CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 541
Thursday, June 15, 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		Gardner	Hubbard, Protective Inspections
Chappelle, Chairman		Jones	Jackere, Legal Department
Quarles		Moore	
Smith			
White			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, June 13, 1989, at 12:05 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Chappelle called the meeting to order at 1:02 p.m.

MINUTES:

On **MOTION** of **BRADLEY**, the Board voted 3-0-2 (Bradley, Chappelle, Smith, "aye"; no "nays"; Quarles, White, "abstaining"; none "absent") to **APPROVE** the Minutes of June 1, 1989.

UNFINISHED BUSINESS

Case No. 15147

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1205 - (1208 alternatively) - Request a special exception to allow for a facility which provides housing for families of patients which require extended hospitalization, SW/c of 61st Street and South Hudson Avenue.

Presentation:

The applicant, **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma, requested that Case No. 15147 be continued until July 6, 1989, to allow sufficient time to finalize site plans for the project.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Chappelle, Bradley, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White "absent") to **CONTNUE** Case No. 15147 to July 6th, as requested by the applicant.

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 district, located south of SW/c of 101st Street and South Yale Avenue.

Comments and Questions:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma, requested by letter (Exhibit A-1) that Case No. 15113 be withdrawn.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Chappelle, Bradley, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **WITHDRAW** Case No. 15113, as requested by the applicant.

Case No. 15162

Action Requested:

Variance - Section 1221.4(820.2c) - Use Conditions for Business Signs - Use Unit 1221 - Request a variance to allow for more than one sign per street frontage and a variance of the allowed display surface area from 175 sq ft to 210 sq ft.

Presentation:

The applicant, **Terry Howard**, was not present.

Comments and Questions:

Mr. Gardner stated that the application was previously continued by this Board to allow the TMAPC to hear the case. He informed that the application has been denied by that Commission.

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** Case No. 15162.

Case No. 15192

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205 - Request a special exception/amended plot plan to allow for an addition to the existing Moose Lodge, located 11106 East 7th Street.

Comments and Questions:

Mr. Chappelle explained that it was determined at the previous Board meeting that the changes in the site plan were significant enough to warrant readvertising of the application.

Case No. 15192 (continued)

Presentation:

The applicant, **Terry Walls,** 11106 East 7th Street, Tulsa, Oklahoma, submitted a parking layout and site plan (Exhibit B-1), and stated that the Moose Lodge is proposing to construct an additional 4800 sq ft of floor space to an existing 16,000 sq ft building. He informed that the lodge presently has 84 parking spaces and approximately 20 spaces will be added, with an additional driveway.

Comments and Questions:

Ms. White stated that she has noticed that the organization has a parking problem when meetings are held at this location, and the applicant replied that they have experienced a parking problem and some vehicles have been parking on the grassy area.

Mr. Smith indicated out that there are two signs on the property, one of which is portable with flashing perimeter lighting, and asked if either of the signs is on city right-of-way. Mr. Walls stated that the portable sign will be moved if it is on the right-of-way, and noted that no additional signs will be installed. Mr. Smith pointed out that the flashing portion of the sign is prohibited by the Code.

Mr. Gardner substantiated Mr. Smith's statement concerning the flashing sign, and pointed out that only 32 sq ft of signage is permitted per street frontage.

Mr. Smith pointed out that there is a great deal of traffic congestion as visitors to the lodge enter the driveway, and the applicant replied that the additional driveway will alleviate some of the congestion. Mr. Smith also noted that the rock work was not completed on the building as was indicated on the previous plot plan submitted to the Board.

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/amend plot plan (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow for an addition to the existing Moose Lodge; per plot plan submitted; subject to compliance with all Sign Code requirements; subject to the building being rocked halfway up on the north and entry side of the building (requirement of board action Case No. 10561); and subject to Traffic Engineer approval; on the following described property:

Lots 1 and 2, East Eleventh Park Subdivision, An Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof; less the east 15' of Lot 2, and less the east 162' of Lot 1, Block 2, East Eleventh Park Subdivision. Also known as 11106 East 7th Street, Tulsa, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15170

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 12306 - Request a variance of setback from 161st East Place from 25' to 22.4' to allow for an existing dwelling, located 16109 East 4th Street.

Comments and Questions:

Mr. Jones informed that the property in question has sold several times and the setback issue has continued to be a problem. He pointed out that the applicant has requested the variance to clear title to the property.

Presentation:

The applicant, **Mary Merrill**, was represented by Susanne Sherwood, 6012 East 56th Place, Tulsa, Oklahoma, who submitted a plat of survey (Exhibit C-1), and requested a variance of the setback for an existing structure to clear the title to the property.

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 setback from 161st East Place from 25' to 22.4' to allow for an existing dwelling; per plat of survey submitted; finding that the house has been at the present location for many years; and the action is requested to clear the title; on the following described property:

Lot 12, Block 22, Rose Dew III Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15176

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the required front yard setback from 30' to 24', and a variance of the required rear yard setback from 25' to 20' to allow for a new dwelling, located 1780 East 30th Street.

