

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 538
Thursday, May 4, 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 |
|------------------------|------------------|---------------------------|--|
| Chappelle, Chairman | Bradley White | Gardner Jones Moore | Jackere, Legal Department Hubbard, Protective Inspections |
| Quarles Smith | | | |

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, May 2, 1989, at 1:11 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 1:00 p.m.

MINUTES:

On **MOTION** of **SMITH**, the Board voted 2-0-1 (Chappelle, Smith, "aye"; no "nays"; Quarles "abstaining"; Bradley, White "absent") to **APPROVE** the Minutes of April 20, 1989.

UNFINISHED BUSINESS

Case No. 15058

Action Requested:

Variance - Section 1340.(d) - Design Standards for Off-Street Parking - Use Unit 1220 - Request a variance of the required all-weather surface to allow for a gravel parking lot, located SW/c 122nd East Avenue and 51st Street.

Presentation:

The applicant, **James Gentry**, was represented by **Nancy Lawrence**, 8705 South 71st East Avenue, Tulsa, Oklahoma, who informed that Union Kids Baseball is composed of 63 teams, which use the property at the above stated location. She stated that these baseball teams will be playing at the facility three months out of the year and their budget will not allow paving of the parking area. Ms. Lawrence asked that the all-weather surface requirement be waived.

Comments and Questions:

Mr. Jones explained that this organization was previously before the Board to request use of the Hilti property for baseball fields, and were not aware that an all-weather parking surface would be required for this use.

Case No. 15058 (continued)

Mr. Quarles asked if the facility has been donated to the baseball organization, and the applicant replied that they are leasing the property. She pointed out that there are various athletic fields in the City that do not have hard surface parking lots.

Mr. Gardner advised that this type of use could be determined to be temporary instead of permanent.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White "absent") to **APPROVE** a **Variance** (Section 1340.(d) - Design Standards for Off-Street Parking - Use Unit 1220) of the required all-weather surface to allow for a temporary gravel parking lot for the existing baseball fields; per plot plan previously submitted; finding that the land is IL zoned property, is leased and used only three months out of the year; on the following described property:

Lot 1 of Block 1, the vacated portion of South 119th East Avenue right-of-way from East 51st Street South, south to the north line of Reserve A and Lots 1, 2, 3 and 4 of Block 2 of the Metro Park Addition to the City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15125

Action Requested:

Variance - Section 430.1 - Bulk & Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from the centerline of South Owasso Place from 55' to 49' to allow for an addition to an existing dwelling, located NE/c Owasso Place and 25th Street.

Presentation:

The applicant, **Fox Architects**, 2250 East 73rd, Suite 300, Tulsa, Oklahoma, was represented by **Pat Fox**, who stated that the owner of the subject property is renovating an existing dwelling. He explained that the house was constructed in the 1920's and currently encroaches into the Owasso Place setback. It was noted that a veranda will be added to the front portion of the dwelling, which will make the appearance more consistent with the neighborhood. Mr. Fox informed that the veranda will extend approximately 4' beyond the existing building, with a total encroachment of 6'. A plot plan (Exhibit A-1) was submitted.

Protestants: None.

Case No. 15125 (continued)

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk & Area Requirements In Residential Districts - Use Unit 1206) of setback from the centerline of South Owasso Place from 55' to 49' to allow for an addition to an existing dwelling; per plot plan submitted; finding that the structure was constructed in the early 1900's at a setback that does not comply with the present Code requirement; on the following described property:

Lot 4 in Block 1 of Sunset Terrace Addition a subdivision of part of Section 18, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma, and a tract of land, containing 705 sq ft that is part of Lot 5 in Block 1 of Sunset Terrace Addition, a subdivision of part of Section 13, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: Beginning at a point that is the SE/c of said Lot 5; thence due west along the southerly line of Lot 5 for 138.05' to the SW/c of Lot 5; thence N 4°20'10" E for 0.00' to a point of curve; thence northeasterly along the westerly line of Lot 5 on a curve to the right, with a central angle of 0°15'59" and a radius of 1100.00', for 5.43'; thence S 89°45'7" E for 137.63' to a point on the Easterly line of Lot 5; thence due south along said easterly line for 4.82' to the Point of Beginning of said tract of land, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15124

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RS-1 zoned district.

