

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 536
Thursday, April 6, 1989, 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		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, April 4, 1989, at 3:35 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 **SMITH**, the Board voted 4-0-1 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; Quarles, "abstaining"; none "absent") to **APPROVE** the **Minutes** of March 16, 1989.

UNFINISHED BUSINESS

Case No. 15092

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205 - Request a special exception to allow for an existing golf course and related uses in an AG zoned district, located SE/c 81st Street and South Mingo Road.

Presentation:

The applicant, **Jim Hess**, was not present.

Comments and Questions:

Mr. Taylor informed that an incorrect legal was previously submitted, and the applicant requested by letter (Exhibit A-1) that Case No. 15092 be continued to April 20, 1989.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 15092 to April 20, 1989, as requested by the applicant.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15105

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of front setback from 30' to 26.8' to allow for an existing dwelling in order to clear the title, located 8127 South Pittsburg Avenue.

Presentation:

The applicant, Bruce Staub, was represented by Greg Robinson, Robert E. Parker and Associates, 2431 East 61st Street, Tulsa, Oklahoma, who stated that the porch of an existing dwelling extends 3.2' over the building line and asked the Board to grant the variance request, in order to clear the title.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of front setback from 30' to 26.8' to allow for an existing dwelling in order to clear the title; on the following described property:

Lot 4, Block 1, Forrest Creek II Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15093

Action Requested:

Variance - Section 1221.7 (B,D) - Use Conditions for Outdoor Advertising Signs - Use Unit 1221 - Request a Variance of the 1200' spacing requirement between outdoor advertising signs, and a variance to allow for an outdoor advertising sign to locate within 150' of an R District, located SE/c west 41st Street and US Highway 75.

Presentation:

The applicant, **Bill Stokely**, 8921 South 70th East Avenue, Tulsa, Oklahoma, stated that he is representing Dale Tate, owner of the property at the location of the proposed billboard. He noted that Mr. Tate purchased the property approximately one year ago, and asked permission to replace a 25-year-old sign with a new structure.

Case No. 15093 (continued)

Mr. Stokely informed that the owner is presently operating a business across the street to the north, and is also the owner of the residential lot abutting the subject tract. It was noted that the area to the east is commercial. He informed that the old sign will be replaced by a single-pole sign. Photographs (Exhibit B-1) were submitted.

Comments and Questions:

Mr. Jackere asked if the new sign will be in the exact location of the existing sign, and the applicant replied that the old sign will be removed and the new sign will be within 30' of the previous location.

Mr. Jackere inquired as to the distance from the proposed sign to the nearest outdoor advertising sign, and Mr. Stokely replied that there are no other outdoor advertising signs in the general area, except for the existing sign.

Mr. Jackere asked if the sign is in violation of any spacing requirement, and Mr. Stokely replied that it is within 150' of the residential district, but is not near any other outdoor advertising sign. (Variance request for relief of 1200 spacing requirement not needed.)

Mr. Smith inquired as to the location of the sign on the property, and Mr. Stokely replied that it will be located on the south property line. Mr. Smith asked the use of the remainder of the tract, and the applicant informed that there is a vacant house, a barn, some sheds and other accessory buildings on the property.

Mr. Jackere stated that the applicant has stated that the existing sign will be replaced by the new sign, and suggested that this be made a condition if the variance is approved.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 1221.7 (D) - Use Conditions for Outdoor Advertising Signs - Use Unit 1221) to allow for an outdoor advertising sign to locate within 150' of an R District; subject to the old sign being removed and one new sign structure being erected within 30' of the existing sign location; finding that the applicant is the owner of the abutting R zoned property to the south, which would be most affected by the installation of the sign; on the following described property:

The west 63.5' of the east 310.75' of the south 626' of the N/2, NW/4, NW/4, Section 26, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15094

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to permit a school for the learning disabled in an existing school building, located 1515 South 71st East Avenue.

Presentation:

The applicant, **David M. Higbee**, 8916 South Quebec, Tulsa, Oklahoma, stated that he is representing Town and Country School, and requested permission to operate the private school in an existing school building. He explained that this school, which is the only accredited one of its kind in the State, has an enrollment of approximately 85 students and assists the learning disabled children in the area. Mr. Higbee stated that the program is designed to give the students individual attention to allow them to develop normally and integrate back into the public school system. He stated that the organization has an excellent reputation and would be an asset to the neighborhood.

