

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 537
Thursday, April 20, 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 Smith White	Quarles	Gardner Moore Taylor	Jackere, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, April 18, 1989, at 10:49 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Chappelle called the meeting to order at 1:04 p.m.

MINUTES:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Chappelle, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **APPROVE** the Minutes of April 6, 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 District, located SE/c 81st Street and South Mingo Road.

Presentation:

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

Comments and Questions:

Mr. Taylor advised the Board that the applicant could not be present, but asked that Staff explain the application and speak in his behalf. It was noted that the Meadowbrook Country Club has requested permission to allow the continued use of their existing golf course, and it was discovered that there was an error in the original legal description submitted by the applicant. Mr. Taylor informed that a second legal was submitted which was also in error. He stated that the applicant has now submitted a final corrected legal description, which has been properly advertised.

Case No. 15092 (continued)

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Chappelle, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1205) to allow for an existing golf course and related uses in an AG District; finding that the use has been in existence for many years at the present location; on the following described property:

The NE/4 and a portion of the N/2, NW/4 of Section 13, T-18-N, R-13-E, Tulsa County, Oklahoma, being more particularly described as follows to wit:

Beginning at the NE/c, NE/4, Section 13, T-18-N, R-13-E; thence S 0°02'29" E along the east line of said NE/4 a distance of 2640.40' to the SE/c of said NE/4; thence S 89°46'36" W along the south line of said NE/4 a distance of 2635.68' to the SW/c of said NE/4; thence N 0°00'51" E along the west line of said NE/4 distance of 1320.16' to the SE/c of the NE/4, NW/4 of said Section 13; thence S 89°46'33" W along the south line of said NE/4, NW/4 a distance of 454.41'; thence N 0°00'51" E a distance of 1320.16' to a point on the north line of said Section 13; thence N 89°46'30" E along the said north section line a distance of 3087.54' to the Point of Beginning, containing 173.453 acres more or less. Less a tract identified as Tract "A" described as follows:

Beginning at the NE/c of said NE/4; thence S 0°02'29" E along the east line of said NE/4 a distance of 660.00'; thence S 89°46'30" W a distance of 660.00'; thence N 0°02'29" W a distance 660.00' to a point on the north line of said Section 13; thence N 89°46'30" E along the north line of said Section 13 a distance of 660.00' to the Point of Beginning containing 10.00 acres. The remaining acreage being 163.453 acres, more or less, 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 for church uses in an RS-3 zoned district, located 3514 South Yale Avenue.

Presentation:

The applicant, **James Smith, 2925 West 56th Street, Tulsa, Oklahoma**, stated that the Board had previously requested that he provide information concerning setbacks and parking. He informed that application has been made for an occupancy permit, and an extension of the privacy fence is required to screen the parking lot. A plot plan (Exhibit Z-1) was submitted.

Case No. 15102 (continued)

Comments and Questions:

Mr. Chappelle asked Ms. Hubbard if the applicant complies with all requirements for obtaining an occupancy permit, and she replied that all requirements are met, except for screening of the parking lot along the north property line.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow for church uses in an RS-3 zoned district; per plot plan submitted and fencing requirements; finding that the building was previously used as an educational facility, and the granting of the request will not be detrimental to the area; on the following described property:

Beginning at the NE/c of said N/2, S/2, SE/4, NE/4; thence N 89°50'40" W along the north boundary of said N/2, S/2, SE/4, NE/4 a distance of 280'; thence south parallel to the east boundary of said N/2, S/2, SE/4, NE/4 a distance of 195.11'; thence S 89°50'40" E parallel to the north boundary of said N/2, S/2, SE/4, NE/4 a distance of 280'; thence north along the east boundary of said N/2, S/2, SE/4, NE/4 a distance of 195.11' to the Point of Beginning, LESS AND EXCEPT the east 50' thereof, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15111

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of front setback from the centerline of 4th Place from 52' to 51' to allow for an addition to the existing dwelling, located 4711 East 4th Place.

