

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 519
Thursday, July 21, 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 Jones Moore	Jackere, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, July 19, 1988, at 3:20 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 3-0-1 (Chappelle, Smith, White, "aye"; no "nays"; Bradley, "abstaining"; Quarles, "absent") to **APPROVE** the Minutes of July 7, 1988.

UNFINISHED BUSINESS

Case No. 14854

Action Requested:

Special Exception - Section 420.1 - Accessory Uses in Residential Districts - Use Unit 1215 - Request a special exception to allow a home occupation for a spraying business (trees and weeds) in an RS-3 zoned district, located 2103 West 46th Place.

Presentation:

The applicant, **Gerald Reynolds, 2103 West 46th Place, Tulsa, Oklahoma**, stated that he has been operating a spraying business from his home at this location for approximately 15 years, and asked the Board to allow the business to continue. He informed that he keeps the tank truck locked in the garage except during the filling and mixing of the chemicals. Mr. Reynolds informed that he has two small children and all chemicals are kept inside the garage out of their reach. He pointed out that all of his work is completed away from the site, and that the Health Department has inspected the premises and found the operation to be a safe one. Photographs (Exhibit A-2) and a petition of support (Exhibit A-3) were submitted.

Comments and Questions:

Ms. White asked if all chemicals are stored inside the garage, and the applicant answered in the affirmative.

In response to Ms. White's inquiry as to why he is before the Board today, Mr. Reynolds informed that a neighbor complained about the business being located in a residential neighborhood.

Ms. Bradley asked what type of chemicals are used in the spraying business, and the applicant replied that he uses Sevin and Spectricide.

Ms. Bradley asked Mr. Gardner if the Health Department does site inspections on operations that have chemicals stored on the premises, and he replied that the Health Department has jurisdiction in this area. Mr. Gardner pointed out that the applicant has stated that the Health Department has inspected and approved the operation.

Ms. White asked Mr. Reynolds if he has employees, and he replied that he has two employees that drive to his home in the morning and take the business truck to the job site. He stated that he has only one spraying truck.

Ms. Bradley inquired as to the location of the business office, and the applicant informed that he has an office in his home and an answering service takes calls during the day.

Protestants:

Darrell R. Matlock, 1923 West 46th Place, Tulsa, Oklahoma, stated that he has lived at the present location for 33 years and is opposed to the business in question. He submitted photographs of the site (Exhibit A-1) and a petition of opposition (Exhibit A-4) to the application. Mr. Matlock stated that he was walking in the area when the insecticides were being mixed outside the garage, and although he covered his face, the odor was very offensive and caused a burning sensation in his throat. He informed that there are children playing in the area and that the spraying business is hazardous to the health of those children and others living in the neighborhood.

Ms. White asked Mr. Matlock if the business has increased over the years, and if not, why the protest is made at this time. He replied that the business started low-key and that the people in the area are very passive and do not like to get involved in this type of issue. Mr. Matlock informed that last summer was the first time that he had noticed the tanks being washed on the street.

Darrell Matlock, 4410 South 33rd West Avenue, Tulsa, Oklahoma, stated that he owns rental property in the area and pointed out that there are no commercial uses within six blocks of the business in question. He advised that property values will be adversely affected by the business and that it is not compatible with the neighborhood.

Case No. 14854 (continued)

Applicant's Rebuttal:

Mr. Reynolds submitted a letter of support (Exhibit A-3) from the neighbor that lives to the rear of his property and stated that the chemicals are locked up and that there is no danger to those residents of the area. He informed that he can fill the tanks on the job site if this operation is offensive to the neighbors.

Additional Comments:

Mr. Smith asked the applicant to state the use of the tank that is visible in one of the photographs, and he replied that the tank is empty and is for sale.

In response to Mr. Smith's inquiry as to the other item stored on the lot, the applicant replied that he has several bags of fertilizer stacked by the tank.

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 420.1 - Accessory Uses in Residential Districts - Use Unit 1215 - Request a special exception to allow a home occupation for a spraying business (trees and weeds) in an RS-3 zoned district; finding that the granting of the request would be detrimental to the neighborhood and would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 7, Block 2, Hill Haven Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14877

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of side yard setback from 10' to 9' to allow for an existing dwelling, located 4728 South Lewis Avenue.