In response to Mr. Chappelle's inquiry, **Jo Ellen Beard**, 6015 South Atlanta Avenue, Tulsa, Oklahoma, informed that there will be a total of 26 staff members, and that the existing Head Start Program will continue to operate in the building.

Ms. White asked Ms. Beard if the school operates according to regular school hours, and she replied that the school is open from 8:30 a.m. to 3:00 p.m. She informed that the actual count of the Town and Country student enrollment is 91, with 40 additional students attending the Head Start Program.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to permit a school for the learning disabled in an existing school building; 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

Case No. 15094 (continued)

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, and 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. 15095

Action Requested:

Variance - Section 1221.3(F) - General Use Conditions for Business Signs - Use Unit 1221 - Request a variance of setback from the centerline of East 11th Street from 50' to 35' to allow for the replacement of an existing sign, located 5318 East 11th Street.

Presentation:

The applicant, **Bruce Anderson**, 9520 East 55th Place, Tulsa, Oklahoma, submitted a sign plan (Exhibit C-1) and photographs (Exhibit C-2), and stated that he is representing the owner of the business at the above stated location. He pointed out that numerous signs in the older area were constructed at a 25' to 35' setback, with the current sign on the subject property being at 40', or 10' closer to the centerline than allowed by the Code. Mr. Anderson stated that he is proposing to replace the old structure with a new and more modern sign. The applicant explained that the buildings on the east and west sides of the property are 35' from the street and the sign would not be visible if installed at the required setback. Mr. Anderson asked the Board to allow the pole to be set 40' from the centerline, with the sign overhang extending 5' closer to the street.

Comments and Questions:

Ms. Bradley inquired as to the size of the sign, and Mr. Anderson informed that the sign is 8' in height and 10' wide. She asked if the sign is illuminated and the applicant answered in the affirmative.

Interested Parties:

Marcel Binstock, 1145 South Utica, Tulsa, Oklahoma, stated that he is not here to protest the application, but to submit a petition and letter (Exhibit C-3) signed by tenants of the properties to the east of the subject tract.

Ms. Bradley asked if the letter is requesting the same consideration that is being asked by the applicant, and Mr. Binstock answered in the affirmative. She pointed out that each tenant will be required to make application for any change in signage. Mr. Binstock informed that he has an automobile lot on his property and was not allowed to erect his sign at the intended location.

Case No. 15095 (continued)

Ms. Bradley asked the applicant if he appeared before the Board for a setback variance, and he replied that he did not seek that relief.

Mr. Quarles clarified that each case presented to the Board is judged on its own merits. He remarked that the subject tract is recessed between two lots that have existing structures 35' from the street.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 1221.3(F) - General Use Conditions for Business Signs - Use Unit 1221) of setback from the centerline of East 11th Street from 50' to 35' to allow for the replacement of an existing sign; per plot plan submitted (8' by 10' sign, 14' from ground line); subject to the execution of a removal contract; and subject to the removal of the existing sign; finding a hardship imposed by the location of existing buildings, and numerous signs, closer to the street than the current Code allows; on the following described property:

That part of the NW/4, NE/4, NW/4 of Section 10, T-19-N, R-13-E of the Indian Base and Meridian, according to the US Survey thereof, described as follows, to-wit: Beginning at a point on the north line of said NW/4, NE/4, NW/4 331.03' east of the NW/c thereof, thence south along the west line of Erie Avenue a distance of 435'; thence west parallel to the north line of said NW/4, NE/4, NW/4 a distance of 150'; thence north parallel to the west line of Erie Avenue a distance of 435'; thence east along the north line of the said NW/4, NE/4, NW/4 a distance of 150' to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15096

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1207 - Request a special exception to allow for a duplex (modifications of previous approval) in an RS-3 zoned district, located SE/c of North Gary Avenue and Admiral Court.

Presentation:

The applicant, **Jim Melton**, 3225 East Admiral Place, Tulsa, Oklahoma, requested an additional six-month extension to allow sufficient time for the completion of a building project. He explained that the Board previously granted a six month period to complete the work but, due to bad weather, he was not able to meet the deadline.