Presentation:

The applicant, **Tom McGuire, 849 West 138th Place, Glenpool, Oklahoma**, submitted a plot plan (Exhibit A-1), and requested permission to add a 3' extension to an existing garage. He pointed out that other structures in the area extend further into the setback than the proposed addition.

Protestants: None.

Case No. 15111 (continued)

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of front setback from the centerline of 4th Place from 52' to 51' to allow for an addition to the existing dwelling; per plot plan; finding that the variance request is in conformance with existing conditions in the immediate vicinity of the subject tract; on the following described property:

Lot 386, Block 2, Rodgers Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15103

Action Requested:

Variance - Section 1340.(d) - Design Standards for Off-Street Parking - Use Unit 1211 - Request a variance of the required all weather surface for a parking area, 218 West Latimer.

Comments and Questions:

Mr. Gardner pointed out that the property is under two zoning classification and the Board should determine which area will be used for parking purposes.

Presentation:

The applicant, **Roy Girod, Route 2, Box 2, Glenpool, Oklahoma**, submitted a violation notice (Exhibit B-2) and a plot plan (Exhibit B-3), and stated that the gravel 20' by 90' parking area for the existing apartments is located on the alley. He asked the Board to allow parking to continue on the existing lot for a period of one year only.

Additional Comments:

Ms. White asked if the three apartment buildings to the west of the lot will use the parking area in question, and Mr. Girod answered in the affirmative. He noted that the two lots extend from Denver back to the alley. In response to Ms. White's question concerning all weather surface, the applicant replied that he has seven empty apartments and is not financially able to install a hard surface material on the lot at this time. Mr. Girod noted that only one tenant in the apartment complex owns a car, and reiterated that the gravel parking lot will only be used for a one year period.

Mr. Gardner advised that the applicant owns two east/west lots which front on Denver and the alley, with the eastern 20' being zoned commercial. He informed that parking is permitted on the east 20' of the lots, with a hard surface covering.

Case No. 15103 (continued)

Ms. Bradley asked if the subject property is located in Brady Heights, and Mr. Girod answered in the affirmative.

Protestants:

Mr. Chappelle informed that the Tulsa Preservation Commission and Tulsa Development Authority (Exhibit B-1) requested denial of the application.

Interested Parties:

Tim Williams, 1015 North Denver, Tulsa, Oklahoma, who is president of the Brady Heights Neighborhood Association and an abutting property owner, informed that the twelve-unit complex has a potential of 24 cars. He pointed out that the Association does not have a problem with the variance request, but asked that a permanent parking lot be installed after one year to alleviate street parking in the area.

Additional Comments:

Mr. Jackere remarked that the Board might consider requiring a hard surface before the end of one year if the number of cars parked on the lot shows a significant increase. He pointed out that it is difficult to determine occupancy rate, but the number of cars parked on the lot could be monitored.

Mr. Williams pointed out that he lives adjacent to the subject property, and is concerned with the number of visitors coming to the apartments, as well as the number of tenants.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 1340.(d) - Design Standards for Off-Street Parking - Use Unit 1211) of the required all weather surface for a parking area for a period of six months only; per plot plan submitted; finding that a very limited number of vehicles are parking on the lot at this time; and the granting of the variance request, with the present number of vehicles, at the designated location, will not be detrimental to the area; on the following described property:

Lots 11 and 12, less part of Lot 11, beginning SW/c, thence north 8', east 66.6', southeast 16', west 80.46' to the Point of Beginning, Block 10, Burgess Hill Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15107

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Requests a special exception to allow for expanded office uses in an RM-2 zoned district, located at 1050 East 61st Street.

Presentation:

The applicant, **Gail Carnes, 1050 East 61st Street, Tulsa, Oklahoma**, submitted a plot plan (Exhibit C-1), and requested permission to add a 20' extension to an existing office building.

Comments and Questions:

Ms. Bradley asked if there is adequate parking for the proposed expansion, and the applicant replied that there are more available parking spaces than the Code requires.