Presentation:

The applicant, **Jack Arnold**, 7318 South Yale, Tulsa, Oklahoma, was represented by **Jim Stanton**, who submitted a plot plan (Exhibit D-1), and explained that the corner lot location of the property in question allows the owner to make the determination as to the front and side yard. He pointed out that the house will face toward the

Case No. 15176 (continued)

Intersection and the garage will be located to the rear of the property. It was noted that the configuration of the lot makes it difficult to construct a dwelling without the setback relief. A plat of survey (Exhibit D-3) and an architectural rendering (Exhibit D-2) were submitted.

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 the required front yard setback from 30' to 24', and a variance of the required rear yard setback from 25' to 20' to allow for a new dwelling; per plot plan submitted; finding a hardship imposed on the applicant by the corner lot location and the irregular shape of the lot; on the following described property:

Lot 1, Block 17, Forest Hills, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, less and except a part thereof described as beginning at a point on the southeasterly line thereof 90.10' southwesterly of the NE/c thereof; thence southwesterly for 84.52' to the SE/c thereof; thence northwesterly along the southwesterly line thereof for 135.38' to the southwest corner thereof; thence northeasterly on a curve to the left having a radius of 301.79' for 83.96'; thence southeasterly and parallel with the southwesterly line of said Lot 1, for 130.12' to the Point of Beginning, and known as 1780 East 30th Street, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15165

Action Requested:

Special Exception - Section 910 - Permitted Uses in Industrial Districts - Use Unit 1209 - Request a special exception to allow for an existing mobile home park to be located in an IM zoned district, located NW/c 25th West Avenue and Admiral Boulevard.

Comments and Questions:

Mr. Smith informed that he will abstain from voting on this case to avoid a conflict of interest.

Mr. Jones explained that the property in question was used as a mobile home park several years ago, which has deteriorated over a period of time, with only scattered mobile units remaining. He pointed out that the bank has repossessed the property, which has been zoned IM, and is proposing to revitalize the nonconforming use.

Case No. 15165 (continued)

Presentation:

The applicant, **George Twilley**, PO Box 35651, Tulsa, Oklahoma, stated that he is representing Union National Bank, Chandler, Oklahoma. He stated that 14 mobile home units are located on the property at this time, with some of the units being located over the required setback lines. Mr. Twilley pointed out that the bank has a buyer for the park, and if the transaction is finalized, the reorganized park will have a total of 28 mobile home pads and all existing accessory buildings will be refurbished or removed. A plot plan (Exhibit E-1) was submitted by the applicant.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; Smith, "abstaining"; none "absent") to **APPROVE** a **Special Exception** (Section 910 - Permitted Uses in Industrial Districts - Use Unit 1209) to allow for an existing mobile home park to be located in an IM zoned district; per plot plan submitted; and subject to Health Department approval; finding that the property has been consistently used for mobile home purposes for many years, and is found to be a nonconforming use; on the following described property:

Part of the SE/4, NW/4, beginning 25' north and 230' west of SE/c, SE/4, NW/4, thence west to point 25' north of the SW/c, SE/4, NW/4, thence north to the south line of MK&T Railroad right-of-way line, thence east along right-of-way to point 230' west of the east line of the SE/4, NW/4, thence south 172.19' to the Point of Beginning, Section 3, T-19-N, R-12-E, Tulsa county, Oklahoma, containing 3.65 acres; and the east 1/2 of Lots 6, 7, 8 and 9, Tower View Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15166

Action Requested:

Special Exception - Section 420 - Accessory Uses Permitted in Residential Districts - Use Unit 1206 - Request a special exception to allow a home occupation for a kennel (6 dogs), located 12454 East 13th Street.

Presentation:

The applicant, **Charlene Hall**, 12454 East 13th Street, Tulsa, Oklahoma, who submitted photographs (Exhibit F-3) and letters of support (Exhibit F-1), stated that she breeds, raises, trains and shows dogs. Ms. Hall explained that she occasionally keeps her mother's dog when she is on vacation and has three dogs of her own. She asked that a maximum of six dogs be allowed on her lot, as some of the animals are left there a short time for breeding purposes.

Case No. 15166 (continued)

Comments and Questions:

Ms. Bradley inquired as to the type of fencing surrounding the lot, and the applicant replied that a 6' chain link fence encloses the yard, with 18' by 24' runs.

In response to Ms. White's inquiry as to the number of dog runs, Ms. Hall stated that there are three runs.

In response to Mr. Smith, the applicant stated that she trains, raises and breeds rottweilers, and they have never been outside the fenced yard.

Protestants:

Patrick O'Connor, represented Bill and Rose Mitchell, homeowners in the area. He stated that his clients strenuously object to the application, as a kennel in the residential neighborhood is not in harmony with the spirit and intent of the Code. He pointed out that Ms. Halls home is in the middle of the block and the large dogs are a nuisance and are injurious to the neighborhood. It was noted that the property in question is unsightly, with weeds and large mounds of dirt in the yard.

