

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 521
Thursday, August 18, 1988, 1:00 p.m.
Francis F. Campbell Commission Room
Plaza Level of City Hall, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, August 16, 1988, at 12:30 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 1:02 p.m.

MINUTES:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White, "absent") to **CONTINUE** approval of the Minutes of July 21, 1988 and August 4, 1988 to the September 1st meeting, due to the fact that only two of the three Board members present today had attended the July 21st meeting.

UNFINISHED BUSINESS

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, submitted a plot plan (Exhibit A-1) and stated that this case has been continued from a previous meeting to allow negotiations with the property owners in the area. He informed that since that time an agreement has been reached and the protestants (Exhibit A-2) have withdrawn their objections. A copy of the agreement (Exhibit A-3) was submitted.

Case No. 14885 (continued)

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-1 (Bradley, Chappelle, Quarles, "aye"; no "nays"; Smith, "abstaining"; White, "absent") to **APPROVE** a Variance (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of front setback from 35' to 27.7' to allow for a building under construction; finding that the granting of the variance request will not be detrimental to the neighborhood; and finding that the applicant has negotiated with the surrounding property owners and they have reached an agreement (Exhibit A-2) which resulted in the withdrawal of previous objections to the construction; on the following described property:

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

Case No. 14888

Action Requested:

Variance - Section 420.2(3) - Accessory Use Conditions - Use Unit 1206 - Request a variance of setback from 3' to 2' to allow for a detached accessory building.

Variance - Section 240.2(E) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the size of said building to cover more than 20% of the rear yard (484 sq. ft.), located 2223 East 20th Street.

Presentation:

The applicant, Gregory Guerrero, 2223 East 20th Street, Tulsa, Oklahoma, owner of the property in question, stated that the garage on the lot is in bad repair and asked the Board to allow him to replace it with a new structure. He pointed out that the existing garage is small and will not accommodate his new model pickup.

Case No. 14888 (continued)

Comments and Questions:

Ms. Bradley asked if the garage will be moved to the west, and the applicant explained that the driveway curves to the right and the garage will be moved 1' to the west to allow the drive to be straightened.

Ms. Bradley Inquired as to the size of the existing garage, and the applicant replied that it is 19' by 20'.

In response to Ms. Bradley's Inquiry, Mr. Gardner informed that the reason for the variance is the fact that more than 20% of the rear yard will be covered by the garage, which is more than the ordinance permits without Board approval.

Protestants: None.

Board Action:

On MOTION of QUARLES, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Variance** (Section 420.2(3) - Accessory Use Conditions - Use Unit 1206) of setback from 3' to 2' to allow for a detached accessory building; and to **APPROVE** a **Variance** (Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206) of the size of said building to cover more than 20% of the rear yard (484 sq. ft.); finding that a hardship is imposed on the applicant by the shape, and narrow width of the lot; and finding that there are numerous detached accessory buildings in the older neighborhood; and finding that the granting of the request 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 16, Block 7, Woodward Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14889

Action Requested:

Special Exception - Section 320 - Accessory Uses in Agriculture Districts - Use Unit 1211 - Requests a special exception to allow an antique/artists studio as a home occupation in an AG zoned district, located 6016 East 101st Street.

Presentation:

The applicant, Phyllis Lynn, 6016 East 101st Street, Tulsa, Oklahoma, was not present.

Case No. 14889 (continued)

Comments and Questions:

Mr. Taylor explained that this case was on the August 4, 1988 agenda, which was continued to this date due to a lack of quorum. He stated that Ms. Lynn informed him that she would be unable to attend today's meeting and requested by letter (Exhibit AA-1) that the application be continued to September 15, 1988.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White, "absent") to **CONTINUE** Case No. 14889 to September 15, 1988, as requested by the applicant.

Case No. 14890

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the front setback from 25' to 17' to allow for an addition to an existing dwelling in an RM-1 zoned district, located 2119 North Darlington Place.

Presentation:

The applicant, Gerald Mitchell, 2119 North Darlington Place, Tulsa, Oklahoma, stated that his home was built before the area was under City jurisdiction. He submitted a plot plan (Exhibit B-1) for a proposed addition, which will not encroach further into the setback than the existing house. A drawing (Exhibit B-2) was submitted by the applicant.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the front setback from 25' to 17' to allow for an addition to an existing dwelling in an RM-1 zoned district; per plot plan submitted; finding that the house was constructed before the area was under the jurisdiction of the City, and that the the proposed addition will align with the existing dwelling and will not encroach further into the front setback; and finding that the granting of the request will not be detrimental to the neighborhood; on the following described property:

Lots 5 and 6, Block 2, Dawson Industrial Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14891

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow for Use Unit 17 (automobile repair and sales) in a CS zoned district, located 5018 East Pine Street.

Presentation:

The applicant, Kay Phillips, 5018 East Pine, Tulsa, Oklahoma, was represented by her husband Spencer Phillips, 740 North Darlington, Tulsa, Oklahoma, who asked permission to operate a used car sales business on the subject property.

Comments and Questions:

Mr. Chappelle asked the applicant how many cars will be displayed on the lot, and he replied that there will be from 10 to 15 cars on the lot.

Mr. Jackere inquired if automobiles will be repaired on the property, and Mr. Phillips stated that an automobile repair shop is in operation at this time and the use will continue. Mr. Jackere asked what type of repairs are made and if body work is a service offered by the business. Mr. Phillips replied that general repairs are done on the site, but the shop does not do body work.

Mr. Quarles asked Mr. Phillips how long he has been in business at the present location, and he replied that his wife began operation of the business on the first of the year.

In response to Ms. Bradley's question as to zoning to the south, Mr. Gardner pointed out that there is CS zoning to the south and CH to the east and west, which would permit automobile sales and repair by right.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to allow for Use Unit 17 (automobile repair and sales) in a CS zoned district; subject to automobile repair and sales only; finding that the business would be allowed by right on CH zoned property to the east and west of the subject tract; and finding that the granting of the 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:

Lots 1 and 2, Block 2, Homestead Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14893

Action Requested:

Variance - Section 1320(d) - General Requirements - Use Unit 1210 - Request a variance to allow for existing parking on lots which are not the lots of principal use, located 1745 South Harvard Avenue.