Presentation:

The applicant, **Bruce Straub, 2431 East 61st Street, Tulsa, Oklahoma**, was represented by Janice Kyser, 2431 East 1st Street, Tulsa, Oklahoma. She submitted a plat of survey (Exhibit B-1) and informed that this application was made to clear title to the property at the above stated location.

Case No. 14877 (continued)

Comments and Questions:

Mr. Chappelle asked if any type of construction is proposed on the property, and Ms. Kyser replied that there will be no construction.

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 9' to allow for an existing dwelling; per plat of survey submitted; on the following described property:

Lot 1, Block 1, Regency Manor Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14887

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of setback from the property line which fronts Delaware Avenue from 35' to 30' to allow for an addition to an existing dwelling in an RS-1 zoned district, located 2809 East 39th Street.

Presentation:

The applicant, **Steven Mendenhall, 4545 South Lewis, Tulsa, Oklahoma**, submitted a plot plan (Exhibit C-1) and explained that an addition is planned for an existing house which extends over the required setback line. He informed that the new construction will align with the existing house. Photographs (Exhibit C-2) were submitted.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from the property line which fronts Delaware Avenue from 35' to 30' to allow for an addition to an existing dwelling in an RS-1 zoned district; per plot plan submitted; finding that the proposed addition will align with the existing house; on the following described property;

Lot 6, Block 23, Ranch Acres Blocks Blocks 19-27 Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14871

Action Requested:

Special Exception - Section 1680(g) - Special Exception - Use Unit 1210 - Request a special exception to allow for off-street parking in an RS-3 zoned district, located 1116 South Vandalla Avenue.

Presentation:

The applicant, **Don Curran, 4620 East 11th Street, Tulsa, Oklahoma**, stated that he is President of Machinist District 171, representing the Building Cooperation. He asked the Board to allow the installation of a parking lot to the rear of their building, which will provide parking for the machinist's meetings and the businesses in the downstairs portion. A plot plan (Exhibit D-2) and one letter of support (Exhibit D-3) were submitted to the Board.

Comments and Questions:

Ms. Bradley asked where the above mentioned businesses are located, and he replied that they are located on 11th Street, to the north of the subject tract. Mr. Curran informed that the businesses in the building are Horse and Hound, an office supply, and an optometrist, along with some union offices.

Ms. White asked the applicant to explain the Horse and Hound business, and he replied that it is a retail sales store selling horse and dog supplies.

In response to Mr. Smith's inquiry as to the abutting property uses, the applicant informed that there are residences to the east, west and south of the subject property.

Mr. Curran informed that a 6' privacy fence will be installed around the entire parking lot.

Mr. Chappelle stated that the Board has received a petition of protest (Exhibit D-1) signed by approximately 13 property owners in the area, and 11 protesting area residents (Exhibit D-4) were in attendance.

Mr. Bradley remarked that the parking lot would encroach into the residential area and would have an adverse affect on the neighborhood.

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 1680(g) - Special Exception - Use Unit 1210) to allow for off-street parking in an RS-3 zoned district; finding that the granting of the request would be an encroachment of business and detrimental to the neighborhood, and would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Case No. 14871 (continued)

Lot 4 and the N/2 of Lot 5, Block 1, Rose Marie Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14872

Action Requested:

Special Exception - Section 410 - Principal Uses in Residential Districts - Use Unit 1205 - Request a special exception to allow for a day care center (head start program) in an existing school building in an RS-3 zoned district, located 6201 East Virgin.

Comments and Questions:

Mr. Chappelle informed that he will abstain from hearing this case to avoid a conflict of interest.

Presentation:

The applicant, **Juanita Mansker, 764 East Virgin, Tulsa, Oklahoma**, was represented by Yvonne Buyckes, who asked the Board to approve a Head Start Center at the above stated location. She informed that the program will provide services for children of low income families.