Case No. 15096 (continued)

Comments and Questions:

Mr. Chappelle inquired as to the time required for completion of the project, and the applicant stated that he may be able to finish the work in three months, but would like to have approval for a period of six months.

In response to Mr. Quarles inquiry, the applicant informed that the major portion of the work on the building exterior has been completed, and he has begun hanging Sheetrock on the interior.

Ms. Bradley commented that she has viewed the property and the construction site is clean and orderly.

Protestants:

Lawrence Hurst, 3033 South 54th West Avenue, Tulsa, Oklahoma, stated that he owns the two rental houses to the south of the subject property. Mr. Hurst remarked that he protested the moving of the house to the property, and pointed out that the lot has been cleaned up for the past six weeks, but was very unsightly prior to that time. He pointed out that the work is progressing very slowly and asked that the Board require a speedy completion of the project.

Applicant's Rebuttal:

Mr. Melton informed that he applied for the original building permit on September 7, 1988, and stated that he will finish the project within the six-month requested extension.

Ms. White asked the applicant if he can finish the exterior of the house within a three-month period, and the applicant answered in the affirmative.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1207) to allow for a duplex (modifications of previous approval) in an RS-3 zoned district; subject to all interior and exterior work on the building being completed within a six-month period from this date; on the following described property:

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

Case No. 15097

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Requests a special exception to allow for a day care center in an RS-3 zoned district, located 431 East 28th Street North.

Presentation:

The applicant, **Wendell Brewer, Jr.**, 1008 West Tecumseh, Tulsa, Oklahoma, asked the Board to allow the operation of a day care business at the above stated location.

Comments and Questions:

Mr. Quarles asked the applicant if he is currently operating a day care center, and he answered that he is not operating a business at this time.

Mr. Chappelle inquired as to the number of children that will be accommodated, and he replied that approximately 24 children will be cared for at the center.

In response to Ms. White, the applicant stated that the center will be open from 6:30 a.m. to 5:00 p.m., Monday through Friday.

Ms. Bradley inquired as to the location of the employee parking spaces, and Mr. Brewer replied that the three employees will park on the paved area provided in the side yard.

Mr. Quarles asked the applicant if a state license has been obtained, and he answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow for a day care center in an RS-3 zoned district; per plot plan submitted; subject to required State license; and subject to hours and days of operation being 6:30 a.m. to 5:00 p.m., Monday through Friday; finding that the day care center will be in harmony with the neighborhood and will not violate the spirit and intent of the Code; on the following described property:

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

Case No. 15098

Action Requested:

Variance - Section 1211.4 - Off-Street Parking Requirements - Use Unit 1211 - Request a variance of the number of required off-street parking spaces from 38 to 10, located 1228 South Trenton Avenue.

Presentation:

The applicant, **Carol Goforth**, 1000 Atlas Life Building, Tulsa, Oklahoma, represented Tulsa Psychiatric Center, which is located in an area that has numerous medical services in operation. She informed that the center owns several properties in the general area and the apartment building in question is to be converted to office use, with the relocation of approximately 10 employees. She noted that this Board has previously approved the use, but there was a concern with the parking lot for this building. Ms. Goforth informed that it has been determined since that time that 38 spaces are required, with 10 spaces being provided on site. She explained that the center owns 214 parking spaces in the area, which provides more than ample parking for the 140 employees, and the number of employees will not be increased.

Comments and Questions:

Ms. Bradley asked where patient parking will be located, and the applicant pointed out that the building will be used for offices only, with no patients visiting this area.

In response to Mr. Smith's inquiry regarding the execution of a tie contract connecting the property to the north with the subject property, Ms. Goforth stated that future development is not certain and it might be inconvenient to have the two lots tied together.

Mr. Jackere pointed out that, if this application is approved, Tulsa Psychiatric Center could elect to sell the building for other types of office uses, which could require a larger number of parking spaces. He stated that this would then create a very real traffic problem for the area.

Mr. Smith remarked that he does not understand why it would be inconvenient for the center to tie two of the properties together.

There was discussion concerning the numerous parking lots owned by the center and the fact that one of the lots must be tied to the subject property to provide the required parking.