Presentation:

The applicant, Robert Baumberger, requested by letter (Exhibit BB-1) that Case No. 14893 be withdrawn.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White, "absent") to **WITHDRAW** Case No. 14893, as requested by the applicant, Robert Baumberger.

Case No. 14894

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from 5th Street South from 25' to 5' to allow for a carport or in the alternative, a variance from 114th East Avenue from 25' to 15' to allow for a carport, located NE/c 114th East Avenue and East 5th Street South.

Presentation:

The applicant, Leslie Gilkey, 11405 East 5th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit C-1) for a carport that was constructed on the front portion of his home. He informed the Board that he was not aware that a variance was required and requested permission to leave the carport at its present location. Photographs (Exhibit C-2) and a petition of support (Exhibit C-3) were submitted.

Comments and Questions:

Mr. Quarles asked the applicant if he is asking for a variance of setback from 5th Street, with an alternate request of setback on 114th East Avenue, and he replied that he has decided that he does not want to pursue the alternate request.

Ms. Bradley asked Mr. Gilkey how long the carport has been in place and if a building permit was acquired, and he replied that it was constructed in May of this year without a permit. The applicant stated that he did make application for a permit after the carport was built and that request was denied. He informed that there are numerous carports in the neighborhood.

Mr. Smith remarked that he has been on the Board for approximately 14 years and cannot remember the approval of a carport in Western Village.

Case No. 14894 (continued)

In response to Mr. Quarles inquiry as to the builder, Mr. Gilkey stated that Titan Builders, Oklahoma City, constructed the carport.

Mr. Smith asked the applicant if the builder told him that the construction would not require a permit, and he replied that the builder did not tell him a permit would not be required, but he just thought a four post carport would be allowed.

Mr. Smith commented that the house is located on a corner lot and that he would not object to the location of the carport on the side, but is opposed to the front location.

Ms. Bradley remarked that she would not be inclined to approve the application if the carport had not been built.

Mr. Quarles stated that he is in agreement with Mr. Smith and would not oppose the installation of the carport on 114th East Avenue.

Mr. Gilkey reiterated that he is not asking for the alternate request on 114th East Avenue because he cannot afford the expense of a new driveway and the removal of a tree. He stated that he notified Staff of this fact, but it was too late to remove this portion of the request from the agenda.

Mr. Jackere asked the applicant if he definitely does not want approval for the carport location on 114th East Avenue, and he replied that he does not want approval for that location.

Mr. Quarles remarked that, even though he is not inclined to support the application, it seems that the residents of the neighborhood are not opposed to the carport, which is evidenced by the petition.

Protestants:

Mr. Chappelle informed that Staff has received one letter of opposition (Exhibit C-4) to the application.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 1-3-0 (Quarles, "aye"; Bradley, Chappelle, Smith, "nay"; no "abstentions"; White, "absent") to **APPROVE** * a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from 5th Street South from 25' to 5' to allow for a carport. The motion failed for lack of three affirmative votes. The majority of the Board determined that the applicant failed to demonstrate a hardship, and that the granting of the variance request would violate the spirit and intent of the Code; on the following described property:

Lot 13, Block 4, Western Village Addition, 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.

Presentation:

The applicant, Helen Ward, 415 East Independence, Tulsa, Oklahoma, stated that she has previously gained approval for a day care center at the above stated location. She informed that she later asked that the approval requirements be modified and it was determined at that time that the changes were of a nature that would require readvertising of the application. Ms. Ward stated that the modified request is now properly before the Board.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "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 the day care serving children between the ages of two and twelve; and subject to the days and hours of operation being Monday through Friday, 7:00 a.m. to 8:00 p.m.; finding that the day care business in the apartment complex will not be detrimental to the area; on the following described property:

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

MINOR VARIANCES AND EXCEPTIONS

Case No. 14892

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of lot width from 60' to 46.5', lot area from 6900 sq. ft. to 6277.5 sq. ft. and land area from 8400 sq. ft. to 7672.5 sq. ft. in order to allow for a lot split, located 2424 North Quincy Avenue.

Comments and Questions:

Mr. Taylor stated that Mr. Jones is unable to attend the meeting, but he requested by letter (Exhibit D-1) that, in the event there are no protestants, the application be heard in its regular order.

Interested Parties:

A. C. Hutton, 2812 North Boston Place, Tulsa, Oklahoma, stated that he is not sure what the application concerns.

Additional Comments:

Mr. Chappelle suggested that the case be continued to September 1, 1988 to allow the applicant to present the application.

Mr. Hutton stated that he is not opposed to the continuance of the case to September 1, 1988, and informed that there are others present today that may have questions concerning the variance request.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to CONTINUE Case No. 14892 to September 1, 1988, due to the absence of the applicant.

Case No. 14904

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 Yorktown Avenue from 50' to 40' to allow for an addition to an existing dwelling, located 1957 East 35th Place.

Presentation:

The applicant, Gerald D'Aquin, 1957 East 35th Place, Tulsa, Oklahoma, who submitted a plot plan (Exhibit E-1) and photographs (Exhibit E-2), stated that he is proposing to build a small addition to his home, which will extend into the front setback.

Comments and Questions:

Mr. Quarles inquired as to the use of the addition, and he replied that a fireplace will be installed and the den area will be expanded into the added space.

Mr. Smith asked if Yorktown is a 60' street, and the applicant answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from the centerline of Yorktown Avenue from 50' to 40' to allow for an addition to an existing dwelling; per plot plan submitted; finding that only a small portion of the proposed addition will extend closer to Yorktown Avenue than the existing dwelling; and that the granting of the request will not be detrimental to the neighborhood; on the following described property:

Lot 20, Block 5, Adams Estates Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14905

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of front setback from 21st Street from 65' to 55' to allow for a carport, located 2104 South Jamestown Avenue.