Variance - Section 440 - Special Exception Requirements - Use Unit 1209 - Request a variance of the time requirement from one year to permanently, located 8901 South 33rd West Avenue.

Presentation:

The applicant, **B. C. Syndergard**, 8901 South 33rd West Avenue, Tulsa, Oklahoma, explained that he has replaced a small mobile home with a larger unit, and asked the Board to allow the mobile to remain on his property.

Comments and Questions:

Mr. Chappelle remarked that the Department of Stormwater Management (DSM) has denied a request for a Watershed Development Permit on the subject tract. A DSM Review was submitted (Exhibit B-2).

Case No. 15124 (continued)

In response to Mr. Quarles, Mr. Jones explained that mobile home use and extensions have been approved over the years; however, the time limit for the last request has expired, and Board action is required.

Mr. Smith asked the applicant if he is aware that his mobile home is located in a flood area, and Mr. Syndergard stated that he was not aware of that until it was pointed out by the DSM. He advised out that he had lived at this location for approximately 12 years before the department was formed.

Mr. Quarles asked the applicant if his property has ever flooded, and he replied that it has never flooded.

Jack Page, DSM, stated that this department has requested (Exhibit B-1) a legal opinion from the City attorney regarding the responsibility of the City of Tulsa in this case. He informed that the City of Tulsa adopted regulatory floodway maps in 1982, requiring enforcement of floodway regulations by the DSM. He pointed out that the floodway lines are adopted by the City and depict the floodway zones, and the City is required by the federal government to have flood insurance to regulate the floodhazard and floodway zones. It was noted that, during times of flooding, the City does not have access to the subject property, which poses a risk to the the occupant. Mr. Page stated that the issue has been referred to the legal department to determine responsibility in this case.

Mr. Smith asked Mr. Page if he is stating that the occupant of the property could not be reached if flooding occurred, and he answered in the affirmative, noting that the creek is between Mr. Syndergard and a City of Tulsa street.

Mr. Gardner asked Mr. Page if there is another location on the subject property that would be out of the floodway and a suitable location for the mobile home, and he replied that the entire property is in the floodway. Mr. Page informed that the Master Drainage Plan recommends that the flood area be a voluntary acquisition site; however, the plan has not been adopted and there are no funds for acquisition at this time.

Interested Parties:

Robert Johnson, 3222 South 39th Street, Ft. Smith, Arkansas, stated that he is representing his mother-in-law, Ms. McDonald, who owns the property to the immediate north. He stated that they are not opposed to the existing mobile home, but object to an approval for permanent mobile home use on the site.

Additional Comments:

Mr. Quarles remarked that cases involving properties that are located in flood areas are referred to DSM for final approval.

Case No. 15124 (continued)

Mr. Smith stated that, in the past, the Board has not granted such relief in a floodway, and that he cannot support the application.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White "absent") to **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for a mobile home in an RS-1 zoned district; and to **DENY** a **Variance** (Section 440 - Special Exception Requirements - Use Unit 1209) of the time requirement from one year to permanently; finding that the mobile home is located in a regulatory floodway, and occupants of the unit would be cut off from outside assistance in the event of flooding; on the following described property:

Part of the SW/4, SW/4, beginning at the SW/c, SW/4, SW/4, thence north 544.8', east 204', southeasterly 586.35', west 408.3' to the Point of Beginning and .5 acres SW/c, N/2, SW/4, SW/4, lying southwest of creek, and .5 acres NW/c, S/2, SW/4, SW/4, lying northwest of creek, Section 15, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15126

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 a nail salon in an RS-3 zoned district, located 2638 East Oklahoma Place.

Presentation:

The applicant, **Laura McAfee**, 2638 East Oklahoma Place, Tulsa, Oklahoma, submitted a petition of support (Exhibit C-1) and asked the Board to allow her to operate a nail salon in her home.

Comments and Questions:

Mr. Chappelle inquired as to the number of customers each day and hours of operation for the business. The applicant, Ms. McAfee, replied that she will have from five to six customers per day and will be open, Monday through Thursday from 9:00 a.m. to 6:00 p.m.

In response to Mr. Smith, the applicant stated that she will not have a sign, as her customers are all by referral.

Mr. Chappelle asked the applicant if she will see customers by appointment only, and if sufficient parking is available. Ms. McAfee informed that she will have no more than two customers on the premises at any given time, and that the driveway has been widened to insure sufficient parking.