Debbie Harding, represented the owners of Group S Partnership and Group P Partnership, and stated that it would be difficult to control the number of dogs if six dogs are allowed on the property.

Mr. Chappelle informed that a letter from a property owner to the rear of Ms. Hall's lot stated that one of the large dogs has attacked her dog on one occasion.

Several letters of opposition (Exhibit F-2) were submitted to the Board.

Applicant's Rebuttal:

Ms. Hall stated that her dogs have never attacked another dog. She pointed out that it is not her intent to operate a kennel at this location, but merely wants to continue to breed and train dogs, as she has been doing for approximately seven years.

Mr. Quarles asked Ms. Hall if she resides at this location, and she answered in the affirmative.

Ms. White asked the applicant if she initiated the application, or if she was cited by Code Enforcement, and she replied that someone complained that there were more than three dogs in her yard.

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 420 - Accessory Uses Permitted in Residential Districts - Use Unit 1206) to allow a home occupation for a kennel (6 dogs); finding that the home occupation is not compatible with the surrounding neighborhood; and the granting of the special exception request would violate the spirit and intent of the Code; on the following described property:

Case No. 15166 (continued)

Lot 10, Block 6, East Central Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15167

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from the front property line from 25' to 14' to allow for a carport, located 5219 North Norfolk Avenue.

Presentation:

The applicant, **Jean Sallee,** 5219 North Norfolk, Tulsa, Oklahoma, stated that she is representing Charles Haynes, and explained that she applied for a building permit and found that the carport will encroach into the building setback. Photographs (Exhibit G-2) and a letter of support (Exhibit G-1) were submitted.

Comments and Questions:

Ms. Bradley remarked that the two carports to the south are closer to the street than the proposed structure.

In response to Ms. Bradley's question concerning the enclosed north wall of the carport, Mr. Gardner pointed out that the enclosed wall is further from the street than those structures to the south, and evidently does not block the view of those residents.

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 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from the front property line from 25' to 14' to allow for a carport; per plot plan; finding that there are carports in the immediate area that are closer to the street than the one in question; and that the granting of the request will not be detrimental to the neighborhood; on the following described property:

Lot 10, Block 10, Sharon Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15168

Action Requested:

Special Exception - Section 620 - Accessory Uses Permitted in Office Districts - Use Unit 1213 - Requests a special exception to allow for a beauty shop to locate in an OL zoned district, located south of the SE/c 41st Street and Harvard Avenue.

Presentation:

The applicant, **Larry D. Case,** 1310 Euchee Creek Boulevard, Sand Springs, Oklahoma, was represented by **Ray Case.** He requested permission to operate a beauty salon at the above stated location. A plot plan (Exhibit H-1) was submitted.

Comments and Questions:

Mr. Smith asked if a sign will be installed on the property, and he replied that there will be no sign other than the existing monument sign indicating the building.

Ms. White asked if the proposed days and hours of operation will be compatible with the other businesses in the building, and Mr. Case informed that the shop will be open from 9:00 a.m. to 6:00 p.m.

In response to Mr. Smith's question concerning surrounding uses, the applicant stated that there is an attorney's office to the south of the proposed location and a house used for the sale of Christmas trees to the north.

Mr. Jackere asked if the beauty salon will be the only business in the building, and Mr. Case replied that there are several offices in the building, with only 1740 sq ft of floor space being devoted to the salon.

At Mr. Quarles request, the applicant informed that a demolition company, insurance agencies, Jiffy Lube headquarters, and a child guidance center are some of the occupants of the building.

Mr. Smith asked if any of the offices offer medical services, and Mr. Case replied that there are no medical offices in the building. It was noted that the salon will be located in the front portion and will have five or six styling chairs and three shampoo bowls.

Mr. Jones asked Mr. Case if he is the agent for the owner of the property, and he answered in the affirmative.

Mr. Quarles and Ms. Bradley voiced a concern that the tenants in the building may not be aware of the proposed business, and Mr. Case reiterated that he is representing the owner, and pointed out that the tenants have been informed of the salon.

Mr. Smith inquired as to the terms of the lease, and the applicant replied that he has a five-year lease.

Case No. 15168 (continued)

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 **Special Exception** (Section 620 - Accessory Uses Permitted in Office Districts - Use Unit 1213) to allow for a 1740 sq ft beauty shop to locate in an OL zoned district; per plot plan; subject to no change in signage; finding the beauty shop to be compatible with the existing uses in the building; on the following described property:

Lot 1, Block 1, Peach Tree Square Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15169

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential districts - Use Unit 1206 - Request a variance of front setback from 25' to 13.2' to allow for an existing building, located 7541 South Urbana Avenue.

Presentation:

The applicant **John B. DesBarres**, 1924 South Utica, Tulsa, Oklahoma, represented his father, John Paul DesBarres, and informed that he appeared before the TMAPC on February 15, 1989 concerning this case. At this hearing, the applicant explained that his application was approved, subject to Board of Adjustment approval. A plat of survey (Exhibit X-1) was submitted.