David Willard, 1620 East 12th Street, Tulsa, Oklahoma, stated that their Board has advised him that they do not want to tie the subject lot to another lot in the area. There was discussion as to a continuance of the case to a future meeting date. **Alise Brennan**, 1000 Atlas Life Building, Tulsa, Oklahoma, an attorney representing the applicant, explained that there is a pending real estate contract involving the subject property, which hinges on the variance approval.

Case No. 15098 (continued)

Ms. White voiced a concern with allowing an office use in the building without adequate parking.

After a recess for discussion, the applicant requested that one of two lots (southwest corner of 12th and Trenton or southwest corner of 13th and Trenton) be tied to the subject tract. It was noted that the determination of which lot will be made at a later date.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 1211.4 - Off-Street Parking Requirements - Use Unit 1211) of the number of required off-street parking spaces from 38 to 10; subject to the execution of a tie contract tying the lot in question to either of two lots for additional required parking, one located on the southwest corner of 12th Street and Trenton, and the other located on the southwest corner of 13th Street and Trenton (withholding occupancy until this transaction has been completed); on the following described property:

Lot 7, Block 6, Forest Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15099

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from the centerline of Birmingham Avenue from 65' to 51' to allow for an addition to an existing dwelling, located 3412 South Birmingham Avenue.

Presentation:

The applicant, **Steven Olsen**, was represented by **Roger Coffey**, 324 East 3rd Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit E-1), and stated that he is architect for the project, as well as being an adjacent property owner. He informed that an addition to the front and back of the dwelling is proposed. It was noted by the applicant, that the house was constructed in the 1950's and the porch was either built 6' 2" over the setback, or the setback was changed since that time. He stated that the owner is planning to enclose the existing porch and construct a new front porch.

Comments and Questions:

Mr. Chappelle asked Mr. Coffey how close his home is located to the subject property, and he replied that he lives across the street and four houses down the block.

Case No. 15099 (continued)

Mr. Quarles asked if the front porch alteration is the only reason for appearing before the Board, and he answered in the affirmative.

Mr. Chappelle and Mr. Smith agreed that it appears that other homes in the area are as close to the street as the house in question.

It was noted by Ms. Hubbard that the subject property may have been a portion of an area that was down-zoned at one time.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from the centerline of Birmingham Avenue from 65' to 51' to allow for an addition to an existing dwelling; per plot plan submitted; finding that the proposed construction will not extend closer to the centerline of Birmingham Avenue than some existing homes in the area; and that the granting of the variance request will not be detrimental to the neighborhood, or impair the spirit and intent of the Code; on the following described property:

Lot 2, Block 3, Timberland Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15100

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential District - Use Unit 1210, 1211 - Request a special exception to allow for off-street parking and office uses in an RM-2 District.

Special Exception - Section 1680.1(H) - Special Exception - Use Unit 1210.11 - Request a special exception to waive the screening requirements on the west property line.

Variance - Section 1340(d) - Design Standards for Off-Street Parking - Use Unit 1211 - Request a variance of the required all weather surface material for parking lots, located 1432 South Rockford Avenue.

Presentation:

The applicant, **Ronald Watkins**, 1312 South Troost, Tulsa, Oklahoma, stated that it is his intent to construct an office complex on the subject tract at some time in the future. He asked permission to use the property for a parking lot in the interim, and asked that the screening be waived on the west, as it borders the alley. Photographs (Exhibit F-1) were submitted.

Comments and Questions:

Ms. Bradley asked the applicant if he can supply a plot plan for the office complex, and he replied that there are no plans available at this time. A parking layout (Exhibit F-4) was submitted.

Mr. Quarles asked when construction on the proposed office building will begin, and Mr. Watkins stated that he is not sure of the starting date.

Ms. Bradley stated that she is concerned with the prospect of approving office use for the property without a site plan, and Mr. Taylor suggested that, if inclined to support office use, a site plan could be required at the time construction begins.

Ms. White pointed out that there are residences to the west, and asked the applicant the reason for requesting a waiver of the screening requirement. The applicant replied that the screening is an economic issue. Ms. White stated that office use may be compatible with the area, but she would like to view a plan before approval.

Ms. Bradley and Ms. White agreed that the residents in the immediate area would experience dusting from a parking lot without a hard surface.