Additional Comments:

Ms. White asked how many preschool children will receive the head start services, and Ms. Buyckes replied that the center will serve 60 children.

Mr. Gardner asked if any new construction is proposed, and Ms. Buyckes replied that existing facilities will be used and there will be no construction on the site.

Ms. White inquired as to the days and hours of operation for the head start program, and Ms. Buyckes informed that the center will accommodate four and five year old children and will be open Monday through Friday, 8:00 a.m. to 4:00 p.m.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-1 (Bradley, Smith, White, "aye"; no "nays"; Chappelle, "abstaining"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses in Residential Districts - Use Unit 1205) to allow for a day care center (head start program) in an existing school building in an RS-3 zoned district; subject to a maximum of 60 children; subject to days and hours of operation being Monday through Friday, 8:00 a.m. to 4:00 p.m.; finding that the head start program will be compatible with the existing school activities; on the following described property:

Case No. 14872 (continued)

The W/2, SE/4, NE/4 and the West 165' of the E/2, SE/4, NE/4 of Section 27, T-20-N, R-13-E, Tulsa County, Oklahoma, less a plot of ground in the SW/c thereof, described as follows: Beginning at the SW/c of the SE/4, NE/4 of said Section: Thence north 180'; thence east 195'; thence south 180'; thence west 195' to the Point of Beginning, and less the south 30' and the east 25' thereof dedicated for street right-of-way, and the S/2, E/2, W/2, NE/4, NE/4, and the S/2, W/2, E/2, W/2, NE/4, NE/2 of Section 27, T-10-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, less the north 25' thereof dedicated for street right-of-way, containing in both tracts a total of 27.80 acres, more or less.

Case No. 14873

Action Requested:

Special Exception - Section 410 - Principal Uses In Residential Districts - Use Unit 1205 - Request a special exception to allow for a day care center (head start program) in an existing school building in an RS-3 zoned district, located 715 South Columbia Avenue.

Comments and Questions:

Mr. Chappelle informed that he will abstain from hearing this case to avoid a conflict of interest.

Presentation:

The applicant, **Juanita Mansker, 764 East Virgin, Tulsa, Oklahoma**, was represented by Yvonne Buyckes, who asked the Board to approve a Head Start Center at the above stated location. She informed that the program will provide services for children of low income families.

Additional Comments:

Ms. White asked how many preschool children will receive the head start services, and Ms. Buyckes replied that the center will serve 20 children.

Mr. Gardner asked if any new construction is proposed, and Ms. Buyckes replied that existing facilities will be used and there will be no construction on the site.

Ms. White inquired as to the days and hours of operation for the head start program, and Ms. Buyckes informed that the center will accommodate four and five year old children and will be open Monday through Friday, 8:00 a.m. to 4:00 p.m.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-1 (Bradley, Smith, White, "aye"; no "nays"; Chappelle, "abstaining"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses In Residential Districts - Use Unit 1205) to allow for a day care center (head start program) in an existing school building in an RS-3 zoned district; subject to a maximum of 20 children; subject to days and hours of operation being Monday through Friday, 8:00 a.m.

07.21.88:519(7)

Case No. 14873 (continued)

to 4:00 p.m.; finding that the head start program will be compatible with the existing school activities; on the following described property:

Block 15, Highland Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14874

Action Requested:

Special Exception - Section 410 - Principal Uses in Residential Districts - Use Unit 1205 - Request a special exception to allow for a day care center (head start program) in an existing school building in an RS-3 zoned district, located 525 East 46th Street North, Tulsa, Oklahoma.

Comments and Questions:

Mr. Chappelle informed that he will abstain from hearing this case to avoid a conflict of interest.

Presentation:

The applicant, **Juanita Mansker, 764 East Virgin, Tulsa, Oklahoma**, was represented by Yvonne Buyckes, who asked the Board to approve a Head Start Center at the above stated location. She informed that the program will provide services for children of low income families.

Additional Comments:

Ms. White asked how many preschool children will receive the head start services, and Ms. Buyckes replied that the center will serve 20 children.

Mr. Gardner asked if any new construction is proposed, and Ms. Buyckes replied that existing facilities will be used and there will be no construction on the site.