Presentation:

The applicant, Gary Porter, 2104 South Jamestown, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-1) and photographs (Exhibit F-2), and stated that the carport in question will replace a garage and carport that have been removed from the property. He pointed out that the new carport will be 4' further from the street than the previous structure.

Comments and Questions:

Mr. Gardner inquired if the new two story house, which is replacing a burned out home, has a two-car attached garage plus a carport extending toward 21st Street, and the applicant answered in the affirmative.

Mr. Porter stated that the garage is on the west side of the house, with a driveway from Jamestown.

Ms. Bradley asked Mr. Porter if he is the contractor for the project, and he answered in the affirmative.

John Williams, owner of the subject property, stated that he has requested commercial zoning for the tract and has met with neighborhood opposition. He informed that he has now decided to use the house as a residence and a family member uses a wheelchair, which makes the carport necessary for loading and unloading. Mr. Williams submitted a petition of support (Exhibit F-3) signed by residents of the area.

Protestants:

Mr. Chappelle stated that Staff has received one letter of opposition (Exhibit F-5) concerning the proposed carport, and there were numerous protestants in the audience.

Victoria Conwell, 2114 South Jamestown, Tulsa, Oklahoma, submitted a petition (Exhibit F-4) signed by residents of the area that oppose the construction of a carport on the subject property. She informed that the neighborhood is stable and asked the Board to maintain the integrity of the Jefferson Hills Addition by denying the variance request.

Loretta Carlson, 3320 East 22nd Street, Tulsa, Oklahoma, stated that she lives approximately one block from the property in question and has observed that things are being added to the structure that are not found in an ordinary residence. She asked the Board to help preserve the residential character of the area.

Applicant's Rebuttal:

Mr. Williams stated that he has no intention of using the property for anything other than residential purposes and asked the Board to allow the installation of the carport.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **DENY** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of front setback from 21st Street from 65' to 55' to allow for a carport; finding that a hardship was not presented that would warrant the granting of the variance request; on the following described property:

Lot 1, Block 3, Jefferson Hills Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14908

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of front setback from 55' to 50' to allow for an addition to an existing dwelling, located 2123 East 24th Street.

Presentation:

The applicant, Kathy Keith, 2123 East 24th Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit G-2) and photographs (Exhibit G-1), explained that the house in question was constructed about 1930. She stated that an addition is proposed, with the existing porch being replaced with a bay window and the entrance changed.

Comments and Questions:

Mr. Chappelle asked if the proposed addition will extend further toward the street than the existing porch, and the applicant stated that the porch extends forward approximately 3' and that she does not anticipate the need for additional space, but has asked for 5'. Ms. Keith informed that the roof line will be maintained and it was determined that as much as 5' of space could be required for the remodeling.

Mr. Smith asked the applicant if the houses to the east set closer to the street than the proposed construction, and she replied that one house at 2147 East 24th encroaches into the setback approximately 3'.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of front setback from 55' to 50' to allow for an addition to an existing dwelling; per plot plan submitted; finding that the new construction will extend approximately the same distance into the front setback as the existing porch; and finding that there are other homes in the area that are as close to the street as the one in question; on the following described property:

Lot 17, and the west 30' of Lot 18, Block 2, Wildwood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14911

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Requests a minor variance of setback from Frankfort Avenue from 25' to 20' in an RS-3 zoned district, located 504 East Pine Place (NE/c Pine and Frankfort).

Presentation:

The applicant, Mason Mitchell, 1909 West Fulton, Broken Arrow, Oklahoma, stated that he constructed a house on a lot at the above stated location, which he thought was 80' wide. He informed that a recent survey revealed that the lot is only 75' wide and asked the Board to approve the variance request. Mr. Mitchell pointed out that there are other houses on Frankfort Avenue that are as close to the street as the house in question. A plat of survey (Exhibit H-1) was submitted.

Comments and Questions:

Ms. Bradley asked if the house fronts on Frankfort Avenue, and the applicant replied that the side yard is on Frankfort.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) a minor variance of setback from Frankfort Avenue from 25' to 20' in an RS-3 zoned district; per plat submitted; finding that there are other houses along Frankfort Avenue that are as close to the street as the one in question; and finding that the granting of the variance request will not cause substantial detriment to the the public good or impair the spirit, purposes and intent of the Code, or the Comprehensive Plan; on the following described property:

Lot 1, Block 3, Heritage Hills III Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14920

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1210 - Request a minor variance of lot width from 60' to 55' and a minor variance of the lot area from 6900 sq. ft. to 6600 sq. ft., located south of SE/c Admiral Place and 73rd East Avenue.

Comments and Questions:

Mr. Taylor informed that TMAPC heard and approved this case on August 17, 1988, and it was approved by the Technical Advisory Committee on August 11, 1988.

Case No. 14920 (continued)

Presentation:

The applicant, Jerry Snider, 5918 East 31st Street, Tulsa, Oklahoma, represented Calvary Baptist Church, and explained that this request is to satisfy a long standing boundary dispute with the property owner to the south. He stated that the church has agreed to deed 5' of land to the abutting property owner, which necessitates a lot split (Lot Split No. 17075). Mr. Snider pointed out that the loss of this narrow strip of land reduces the church's frontage to 55' and requires relief from this Board. A site plan (Exhibit J-1) was submitted.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1210) of lot width from 60' to 55' and a minor variance of the lot area from 6900 sq. ft. to 6600 sq. ft.; per plot plan submitted; finding that the granting of the variance 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:

Lot 2, Block 5, Tommy Lee Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14895

Action Requested:

Special Exception - Section 420 - Accessory Uses Permitted in Residential Districts - Use Unit 1213 - Request a special exception to allow for a home occupation in an RS-3 zoned district, located 3205 North Zuni Avenue.