Case No. 15126 (continued)

In response to Mr. Chappelle's question concerning the Home Occupation Guidelines, the applicant stated that she has reviewed the guidelines and will comply with all requirements.

Mr. Smith asked the applicant if she is currently operating the business, and she answered in the affirmative. She stated that she has had no opposition to the business.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White "absent") to **APPROVE** a **Special Exception** (Section 420 - Accessory Uses in Residential Districts - Use Unit 1206) for a home occupation to allow for a nail salon in an RS-3 zoned district; subject to days and hours of operation being Monday through Thursday, 9:00 a.m. to 6:00 p.m.; per Home Occupation Guidelines; and subject to no customers parking on the street; finding that the home occupation, as presented, will be compatible with the area, and will not violate the spirit and intent of the Code; on the following described property:

Lot 19, Block 4, Friendly Homes Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15127

Action Requested:

Variance - Section 1221.7(k) - Use Conditions For Outdoor Advertising Signs - Use Unit 1221 - Request a variance of the height of a sign from 50' to 56' to allow for an existing sign, located NE/c East Newton Street and North 108th East Avenue.

Presentation:

The applicant, **Greg Ezelle**, 7777 East 38th Street, Tulsa, Oklahoma, submitted a sign plan and photographs (Exhibit D-1), and explained that the existing sign is being changed from an on-premise sign for the industrial park to an off-premise sign. He stated that the sign is 6' over the height limit.

Comments and Questions:

Mr. Gardner asked the applicant if the interchange at Pine is elevated and he answered in the affirmative.

In response to Mr. Chappelle, Mr. Ezelle stated that the sign will be used for billboard advertising, rather than a sign for the industrial park.

Mr. Quarles asked if the sign will remain the same, and the applicant replied that the sign structure will not be changed in any way, only the sign message.

Case No. 15127 (continued)

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White "absent") to **APPROVE** a **Variance** (Section 1221.7(k) - Use Conditions For Outdoor Advertising Signs - Use Unit 1221) of the height of a sign from 50' to 56' to allow for an existing sign; per plan submitted; finding that the existing sign has been at this location for a long period of time, and that there will be no physical changes to the sign structure; on the following described property:

Lot 1 and Lot 2, less beginning SW/c, thence northeast 48.96' curve right 61.26', west 48.96' to the Point of Beginning, Block 2, Braniff Park Resubdivision to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 15129

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow for automobile sales in a CS zoned district, located 3015 South Yale Avenue.

Presentation:

The applicant, **Scott Johnson**, 3015 South Yale, Tulsa, Oklahoma, submitted photographs (Exhibit E-1), and requested permission to lease the subject property as a storage lot for used cars. He explained that he purchased the abandoned property, which was in bad repair, and is proposing to use the space for a holding lot only, with no sales being conducted on the premises. A plat of survey (Exhibit E-2) and Stormwater Management Review (Exhibit E-3) were submitted.

Comments and Questions:

In response to Mr. Smith's inquiry as to the definition of a holding lot, the applicant explained that there will be no signs or retail sales on the property, but the cars will be stored on the lot until such time as they are sold at public auctions.

Mr. Quarles asked how many cars will be stored on the lot, and the applicant replied that the lot is presently in use as a storage lot, and there have been a maximum of 20 cars on the lot. He noted that the vehicles are parked on about 70% of the property.

Mr. Smith asked if the lot is fenced, and Mr. Johnson replied that the lot is enclosed by a cable that is supported by concrete posts. Mr. Smith asked if the cable would anchor the cars to the site in case of flooding, and the applicant answered in the affirmative.

Case 15129 (continued)

In response to Mr. Quarles, Mr. Johnson stated that he acquired the property in 1984. He informed that the property had been abandoned for approximately 7 years and he purchased it at a sheriff's sale.

Ms. Hubbard stated that the applicant has applied for automobile sales and is requesting storage of automobiles, which is under Use Unit 23.

Mr. Smith pointed out that there are no car sales north of 31st Street, and voiced a concern with allowing one at this location.

Mr. Gardner stated that the Board should consider other uses in the area and determine if a car lot would be compatible with the area. He pointed out that the subject property has limited access, which would limit the use.

Mr. Johnson pointed out that there were previously two access points on the property, but one access was closed, due to the fact that the storage operation did not require more than one driveway.

