

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 542
Thursday, July 6, 1989, 1:00 p.m.
Francis F. Campbell Commission Room
Plaza Level of City Hall, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Friday, June 30, 1989, at 11:45 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Vice-Chairman Quarles called the meeting to order at 1:03 p.m.

MINUTES:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Quarles, White, "aye"; no "nays"; no "abstentions"; Chappelle, Smith, "absent") to **APPROVE** the Minutes of June 15, 1989.

UNFINISHED BUSINESS

Case No. 15141

Action Requested:

Variance - Section 1211.4 - Off-Street Parking Requirements - Use Unit 1211 - Request a variance of required number of on-site parking spaces from 15 to 3.

Variance - Section 1320 - General Requirements - Use Unit 1211 - Request a variance to allow for off-site parking.

Variance - Section 1211.3 - Use Conditions - Use Unit 1211 - Request a variance of the required 6' screening fence along the west property line, located 1524 South Denver Avenue.

Presentation:

The applicant, **Carmelita Skeeter**, 1524 South Denver, Tulsa, Oklahoma, who submitted photographs (Exhibit A-4) and a location map (Exhibit A-1), stated that she has previously been before the Board and has returned with parking agreements from two adjacent property owners (Exhibit A-2). The Mental Health Association stated that they will allow the Indian Health Care Resource Center to use six parking spaces on their property, and Michael D. Conklin agreed to rent three spaces to the facility (Exhibit A-3).

Comments and Questions:

Mr. Jackere advised that the two property owners could withdraw their parking spaces at any time.

Ms. White asked Ms. Skeeter how many people the agency employs, and she replied that there are nine employees and approximately 15 or 20 clients visit the facility each day. She pointed out that most of the clients walk to the center, or are transported by vans. She informed that employees have made agreements to park at other locations. Ms. Skeeter stated that the organization is presently searching for a place to relocate the center.

In response to Mr. Quarles, the applicant stated that the center could be moved within a six-month period, and the variances are only needed temporarily.

Mr. Jackere pointed out that the structure is zoned OL, and fifteen spaces will be required for any office use, which is a hardship.

Ms. White noted that there is a parking problem for the employees, as well as the visitors to the center.

Ms. Bradley requested a review of the screening for the property, and the applicant stated that the boundary is covered with shrubbery, which provides a living fence.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bradley, Quarles, White, "aye"; no "nays"; no "abstentions"; Chappelle, Smith "absent") to **APPROVE** a **Variance** (Section 1211.4 - Off-Street Parking Requirements - Use Unit 1211) of required number of on-site parking spaces from 15 to 3 for a period of one year only; and to **APPROVE** a **Variance** (Section 1320 - General Requirements - Use Unit 1211) to allow for off-site parking for a period of one year only, with no additional expansion of the existing building; and to **APPROVE** a **Variance** (Section 1211.3 - Use Conditions - Use Unit 1211) of the required 6' screening fence along the west property line; finding a hardship imposed by the OL zoning classification on the property, and the fact that the existing zoning would require 15 onsite parking spaces, while only four spaces are available on the lot; and finding that the trees and shrubbery on the boundary line adequately screen the lot from abutting properties; on the following described property:

Lots 5 and 6, Block 4, Stonebraker Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

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, located SW/c of 61st Street and South Hudson Avenue.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, stated that he is appearing on behalf of the Warren Foundation, St. Francis Hospital and TLC, Inc. He explained that TLC, Inc. is a non-profit corporation recently formed by some of the community leaders to find a site to construct a Ronald McDonald House. This facility provides accommodations for families of children that are seriously ill and have come to Tulsa for medical attention. The property in question will be conveyed from the Warren Foundation to St. Francis Hospital, which will then lease the site to TLC, Inc. for 99 years, with a one dollar per year rental fee. Mr. Johnsen informed that the property is zoned OL and would seemingly require a special exception under Use Unit 8. He pointed out that an extensive amount of review has occurred with the neighborhood representatives. It was noted that the facility will be located on approximately 45,000 sq ft of land at the corner of 61st Street and Hudson. Mr. Johnsen informed that the building will have a maximum of 12,000 sq ft of floor space, which will initially accommodate 10 families (10 rooms with 2 beds each), with some areas, such as kitchens and dining areas being shared by the guests. He stated that a manager will reside on the property. The applicant informed that the plot plan depicts an access on 61st Street, with an additional access on Hudson, which will not be constructed at this time, and asked that the Hudson access not be made a requirement of approval. He requested that a fence to the south of the building be allowed to be a picket fence with landscaping if the Hudson access is constructed at a future date. A plot plan (Exhibit B-1) was submitted by the applicant.