Mr. Gardner pointed out that the Board previously approved the office building per plot plan; therefore, Board action is required for any modification of the structure.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211) to allow for expanded office uses in an RM-2 zoned district; per plot plan submitted; finding that the expansion of the existing building 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:

Part of Lot 2, Block 1, Zand-Bergen Addition to the City of Tulsa, Tulsa County, Oklahoma, to-wit: Beginning at the northwest corner of said Lot 2, thence south along the west line of lot 840' to the southwest corner of said lot, thence east 299.22', thence north 845.06', thence west 299.95' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15109

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Use Unit 1206 - Request a special exception for a home occupation to allow for an existing automobile upholstery business in an RS-2 zoned district, located 952 South Darlington Avenue.

Presentation:

The applicant, **Lowell Breckenridge, 952 South Darlington, Tulsa, Oklahoma**, stated that his upholstery business has recently been moved to his residence, and asked permission to continue the operation at this location.

Case No. 15109 (continued):

Comments and Questions:

Mr. Chappelle asked the applicant to explain the nature of his business, and he replied that he upholsters car interiors (seats, carpets, headliners and vinyl tops).

Ms. Bradley noted that she observed three cars parked at the residence, and asked the applicant where his customers park their vehicles. Mr. Breckenridge replied that automobiles being repaired are parked behind the fence, and those parked in front of the fence are his personal cars.

In response to Mr. Jackere, the applicant informed that he performs the automobile upholstering outside and inside the existing garage. Mr. Jackere asked if vinyl roofs are replaced outside the building, and Mr. Breckenridge answered in the affirmative.

Ms. White asked how many cars are stored on the premises while awaiting repairs, and the applicant replied that he usually has only two cars on the premises, but occasionally there are more. In response to a question concerning ownership of the property, Mr. Breckenridge informed that he is leasing the property, with option to buy.

Mr. Chappelle noted that Staff has received 12 letters (Exhibit D-1) from residents in the area who object to the request, due to the commercial nature of the home occupation. He asked the applicant if he has received a copy of the Home Occupation Guidelines, and Mr. Breckenridge stated that he has reviewed the guidelines.

Protestants:

Bert McAulay, 945 South Darlington, Tulsa, Oklahoma, stated that he lives across the street from the subject property, and is representing 15 residents of the neighborhood. He pointed out that there has been increased traffic since the business began operation and it has interrupted the quiet atmosphere of the area. He noted that upholstery work has been performed in front of the house and it is not in the best interest of the neighborhood to have a business at this location. A petition of opposition (Exhibit D-2), photographs (Exhibit D-4) and a letter from Code Enforcement (Exhibit D-3) were submitted.

Mike Lodes, 916 South Braden, Tulsa, Oklahoma, stated that he is representing the White City chapter of the MidTulsa Neighborhood Association. He informed that the primary goal of the association is to preserve the White City neighborhood, which was established in 1926. He asked the Board to deny the application.

Additional Comments:

It was the general consensus of the Board that, as evidenced in the photographs, the business fails to comply with the Home Occupation Guidelines and is not compatible with the neighborhood.

Case No. 15109 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **DENY** a **Special Exception** (Section 420 - Accessory Uses in Residential Districts - Use Unit 1206) for a home occupation to allow for an existing automobile upholstery business in an RS-2 zoned district; finding that the home occupation is not in accordance with the Home Occupation Guidelines, and granting of the special exception request would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The S/2, Lot 6, Block 28, White City Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15110

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow for an existing mobile home in an RS-2 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 1440 South 133rd East Avenue.

Presentation:

The applicant, **Betty Sue Ramsey, 1371 South 99th East Avenue, Tulsa, Oklahoma**, informed that she received permission in 1984 to install a mobile home at the present location for a period of one year only. She asked the Board to remove the restriction and allow the mobile to remain at this address permanently. Photographs (Exhibit E-1) were submitted.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for an existing mobile home in an RS-2 zoned district; and to **APPROVE** a **Variance** (Section 440.6(a) - Special Exception Requirements - Use Unit 1209) of the time restriction from one year to permanently; finding that the mobile home has been at the present location for several years and has proved to be compatible with the area; on the following described property:

The south 150' of the east 150', Lot 4, Block 11, Romoland Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15112

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1202 - Request a special exception to allow for an off-site construction facility (concrete batch plant) in a CS zoned district, located east of SE/c 71st Street and South Mingo Road.