Ms. White inquired as to the days and hours of operation for the head start program, and Ms. Buyckes informed that the center will accommodate four and five year old children and will be open Monday through Friday, 8:00 a.m. to 4:00 p.m.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-1 (Bradley, Smith, White, "aye"; no "nays"; Chappelle, "abstaining"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses in Residential Districts - Use Unit 1205) to allow for a day care center (head start program) in an existing school building in an RS-3 zoned district; subject to a maximum of 20 children; subject to days and hours of operation being Monday through Friday, 8:00 a.m. to 4:00 p.m.; finding that the head start program will be compatible with the existing school activities; on the following described property:

The SW/4, SE/4, SW/4, Section 12, T-20-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

07.21.88:519(8)

Case No. 14875

Action Requested:

Special Exception - Section 410 - Principal Uses in Residential Districts - Use Unit 1209 - Request a special exception to allow two mobile homes in an RS-3 District.

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209 - Request a variance to allow two dwellings on one lot of record.

Variance - Section 440.6 - Special Exception Requirements - Use Unit 1209 - Request a variance of the time restriction from 1 year to permanently, located 5015 East Virgin Street.

Presentation:

The applicant, **Gabriel Lucero, 5015 East Virgin Street, Tulsa, Oklahoma**, stated that he was before the Board five years ago and received permission to place a mobile home at the above stated location. He asked the Board to remove any time restriction and allow the mobile to remain at the present location on a permanent basis.

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 410 - Principal Uses in Residential Districts - Use Unit 1209) to allow two mobile homes in an RS-3 District; to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209) to allow two dwellings on one lot of record; and to **APPROVE** a **Variance** (Section 440.6 - Special Exception Requirements - Use Unit 1209) of the time restriction from 1 year to permanently; finding that the mobile has been at the present location for a 5-year period and has proved to be compatible with the neighborhood; on the following described property:

The west 75' of the east 150' of the west 730.5' of Lot 13, Block 1, S. R. Lewis Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14876

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 3' to allow for an accessory building.

Variance - Section 420.2(a-3) - Accessory Use Conditions - Use Unit 1206 - Request a variance to allow for a detached accessory building to be located in the side yard.

Variance - Section 240.2 - Permitted Yard Obstruction - Use Unit 1206 - Request a variance of the size of a detached accessory building from 750 sq. ft. to 780 sq. ft., located 6143 West 10th Street.

Presentation:

The applicant, **Marie Kasper, 6143 West 10th Street, Tulsa, Oklahoma**, was represented by her husband, who informed that the Board previously approved the temporary installation of a mobile home on the tract. He informed that the mobile home has been replaced by a house that was moved from another location. Mr. Kasper stated that the house has been refurbished and asked permission to construct a garage on the property. A plot plan (Exhibit E-1) was submitted.

Comments and Questions:

Mr. Gardner pointed out that the area has developed predominately single family and if the property had RS zoning, instead of the present RM-2, the applicant would not need the relief requested.

Mr. Smith asked the use of the portable building on the property, and Mr. Kasper replied that it is used for storage of bicycles and lawnmowers.

Ms. White asked if the storage building will remain on the property, and Mr. Kasper answered in the affirmative.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of side yard setback from 10' to 3' to allow for an accessory building; to **APPROVE** a **Variance** (Section 420.2(a-3) - Accessory Use Conditions - Use Unit 1206) to allow for a detached accessory building to be located in the side yard; and to **APPROVE** a **Variance** (Section 240.2 - Permitted Yard Obstruction - Use Unit 1206) of the size of a detached accessory building from 750 sq. ft. to 780 sq. ft.; per plot plan submitted; finding that the area has developed predominately single family and if the property had RS zoning, instead of the present RM-2, the applicant would not need the relief requested; on the following described property:

The south 155' of Lot 8, Block 6, Lawnwood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14879

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, for school employee use only, in an existing school building, located south side of 61st Street at South 101st East Avenue.