Comments and Questions:

Mr. Chappelle inquired if new construction is planned, and Mr. DesBarres informed that no construction is planned. He stated that the house, which was built in 1978, was purchased from the builder, but the setback problem was not discovered until his father sold the property.

Mr. Smith questioned how the house was built in violation of the building setback line and easements on three sides, and the applicant replied that this question was also raised by TMAPC. Mr. DesBarres stated that the builder evidently made the mistakes and the error was not detected on the first sales transaction.

Mr. Smith asked if there is a concrete apron around the outside of the house, and the applicant replied that there is an apron on the east and north sides, with a railroad-tie wall ranging from 2' to 6' in height.

Mr. Quarles asked if the house has been modified since the time of construction, and the applicant replied that only general repairs have been made on the property.

Case No. 15169 (continued)

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; Smith, "abstaining"; none "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential districts - Use Unit 1206) of front setback from 25' to 13.2' to allow for an existing building; per plat of survey submitted; finding that the original house was built over the required setback line and the relief requested is required to clear the title; on the following described property:

Lot 2, Block 1, Silver Oaks II Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15171

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215 - Request a special exception to allow for a bait shop to locate in a CS zoned district.

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1215 - Request a variance of setback from the centerline of Harvard Avenue from 88' (average required setback) to 75', and from the south property line from 10' to 8'.

Variance - Section 1215.3 - Use Conditions - Use Unit 1215 - Request a variance of the screening requirements along the west line and the south property line.

Variance - Section 1215.4 and 1340(d) - Parking Requirements and Design Standards - Use Unit 1215 - Request a variance of two (2) parking spaces on a dust free, all weather, hard surface, located 3326 North Harvard Avenue.

Presentation:

The applicant, **Lonnie Cato**, Route 8, Tulsa, Oklahoma, explained that he has changed the original plan to use the building on the south side of the subject property to sell minnows, and is now proposing to install a portable 10' by 10' building for this purpose. He informed that the portable building will be located to the rear of the existing structure, and the south building will be removed from the property.

Comments and Questions:

Mr. Quarles noted that the south building will be removed, and asked if the applicant will be in need of the variance requests. Ms. Hubbard informed that Mr. Cato will need a screening waiver, a waiver for the hard surface parking area and, due to the change in the request, is not sure if the setback relief is needed.

Case No. 15171 (continued)

Mr. Gardner pointed out that the business has existing unpaved parking spaces and is in need of only one additional space. He noted that screening is required on the west property line, but the ownership extends approximately 400' in that direction, with screening being of little significance. He pointed out that there is no screening requirement for the dwelling on the north side of the property, due to the commercial zoning, although it is closer to the business than any other house in the area. It was noted that the house to the south is approximately 100' from the south boundary, which would probably suffer no adverse affects from the small 10' by 10' building.

Mr. Jones informed that the subject property is located in the floodplain, and will require approval from the Department of Stormwater Management.

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 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215) to allow for a bait shop to locate in a CS zoned district; to **DENY** a **Variance** (Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1215) of setback from the centerline of Harvard Avenue from 88' (average required setback) to 75', and from the south property line from 10' to 8'; to **APPROVE** a **Variance** (Section 1215.3 - Use Conditions - Use Unit 1215) of the screening requirements along the west line and the south property line; and to **APPROVE** a **Variance** (Section 1215.4 and 1340(d) - Parking Requirements and Design Standards - Use Unit 1215) of one (1) parking space on a dust free, all- weather, hard surface; subject to Stormwater Management approval; finding that the existing bait shop has been in existence for a long period of time, and the 10' by 10' portable building will be compatible with the present use and the surrounding area; and finding that a screening fence would be of no benefit on the west and south, due to the distance between the business and the residences; and finding that the existing parking is not dust free, and only one additional space is required; on the following described property:

The south 100' of the S/2, N/2, SE/4, NE/4, NE/4, Section 20, T-20-N, R-13-E, Tulsa County, Oklahoma.

Case No. 15172

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Units 1217 and 1206 - Request a special exception to allow for a mini-storage business and a special exception to allow for residential uses in a CS zoned district, located 8905 South Lewis Avenue.

Case No. 15172 (continued)

Presentation:

The applicant, **Wayne Alberty,** 4325 East 51st Street, Suite 115, Tulsa, Oklahoma, stated that he is representing Fourth National Bank, current title holders, and Tulley Dunlap, the contract purchaser of the property in question. He informed that the City Commission has recently approved CS zoning on the tract and the intent is to construct a mini-storage facility, which will require Board of Adjustment approval. Mr. Alberty noted that Mr. Dunlap has developed five other similar operations in the City, each having managers living on the site. It was noted that the two-story portion has offices and storage on the first floor, with the second floor being devoted to residential use. The applicant informed that the mini-storage portion of the property will contain 46,250 sq ft, with 27 parking spaces being provided. A site plan (Exhibit J-1) was submitted. It was noted that the north boundary abuts commercial zoned property, the east is industrial, with negotiations in process to purchase the property to the south for future expansion.