Protestants:

Phillip Smith, 8106 East Skelly Drive, Tulsa, Oklahoma, represented the Church of Christ, which is located to the north of the property in question. He stated that the church would be hindered by automobile sales on the lot, due to the traffic that would be generated by this type of business. He voiced a concern that, since Yale Avenue contains a median in front of this business, prospective customers traveling south would drive across church property and park there while viewing the automobiles.

Mr. Smith pointed out that there are no car lots along Yale for several miles and the use is not consistent with the area.

Applicant's Rebuttal:

Mr. Johnson reiterated that the property will not be used for a sales lot and there will be no parking on the church parking lot. He informed that he has conferred with the elders of the church concerning this application, and they stated that they were pleased that the site would be cleaned up.

Mr. Smith asked how many cars will be parked on the lot, and the applicant replied that there will be a maximum of 15 cars.

Mr. Jackere, Assistant City Attorney, asked Mr. Johnson if the lot will have lights like a typical car lot and if the cars will have signs. He replied that there will be no lights, signs or banners on the lot. Mr. Jackere remarked that the primary purpose of the Board should be to determine if the use will be harmful to the neighborhood. He pointed out that a parking lot would be allowed at this location by right.

Case No. 15129 (continued)

There was discussion as to the proper advertisement of the application.

Board Action:

Mr. Quarles motion for denial of the application died for lack of a second.

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1217) to allow for automobile storage in a CS zoned district for a period of two years only; subject to no sales being conducted on the property; subject to no signs, lights, flags, inoperative vehicles, automobile parts or junk on the lot; subject to a maximum of 15 cars arranged in an orderly manner; and subject to approval by the Department of Stormwater Management as to drainage; finding the use to be similar to a parking lot, which is allowed by right in the CS zoned district; on the following described property:

A tract of land in the SW/4, SW/4 of Section 15, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the US Government Survey thereof, being more particularly described as follows, to-wit:

Beginning at a point 688.41' north of the SW/c of said Section 15; thence due south a distance of 180.43' to a point; thence northeasterly a distance of 167.70' to a point; thence due east a distance of 225.10' to a point, said point being the back property corner and common point between Lots 11 and 12, Block 10, Grandview Manor Addition, Blocks 8 - 13; thence northwesterly along the west line of Block 10, a distance of 105.85' to a point; thence westerly a distance of 354.49' to the Point of Beginning, less the west 50.0' thereof.

LESS AND EXCEPT a tract of land beginning on the west line of said Section 15 at a point that is 688.41' north of the SW/c thereof; thence south along the west line thereof for 180.43'; thence northeasterly for 167.70'; thence east (along a straight line toward the SW/c of Lot 11, Block 10, Grandview Manor Addition) for 14.0' to the Point of Beginning; thence east for 211.10' to the SW/c of said Lot 11; thence northwesterly along the westerly line of said Lot 11 for 105.85' to the NW/c thereof; thence west (along a straight line that would intersect the west line of Section 15 a distance of 688.41' north of the SW/c thereof) for 190.49' to a point 164.0' east of the west line of Section 15; thence south and parallel to the west line of Section 15 for 104.36' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15130

Action Requested:

Variance - Section 1221.7(6) - Use Conditions for Outdoor Advertising Signs - Use Unit 1221 - Request a variance of spacing between outdoor advertising signs from 1200' to 685', located 2615 South Harvard Avenue.

Presentation:

The applicant, **Bill Stokely**, was represented by **David Tracy**, 1701 South Boston, Tulsa, Oklahoma, who stated that this application was previously heard by the Board (Case No. 15023), but there was an error, concerning the distance between signs, in the earlier application. Mr. Tracy informed that the only difference in the previous application and the present one, is the distance between the signs. Photographs (Exhibit F-1) were submitted.