Presentation:

The applicant, **Earl Hart**, was represented by **Paul Kitchens, Concrete Industries of Tulsa, 13521 East 11th Street, Tulsa, Oklahoma**. He explained that his company is supplying concrete for a construction job on the road at 71st and Mingo, and a temporary batch plant will be needed at this location until the job is completed. A location map (Exhibit F-1) was submitted.

Comments and Questions:

Ms. Bradley asked how long the plant will be in use, and Mr. Kitchens replied that the facility will be in use for approximately nine months.

Mr. Chappelle informed that the Board has received one letter of support (Exhibit F-2) for the application.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1202) to allow for a temporary off-site construction facility (concrete batch plant) in a CS zoned district for a period of nine months only; per location map submitted; finding that the temporary use will not be detrimental to the area; on the following described property:

Beginning at a point 60' south and 635.7' east of the NW/c of Government Lot 1, Section 7, T-18-N, R-14-E, thence west 150', south 250', east 150', north 250' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15113

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1208 - Request a special exception to allow for a nursing home in an RS-2 zoned property, located south of SW/c of 101st Street and South Yale Avenue.

Presentation:

The applicant, **Charles Norman, 909 Kennedy Building, Tulsa, Oklahoma**, explained that the 6-acre tract in question is a portion of a 20-acre tract which is the subject of a condemnation action initiated by the Jenks School District. He informed that a petition has been filed in the District Court of Tulsa County to condemn the entire 20-acre tract. Mr. Norman remarked that neither the owner of the property or Autumn Village, prospective buyers, were aware of the intent of the Jenks School District to acquire the property at the time the Board of Adjustment application was filed. The applicant asked that this case be continued to June 1, 1989, in order that Autumn Village may determine its rights under its contract to purchase and the pending condemnation action. A letter of April 14, 1989 (Exhibit G-1), requesting a continuance, was submitted.

Protestants:

Protestants in the audience indicated agreement with the June 1st meeting date.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Chappelle, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **CONTINUE** Case No. 15113 to June 1, 1989, as requested by the applicant.

Case No. 15114

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1209 - Requests a special exception to allow for two mobile homes (1 existing, 1 proposed) in an AG zoned district.

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

Variance - Section 1340(d) - Design Standards for Off-Street Parking Areas - Use Unit 1211 - Request a variance of the required all weather surface for an off-street parking area, located 5410 North 145th East Avenue.

Case No. 15114 (continued)

Presentation:

The applicant, **Betty Conatzer, 5410 North 145th East Avenue, Tulsa, Oklahoma**, stated that both her husband and son own tractor trailers and have previously had trailers stored on the property, which have been removed. She informed that only her husband's tractor will be parked on the property daily, and her son will park there only one day each week. Ms. Conatzer requested permission to install an additional mobile home on the 5-acre tract. A plot plan (Exhibit H-1) and a copy of the violation notice (Exhibit H-2) were submitted.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1209) to allow for two mobile homes (1 existing, 1 proposed) in an AG zoned district; to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209) variance to allow for two dwellings on one lot of record; and to **APPROVE** a **Variance** (Section 1340(d) - Design Standards for Off-Street Parking Areas - Use Unit 1211) a variance of the required all weather surface for an off-street parking area; per plot plan submitted; subject to no more than two tractor trailer units being parked on the property at any given time; finding that the trailers previously stored on the property have been removed; and finding that the tract is large enough to split and satisfy the size requirements for two separate lots; on the following described property:

The N/2, NE/4, SE/4, NE/4, Section 9, T-20-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15115

Action Requested:

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

Variance - Section 440 - Special Exception Conditions - Use Unit 1209 - Request a variance of the time restriction from one year to permanently, located 2252 North Evanston Avenue.

Presentation:

The applicant, **Rudi Nolan, 2252 North Evanston, Tulsa, Oklahoma**, stated that the Board granted permission to locate the mobile home at the present location in August of 1983, and asked that the unit be allowed to remain permanently.