Presentation:

The applicant, Devon Harris, 6322 South Peoria, Tulsa, Oklahoma, requested by letter (Exhibit KK-1) that Case No. 14895 be withdrawn.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White, "absent") to **WITHDRAW** Case No. 14895, as requested by the applicant.

Case No. 14896

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 (head start program) in an existing school building in an RS-3 zoned district, located SW/c 15th Street and 71rd East Avenue.

Comments and Questions:

Mr. Chappelle informed that he will abstain to avoid a conflict of interest.

Presentation:

The applicant, Juanita Mansker, 764 East Virgin, Tulsa, Oklahoma, was represented by Sylvia Wilson, 3348 North Garrison, Tulsa, Oklahoma, who requested permission to operate a Head Start Center in the school building at the above stated location.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-1 (Bradley, Quarles, Smith, "aye"; no "nays"; Chappelle, "abstaining"; White, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted 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; finding that the day care center will be compatible with the neighborhood and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

All that part of the E/2, NE/4, SW/4, Section 11, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning at the NE/c of the E/2, NE/4, SW/4; thence N 89°58'48" W along the north boundary of said E/2, NE/4, SW/4 a distance of 555.0'; thence S 0°09'38" W a distance of 356.04'; thence to the left on a curve of radius 920.0' a distance of 229.01', thence S 14°06'06" E a distance of 126.46'; thence to the right on a curve of radius 200.0' a distance of 48.20'; thence due east a distance of 489.34' to a point in the east boundary of said E/2, NE/4, SW/4; said point also being in the west boundary of Moeller Heights, an addition in Tulsa County, Oklahoma according to the official recorder plat thereof; thence 752.95' to the point of beginning containing 9.352 acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14897

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 (head start program) in an existing school building in an RS-3 zoned district, located SW/c 15th Street and 73rd East Avenue.

Case No. 14897 (continued)

Presentation:

The applicant, Juanita Mansker, 764 East Virgin, Tulsa, Oklahoma, was represented by Sylvia Wilson, 3348 North Garrison, Tulsa, Oklahoma.

Comments and Questions:

Mr. Gardner explained that Ms. Mansker had made application for a day care center in the Fulton Elementary School building, but it was later discovered that Ms. Smith has a day care center already in operation at this location and proposes an expansion. He informed that Ms. Mansker has agreed to transfer her application to Ms. Smith and Ms. Smith would be responsible for paying the application fee, as the fee is waived for the Head Start Program.

Eleanor Franklin, 4308 North Frankfort, Tulsa, Oklahoma, informed that Ms. Mansker is in agreement with the transfer of this application to Ms. Smith.

Ms. Bradley asked Mr. Jackere if there is a problem with transferring the application, and he replied that he can see no problem, since both applications are for a day care center.

Presentation:

Nedra Smith, owner of the Briarwood Child Development Center, requested permission to continue operation of the existing day care center and to expand the use to another wing of the vacant school building. A drawing of the school (Exhibit K-1), depicting the area occupied by the child care business, was submitted by Ms. Smith. She informed that the south wing is occupied at this time and the use will be expanded to include the west wing, a total of nine rooms, two gyms and a cafeteria.

Additional Comments:

Mr. Gardner informed that the building is no longer used as a public school and the day care center keeps activity in the building, which is rented from the Tulsa School System.

Ms. Bradley inquired as to the number of children that will be kept in the day care, and Ms. Smith informed that they have a license to accommodate 99 children in one wing and 120 in the second wing.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "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 existing school building in an RS-3 zoned district; finding that the use is compatible with the neighborhood and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Case No. 14897 (continued)

All that part of the W/2, SW/4, NE/4 and all that part of the NW/4, NW/4, SE/4 of Section 24, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, Oklahoma, particularly described as follows, to-wit:

Beginning at the SW/c of said W/2, SW/4, NE/4; thence N 0°10'13" E along the west boundary of said W/2, SW/4, NE/4, a distance of 659.43'; thence S 89°55'55" E a distance of 173.53'; thence to the left on a curve of radius 980.00' a distance of 248.26'; thence N 75°33'13" E a distance of 144.95'; thence to the right on a curve of radius 1300.00' a distance of 53.58'; thence S 9°03'11" E a distance of 0.00'; thence to the right on a curve of radius 1840.00' a distance of 555.50'; thence S 8°14'41" W a distance of 84.63'; thence to the left on a curve of radius 1350.00' a distance 128.11'; thence N 89°54'33" W a distance of 593.15' to a point in the west boundary of said NW/4, NW/4, SE/4; thence N 0°10'13" E along said west boundary a distance of 25' to the point of beginning, containing 10.08 acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14898

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 (head start program) in an RS-1 zoned district, located NE/c 36th Street North and North Peoria Avenue.

Comments and Questions:

Mr. Chappelle informed that he will abstain to avoid a conflict of interest.

Presentation:

The applicant, Juanita Mansker, 764 East Virgin, Tulsa, Oklahoma, was represented by Sylvia Wilson, 3348 North Garrison, Tulsa, Oklahoma, who requested permission to operate a Head Start Center in the Comanche Apartment Complex.

Additional Comments:

Ms. Bradley asked if the classes will be held in one of the apartments, and Ms. Wilson replied that classes will be conducted in the eastern most building in the complex.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-1 (Bradley, Quarles, Smith, "aye"; no "nays"; Chappelle, "abstaining"; White, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted 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; finding that the day care center will be compatible with the neighborhood and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Case No. 14898 (continued)

All of Blocks 1, 2, 3 and 4, Comanche Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14899

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Requests a special exception to allow for a home school in an existing dwelling unit in an RS-3 zoned district, located 4401 West 1st Street.