Comments and Questions:

Mr. Gardner informed that there is an outdoor advertising sign on the west side of Harvard which will be 685' from the new sign to be constructed on the east side of the subject property. He informed that the removal of the two existing signs on the subject property and the installation of a new one, will automatically make the sign west of Harvard the legal conforming sign as to spacing and the new sign to be constructed could also stay beyond 1995 if this variance is granted.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White "absent") to **APPROVE** a **Variance** (Section 1221.7(6) - Use Conditions for Outdoor Advertising Signs - Use Unit 1221) of spacing between outdoor advertising signs from 1200' to 685', subject to the two existing outdoor advertising sign structures being replaced with one sign on the east end of the property; finding that the actual amount of off-premise signage will be reduced from two to one, and the sign faces will be reduced from six to four; and finding that the spacing between the existing three signs will be increased from 300' to approximately 685' when the third sign is removed; on the following described property:

Lot 14, Block 6, Kirkmore Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15131

Action Requested:

Variance - Section 630 - Bulk & Area Requirements in Office Districts - Use Unit 1211 - Request a variance of setback from the property line of 86th East Avenue from 25' to 20' to allow for an existing building in order to clear the title, located SW/c 61st Street and 86th East Avenue.

Presentation:

The applicant, **William Stoskoff**, Stoskoff Architects, 1717 South Boulder, Tulsa, Oklahoma, submitted a plot plan (Exhibit G-1), and stated that he is representing the owner of the subject property. The applicant informed that his client recently purchased the building, and it was discovered during a title search that the building encroaches over the building setback line. He requested that the Board approve the variance in order to clear the title.

Comments and Questions:

Mr. Quarles asked the applicant when the building was constructed, and he replied that it was built within the last 10 years.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White "absent") to **APPROVE** a **Variance** (Section 630 - Bulk & Area Requirements in Office Districts - Use Unit 1211) of setback from the property line of 86th East Avenue from 25' to 20' to allow for an existing building in order to clear the title; per plat of survey submitted; finding a hardship imposed on the applicant by the irregular shape of the lot and the curvature of the street; finding that the granting of the request will not cause substantial detriment to the neighborhood and will not violate the spirit and intent of the Code; on the following described property:

Lot 1, Block 1, Caven-Wood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15132

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request a special exception to permit an existing used car sales lot in a CS zoned district, located 2222 East 3rd Street.

Presentation:

The applicant, **Dane Kerby**, 1630 South Ash Avenue, Broken Arrow, Oklahoma, submitted a plot plan (Exhibit H-1) and photographs (Exhibit H-2), and requested permission to continue the operation of a car lot on the subject property. He informed that he has operated the car lot for three months, but a car sales business has been in

Case No. 15132 (continued)

operation at this location for approximately 20 years. It was noted that another car sales business is located directly across the street from the subject property, and numerous automotive related businesses are operating in the general area.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217) to permit an existing used car sales lot in a CS zoned district; finding that a car sales business has been in operation on the property for many years; and the granting of the request will not be detrimental to the area; on the following described property:

Lot 10 and the South 5' Lot 11, Block 3, Hillcrest Ridge Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15133

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 in an RM-2 zoned district, located 1342 North Sheridan Road.

Presentation:

The applicant, **Sheridan Road Baptist Church**, 1342 North Sheridan Road, Tulsa, Oklahoma, was represented by Wade Burleson, who requested permission to establish a church ministry in one of two homes owned by the church.

Comments and Questions:

Mr. Quarles asked if the church is located south of the subject property, and Mr. Burleson answered in the affirmative. He informed that the church owns property to the north, south and west of the lots in this application, with Sheridan Road being to the east.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White "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 in an RM-2 zoned district; finding that the church owns all properties abutting the lots in question, and that church use is compatible with the surrounding area; on the following described property:

Lots 4 and 5, Block 2, Exchange Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15134

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1206 - Request a special exception to allow for single-family residential uses in a CS zoned district.

Variance - Section 430.1 - Bulk & Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of the side yard setbacks from 10' to 5' and a variance of the setback from Mingo Road from 35' to 25'.

Variance - Section 1213.3 - Use Conditions - Use Unit 1206 - Request a variance to move the screening requirements, located NW/c 101st Street and South Mingo Road.