Case No. 15115 (continued)

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for an existing mobile home in an RS-3 zoned district; and to **APPROVE** a **Variance** (Section 440 - Special Exception Conditions - Use Unit 1209) of the time restriction from one year to permanently; finding that the mobile home has been located at the present site for approximately 6 years and has proved to be compatible with the neighborhood; on the following described property:

The south 64' of the E/2, Lot 3, Block 3, City View Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15116

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted In Industrial Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an IM zoned district, located 2703 East Apache Street.

Presentation:

The applicant, **Pattie Shook, 2703 East Apache, Tulsa, Oklahoma**, stated that she previously received permission to install her mobile home at the present location in 1987, and is now requesting that the mobile be allowed to remain on the lot permanently.

Comments and Questions:

Mr. Gardner informed that the ordinance has been amended since Ms. Shook made her first application. He pointed out that the applicant requested a variance in 1987, and according to the present code, a special exception is needed, with no hardship finding required.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted In Industrial Districts - Use Unit 1209) to allow for a mobile home in an IM zoned district; finding that the mobile home has been at the present location for a period of one year, and has proved to be compatible with the neighborhood; on the following described property:

All that part of the SE/4, SE/4, SW/4 of Section 20, T-20-N, R-13-E, lying south and east of the Atchison, Topeka and Santa Fe Railway Company right-of-way, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15117

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow for a church and related uses (including parking) in an RS-3 zoned district.

Variance - Section 1205.4 - Off-Street Parking Requirements - Use Unit 1205 - Request a variance of the number of parking spaces from 140 and, if needed, a variance to allow for parking on a lot other than the lot of principal use, located 1703 West 41st Street.

Presentation:

The applicant, **Phil Box, 4923 South Olympia, Tulsa, Oklahoma**, submitted a plot plan (Exhibit J-2) and requested permission to use the property in question for church and related uses. He informed that Webster High School has agreed to allow overflow parking on their lot if additional parking spaces are needed. A letter (Exhibit J-1) from Oklahoma Natural Gas Company was submitted.

Comments and Questions:

Ms. Bradley asked Mr. Box to explain the related uses referred to in the application, and he replied that one single family residence will be used for Sunday School purposes and the other will serve as a dwelling for a church missionary.

In response to Ms. Bradley's inquiry as to the operation of other schools during the week, Mr. Box replied that the church does not have a school.

Ms. White asked the applicant if the church would be agreeable to the execution of a tie contract on all church properties at this location, and he answered in the affirmative.

There was discussion concerning a future building expansion, and Ms. Hubbard pointed out that the proposed expansion may not meet the Zoning Code requirements and the applicant may need further relief at that time. She suggested that, if inclined to approve the application, Board approval be made per plot plan submitted, and subject to the execution of a tie contract.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow for a church and related uses (including parking) in an RS-3 zoned district; and to **APPROVE** a **Variance** (Section 1205.4 - Off-Street Parking Requirements - Use Unit 1205) of the number of parking

Case No. 15117 (continued)

spaces from 140, and a **Variance** to allow for parking on a lot other than the lot of principal use; per plot plan submitted; subject to the execution of a tie contract on all church property at this location; finding that the sanctuary area will not be increased, and the church related uses in the two dwelling units will not have an adverse affect on the neighborhood; on the following described property:

Lots 1 - 6, 25 and 26, Block 6, Clinton Homesites Addition, City of Tulsa, Oklahoma.

Case No. 15118

Action Requested:

Variance - Section 730 - Bulk and Area Requirements for Commercial Districts - Use Unit 1213 - Request a variance of setback from the centerline of Peoria Avenue from 50' to 40' to allow for an addition to the existing building, located 3301 South Peoria Avenue.

Presentation:

The applicant, **Earl Hutching, 3430 south 132nd East Avenue, Tulsa, Oklahoma**, Vice President of S & J Oyster Company, submitted a plot plan (Exhibit K-1) for a proposed outdoor patio in front of the restaurant. He informed that a wrought iron railing will surround the seating area, which will have tables covered with umbrellas. Mr. Hutching pointed out that the sidewalk slopes at this location and will be elevated 9 inches. Photographs (Exhibit K-2) were submitted.