Presentation:

The applicant, **Union Public Schools, 5656 South 129th East Avenue, Tulsa, Oklahoma**, was represented by Virginia Kellogg, Director of Volunteers. She stated that a day care center, which will be located in the 7th Grade Center, is being proposed for children of school employees. Ms. Kellogg informed that the days and hours of operation will be on regular school days only, from 7:00 a.m. to 4:30 p.m., and will accommodate from 40 to 75 children. She stated that the three empty classrooms meet the requirements set out by the Department of Human Services, with no alterations being made to the building. It was noted that a fenced playground is required and will be provided. She informed that the center will accept children from infant to kindergarten age.

Comments and Questions:

Ms. White asked Ms. Kellogg if the Department of Human Services is limiting the number of children to 75, and she answered in the affirmative.

Ms. Bradley asked if the day care operation will be limited to children of employees only, and Ms. Kellogg stated that an occasion might arise when a Tulsa Public School teacher might need to use the services.

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 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow for a day care center, for school employee use only, in an existing school building; subject to a maximum of 75 children; and subject to days of operation being limited to regularly scheduled school days only; finding that the day care center will be compatible with the existing school use and will be in harmony with the spirit and intent of the Code; on the following described property:

A tract of land beginning 60 rods east of the NW/c of Section 6, T-18-N, R-14-E of the Indian Base and Meridian, Tulsa County, Oklahoma, thence east 40 rods; thence south 40 rods; thence west 40 rods; thence north 40 rods to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14880

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1207 - Request a special exception to allow for a duplex use in an RS-3 zoned district.

Variance - Section 440.3(a) - Special Exception Uses, Requirements - Use Unit 1207 - Request a variance of the lot area from 9000 sq. ft. to 8475 sq. ft., located SE/c North Gary Avenue and Admiral Court.

Presentation:

The applicant, **Jim Melton, 1800 South Joplin, Tulsa, Oklahoma**, submitted a plot plan (Exhibit F-1) and asked the Board to allow him to move a duplex on an empty lot. He pointed out that there are other duplexes and some apartment complexes within two blocks of the proposed site. Mr. Melton stated that he will completely refurbish the building. A drawing (Exhibit F-2) depicting the location of numerous duplexes and apartments in the area was submitted.

Comments and Questions:

Mr. Gardner asked the applicant how much time the remodeling process will require, and he replied that the structure will be completely refurbished in six months.

Ms. White inquired as to the number of cars that can be parked in the existing parking area, and Mr. Melton replied that there is sufficient space to park four cars.

Mr. Gardner asked if the fence is still in place around the property, and the applicant informed that the house on the lot was partially burned and he installed the fence around it, which is still in place.

Protestants:

Lawrence Hurst, 3033 South 54th West Avenue, Tulsa, Oklahoma, stated that he owns two lots to the south of the subject tract. He pointed out that the lot was purchased by Mr. Melton approximately five years ago and it took him approximately two years to remove the burned house. Mr. Hurst stated that the floor and concrete blocks remain on the lot until this time, along with tall weeds and grass. He pointed out that the lot is not maintained properly and asked the Board to deny the request.

Applicant's Rebuttal:

Joe Melton, 25101 Spring Lake Circle, Tulsa, Oklahoma, stated that he and his brother are attempting to improve the area and will have the duplex ready for occupancy within a 6-month period.

Additional Comments:

Ms. White asked the applicant if he could accept an approval of the application with a 6-month deadline for completion of the project, and he answered in the affirmative.

Case No. 14880 (continued)

Mr. Smith pointed out that the off-street parking lot is required to be constructed of hard surface material (not gravel), and the applicant replied that he will comply with that requirement.

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 410 - Principal Uses Permitted In Residential Districts - Use Unit 1207) to allow for a duplex use in an RS-3 zoned district; and to **APPROVE** a **Variance** (Section 440.3(a) - Special Exception Uses, Requirements - Use Unit 1207) of the lot area from 9000 sq. ft. to 8475 sq. ft.; per plot plan submitted; subject to paved parking being installed prior to the granting of an Occupancy Permit; and subject to the duplex being refurbished and ready for occupancy no later than six months from this date; finding that there are numerous duplexes in the area and that the granting of the requests will not cause substantial detriment to the neighborhood, and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 5 and 6, Block 1, Ozark Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14881

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in Industrial Districts - Use Unit 1223 - Request a variance of setback from the centerlines of Apache and North Kingston from 50' to 0' and a variance of setback from an R District from 75' to 10' on the south property line and 30' on the west property line, located SW/c Apache and North Kingston Avenue.

