relief on the corner lots and a variance of the rear yard setback on the two lots that abut Yale. He pointed out that the reduction of the side yard building line would permit the construction of side yard garages, and the reduction along Yale would permit the owners of houses along this street to build amenities in the back yard.

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Case No. 14868 (continued)

Comments and Questions:

Mr. Jackere asked why the setback is needed along Yale in order to have amenities in the back yard, and Mr. Ledford informed that there would be more room for pools, etc. Mr. Jackere pointed out that there will be less space to build amenities in the back yards if the houses are moved closer to Yale Avenue.

Mr. Gardner advised that the area in question is a sump area and does not have drainage into storm sewers. He informed that the drainage issue is the reason the subject property is not zoned RS-2. It was noted that there is a pending amendment to the Code that will allow a 15' setback on corner lots.

Mr. Ledford informed that only two houses will have back yards on Yale.

Mr. Gardner pointed out that the two lots that face the cul-de-sac are shallow in depth and would need relief to allow any construction on these properties.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the side yard building setback to 15' on all corner lots within the subdivision; a variance of the front building setback to 30' on all lots within the subdivision and a variance of the rear yard building setback on all lots within the subdivision which abut Yale Avenue, all in an RS-1 zoned district; per plat submitted; finding a hardship imposed on the applicant by the shallow depth of the cul-de-sac lots; and finding that there is a pending amendment to the Code that will allow a reduced setback on corner lots such as this; on the following described property:

The NW/4, SW/4, Section 27, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14870

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of rear yard setback from 25' to 20'.

Variance - Section 207 - Street Frontage Required - Request a variance of the required street frontage from 30' to 0' to allow private access, located 2450 East 24th Street.

Case No. 14870 (continued)

Presentation:

The applicant, Richard Kossman, was represented by Ken Cline, 1660 East 71st Street, Tulsa, Oklahoma, owner of the property in question. He informed that an application requesting that the tract be split into four lots was previously denied by the Board. Mr. Cline stated that he has purchased the property since that time, and asked the Board to approve the division of the tract into three lots. It was noted that two lots will not have the required frontage on a dedicated street and the existing house, which will be renovated, encroaches into the rear yard setback approximately 5'. Mr. Cline informed that the neighbors have reviewed the plans for the property and have no objections to the development. He informed that Mr. Robson, a protestant at the previous hearing, has written a letter of support (Exhibit M-2) for the project. A plot plan (Exhibit M-1) was submitted by Mr. Cline.

Interested Parties:

Patricia York, 2539 East 24th Street, Tulsa, Oklahoma, asked Mr. Cline how many houses will be constructed on the subject property, and he replied that there will be three houses on the tract.

Ms. York inquired as to the size of the proposed homes, and the owner replied that they will range from 2500 to 3500 square feet, and will sell from \$250,000 to \$300,000. Ms. York stated that she is in agreement with the proposal for no more than three houses on the tract, of the specified quality.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of rear yard setback from 25' to 20'; and to **APPROVE** a **Variance** (Section 207 - Street Frontage Required) of the required street frontage from 30' to 0' to allow private access; per plot plan; finding a hardship imposed on the applicant by the large size of the interior tract, and limited access to a dedicated street; 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. Harters Addition to the City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Amend Board of Adjustment Rules of Procedure

Mr. Gardner informed that the Rules of Procedure have been amended to state that any member serving on the Board of Adjustment will continue to serve after the expiration of their term until they are reappointed or replaced. It was noted that the terms of three Board members have expired and the Rules of Procedure have not indicated what procedure to follow in this type of situation.

Case No. 14870 (continued)

Presentation:

The applicant, Richard Kossman, was represented by Ken Cline, 1660 East 71st Street, Tulsa, Oklahoma, owner of the property in question. He informed that an application requesting that the tract be split into four lots was previously denied by the Board. Mr. Cline stated that he has purchased the property since that time, and asked the Board to approve the division of the tract into three lots. It was noted that two lots will not have the required frontage on a dedicated street and the existing house, which will be renovated, encroaches into the rear yard setback approximately 5'. Mr. Cline informed that the neighbors have reviewed the plans for the property and have no objections to the development. He informed that Mr. Robson, a protestant at the previous hearing, has written a letter of support (Exhibit M-2) for the project. A plot plan (Exhibit M-1) was submitted by Mr. Cline.

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Rules of Procedure (continued)

Mr. Jackere suggested that the Zoning Code should be amended to include the procedure to be followed in the event a Board member's position is not filled when his term of service has expired.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **APPROVE** an **amendment** to the Rules of Procedure for the Tulsa Board of Adjustment which states that members of the Board shall serve without pay for a term of three years and shall continue to serve until their successors are appointed.

There being no further business, the meeting was adjourned at 2:25 p.m.

Date Approved

7-21-88

Carl A. Lytle

Chairman