Presentation:

The applicant, Daniel Grimes, was represented by his wife, Michelle Grimes, 4401 West First Street, Tulsa, Oklahoma, who stated that she and her husband are teachers and are proposing to operate a home school for children. She informed that they are presently tutoring four students and would like to increase that number to 12 students, with three being in the third grade and the remaining in junior high. Ms. Grimes stated that she and her husband are concerned about their home and will teach only students with good character and behavior standards. It was noted that the hour of operation will be from 9:00 a.m. to 1:00 p.m. in the home, and the hours from 1:00 p.m. to 3:00 p.m. will be spent on field trips and other activities away from the home. She informed that two rooms in the home will be used for classrooms and a fence play area will be provided in the back yard, with sports and athletics being shared with the Metro Christian School. Letters of support (Exhibit L-2) were submitted.

Comments and Questions:

Mr. Quarles remarked that his perception of a tutoring business would be seeing a child an hour or two each week, but this operation sounds more like a private school.

Ms. Bradley asked Ms. Grimes if she and her husband are licensed teachers in Oklahoma, and she replied that they are not, but have credentials with the Evangelical Teachers Training Association. She informed that the students would receive sufficient training to be able to re-enter the Tulsa Public Schools at any time.

Ms. Bradley inquired as to the number of bathrooms in the home, and Ms. Grimes informed that there is one bathroom.

Mr. Smith asked if the house would be modified in any way, and Ms. Grimes replied that there will be no changes made to the house.

In response to Mr. Smith's inquiry as to the size of the house, Ms. Grimes replied that the house contains 1300 sq. ft. of floor space.

Protestants:

J. D. Smith, 116 South 43rd West Avenue, Tulsa, Oklahoma, stated that it appears that a private school will be conducted in the house. He stated that the area is residential in character and asked the Board to deny the application. Mr. Smith informed that the grass at one time was very tall and a truck with a flat tire was parked in front of the residence for a long period of time. Photographs (Exhibit L-1) were submitted. He stated that the owners of the house have lived at the present location approximately two years and may not be concerned with the future of the neighborhood.

Ken Arey, 4405 West First, Tulsa, Oklahoma, stated that he lives next door to the Grimes and that they were on vacation during the time the grass was not mowed and the truck with the flat tire was parked in front of the residence. However, he stated that he is opposed to the operation of a school in the Grimes' home, due to a traffic problem that could be created by the business. Mr. Arey submitted a petition of protest (Exhibit L-3) signed by area residents.

Applicant's Rebuttal:

Ms. Grimes stated that the grass was not mowed because they were away on vacation. She stated that the school with only 12 children will not cause a traffic problem for the neighborhood and that she and her husband will work with the neighbors. Ms. Grimes pointed out that there is a school located nearby and that there are already children in the area.

Additional Comments:

Mr. Quarles remarked that the project seems to be too large for the small home and the area.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow for a home school in an existing dwelling unit in an RS-3 zoned district; finding that there is not sufficient space in the 1300 sq. ft. home to conduct a school; and finding that a school 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 17, Block 1, Hayden-Lewis II Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14900

Action Requested:

Special Exception - Section 420 - Accessory Uses In Residential Districts - Use Unit 1217 - Request a special exception for a home occupation to allow for automotive repair in an RS-2 zoned district, located 1332 East 66th Place.

Presentation:

The applicant, Debra Wallace, 1332 East 66th Place, Tulsa, Oklahoma, was not present.

Comments and Questions:

Mr. Chappelle stated that Staff has received a letter (Exhibit X-1) from the applicant requesting withdrawal of Case No. 14900.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White, "absent") to **WITHDRAW** Case No. 14900, as requested by the applicant.

Case No. 14901

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of rear yard setback from 20' to 15' to allow for an addition to an existing dwelling, located 6709 South 70th East Avenue.

Presentation:

The applicant, Steve Bloom, 9015 East 27th Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit M-1), and stated that he is representing the owner of the property in question. He informed that a den and patio extension is planned, which will not extend further into the rear yard setback than the existing dwelling. Mr. Bloom submitted a petition of support (Exhibit M-2) signed by area residents.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a Variance (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of rear yard setback from 20' to 15' to allow for an addition to an existing dwelling; per plot plan submitted; finding that the proposed construction will not encroach further into the setback than the existing dwelling; and finding that the granting of the request will not cause substantial detriment to the public good or impair the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

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

Case No. 14902

Action Requested:

Special Exception - Principal Uses in Agriculture Zoned Districts -
Use Unit 1209 - Request a special exception to allow two (2) mobile homes to be used for classrooms, in an AG zoned district.

Presentation:

The applicant, Ronald Cantwell, 2505 West Quincy, Broken Arrow, Oklahoma, stated that he is an employee of the Higher Dimensions Evangelistic Center and is representing them in this matter. He asked the Board to allow the church to use two mobile units for classrooms during the construction phase. Mr. Cantwell informed that the adult attendance is at capacity and the present children's education space is inadequate. It was noted that the present facility will be expanded and property is being leased to provide an additional 250 off-street parking spaces, or a total of 720 spaces. The applicant asked the Board to approve the two mobile units for temporary classrooms use.

Comments and Questions:

Mr. Chappelle asked how long the mobile units will be needed, and the applicant replied that the architects informed them that the construction may take from 18 to 20 months.

Mr. Smith asked if financing has been secured for the project, and the applicant replied that the church is negotiating the land purchase, and plans are being made for refinancing the existing building.

Ms. Hubbard stated that she does not think the applicant should be before the Board for the use of mobile units for classrooms.

Mr. Jackere remarked that he is in agreement with Ms. Hubbard, and that the Health Ordinances have provisions in them for temporary nonresidential use of mobile homes. He informed that the Building Inspector issues permits for this temporary use for a nine month period, with the possibility of a three month extension. He pointed out that this application is not properly before the Board.

Mr. Jackere asked the applicant who advised him to seek relief from the Board, and Mr. Cantwell replied that he originally applied to the Building Inspection Department, who instructed him to get approval from the Board.

Board Action:

On the advise of legal counsel, and with no objection from the Board, Chairman Chappelle determined to **STRIKE** Case No. 14902 from the agenda.