Presentation:

The applicant, **Joe Hill, Box 582503, Tulsa, Oklahoma**, submitted a plot plan (Exhibit G-2) and a copy of the plat waiver request (Exhibit G-1) and asked the Board to allow the construction of two buildings on the property in question.

Comments and Questions:

Mr. Jones informed that the applicant has filed for a waiver of plat and the Technical Advisory Committee has recommended approval of the waiver, subject to the execution of a tie contract on the three lots.

Mr. Gardner advised that the properties to the west and to the south of the subject tract are vacant. He pointed out that these areas are in a floodplain and it is unlikely that any residential development will occur on the land.

Case No. 14881 (continued)

Mr. Jones stated that Mr. Hill did not have a plot plan at the time application was made and it was not definite as to the amount of relief that was needed on the east property line.

Mr. Gardner asked Mr. Hill if there is 50' of right-of-way between his property and Apache Avenue, and he answered in the affirmative.

Mr. Gardner advised that a setback of 100' is required from the centerline, and Mr. Hill stated that he is asking for an 80' setback from the centerline of Apache.

Ms. Bradley inquired as to the use of the buildings, and the applicant replied that there will be industrial uses in the structures.

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 930 - Bulk and Area Requirements in Industrial Districts - Use Unit 1223) of setback from the centerlines of Apache from 100' to 80' and North Kingston from 50' to 35' and a variance of setback from an R District from 75' to 10' on the south property line and 30' on the west property line; per plot plan submitted; subject to the execution of a tie contract on the three lots; finding that the properties to the west and to the south of the subject tract are vacant and located in a floodplain, and that it is unlikely that any residential development will occur on this land; and finding that the granting of the variance request will not cause substantial detriment to the area, and will be in harmony with the spirit and intent of the Code; on the following described property:

Lots 1, 2 and 3, Block 2, Auda's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14882

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request a special exception to allow for office uses in an RM-2 zoned district, located SW/c Houston Avenue and 13th Street.

Case No. 14882 (continued)

Presentation:

The applicant, **Dr. Roy Guthrie, 1304 South Houston, Tulsa, Oklahoma**, submitted photographs (Exhibit H-1) and asked the Board to allow the operation of a weight reduction clinic in his residence. He stated that he has been a physician for 25 years and is proposing to enter into an area of medicine that is less stressful. Mr. Guthrie informed that his practice will be limited to the Ultra Fast method of weight control Exhibit (H-2), and that the business will require one employee. He informed that office hours will be Tuesday, Wednesday and Thursday, 9:00 a.m. to 5:00 p.m., by appointment only, with no more than two patients in the office at any one time. It was noted by the applicant that the older home was purchased in 1979 and has been completely remodeled, with a side entrance to the proposed office and six available parking spaces for customers. Mr. Guthrie pointed out that there are three businesses on Houston which are within one block of his home and asked the Board to approve his application, which would be similar to a home occupation.

Protestants:

Norma Turnbo, 1822 South Cheyenne, Tulsa, Oklahoma, District 7 Representative, stated that the Comprehensive Plan calls for residential use in Area D, which is the location of the subject property. She pointed out that there are some commercial properties north of 13th Street in Area B. Ms. Turnbo stated that there is an existing parking problem along Houston and a business would only add to the congestion.

There were other protestants present at the hearing (Exhibit H-3).