Comments and Questions:

Ms. Bradley remarked that she is concerned with the possible access to Hudson, due to the fact that this is a collector street. Mr. Johnsen informed that this question has been discussed, but would request that an access point be approved at this time if needed in the future.

Mr. Quarles asked if the Traffic Engineering Department is aware of the intent to access Hudson, and Mr. Johnsen replied that it will require their approval.

In response to Ms. Bradley's inquiry as to meetings with surrounding homeowners, Mr. Johnsen informed that there have been a series of meetings with the homeowners in the area.

Protestants: None.

Case No. 15147 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bradley, Quarles, White, "aye"; no "nays"; no "abstentions"; Chappelle, Smith, "absent") to **APPROVE** a **Special Exception** (Section 610 - Principal Uses Permitted In Office Districts - Use Unit 1205 - (1208 alternatively) to allow for a facility which provides housing for families of patients which require extended hospitalization, per plot plan submitted, provided however, that the south access drive to Hudson and the screening just south of the building need not be constructed; finding that the proposed use is in conjunction with the nearby hospital; and will not be detrimental to the surrounding uses; on the following described property:

The east 225' of Lot 1, Block 2, Amended Warren Center East Addition to the City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15196

Action Requested:

Variance - Section 430.1 - Bulk & Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of the required front setback from 25' to 22.7' to allow for an existing dwelling, located 7047 East 78th Place.

Presentation:

The applicant, **Betty C. Harvey**, 7514 East 53rd Street, Tulsa, Oklahoma, submitted a plat of survey (Exhibit C-1), and stated that she is a real estate agent and has a listing at the above stated location. She pointed out that her client was not aware that the dwelling was constructed over the required setback until they attempted to sell the property. Ms. Harvey stated that the error was discovered in a recent survey, and she requested that the Board approve the variance to clear the title. Photographs (Exhibit C-3) and a copy of the Stormwater Case Review (Exhibit C-2) were submitted.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Quarles, White, "aye"; no "nays"; no "abstentions"; Chappelle, Smith, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk & Area Requirements In Residential Districts - Use Unit 1206) of the required front setback from 25' to 22.7' to allow for an existing dwelling; finding that the structure was constructed over the required building setback several years ago; and the granting of the request will not be detrimental to the neighborhood; on the following described property:

Lot 22, Block 4, Sweetbriar Addition, City of Tulsa, Tulsa County, Oklahoma.

7.06.89:542(4)

NEW APPLICATIONS

Case No. 15181

Action Requested:

Special Exception - Section 240.2(c) - Permitted Yard Obstructions - Use Unit 1206 - Request a special exception to modify the height of a fence in the front yard from 4' to 8', located 2866 East 36th Place.

Presentation:

The applicant, **Daniel Luisi**, was represented by **Lou Reynolds**, 2777 East 21st Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit D-2) and stated that his client has constructed a privacy screen in his front yard. He stated that Mr. Luisi purchased his home approximately two years ago and installed a retaining wall for a flower bed, and since the grade was raised by filling the flower bed, the height of the privacy fence was also raised. It was noted that the portion of the fence that is located in the front yard is 4' 3" in height, with the portion against the porch being 6'. Photographs (Exhibit D-1) of the fence and the surrounding area were submitted. He pointed out that the fence is of quality construction and does not obstruct the view of the neighbors backing out of their driveway.