Case No. 14903

Action Requested:

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

Variance - Section 440.6(a) - Special Exception Requirements - Use Unit 1209 - Request a variance of the time restriction from one year to permanently, located 5037 West Admiral Court.

Presentation:

The applicant, Thomas Harris, Route 2, Box J-15, Mounds, Oklahoma, stated that he owns a 50' by 240' lot at the above stated location, and asked the Board to allow the installation of a mobile home on the property for a permanent residence. He submitted photographs (Exhibit N-1) and stated that the old house on the lot will be removed.

Comments and Questions:

Ms. Bradley asked if there are other mobile homes on the block, and the applicant replied that there are none on the block.

Protestants:

Mr. Chappelle stated that Staff has received two letters of opposition (Exhibit N-2) to the placement of the mobile home in the area.

Ms. Bradley asked if all structures on the lot will be demolished and removed, and Mr. Harris stated that only the storm cellar will remain on the lot.

Protestants:

Elwood Sells, 497 West 1st Street, Tulsa, Oklahoma, who submitted a petition of opposition (Exhibit N-2) to the application, stated that there are no mobile homes in the addition and that approval of the request will adversely affect property values. He asked the Board to deny the application.

Vernon Cowles, 4947 West 1st Street, Tulsa, Oklahoma, stated that he has lived at the present location for 30 years and is opposed to the location of a mobile home in the area.

Virginia Laughlin, 4952 West 1st Street, Tulsa, Oklahoma, pointed out that her home has been flooded in the past and cannot afford for her property to suffer further devaluation. She stated that she is opposed to a mobile home being permitted in the neighborhood.

Sylvia Cowles, 4947 West 1st Street, Tulsa, Oklahoma, stated that the addition is small and the presence of a mobile home would cause property values to go down.

Case No. 14903 (continued)

Applicant's Rebuttal:

Mr. Harris explained that his lot backs up to the levee and is not a part of the addition, and that the mobile home is nicer than all of the houses in the area, with one exception. The applicant stated that the mobile home would be an improvement to the neighborhood.

Additional Comments:

Mr. Quarles asked the applicant if he owns the property in question, and he answered in the affirmative.

Board Action:

Ms. Bradley's motion for denial died for lack of a second.

After Chairman Chappelle's request for further comments, or another motion, and Mr. Quarles pointed out that the property is in bad repair and asked the protestants how they would suggest the property be rehabilitated.

Mr. Sells replied that the property has always been in bad repair during the 29 years he has lived in the area.

Mr. Quarles asked Mr. Sells if he would prefer the present condition of the lot or a nice mobile home that is properly skirted, and he replied that he would prefer the lot in its present state.

Ms. Laughlin voiced a concern that the installation of one mobile home would set a precedent and numerous mobile homes would begin to move into the neighborhood.

Mr. Quarles asked the applicant if all utilities are available on the lot, and he answered in the affirmative.

Mr. Smith asked the applicant if he will reside in the mobile home and he replied that he plans to live in the mobile home. He explained that he now lives midway between Tulsa and Okmulgee and would like to move closer to his work at McDonnell Douglas Aircraft.

Mr. Smith informed that he is now ready to second Ms. Bradley's motion for denial of the application and asked her to restate the motion.

On **MOTION** of **BRADLEY**, the Board voted 3-1-0 (Bradley, Chappelle, Smith, "aye"; Quarles, "nay"; no "abstentions"; White, "absent") to **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential District - Use Unit 1209) to allow for a mobile home in an RS-3 zoned district; and to **DENY** a **Variance** (Section 440.6(a) - Special Exception Requirements - Use Unit 1209) of the time restriction from one year to permanently; finding that mobile home use is not compatible with the neighborhood and the granting of the requests would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 12 and 13, Block 2, Orf's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14906

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 conjunction with an existing church in an RS-3 zoned district, located 1423 South 74th East Avenue.

Presentation:

The applicant, Vicki Rogers, 2547 South Pittsburg, Tulsa, Oklahoma, asked the Board to allow her to operate a day care center in a building owned by Charity Baptist Church. She stated that the structure has been vacant for several months and was previously occupied by a preschool. A drawing (Exhibit P-1) was submitted.

Comments and Questions:

Mr. Chappelle asked how many children the building will accommodate, and the applicant replied that it is licensed for 90 children.

In response to Mr. Chappelle's inquiry as to the days of operation, Ms. Rogers informed that the day care will be open Monday through Friday, 7:00 a.m. to 6:00 p.m., with no weekend or night care.

Mr. Smith asked if there are residences to the east of the building, and Ms. Rogers answered in the affirmative.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "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 conjunction with an existing church in an RS-3 zoned district; subject to days and hours of operation being Monday through Friday, 7:00 a.m. to 6:00 p.m.; finding that a day care operation was previously conducted in the building and proved to be compatible with the area; and finding 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:

Lot 19, Block 14, Eastmoor Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14907

Action Requested:

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1206 - Request a variance to allow two dwellings on one lot of record.

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of land area per dwelling unit from 8400 sq. ft. to 7650 sq. ft. , a variance of livability space per dwelling unit from 4000 sq. ft. to 3260 sq. ft. and a variance of the rear yard setback (west property line) from 20' to 3', located 1120 South Owasso Avenue.

Presentation:

The applicant, Bobby Sanders, 1120 South Owasso Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit R-2) and stated that his home is in the Ridgewood Addition of the Tracy Park Historical District. He informed that his house was constructed in 1921, along with a detached two-car garage that has living quarters above. Mr. Sanders explained that a fire has rendered the garage useless and he is proposing to remove the remains and construct a new garage. He asked the Board to allow him to rebuild on the existing slab and preserve the character of the former structure. Mr. Sanders informed that his son is a college student and has been living in the garage apartment. A plat of survey (Exhibit R-3) was submitted.