Presentation:

The applicant, **Clayton Morris**, 7935 East 57th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit J-1), and stated that he is representing the owner and developer of the property in question. He explained that a portion of the CS zoned property is to be used for residential uses (portions of Lots 20, 21, 22, and 23, Block 2), and a variance of the fencing requirements is requested in order that the screening will follow the platted residential property line, and not the zoning line.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1206) to allow for single-family residential uses in a CS zoned district; to **APPROVE** a **Variance** (Section 430.1 - Bulk & Area Requirements In Residential Districts - Use Unit 1206) of the side yard setbacks from 10' to 5' and a variance of the setback from Mingo Road from 35' to 25'; and to **APPROVE** a Variance (Section 1213.3 - Use Conditions - Use Unit 1206) to move the screening requirements; per plat submitted; finding that a portion of the addition extends into a corner of the abutting CS zoned property, and the screening fence will follow the platted residential property lines; on the following described property:

Lots 20 - 23, Block 2; Lots 36 - 49, Block 1 and Lots 12 - 26, Block 2, Lots 1, 10, 11 and 12, Block 1 and Lots 1, 7, 8, 9, 14 and 15, Block 2; Lot 27, Block 2, all in Cedar Ridge Village Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15135

Action Requested:

Appeal - Section 1650 - Appeal From The Building Inspector - Use Unit 1212 - Request an appeal from the decision of the Building Inspector in not permitting a beer tavern in an RS-3 zoned district, located 1340-46 North Yale Avenue.

Presentation:

The applicant, **Robert E. Kittrell**, was represented by **Elaine Meek**, who requested a continuance of Case No. 15135 to May 18, 1989. She stated that additional time is required for research and preparation of the case.

Protestants:

Alyce Standifer, 1347 North Winston, Tulsa, Oklahoma, opposed the continuance request. She pointed out that she had to make special preparations to attend the meeting, and asked that the case be heard as scheduled.

There were numerous protestants in attendance that did not choose to speak.

Comments and Questions:

Mr. Quarles explained to the protestant that it is customary for the Board to grant one continuance to either the applicant or protestant, if the request is timely. He noted that Ms. Meek has previously requested by letter (Exhibit K-1) that Case No. 15135 be continued to the May 18th meeting.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White "absent") to **CONTINUE** Case No. 15135 to May 18, 1989, to allow additional time for research and preparation, as requested by counsel for the applicant.

Case No. 15136

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 Requirements - Use Unit 1209 - Request a variance of the time restriction from one year to permanently, located 1543 North Kingston Place.

Presentation:

The applicant, **Christine Fanning**, 1543 North Kingston Place, Tulsa, Oklahoma, requested permission to permanently locate a mobile home on her property at the above stated address.

Case No. 15136 (continued)

Comments and Questions:

Mr. Quarles asked Ms. Fanning how long the mobile home has been at this location, and she replied that she has lived at this address for three years.

Mr. Quarles asked Ms. Fanning if she was the applicant when the mobile was installed in 1987, and she answered in the affirmative.

Mr. Smith informed that a Stormwater Management Case Review (Exhibit L-1) indicates that the subject property is located in a floodplain, and a Watershed Development Permit will be required. Ms. Fanning stated that she was not aware of this fact.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White "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 Requirements - Use Unit 1209) of the time restriction from one year to permanently; subject to the Department of Stormwater Management requirements; finding that the mobile home has been at the present location for three years and has proved to be compatible with the area; on the following described property:

Lot 11, Block 1, Hefflefinger Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15137

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 RM-1 zoned district.

Variance - Section 440 - Special Exception Requirements - Use Unit 1209 - Request a variance of the time requirement from one year to permanently, located 2048 North Erie Avenue.

Presentation:

The applicant, **Tom W. Adams**, was represented by **Phyllis Zimmerman**, 15 West 6th Street, Tulsa, Oklahoma, who submitted a site plan (Exhibit M-3) and photographs (Exhibit M-1). She informed that the applicant has lived at this location for approximately six years, and has had no objections from the surrounding property owners. It was noted that the property is located on a dead end street and has been landscaped. Ms. Zimmerman submitted a letter of support (Exhibit M-2) from the property owner across the street.

Case No. 15137 (continued)

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White "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 RM-1 zoned district; and to **APPROVE** a **Variance** (Section 440 - Special Exception Requirements - Use Unit 1209) of the time requirement from one year to permanently; finding that the mobile home has been at the present location for six years and has proved to be compatible with the area; on the following described property:

Lot 1, Block 20, Original Town of Dawson Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15138

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RM-1 zoned district.

Variance - Section 440 - Special Exception Requirements - Use Unit 1209 - Request a variance of the time requirement from one year to permanently, located 1416 East 64th Street.