Protestants:

Mr. Chappelle stated that the Board has received two letters (Exhibit F-2) of objection to the request, and numerous residents of the area (Exhibit F-3) were present to protest the application.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential District - Use Unit 1210, 1211) to allow for off-street parking and office uses in an RM-2 District; to **DENY** a **Special Exception** (Section 1680.1(H) - Special Exception - Use Unit 1210.11) to waive the screening requirements on the west property line; and to **DENY** a **Variance** (Section 1340(d) - Design Standards for Off-Street Parking - Use Unit 1211) of the required all weather surface material for parking lots; finding that the applicant did not have a plan for the office complex and was uncertain as to the construction date; and finding that the requested unpaved parking lot would cause dusting in the residential area and would prove to be detrimental to the neighborhood; on the following described property:

Lots 8 and 9, Block 6, Bellview Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15101

Action Requested:

Special Exception - Section 410 - Permitted Uses in the Residential Zoned District - Use Unit 1206 - Request a special exception to permit a home occupation in an RS-3 zoned district, located 2017 East Woodrow Court.

Presentation:

The applicant, **Alice Hanley**, 2017 East Woodrow Court, Tulsa, Oklahoma, submitted a list of items for sale (Exhibit G-1), and stated that she is proposing to operate a beauty supply business from her home. Ms. Hanley explained that she takes orders in the beauty salon, or homes of clients, and will not have customers visiting her home.

Comments and Questions:

Ms. Bradley asked if the beauty supplies will be stored in her home, and Ms. Hanley answered in the affirmative.

In response to Ms. Bradley's inquiry as to the storage of chemicals, the applicant stated that some items can only be sold to licensed beauticians, and the state is aware of her storage location. She stated that all deliveries are made by UPS, approximately one time each six months.

Ms. Bradley asked the applicant if she will have employees, and Ms. Hanley replied that she will be the sole operator of the business.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 410 - Permitted Uses in the Residential zoned District - Use Unit 1206) to permit a home occupation (beauty supply business) in an RS-3 zoned district (no sales permitted in the home); per Home Occupation Guidelines; finding that the supplies are stored at this location, but no sales are conducted on the premises, and customers do not visit the home; and finding that the home occupation will not be detrimental to the neighborhood, and will not violate the spirit and intent of the Code; on the following described property:

Lot 8, Block 9, Roberts Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15102

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow church uses in an RS-3 zoned district, located 3514 South Yale Avenue.

Presentation:

The applicant, **James Smith**, 2925 West 56th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit H-1) and asked the Board to allow church use in a building that has previously been used for the operation of a day school. He pointed out that no exterior changes to the building are proposed, but a small amount of concrete will be poured in front of the structure for parking. Mr. Smith noted that a privacy fence is in place on the rear property line.

Mr. Adrian Smith stated that he is concerned with the limited parking on the lot, and pointed out that the previous school did not have adequate parking for their business.

Ms. Bradley inquired as to the size of the congregation, and the applicant replied that there are approximately 20 members.

In response to Mr. Quarles question regarding square footage, Mr. Smith replied that the chapel has approximately 1000 sq ft, with the entire structure containing about 4500 sq ft.

Protestants:

Ron Banks, 3531 South Winston, Tulsa, Oklahoma, stated that he resides on the property to the west of the subject tract, and questioned the impact that added paving might have on water run-off in the area. He pointed out that his back yard has been flooded by the draining of the swimming pool with a garden hose.

Additional Comments:

There was discussion as to the parking in the front yard, and Ms. Hubbard replied that the building setback line is 95' from the centerline and the required front yard will be 35'. The applicant stated that the distance from the centerline of the street to the front of the property is 129'. He informed that an additional 10' will be added to the the existing 20' of concrete, which will extend the parking 30' from the front of the building, or 100' from the center of the street. It was noted that, with the addition of the 10' of paving, the front yard requirement will still be met.

Ms. Bradley asked if the swimming pool will continue to be in use, and the applicant answered in the affirmative.

Mr. Adrian Smith asked if he is leasing the property, and the applicant replied that a lease/purchase agreement is being negotiated.

Case No. 15102 (continued)

Ms. Hubbard remarked that the Board might want to continue this item in order that the applicant could make application for the Zoning Clearance Permit, and allow her sufficient time to review the overall plan.