Comments and Questions:

Ms. Bradley asked if the Burgundy Place Apartments are screened, and Mr. Alberty pointed out that the apartments are in a commercial district and screening is not required. Mr. Gardner pointed out that screening is based on the zoning classification and not the land use; however, the wall on that boundary will not have windows or doors, and will serve as screening.

Ms. Bradley inquired as to the residents of the dwelling unit, and the applicant informed that the manager will occupy those quarters. He further noted that a gate will be electronically controlled to limit access to the property.

Protestants:

James Reed, 4100 Bank of Oklahoma Tower, Tulsa, Oklahoma, stated that he is representing the owner of Burgundy Place Apartments, a senior citizen apartment development abutting the proposed mini-storage facility. He pointed out that the proposed storage will be injurious to the neighborhood and detrimental to the public welfare.

Steve Brown, Lynx Property Management, 6815 South Canton, Tulsa, Oklahoma, stated that the Burgundy Place Apartments are under their management, and are luxury apartments for senior citizens. He pointed out that the noise factor, as well as the additional traffic generated by the storage facility, will be a problem for the older residents. Mr. Brown stated that a great deal of money has been spent in developing and landscaping Burgundy Place, and suggested that the proposed business could depreciate the value of the apartments.

Case No. 15172 (continued)

Applicant's Rebuttal:

Mr. Alberty pointed out that the amount of noise generated by the storage business would not be nearly as great as that of a commercial shopping center, which would be permitted by right. He stated that the proposed masonry units will be superior in quality to the existing metal commercial structures in the area, noting that the shopping center to the north has a metal exterior. Mr. Alberty pointed out that the property to the east is zoned IL (Industrial Light), and would be more injurious to Burgundy Place than a mini-storage. It was noted by the applicant that the old house presently located on the property is much more detrimental to property values than the proposed structure.

Additional Comments:

Mr. Chappelle inquired as to fencing on the north property line, and the applicant stated that only the area in front of the building will have a security fence.

Ms. Bradley asked Mr. Brown if he was present at the TMAPC zoning and objected to the CS zoning. Mr. Brown stated that he was not involved in that meeting.

Ms. White asked the applicant to state the hours of operation for the business, and he replied that he is not sure of the proposed hours, but the gate will probably be locked about 10:00 p.m.

In response to Mr. Quarles inquiry, Mr. Alberty stated that the lights for the facility will be mounted on the units and will be similar to a typical porch light. He noted that all lighting will be on the interior of the property.

Mr. Smith inquired as to the design and color of the north wall facing Burgundy Place. Mr. Alberty stated that the facility will be constructed of concrete tilt-up gray panels with dark blue trim.

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 **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Units 1217 and 1206) to allow for a mini-storage business and a special exception to allow for a residential use (security quarters) in a CS zoned district; per site plan submitted; subject to the masonry building, which will be painted gray and trimmed in blue; subject to all lighting being directed to the interior of the complex, with hours of operation being 6:00 a.m. to 10:00 p.m., seven days a week; finding that there are multiple zoning classifications in the area and the mini-storage facility, with manager's quarters, will be compatible with the surrounding uses; on the following described property:

Case No. 15172 (continued)

A tract of land that is part of the S/2, SW/4, Section 17, T-18-N, R-13-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 or Lot 2, Block 1, Lewis Center East, an addition to the City of Tulsa, Tulsa County, Oklahoma, said point being on the westerly line of Delaware Square, an addition to the City of Tulsa, Tulsa County, Oklahoma; thence S 0°24'34" W along the westerly line of said Delaware Square for 300.20'; thence S 89°52'13" W parallel to and 40.00' southerly of the south line of the N/2, S/2, SW/4, Section 17 for 412.50' to a point that is 82.50' westerly of the easterly line of the SW/4, SW/4, Section 17; thence N 0°24'34" E for 75.00'; thence S 89°52'13" W for 15.14' to a point on the existing centerline of south Lewis Avenue; thence N 0°25'23" W along said centerline for 44.45' to a point of curve; thence northerly and northwesterly along said centerline on a curve to the left, with a central angle of 13°53'00" and a radius of 687.62', for 166.62' to a point of tangency; thence N 14°18'23" W along said centerline on said tangency for 16.35'; thence N 89°52'13" E along an extension of and along the southerly line of Lot 2 in Block 1 of Lewis Center East for 454.92' to the Point of Beginning of said tract of land, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15173

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in Industrial Districts - Use Unit 1217 - Request a variance of setback form 110' to 60' to allow for a proposed car wash, located 2002 North Memorial Drive.

Presentation:

The applicant, **Robert Nichols,** 111 West 5th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit K-1) and stated that he is representing the owner of the airport parking lot that is located on the north five acres of an eight-acre tract. He informed that two buildings have existed on the property for approximately six years, and the owner is now proposing to construct a 20' by 60' car wash. Mr. Nichols stated that he was unable to determine the centerline of Memorial Drive, but the proposed structure will be approximately 10' west of the east property line. This particular location was chosen because of the configuration of the property and the traffic in the area. Mr. Nichols pointed out that the location would also allow traffic on the lot to go through the car wash and enter onto Memorial Drive.