Comments and Questions:

Mr. Gardner asked if the eating area will be covered, and he replied that there will be no covering except the umbrellas. Mr. Gardner pointed out that this application, if approved as is, would permit an addition to the existing building, and that the motion should clarify the actual intent of the applicant.

Ms. White inquired as to the height of the wrought iron railing, and Mr. Hutching replied that it will be 4' in height.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements for Commercial Districts - Use Unit 1213) of setback from the centerline of Peoria Avenue from 50' to 40', and to permit the erection of a 4' wrought iron railing along the front setback line around an outside dining area; per plot plan; on the following described property:

Lot 4, Block 1, Oliver's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15119

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an AG zoned district, located south of the SW/c 41st Street and 177th East Avenue.

Presentation:

The applicant, **Bob Barnett, 4522 South 177th East Avenue, Tulsa, Oklahoma**, submitted photographs (Exhibit L-1) and asked the Board to allow permanent installation of an existing mobile home. Mr. Barnett stated that he was before the Board in 1984 and received permission to leave the mobile home on the property for a period of three years. He informed that he raises horses on the property and a barn is the only other structure on the tract.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1209) to allow for a mobile home in an AG zoned district; finding that the mobile home has been at the present location for a three-year period and has proved to be compatible with the area; on the following described property:

The south 165' of the east 663', S/2, S/2, SE/4, NE/4, Section 26, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15120

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1202 - Request a special exception to allow for a tent revival in an RM-2 zoned district, located SW/c of 1st Street and Rosedale Avenue.

Presentation:

The applicant, **J. R. Stratton, 24 South Rosedale, Tulsa, Oklahoma**, stated that he is representing the Bowen Indian Baptist Church, and requested permission to conduct a tent revival from June 4, 1989 to June 9, 1989. A plot plan was submitted (Exhibit M-1).

Ms. Bradley asked if a tent revival has previously been conducted on the premises, and Mr. Stratton replied that there has never been a tent revival on the property.

Case No. 15120 (continued)

Comments and Questions:

In response to Ms. White's question concerning time of services, the applicant stated that the meeting will begin at 7:15 p.m. and end at approximately 9:45 p.m.

Ms. Bradley asked if restroom facilities are adequate, and the applicant answered in the affirmative.

Mr. Gardner asked which direction the church is located from the tent site, and he replied that the church is north of the site. He informed that the tent is 40' by 90', with parking provided on the side and front of the lot.

Mr. Smith inquired as to arrangements for traffic control, and Mr. Stratton stated that church members will direct parking.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1202) to allow for a tent revival in an RM-2 zoned district; per plot plan (40' x 90' tent); subject to days and hours for services being June 4, 1989 to June 9, 1989, 7:00 p.m. to 10:00 p.m.; finding that the temporary use will not be detrimental to the neighborhood; on the following described property:

Lots 1 - 12, Block 15, Overlook Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15121

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213 - Request a variance of lot frontage from 150' to 145', 125' and 0' to allow for a lot split in a CS zoned district, located west of NW/c of 51st Street and Yale Avenue.

Presentation:

The applicant, **Richard Monaghan, 11010 East 51st Street, Tulsa, Oklahoma**, submitted a plot plan (Exhibit N-2), and stated that the property in question is being split into four tracts, with two lots on 51st Street having frontages of 140' and 125', and a third lot will have zero frontage on a dedicated street. The fourth tract is a 30' strip which runs parallel to the west and northwest property line, which may eventually become a dedicated street. He informed that TMAPC has approved the application (LS 17156), per conditions. A plat of survey (Exhibit N-1) was submitted.

Case No. 15121 (continued)

Comments and Questions:

Mr. Gardner explained that the TMAPC increased the strip on the west and northwest property line from 25' to 30' and tied it to the rear lot in order that this lot would have access to the street. He informed that the future plan is to use the 30' handle and the adjoining 30' to make a 60' dedicated street to serve the property.