It was the general consensus of the Board that the plan should be reviewed by the building Inspector to determine if additional relief is required.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 15102 to April 20, 1989, to allow sufficient time for the Building Inspector to review the application.

Case No. 15104

Action Requested:

Special Exception - Section 240.2 - Permitted Yard Obstructions - Use Unit 1206 - Request a special exception to allow for an eight foot fence in the front yard, an eleven foot tall fence in the rear yard and a nine foot tall fence in the side yard, located 2225 East Oklahoma Street.

Presentation:

The applicant, **Leslie Bankston**, 2225 East Oklahoma, Tulsa, Oklahoma, stated that the houses in the area around her residence are in disrepair and there is a great deal of crime in the area. She explained that she has two dogs to protect her property from intruders and installed a fence to keep the dogs inside. Ms. Bankston explained that she is seeking relief from the Board because a representative from the fence company informed her that the City Code does not permit an 8' fence in the front yard. She pointed out that the permitted 4' fence will not contain the large dogs and, also, her young son is able to climb a fence of that height. A letter and plot plan (Exhibit J-2) were submitted by the applicant.

Comments and Questions:

Mr. Chappelle asked Ms. Bankston if she owns the property in question, and she replied that negotiations are under way for purchasing the home.

Ms. Bradley asked the applicant why the dogs and children could not be confined to the back yard, and she stated that the entry to her home would not be protected.

Mr. Smith suggested that an alarm system might be an alternative solution, and the applicant stated that this type of system would not insure her safety.

Case No. 15104 (continued)

Mr. Jackere advised the Board that one of the reasons for cutting down the height of fences in the front yard is to provide some police protection. He pointed out that all visibility from the street is eliminated if a solid fence is erected around the front yard.

Protestants:

Mr. Chappelle informed that the Board has received one letter of protest (Exhibit J-1) from an area resident.

David Parnell, 2229 East Oklahoma, Tulsa, Oklahoma, stated that he is not overly opposed to the fence in the back yard, but the fence extends too close to the street in the front, obstructing the view of motorists attempting to back out of the driveway. He asked that the fence be cut down to a height of 4'.

James W. Barrett, 2219 East Oklahoma, Tulsa, Oklahoma, stated that the fence is a traffic hazard and has an adverse affect on property values.

Mr. Quarles remarked that, although he is sympathetic with the applicant, an 8' fence in the front yard would create traffic problems in the area and would not be in harmony with the neighborhood.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Special Exception** (Section 240.2 - Permitted Yard Obstructions - Use Unit 1206) to allow for an eight foot fence in the front yard, an eleven foot tall fence in the rear yard and a nine foot tall fence in the side yard; finding that the request is not in harmony with the spirit and intent of the Code, and would create a traffic hazard in the area; on the following described property:

Lot 13, Block 2, B. F. Jacobs Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15106

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.

Variance - Section 1211.3 - Use Conditions - Use Unit 1211 - Request a variance of the required screening, located 1312 South Troost Avenue.

Presentation:

The applicant, **Ronald E. Watkins**, 1312 South Troost, Tulsa, Oklahoma, submitted photographs (Exhibit K-2), and stated that he lives on the subject property and is proposing to maintain an office in his home. He pointed out that there are three residences on Troost at this location and the alley behind his home aligns with the on ramp of the Broken Arrow Expressway going to the east.

Comments and Questions:

Ms. Bradley asked where the parking will be located for the office, and the applicant replied that the house has a double car garage with parking in front.

Ms. Bradley inquired as to the type of business that will be conducted in the home, and Mr. Watkins replied that he is conducting a consulting business, which has two employees.

Ms. White noted that a car parked in front of the garages would not only block the sidewalk, but would extend almost to the street. The applicant informed that there is adequate space in the side yard for parking.

In response to Ms. Bradley's question, Mr. Taylor informed that four parking spaces will be required for the business.

Mr. Quarles asked the reason for requesting a waiver of screening, and Mr. Watkins stated that he does not object to installing the screening, but thought it would affect the adjoining properties.

Ms. White and Ms. Bradley agreed that the building appears to be a home and did not object to waiving the screening requirement.