Comments and Questions:

Ms. Bradley asked if the car wash will be used by the general public, and Mr. Nichols stated that the car wash is primarily for cars left over the weekend, but it could be used by the general public.

Case No. 15173 (continued)

Mr. Nichols informed that the tract is presently zoned IL, but future plans are to rezone a portion of the property to commercial, which would not require a setback for the building. He noted that he originally had requested a variance of setback to 60', but that figure could be changed to 70', or 10' from the property line.

Mr. Smith inquired if there are similar encroachments in the area, and the applicant replied that there are no others.

Ms. Bradley asked the applicant to address the hardship for this case, and he replied that he considers the configuration of the lot, the fact that the property is adjacent to the airport and the type of business, to be a hardship for the property owner.

Mr. Jackere asked how the location of the property near the airport would have any effect on the location of the car wash on the lot, and he replied that because of the surrounding land use, the type of businesses that can profitably operate on the property are limited. He informed that his client has been in operation at this location for approximately six years, and has studied the plan very closely and found this to be the best use for the property. Mr. Jackere stated that the owner has evidently chosen this location for the car wash because he does not want to forfeit parking spaces.

Board Action:

Mr. Quarles' motion for approval of the variance of setback from 110' to 70' died for lack of a second.

Additional Comments:

Mr. Smith remarked that the applicant failed to demonstrate a hardship and there are no other buildings in the area with similar setbacks.

Mr. Quarles contended that there are circumstances that constitute hardships as to land use, and although the land could be used for other businesses, the fact that the property is near the expressway, airport and other similar uses, seems to be a hardship.

Mr. Jackere noted that the use is permitted by right at this location; however, structures are not allowed to be closer than one-half the right-of-way plus 50', unless there is something special and unique about the property.

Applicant's Rebuttal:

Mr. Nichols stated that, due to the action of the government, by leasing Rockwell and building the International Airport, this piece of property has been isolated. He emphasized that no other properties in the area would be harmed by the setback variance.

Case No. 15173 (continued)

Additional Comments:

Mr. Gardner pointed out to Mr. Nichols that the government has conformed to the setback regulations in this area, and Ms. Bradley added that there is ample space on the tract that would make the structure in compliance with the Code.

The owner of the property spoke briefly and stated that the location closer to the street would lessen the chance of traffic accidents on the lot. He pointed out that he would not lose parking spaces by locating the building closer to the street.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-2-0 (Bradley, Smith, White, "aye"; Chappelle, Quarles, "nay"; no "abstentions"; none "absent") to **DENY** a **Variance** (Section 930 - Bulk and Area Requirements in Industrial Districts - Use Unit 1217) of setback form 110' to 60' to allow for a proposed car wash; finding that a hardship was not presented that would warrant the granting of the variance request; and finding that there are no other structures in the area that are as close to Memorial Drive as the proposed building; on the following described property:

That part of the NE/4, NE/4, SE/4, Section 26, T-20-N, R-13-E of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U.S. Government survey thereof, lying north of the northerly right-of-way line of the St. Louis - San Francisco Railroad and east of the St. Louis - San Francisco spur track, less the north 310' thereof and, LESS a tract of land beginning at a point on the northerly right-of-way line of the St. Louis - San Francisco Railroad 221.60' west of the east line of said Section 26; thence along said right-of-way line bearing S 84°47'15" W a distance of 164.12' to a point in the center line of the Frisco spur track; thence along a compound curve to the right a distance 321.37' to a point; thence N 89°46'30" E a distance of 361.62' to a point, said point being 221.50' west of the east line of Section 26; thence southerly a distance of 229.27' to a point of beginning, also known as 2002 North Memorial Drive, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15174

Action Requested:

Special Exception - Section 1680.1(L) - Special Exception - Use Unit 1206 - Request a special exception to allow for a detached accessory building on an abutting lot under common ownership.

Variance - Section 240.2 - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the size of a detached accessory building from 750 sq ft to 1120 sq ft, located NE/c of 12th Street and South Quebec Avenue.

Presentation:

The applicant, **James W. Wichersham,** 2509 South Redbud, Broken Arrow, Oklahoma, asked the Board to allow him to construct an accessory building on a lot next to his fathers home. He informed that together they own seven boats, two vehicles and three utilities trailers, which will be stored inside the building. Mr. Wickersham stated that the siding on the proposed structure will match the siding on the existing house.

Comments and Questions:

Ms. White asked if any part of the proposed building will be rented or connected in any way with the business operating to the north of the subject property. The applicant stated that the building will only be used for personal storage.

Ms. Bradley asked if all existing buildings will remain on the lot, and the applicant replied that the dog pen, the single carport and existing storage building will be removed, but the double carport will remain.

Mr. Smith asked the applicant if he is agreeable to the execution of a tie contract on the two lots, and he answered in the affirmative.

Mr. Jackere pointed out that the applicant is allowed to have a 750 sq ft storage building on each lot, and he has agreed to tie the two lots together. He noted that in the past the board has considered the size of the lot as a basis for determining the size of the accessory building.