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 1211) to allow for office uses in an RM-2 zoned district; finding that the proposed use is not compatible with the neighborhood, and approval of the special exception requests would violate the spirit and intent of the Code and the Comprehensive Plan Street; on the following described property:

Lot 1, N/2 of Lot 2, Resubdivision of Block 10, Norvell Park Resubdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14883

Action Requested:

Variance - Section 1221.3(b) - General Use Conditions for Business Signs - Use Unit 1221 - Request a variance to allow for a flashing sign, a variance of setback from the centerline of Peoria Avenue from 50' to 40', a variance of 200' from an R District, a variance of 20' from the driving surface of Peoria Avenue and a variance of 50' from the driving surface of a signalized intersection, located 4510 South Peoria Avenue.

Case No. 14883 (continued)

Presentation:

The applicant, **Richard Richards, 4512 South Peoria, Tulsa, Oklahoma**, was represented by David Grooms, who submitted a plot plan (Exhibit J-1) for a sign which is proposed for a Quik Trip store and station.

Comments and Questions:

Ms. White asked if this is the basic Quik Trip gasoline sign that has been approved by the Board at other Tulsa locations, and Mr. Grooms answered in the affirmative.

Mr. Gardner informed that the ordinance prohibits flashing signs, but the Board has previously limited the oscillation of the numbers to one second or more, therefore, eliminating the flashing effect.

Mr. Grooms remarked that the signs normally change once every 1/2 second, but this has been reduced to one second at the other Quik Trip stores.

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 1221.3(b) - General Use Conditions for Business Signs - Use Unit 1221) to allow for a flashing sign, a variance of setback from the centerline of Peoria Avenue from 50' to 40', a variance of 200' from an R District, a variance of 20' from the driving surface of Peoria Avenue and a variance of 50' from the driving surface of a signalized intersection; per plan submitted; subject to the oscillating of the numbers on the sign being limited to only one change every second; finding that the sign in question is a gasoline price change sign and will not produce a flashing effect, but will be similar to a time and temperature sign; on the following described property:

Lot 1, Block 1, Brookside Center Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14884

Action Requested:

Special Exception - Section 610 - Principal Uses In Office Districts - Use Unit 1208 - Requests a special exception to allow for multi-family dwellings in an OL zoned district.

Variance - Section 630 - Bulk and Area Requirements in Office Districts - Use Unit 1208 - Request a variance of livability space from 600 sq. ft. to 568 sq. ft., to include the walkway and plaza areas and a variance of setback from the rear property line from 20' to 15', located 8821 East 21st Street.

Presentation:

The applicant, **Verlean Smith, 1918 South 89th East Avenue, Tulsa, Oklahoma**, stated that she was before the Board in 1984 and gained approval for a 29-unit retirement center. Ms. Smith informed that she was unable to secure financing at that time, but is now making another attempt to finance the project. A plot plan (Exhibit K-1) was submitted.

Comments and Questions:

Ms. Bradley asked if the construction will be one building, and the applicant informed that garden apartments are proposed.

Ms. Bradley inquired if the present application is the same as the previous one, and Ms. Smith replied that both applications are the same.

Mr. Gardner asked if the 20' to the north will be used for a grassy area, and the applicant stated that her residence is to the north of the project.

Mr. Chappelle informed that the Board has received a letter of support (Exhibit K-1) from Ray Cosby, District 5 Co-Chairman.

Protestants:

John Tracy, 8904 East 19th Place, Tulsa, Oklahoma, stated that he is protesting a variance of the rear setback requirements and is concerned with the setting of a precedent in the area.

Ms. Bradley asked if the rear property is to the north, and Mr. Gardner stated that the building faces east and the rear property line would be to the west. He pointed out that the property to the west could be zoned office and a setback would not be required on that boundary.

Ms. Hubbard stated that additional relief may be required on the west property line and that the application may need to be continued to a later date.

After a review of the plot plan, Ms. Hubbard determined that the applicant will need a variance to 9 1/2' on the west property line and a waiver of screening requirements between Ms. Smith's property to the north and the retirement center.

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 610 - Principal Uses in Office Districts - Use Unit 1208) to allow for multi-family dwellings in an OL zoned district; and to **CONTINUE** to August 4, 1988 the balance of the application relating to bulk and area requirements and setback requirements on the property line to the west; per plot plan submitted (Exhibit K-1); finding that a retirement center will be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

Case No. 14884 (continued)

The south 350' of the east 158.5' of Block 10, O'Connor Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14885

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of front setback from 35' to 27.7' to allow for a building under construction, located 1628 East 31st Street.