Mr. Jackere pointed out that the parking spaces in the driveway are not suitable for parking in the RM District.

Ms. Hubbard asked the applicant if there is sufficient space behind the house on the alley for two paved parking spaces, and he answered in the affirmative.

Mr. Taylor pointed out that the number of required parking spaces should be determined at the time application is made for a building permit.

Interested Parties:

Mr. Chappelle stated that the Board has received one letter of support (Exhibit K-1) from an area resident.

Jim Byfield, Management Specialists, Inc., stated that his company manages the duplex to the south of the subject property, and they feel the screening should be maintained. He pointed out that they are not concerned with the use that is before the Board at this time, but if future uses are more intense, screening would become more of an issue.

Case No. 15106 (continued)

Additional Comments:

Ms. White pointed out that the screening fence may become more of an issue if the back yard is made into a parking lot.

Ms. Bradley asked the applicant if he resides at this location, and he answered in the affirmative.

Ms. Hubbard pointed out that livability space could, also, become an issue with the paving of the back yard.

Ms. Bradley asked the applicant if he has considered making application for a home occupation, and he replied that he is contemplating a marital situation that may cause him to move to another location.

Mr. Taylor pointed out that the Board could determine if office use is appropriate for the property, and allow the Building Inspector to determine if the applicant meets all other requirements when he applies for an occupancy permit.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211) to allow for office uses in an RM-2 zoned district; and to **APPROVE** a **Variance** (Section 1211.3 - Use Conditions - Use Unit 1211) of the required screening; finding that the applicant resides in the home and the residential character of the structure will be maintained, and that office use is prevalent in the general area; on the following described property:

That portion of Lot 3, Block 2, Lake View Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, less and except that described as follows, to-wit: Beginning at the NW/c of the said Lot 3, Block 2, thence east along the north line of said lot a distance of 161' to the NE/c of said lot, thence south along the east line of said lot a distance of 5' to a point, thence west and parallel to the north line of said lot a distance of 74' to a point, thence south and parallel to the west line of said lot a distance of 45' to a point on the south line of said lot, thence west 87' to the SW/c of said lot, thence north along the west line of said lot a distance of 50' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15108

Action Requested:

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1206 - Request a variance to allow for two dwellings on one lot of record in an RS-3 zoned district, located north and east of NE/c 12th Street and 93rd East Avenue.

Presentation:

The applicant, **Betty K. Leachman**, was represented by her son, **Bobby Leachman**. He explained that his mother's property has been sold and the closing is contingent upon the granting of the variance request, as there are two dwellings on the lot. He stated that his mother lives out of state and is unable to attend the meeting. Photographs (Exhibit L-1) were submitted.

Comments and Questions:

Mr. Quarles asked how long the two dwellings have been on the property, and Mr. Leachman replied that they have been in place approximately eight years.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **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 in an RS-3 zoned district; finding that the dwellings have been in place for approximately eight years; and the granting of the variance request will not cause substantial detriment to the public good, or impair the spirit, purposes and intent of the Code or the Comprehensive Plan; on the following described property:

Beginning 330' south and 25' east of NW/c, NE/4, NE/4, thence east 305', south 305', west 165', north 155', west 140', north 150' to the Point of Beginning, Section 12, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 15088

Action Requested:

Mr. Taylor informed that the applicant, **Barry Moydell**, has requested a refund of fees for Case No. 15088. He pointed out that the application has been fully processed, except for the public hearing portion, and suggested a refund of fees in the amount of \$25.00.

Board Action:

On **MOTION** of **SMITH**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Refund** of filing fees, in the amount of \$25.00; finding that the application has been fully processed, except for the public hearing portion.

Case No. 15071

Action Requested:

Correct error in legal description for Case No. 15071.

Comments and Questions:

Mr. Taylor informed that the following incorrect legal was previously submitted by the applicant:

All of Lot 8 and the north 95' of Lot 9, Block 2, Golden Valley Addition, less the right-of-way.

Corrected legal:

Lot 8 and the north 64.82' of Lot 9, Block 2, Golden Valley Addition, less the right-of-way.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CORRECT** the legal description for Case No. 15071, as stated.

There being no further business, the meeting was adjourned at 3:10 p.m.

Date Approved

4-28-89



Chairman