Protestants:

Ann Masterson, 209 South Richmond, Tulsa, Oklahoma, submitted photographs (Exhibit C-1) and stated that she is the spokesman for a group of area neighbors. She requested that the building will be as large as many of the homes in the area, and the residents would like the assurance that it will not be used to operate a business. Ms. Masterson voiced a concern that a driveway will be opened from the subject property to Quebec. Letters of opposition (Exhibit C-2) were submitted.

Case No. 15174 (continued)

Applicant's Rebuttal:

The applicant assured the protestant that the building will not be used for a business, but will be used to store the materials that are on the lot.

Margaret Wickersham, 1147 South Quebec, Tulsa, Oklahoma, stated that she lives on the property in question and assured the Board that the garage will be the only building constructed on the lot next door to her home.

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 1680.1(L) - Special Exception - Use Unit 1206) to allow for a detached accessory building on an abutting lot under common ownership; and to **APPROVE** a **Variance** (Section 240.2 - Permitted Yard Obstructions - Use Unit 1206) of the size of a detached accessory building from 750 sq ft to 1120 sq ft; subject to the execution of a tie contract on the two lots; subject to the removal of the existing storage building, the single carport and the dog pen; subject to no additional building being constructed on the property, and no ingress or egress on Quebec; on the following described property;

Lots 11 and 12, Block 2, Beverly Hills Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15175

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the required front yard setback from 25' to 18' more or less, and a variance of the required side yard setback from 5' to 4' to allow for an addition to the existing dwelling, located 4660 North Iroquois.

Comments and Questions:

Mr. Jones informed that the property is located in the floodplain and, if approved, will require a Watershed Development Permit.

Presentation:

The applicant, **Elnora Bailey,** 4660 North Iroquois, Tulsa, Oklahoma, was represented by Walter Wolf, who submitted a plot plan (Exhibit M-1) for an addition to the existing dwelling. He stated that a roof will be constructed over an existing porch, the garage will be attached to the south section and the north section will be bricked, with the remainder being vinyl siding. Photographs (Exhibit M-2) were submitted.

Protestants: None.

Case No. 15175 (continued)

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 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required front yard setback from 25' to 18' more or less, and a **Variance** of the required side yard setback from 5' to 4' to allow for an addition to the existing dwelling; per plot plan submitted; and subject to Stormwater Management approval; finding a hardship imposed on the applicant by the curvature of the street and the irregular shape of the lot; finding that the granting of the request will not be detrimental to the area and will be in harmony with the spirit and intent of the Code; on the following described property:

Lot 10, Block 4, Amended Fairhill Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15177

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow for an automobile sales business and related accessory uses in a CS zoned district, located 6446 South Peoria Avenue.

Presentation:

The applicant, **James Spargur**, 7514 West 34th Place, Tulsa, Oklahoma, submitted photographs (Exhibit N-1) of surrounding properties, and asked the Board to allow automobile sales on the subject tract. He requested that he be allowed to maintain an inventory of approximately 30 cars on the lot. Mr. Spargur informed that he is an auto broker and does much of his business by phone.

Comments and Questions:

Mr. Gardner asked if the camper sales is located on the subject tract, and the applicant replied that the campers are stored on the lot next door.

In response to Ms. Bradley, the applicant informed that there will be no painting, body work or mechanical repairs on the property.

Mr. Smith asked if there will be outside storage on the lot and Mr. Spargur replied that only cars for retail sales will be located on the lot.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to allow for

Case No. 15177 (continued)

an automobile sales business and related accessory uses in a CS zoned district; subject to a maximum of 30 automobiles displayed on the lot; and subject to hours of operation being from 8:00 a.m. to 7:00 p.m., Monday through Saturday; finding that the business will be compatible with the surrounding uses in the area; on the following described property:

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

Case No. 15178

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the required front yard setback from 25' to 11', and a variance of the required side yard setback from 5' to 3' to allow for an existing carport, located 522 North 91st East Avenue.

Presentation:

The applicant, **Charles Hurst**, 1918 North Oxford, Tulsa, Oklahoma, submitted photographs (Exhibit P-1) and a petition of support (Exhibit P-3). He informed that setback variances are required for an existing carport. A letter (Exhibit P-2) from an attending physician was submitted.

Comments and Questions:

Ms. Bradley informed that she has viewed the project and the carport is attractive and apparently well constructed.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-1 (Bradley, Quarles, Smith, White, "aye"; no "nays"; Chappelle, "abstaining"; none "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required front yard setback from 25' to 11', and a variance of the required side yard setback from 5' to 3' to allow for an existing carport; subject to Stormwater Management approval; finding that the structure aligns with other carports in the area; and the granting of the request will not be detrimental to the neighborhood; on the following described property:

The north 100' of Lot 6, Block 7, Mingo Valley Subdivision No. 1 Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15179

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1213 - Request a variance of setback from abutting streets to allow for gasoline island canopies, located SE/c 15th Street and South Harvard.