Presentation:

The applicant, **Madeline Barbara**, 1416 East 64th Street, Tulsa, Oklahoma, requested that an existing mobile home be permitted to remain on her property on a permanent basis. She explained that the mobile has been at the present location for six years, and is occupied by her son, who assists in maintaining her property. Ms. Barbara pointed out that she is able to live alone in her home as long as her son is nearby to assist her. A Stormwater Management Case Review (Exhibit N-1) was submitted.

Comments and Questions:

Mr. Smith asked if there are other mobile homes in the area, and the applicant replied that there are some to the south on 66th Street.

There was discussion concerning a time limit for the mobile, and Mr. Quarles and Mr. Smith voiced a concern with the request for permanent approval of a mobile home at this location.

Interested Parties:

Ted Gray, 1422 East 64th Street, Tulsa, Oklahoma, stated that his property abuts the property in question, and asked the Board to allow the mobile home to remain at the present location. He pointed out that Ms. Barbara's son keeps the property in good repair and is helpful to adjoining property owners.

Case No. 15138 (continued)

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for a mobile home in an RM-1 zoned district; and to **APPROVE** a **Variance** (Section 440 - Special Exception Requirements - Use Unit 1209) of the time requirement from one year to five years; finding that the mobile home has been at the present location for six years, and is compatible with the neighborhood for the near future; on the following described property:

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

Case No. 15139

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow for a shelter and counseling center for physically abused boys in an RS-3 zoned district, located 4012 East 35th Street.

Presentation:

The applicant, **James R. Hays**, 4815 South Harvard, Tulsa, Oklahoma, submitted a plot plan (Exhibit P-1), and stated that he is counsel for the Christopher Youth Center. He submitted a packet (Exhibit P-3) containing photographs, a summary of the request and letters of support. Mr. Hays stated that there are two other shelters in the City which are operated by the organization and they have received favorable reports from their neighbors. He informed that counselors are on duty 24 hours a day (three eight-hour shifts) to monitor the boys. Mr. Hays stated that the house at this location has 5400 sq ft of floor space and is surrounded by trees and shrubs, which serve as a living fence between the subject property and the three adjoining tracts. It was noted that the Board approved adult day care use for the property in 1988, but that business failed to secure enough clients and did not open. Mr. Hays stated that the youth center has purchased the property, and will serve approximately 15 boys from the age of six to 16.

Comments and Questions:

There was Board discussion concerning the number of counselors on the premises, and Mr. Hays informed that there is more supervision during the daytime hours, with one counselor being on duty during the nighttime hours. He pointed out that the number can be instantly increased if the boys become agitated or a crisis arises.

Case No. 15139 (continued)

Mr. Smith asked how the number of counselors can be instantly increased in an emergency, and the applicant replied that they wear pagers. He remarked that the counselors do not live on the premises, but live at another location.

Mr. Gardner asked if the proposed center will be the same type of operation as the existing facilities, and he answered in the affirmative.

Protestants:

Bill Martin, 12957 East 28th Place, Tulsa, Oklahoma, stated that he is representing his mother-in-law who lives across the street from the subject property. He submitted a petition (Exhibit P-4) of opposition, and pointed out that the Christopher Youth Center has not closed the purchase of the property. It was noted that the residents of the area are predominately retired older citizens, who want to preserve the peaceful, quiet atmosphere that prevails in the neighborhood at this time.

Horace Barnes, 3407 South Oswego, Tulsa, Oklahoma, stated that, although his property is 240' from the subject property, he did not receive a notice of the hearing. He informed that he has previously worked in a home like the one proposed at this location, and found that the boys were not screened, and there were a large number of runaways. Mr. Barnes stated that the boys can be controlled if there is sufficient supervision.

Cal Tinney, 3938 East 35th Street, Tulsa, Oklahoma, stated that the young men in the audience are well behaved, but the residents in the quiet residential area are older citizens and do not want a business operating in the neighborhood.

Jim Powers, 3528 South Oswego, Tulsa, Oklahoma, stated that he objects to the shelter and counseling center because of the noise that will be generated by 10 to 15 boys, the fact that property values will be adversely affected and the possibility of increased vandalism and robbery. He suggested that a rural setting would be an ideal location for this type of center.

Interested Parties:

Dean Lewis, 2831 East 32nd Street, Tulsa, Oklahoma, stated that he supports the application, and feels the neighborhood should support the boys. He pointed out that they are wards of the State, and need and deserve the help of concerned adults.