Presentation:

The applicant, **Jack Arnold, 7318 South Yale, Tulsa, Oklahoma**, who submitted a plat of survey (Exhibit L-1), stated that he is developing a four unit subdivision on the subject property and is requesting a setback variance on the northeast lot. He stated that he has visited with the surrounding homeowners and they have agreed to support the application if certain conditions are met. After listening to the conditions, Mr. Jackere pointed out that the conditions concern lots other than the property in question and the Board does not have the power to make these requirements binding. He suggested to Mr. Arnold that he and the surrounding homeowners execute private covenants to satisfy any concerns of the neighborhood.

Comments and Questions:

Ms. Bradley asked if this is the same request that has previously been before the Board, and Mr. Jackere informed that this is a different application, requesting a 27.7' setback.

Mr. Gardner advised that the case can be continued to allow the applicant sufficient time to meet with the surrounding property owners and agree on conditions for the development. He pointed out that any private agreements between the neighboring property owners and the applicant cannot be made a condition of approval by this Board, but the Board could be advised that all conditions by the neighborhood have been resolved.

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. 14885 to August 4, 1988, to allow the applicant to meet with the surrounding property owners.

Case No. 14886

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 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209 - Request a variance to allow for two units on one lot of record.

Variance - Section 440.6(a) - Special Exception Uses Requirements - Use Unit 1209 - Request a variance of the time regulation from 1 year to permanently, located 6047 East Virgin Street.

Presentation:

The applicant, **Judy Campbell, PO Box 580368, Tulsa, Oklahoma**, who submitted a plot plan (Exhibit M-2) and photographs (Exhibit M-1), stated that she has recently purchased the property in question. She informed that the existing home has been used as a rooming house and that use will continue. Ms. Campbell asked permission to install a mobile home on the lot for a caretaker residence. She informed that there are numerous mobile homes in the area (Exhibit M-3).

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 1209) to allow for a mobile home in an RM-1 zoned district; to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209) to allow for two units on one lot of record; and to **APPROVE** a **Variance** (Section 440.6(a) - Special Exception Uses Requirements - Use Unit 1209) of the time regulation from 1 year to 2 years; per plot plan submitted; finding that there are numerous mobile homes in the area, and that the granting of the requests will not be detrimental to the neighborhood; on the following described property:

Beginning at the SW/c of the W/2, SW/4, SE/4, NE/4 of Section 27, T-20-N, R-13-E, thence 180' north; thence 195' East; thence 180' south; thence 195' west to the place of beginning. It is intended hereby to convey Lots 9 and 10, Block 2, Honeycutt Addition to Dawson, now an Addition to the City of Tulsa, Oklahoma, and that part of land immediately east of said Lots 9 and 10, which was dedicated for street, said parcel of land being 60' wide and 150' long, according to Plat No. 1391 thereof, filed February 5, 1948, and now vacated, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 14867

Action Requested:

Helen Ward - Requested to amend conditions of approval.

Presentation:

The applicant, **Helen Ward, 415 East Independence, Tulsa, Oklahoma**, represented the Tulsa Housing Authority and asked that approval conditions for the day care center in Comanche Park be revised. She asked that the center be allowed to open the day care to the general public instead of Comanche Park residents only. A letter (Exhibit N-1) which outlined requested changes was submitted.

Ms. White noted that the hours of operation and the ages of the children will also be changed.

There was discussion among the Board members as to whether or not the operation of a public day care center in an apartment complex would be appropriate.

Mr. Jones informed that the applicant is present today to allow the Board to determine if the changes are significant enough to require additional notice to the public.

Mr. Jackere informed that any changes made to approved conditions without proper notice to the public could prove to be a future problem.

It was the general consensus of the Board that the changes are significant and should be made know to the public.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **CONTINUE** Case No. 14867 to August 18, 1988, to allow sufficient time for readvertising.

There being no further business, the meeting was adjourned at 2:34 p.m.

Date Approved

9-1-88


Chairman