Presentation:

The applicant, **Roy Johnsen,** 324 Main Mall, Tulsa, Oklahoma, submitted a site plan (Exhibit R-1), and explained that he appeared before the Board in 1984 requesting setbacks from Harvard to permit the construction of a Git-N-Go store at 15th Street and Harvard Avenue. It was noted that the site had previously been occupied by a DX service station that had a canopy. Mr. Johnsen pointed out that Git-N-Go acquired the property and constructed a store with the gasoline islands along Harvard Avenue and 15th Street. A portion of the variance acquired in 1984 permitted a canopy over the gasoline islands that were parallel to Harvard to be located within 33' of that street; however, a canopy was not requested for the islands on 15th Street. He informed that since that time, the Board has approved a 35' setback for the construction of the Reeves appliance store on the southwest corner of the intersection. Mr. Johnsen stated that his client has now acquired a 62' lot to the south of the existing store and the canopy will be moved approximately 28' south of its present location. The moving of the canopy will provide sufficient space to install a canopy for the islands on 15th Street. He pointed out that the lots in the older area are narrow, and properties west on Harvard Avenue and north on 15th Street are zoned CH, with many of the buildings being constructed on the property line.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY,** the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1213) of setback from abutting streets to allow for gasoline island canopies; per site plan submitted; subject to the execution of a removal contract; finding that the lots in the older area are narrow, and many structures are located closer to the street than the current Code allows; and finding that the granting of the request will not be detrimental to the area; on the following described property:

Lots 1, 2, and 3, less and except the west 10', Sunrise Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15180

Action Requested:

Special Exception - Section 910 - Principal Uses Located in Industrial Districts - Use Unit 1227 - Request a special exception to allow for a salvage yard (storage and dismantling) in an IM zoned district, located north of NE/c North Peoria and Latimer Street.

Comments and Questions:

Mr. Jones informed that the approximate east 150' is located in a floodplain and will require a Watershed Development Permit.

Presentation:

The applicant, **Jim Hinds,** 7704 South 30th West Avenue, Tulsa, Oklahoma, submitted a site plan (Exhibit S-2), and stated that he is representing Peoria Salvage. He informed that there are other salvage operations in the area and the automobiles will be dismantled, parts will be removed and they will be neatly stacked on the lot. He informed that there will be a maximum of 399 cars on the lot. An aerial photograph (Exhibit S-1) was submitted.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY,** the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White, "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Located in Industrial Districts - Use Unit 1227) to allow for a salvage yard (storage and dismantling) in an IM zoned district; per site plan submitted; and subject to Stormwater Management approval; finding that there are other salvage operations in the area, and the granting of the special exception request will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

Beginning at a point 437.35' north of the SW/c, N/2, Lot 2, Section 31, T-20-N, T-13-E, Tulsa County, Oklahoma, thence north along the west line of said Lot 2, a distance of approximately 225' to the north line of said Lot 2; thence east a distance of 248'; thence south a distance of 75'; thence east a distance of approximately 335' to the west right-of-way line of the Santa Fe Railway; thence south approximately 150' to a point that is 437.35' north of the south line of the N/2 of said Lot 2; thence west to the point of beginning; City of Tulsa, Tulsa County, Oklahoma.

Case No. 15182

Action Requested:

Variance - Section 1340.(d) - Design Standards - Use Unit 1223 - Request a variance of the required all-weather dust free surface to allow for an existing gravel parking lot, located 1119 West 41st Street.

Comments and Questions:

Mr. Jones informed that the property is located in the Cherry Creek floodplain and flood hazard area.

Presentation:

The applicant, **Patsy Stone,** PO Box 2014, Tulsa, Oklahoma, submitted a location map (Exhibit T-1), and stated that she is representing Stone Trucking Company. She informed that the company is purchasing the property in question and stated that water drainage is a problem in the area. Ms. Stone informed that the company owns six trucks, which haul oil field equipment, and pointed out that there is a truck rebuilding business located next door to the property. She stated that the lot has a gravel parking lot, as do the other businesses in the area.

Comments and Questions:

Ms. Bradley asked what type of business is located across the street, and the applicant replied that some type of industry is located there.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES,** the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White, "absent") to **APPROVE** a **Variance** (Section 1340.(d) - Design Standards - Use Unit 1223) of the required all-weather dust free surface to allow for an existing gravel parking lot; subject to Stormwater Management approval; finding that the surrounding businesses have gravel parking, and the approval of the request will not be detrimental to the area; on the following described property:

> Part of the SE/4, SW/4, Section 23, T-19-N, R-12-E, of the Indian Base and Meridian, in the city and county of Tulsa, Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows; Beginning 854.26' west of the SE/c, SW/4, thence north 340', west 60', north 60', west 85', south 400' to the south line of said SW/4, thence east 145' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Infill Development Recommendations

Steve Compton, Director of Membership Services, INCOG, submitted a copy of the Infill Development Study to the Board for their review. Specific policies relating to the Board will be adopted at a later date.

There being no further business, the meeting was adjourned at 3:50 p.m.

Date Approved 7/6/89

Chairman

Acting Chairman

6.15.89:541(25)