Applicant's Rebuttal:

Mr. Hays stated that the boys do not vandalize the neighborhood where the other two centers are located, but are very good neighbors. He pointed out that Ms. Denbo, who lives directly south of the subject property, runs a licensed day care center for children of all ages. Mr. Hays stated that he does not believe that statements of the protestants is consistent with the feelings of the entire neighborhood.

Case No. 15139 (continued)

Additional Comments:

Bill Martin stated that Ms. Denbo cares for children only during the daytime hours. He remarked that Ms. Denbo called the office of Mr. Hays and was told that, in the event this application is not approved, a home for unwed mothers or the owner of a rock group would be prospective residents of the dwelling. He informed that many of the property owners were not notified of the hearing for the adult day care center and, therefore, did not protest that application.

Mr. Chappelle informed that 45 property owners, within 300' of the property, received notification and none of these letters were returned.

There was discussion concerning a time limit for the application. Mr. Quarles proposed a time limit of five years, while Mr. Smith suggested that the time limit be reduced to two years in order to determine if the center will prove to be compatible with the neighborhood.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow for a shelter and counseling center for physically abused boys in an RS-3 zoned district for a period of two years only; finding that the center, as described, will not be detrimental to the neighborhood at this time, and will be reviewed at the end of two years to determine if the use continues to be compatible with the area; on the following described property:

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

Case No. 15140

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 to operate in an existing church in an RS-2 zoned district, located 2929 East 31st Street.

Presentation:

The applicant, **John Dolence**, was represented by **Tom Feltel**, 7520 South 85th East Avenue, Tulsa, Oklahoma, who requested permission for the operation of a church day care center.

Comments and Questions:

Mr. Smith asked if the center will be operated by the church, and Mr. Feltel answered in the affirmative.

Protestants: None.

Case No. 15140 (continued)

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, 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 to operate in an existing church in an RS-2 zoned district; finding that the use will be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

The east 235' of the SW/4, SW/4, SE/4 and the west 332.5' of the SE/4, SW/4, SE/4, LESS the south 35' thereof, Section 17, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15141

Action Requested:

Variance - Section 1211.3 - Use Conditions - Use Unit 1211 - Request a variance of the required 6' screening fence along the west property line.

Variance - Section 1211.4 - Off Street Parking Requirements - Use Unit 1211 - Request a variance of the required number of parking spaces from 15 to 3, located 1524 South Denver Avenue.

Presentation:

The applicant, **Carmelita Skeeter**, acting director of the Indian Health Care Resource Center, stated that the center is operating an outpatient facility at the above stated location. She asked that the number of parking spaces be reduced due to the fact that many of their clients walk to the office.

Protestants:

Charles Cook, 4656 South St. Louis, Tulsa, Oklahoma, stated that he owns apartments near the subject property and the clients visiting the center use his parking lot. He pointed out that there seems to be sufficient space on the site to provide additional parking.

Comments and Questions:

Mr. Quarles asked Ms. Skeeter how long the center has been at the present location, and she replied that the center has been open at this address for approximately one year.

In response to Mr. Smith's inquiry as to employee parking, the applicant informed that there are six employees and three park on site and three park on the street.

Mr. Smith asked the approximate time each client remains at the center, and Ms. Skeeter replied that each visit lasts no longer than one hour.

Case No. 15141 (continued)

Mr. Quarles inquired as to the number of clients visiting the site each day, and Ms. Skeeter informed that 15 to 20 individuals visit the center each day, with approximately the same number coming in the evening.

Mr. Gardner stated that, if inclined to approve the application, the Board could continue the case to allow the applicant sufficient time to present a site plan that would outline the maximum number of parking spaces that could be accommodated on the lot.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White "absent") to **CONTINUE** Case No. 15141 to May 18, 1989, to allow the applicant sufficient time to prepare a parking layout for additional on-site parking.

OTHER BUSINESS

Case No. 11251

Action Requested:

Amended plot plan.

Presentation:

The applicant, **Jim McKellar**, 4711 South Mingo, Tulsa, Oklahoma, requested approval of an amended plot plan (Exhibit R-1). The applicant explained that an existing storage shed will be removed from the property and replaced with a new structure.

Protestants: None.

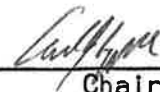
Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White "absent") to **APPROVE** an amended plot plan as presented for Case No. 11251.

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

Date Approved

6-1-89



Chairman