Interested Parties:

Carla Lund, 1220 South Owasso, Tulsa, Oklahoma, stated that she is appearing in support of the application. She informed that many of the older homes in the area have garage apartments, and the new structure will retain the visual characteristic of the neighborhood. Ms. Lund submitted a petition of support (Exhibit R-1) and asked the Board to approve the application.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1206) to allow two dwellings on one lot of record; and to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of land area per dwelling unit from 8400 sq. ft. to 7650 sq. ft. , a variance of livability space per dwelling unit from 4000 sq. ft. to 3260 sq. ft. and a variance of the rear yard setback (west property line) from 20' to 3'; per plot plan submitted; finding that the proposed structure will replace a similar structure and will be placed on the existing slab; and finding that there are numerous detached garages with living quarters in the older area; and finding that the granting of the requests will not be detrimental to the area, but will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

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

Case No. 14909

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in Industrial Districts - Use Unit 1223 - Request a variance of setback from the centerline of 4th Place from 50' to 45' to allow for an addition to an existing building, located SE/c 4th Place and Rockford Avenue.

Presentation:

The applicant, Bob Frazier, 430 South St. Louis, Tulsa, Oklahoma, submitted a per plot plan (Exhibit S-1) and asked the Board to allow the addition of a 8' by 10' building to an existing structure. He informed that the small addition will house equipment used to support equipment inside the main building. He informed that there are numerous buildings that are closer to 4th Place than the proposed structure.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Variance** (Section 930 - Bulk and Area Requirements in Industrial Districts - Use Unit 1223) of setback from the centerline of 4th Place from 50' to 45' to allow for an addition (8' by 10') to an existing building; per plot plan submitted; finding that the small addition will not protrude as far into the setback as other buildings along 4th Place and the granting of the variance request will not be detrimental to the area; on the following described property:

Lots 11 and 12, Block 8, Midway Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14910

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the rear yard setback from 25' to 10' to allow for a garage, located 8730 South College Place.

Presentation:

The applicant, Resco, Inc., was represented by Ralph Smith, 2844 East 26th Street, Tulsa, Oklahoma. He explained that his customer owns two lots and is proposing to add a garage on the back portion of his property. A plot plan (Exhibit T-1) was submitted.

Comments and Questions:

Mr. Chappelle asked if the garage will align with the existing dwelling, and Mr. Smith answered in the affirmative.

Case No. 14910 (continued)

Ms. Bradley asked if the property extends from one street to the other, and the applicant informed that his client's property extends from College to College Place. He stated that the lot to the rear of the house was eroding and had deep ravines when the owner, Mr. Sorrells, purchased the property, but it has since been terraced and landscaped.

Ms. Bradley asked Mr. Smith if the proposed construction will extend further toward College Avenue than the kiosk on the property to the north, and he replied that the garage will align with that structure. He explained that his client does not want to build across the lot line, which is why he is before the Board at this time.

Mr. Quarles asked the applicant if his client would object to a tie contract, which would prevent the sale of one lot without the other.

Mr. Sorrells, 8730 South College Place, Tulsa, Oklahoma, stated that he is the owner of the property and has no intention of disposing of the lot located on College Place. He explained that the lot was eroding so badly that his swimming pool was in danger of collapsing, so he decided to purchase the property to preserve the pool and retain the view.

The applicant, Mr. Smith, stated that his client is the third property owner in the development to buy a second lot for yard purposes.

Interested Parties:

John Lovingfoss, 8738 South College Place, Tulsa, Oklahoma, stated that he lives next door to the south of the property in question and is president of Cedar Crest II Homeowner's Association. He informed the Board that he has been asked by this organization to attend this meeting and ask for a continuance of the application to allow homeowners in the area to further investigate the proposed construction. Mr. Lovingfoss stated that the Homeowner's Association will be meeting on September 11 and would like to review the case at that time. He informed that many of the property owners in the area were not aware of the construction project.

Applicant's Rebuttal:

The applicant, Mr. Smith, stated that this application has been in process for approximately two months and 35 letters were mailed out to property owners within 300' of both lots.

Mr. Quarles inquired if the proposed attached garage will be architecturally compatible with the existing home, and Mr. Smith replied that the garage will be joined to the house and the decking from the pool area will be continuous to the garage.

Case No. 14910 (continued)

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the rear yard setback from 25' to 10' to allow for a garage; per plot plan submitted; subject to the execution of a tie contract on Lots 4 and 11; finding that the garage will actually be encroaching into the setback from an abutting lot that is also property of the owner; finding that the quality of the construction will be comparable to the existing dwelling, 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 and the Comprehensive Plan; on the following described property:

Lots 4 and 11, Block 4, Cedarcrest II Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14912

Action Requested:

Variance - Section 240.1(a) (b) - Permitted Yard Obstructions - Use Unit 1208 - Request a variance to allow encroachment of more than 2' into a required yard for an architectural feature and a variance to allow encroachment of more than 4.5' into a required yard for a fire escape.

Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1208 - Request a variance of the setback requirements.

Variance - Section 1320(d) - General Requirements - Use Unit 1210 - Request a variance to allow for parking on lots which do not contain the principal use (off-site parking), located in the area of 600 South College Avenue.

Presentation:

The applicant, Stephen Carr, 5110 South Yale, Tulsa, Oklahoma, submitted a copy of the master plan for the TU Special District (Exhibit V-3), and explained that the properties in question are either single family or multi-family complexes that have been in place for a long period of time and are being remodeled. He stated that some of the buildings were constructed before the current Zoning Code was adopted and encroach on the required setbacks in some instances. It was noted by Mr. Carr that some of the structures owned by the University are being remodeled and architectural features added, but no new buildings are proposed. Additional parking areas are being constructed for some of the complexes. A plot plan (Exhibit V-2) and a location map (Exhibit V-1) were submitted.

Case No. 14912 (continued)

Comments and Questions:

Mr. Quarles asked the applicant if he would give a brief summary of each of the facilities under application and the relief requested for each one. He asked Mr. Carr to designate the piece of property that is referred to in the first variance request on the agenda.