Ms. Bradley inquired as to the use of the lots, and the applicant informed that two commercial buildings will be constructed on the front lots, with no plans for the back tract at this time.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213) of lot frontage from 150' to 140', 125' and 30' to allow for a lot split in a CS zoned district; per site plan submitted; and subject to all conditions imposed by the TMAPC; finding a hardship demonstrated by the large size and irregular shape of the tract, with limited street frontage; on the following described property:

Lot 8, Interstate Central Extended Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15122

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the required livability space from 4000 sq ft to 2947 sq ft, located 835 South Knoxville Avenue.

Presentation:

The applicant, **Ed Eaves, 7623 South Winston, Tulsa, Oklahoma**, stated that he is proposing to construct an addition to an existing home at the above stated location, which will reduce the livability space to 2947 sq ft. He informed that the addition will contain approximately 380 sq ft of floor space. A plot plan (Exhibit P-1) was submitted.

Comments and Questions:

Ms. Bradley informed that she has viewed the subject property, and the construction site is not visible from the street. She pointed out that the majority of the houses in the neighborhood have had similar additions, due to the narrow lots in the area.

Case No. 15122 (continued)

Interested Parties:

Connie Ullman, a representative of All-Care Management Company, stated that this company owns the property at 823 South Knoxville. She informed that she was interested in the nature of the application and attended the meeting to determine why the livability space was being reduced on the subject tract. Ms. Ullman informed that, after hearing the intent of the applicant, she is not opposed to the proposed construction.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required livability space from 4000 sq ft to 2947 sq ft; per plot plan submitted; finding that the lots are narrow and that there are similar additions to the back portion of numerous homes in the neighborhood; on the following described property:

Lot 9, Block 5, Braden Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15123

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the required livability space from 4000 sq ft to 3300 sq ft, located 252 East 28th Street.

Presentation:

The applicant, **Jack Arnold**, 7318 South Yale, Tulsa, Oklahoma, stated that he is the current owner of the property in question. He requested permission to construct a house that will comply with all required setbacks, but is in need of a variance of the required livability space. Elevations (Exhibit R-1), a plot plan (Exhibit R-2) and photographs (Exhibit R-3) were submitted.

Comments and Questions:

It was noted by Ms. White, that the lot in question was the side yard of the house to the west, and asked if the approval of this application would reduce the livability space for that structure.

Mr. Jackere explained that the house to the west and the former side yard for that property are two separate lots, and the lot used for a side yard is not considered when determining livability space for the existing dwelling. He pointed out that very few of the houses in the older area comply with the livability space requirement.

Case No. 15123 (continued)

Mr. Arnold noted that he has viewed architectural plans of homes previously built in the area, and is attempting to construct a house that will be in character with the existing neighborhood.

Interested Parties:

David Ellison, 256 East 28th Street, Tulsa, Oklahoma, stated that he is not a protestant in this case, but is concerned with the construction on an undersized lot. He informed that he has now reviewed the plans and is not opposed to the application if there are no setback violations.

Mr. Smith noted that the lot seems to be comparable to all other lots in the area.

Mr. Smith asked Mr. Arnold if any brick or stone, which might protrude outside the foundation, will encroach into the 5' side yard setback, and he replied that the entire house will be contained inside the required setback line.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required livability space from 4000 sq ft to 3300 sq ft; per plot plan and elevations submitted; finding that the lots in this older area do not meet the present bulk and area Code requirements; and that the granting of the variance request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 3, Block 21, Sunset Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 14870

Action Requested:

Amend minutes to add legal description.

Comments and Questions:

Mr. Taylor informed that the legal description for Case No. 14870 was inadvertently omitted from the July 7, 1988 minutes.

Case No. 14870 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** an **amendment** to the July 7, 1988 minutes in order to add the following legal description for Case No. 14870:

East 3', south 210', north 375' of Lot 5, and the west 206', south 210', north 375' of Lot 6, J. P. Harters Addition to the City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:15 p.m.

Date Approved

5-4-89

Carl H. Hester

Chairman