Mr. Carr stated that the first variance listed on the agenda is to allow a fire escape at location No. 5 on the map, the second variance is needed to remodel and add architectural features to all of the five buildings, and the third variance applies to No. 1, 2, 3 and 4 on the location map.

Ms. Bradley asked if the variance for off-site parking is a principal use variance, and Mr. Gardner replied that it is not. He stated that the entire use of the site in this instance is University use, with one portion being used for parking, classrooms, etc., and a hardship is demonstrated by the fact that they own several individual lots, rather than one large parcel.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White, "absent") to **APPROVE** a **Variance** (Section 240.1(a) (b) - Permitted Yard Obstructions - Use Unit 1208) to allow encroachment of more than 2' into a required yard for an architectural feature and a variance to allow encroachment of more than 4.5' into a required yard for a fire escape, Lot 13, Block 7, Highlands II Addition (No.5); to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1208) of the setback requirements to allow remodeling on all properties under application, with no new construction except for architectural features only; and to **APPROVE** a **Variance** (Section 1320(d) - General Requirements - Use Unit 1210) to allow for parking on lots which do not contain the principal use (off-site parking, designated on location map as No. 1, 2, 3 and 4); finding that the buildings were constructed a number of years ago and do not comply with the current setback requirements; and finding that the University owns numerous small properties at various locations in the area, and would not need relief if all lots were contained in one parcel; per plot plan submitted; on the following described property:

Lot 39, Block 1, Lots 4 and 5, Block 2, Lots 7 - 10, Block 22, Lots 16 - 20, Block 25, Lots 3 - 10, Block 26, College Addition to the City of Tulsa, Tulsa County, Oklahoma, AND Lot 13, Block 7, Highlands Second Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 14914

Action Requested:

Variance - Section 620.2(d) - Accessory Use Conditions - Use Unit 1221 - Request a variance to allow an addition to an existing nonconforming ground sign in an OL zoned district, located 2027 East 21st Street.

Presentation:

The applicant, James Adair, 1783 South Canton, Tulsa, Oklahoma, submitted a sign plan (Exhibit W-1) and explained that Sooner Federal is proposing to exchange an existing drive-up teller sign and an existing marquee for a sign with the Sooner Federal logo and an Express TransFund drive-up sign. Mr. Adair stated that, when the sign was originally manufactured for this address, it was allowed for the building, but since that time the Sign Code has changed several times. He informed that the present Sign Code will not allow a sign of this size. Mr. Adair asked the Board to allow the removal of the existing marquee and the attached drive-up teller sign (39 sq. ft.) and replace it with a smaller sign containing 20 sq. ft. Photographs (Exhibit W-2) of the existing sign were submitted.

Comments and Questions:

Ms. Bradley asked if the new sign will be lighted, and the applicant replied that the sign will be lighted, as is the existing sign.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White, "absent") to **APPROVE** a **Variance** (Section 620.2(d) - Accessory Use Conditions - Use Unit 1221) to allow an addition to an existing nonconforming ground sign in an OL zoned district; per sign plan submitted; finding that the replacement sign will actually be smaller than the existing sign; and that the granting of the variance request will not be detrimental to the area; on the following described property:

Lot 5, Block 9, Woodward Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14922

Action Requested:

Variance - Section 1221.5(b) - Use Conditions for Business Signs - Use Unit 1221 - Request a variance to exceed the permitted 3 sq. ft. per linear foot of building wall (315 sq. ft.).

Variance - Section 1221.3(k) - General Use conditions for Business Signs - Use Unit 1221 - Request a variance to permit a wall sign to extend above the building wall, located 2122 Southwest Boulevard.

Case No. 14922 (continued)

Presentation:

The applicant, Ralph Sigler, 1889 North 105th East Avenue, Tulsa, Oklahoma, a representative of Craig Neon Sign Company, submitted a sign plan (Exhibit Z-1), and stated that a back lit awning is planned for the new location of a Harden Restaurant. He informed that he is before the Board at this time because of the new design Mr. Harden has chosen for the sign. Mr. Sigler stated that a restaurant has previously been in operation at the proposed site. Photographs (Exhibit Z-2) were submitted.

Comments and Questions:

Mr. Gardner stated that the actual wording on the sign is within the required 3 sq. ft. per lineal foot, but the entire back lit awning does not meet the requirement. He informed that by Code definition, that lighted portion becomes a sign because it is attention getting. Mr. Gardner stated that the Planning Commission is in the process of determining how to regulate back lit awnings, which is the modern trend for today's signage. It was noted by Mr. Gardner that, if the intensity of the lighting is too bright behind the awning, it does become part of the sign according to the ordinance. It becomes an attention device and needs Board approval.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White, "absent") to **APPROVE** a **Variance** (Section 1221.5(b) - Use Conditions for Business Signs - Use Unit 1221) to exceed the permitted 3 sq. ft. per lineal foot of building wall (315 sq. ft.); and to **APPROVE** a **Variance** (Section 1221.3(k) - General Use conditions for Business Signs - Use Unit 1221) to permit a wall sign to extend above the building wall; per sign plan submitted; finding that the actual sign meets the Code requirement and only the back lit awning exceeds the the allowed signage and extends above the building wall; on the following described property:

Block 1, Clinton Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 14893

Action Requested:

Robert Braumberger requested by letter that filing fees be refunded for Case No. 14893, which has been withdrawn.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White, "absent") to **APPROVE** a **REFUND** of the public hearing portion of the application in the amount of \$25.00.

Case No. 14895

Action Requested:

Devon Harris requests refund of fees for Case No. 14895.

Comments and Questions:

Mr. Taylor informed that the application has been processed and suggested a refund of the public hearing portion of Case No. 14895 in the amount of \$25.00.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White, "absent") to **APPROVE** a **REFUND** of the public hearing portion of the application in the amount of \$25.00.

There being no further business, the meeting was adjourned at 3:38 p.m.

Date Approved

9-1-88


Chairman