Comments and Questions:

Mr. Quarles pointed out that the applicant's request stated that the fence would be from 4' to 8' in height. Mr. Reynolds stated that the applicant gave INCOG staff that measurement, and the neighbors that received notice thought the fence was to be raised to 8'; however, the fence is only 6' in height next to the porch and the remainder is 4' 3".

Ms. Bradley asked how long the fence has been in place, and Mr. Reynolds replied that it was constructed approximately four months ago. He pointed out that someone in the neighborhood complained about the fence, and when the complaint was investigated it was discovered that a building permit was not acquired for the fence. He pointed out that the grade of the yard could have been raised and the fence would have met code requirements, but the fact that it was placed inside the retaining wall raised the height to approximately 6'.

Protestants:

James Kendall, 2871 East 36th Place, Tulsa, Oklahoma, submitted photographs (Exhibit D-1) and stated that he lives across the street from the property in question. He pointed out that the fence is not in keeping with the character of neighborhood and has lowered the value of his property.

Lew Wenzel, 3636 South Florence Avenue, Tulsa, Oklahoma, stated that he strenuously objects to the fence, as it is not uniform with the existing homes, and is harmful to the appearance of the neighborhood.

Case No. 15181 (continued)

One letter of opposition (Exhibit D-4) was submitted to the Board.

Interested Parties:

Mike Green, 2881 East 36th Place, Tulsa, Oklahoma, informed that he lives to the west of Mr. Kendall, and is supportive of application.

Pete Rommel, 2855 East 36th Place, Tulsa, Oklahoma, stated that he lives two doors up and across the street from the property in question, and pointed out that he is supportive of the new construction.

Applicant's Rebuttal:

Mr. Reynolds referred to the photographs and pointed out that the fence is not detrimental to the neighborhood. He informed that seventeen neighbors signed a petition of support (Exhibit D-3).

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bradley, Quarles, White, "aye"; no "nays"; no "abstentions"; Chappelle, Smith, "absent") to **APPROVE** a **Special Exception** (Section 240.2(c) - Permitted Yard Obstructions - Use Unit 1206) to modify the height of a fence in the front yard from 4' to 6'; per plot plan and photographs; finding that the fence would have been in accordance with the requirements of the Code if the grade of the yard had been raised instead of constructing a retaining wall before adding the fence; and finding the structure to be compatible with the existing dwellings in the area; on the following described property:

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

Case No. 15183

Action Requested:

Variance - Section 1221.3B(3) - General Use Conditions for Business Signs - Use Unit 1221 - Request a variance of distance from an R District from 200' to 65' to allow for a flashing sign, located 5903 East 31st Street.

Presentation:

The applicant, Joe Westervelt, 901 North Mingo Road, Tulsa, Oklahoma, asked permission to retain the Quik Trip sign which has been changed to add a price change message. A sign plan (Exhibit E-3) and photographs (Exhibit E-1) were submitted.

Comments and Questions:

Mr. Gardner pointed out that the prices change frequently and the sign is considered to be a flashing sign. He stated that the Board has determined in the past that if the change is slowed, it will not be a flashing sign. Mr. Gardner stated that the station has three prices which will all change in a 10-second period.

Case No. 15183 (continued)

Mr. Gardner asked the applicant if there is a particular standard that he could present to the Board, and he replied that the messages appear for three seconds and are off for one second. He pointed out that a car traveling 30 miles per hour has about 7 seconds of visibility to the sign.

Protestants:

Mr. Quarles informed that **Terry Wilson**, District 5 Planning Chairman, and **Reford Nichols** have mailed letters of opposition (Exhibit E-2) to be considered by the Board.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Quarles, White, "aye"; no "nays"; no "abstentions"; Chappelle, Smith, "absent") to **APPROVE** a **Variance** (Section 1221.3B(3) - General Use Conditions for Business Signs - Use Unit 1221) of distance from an R District from 200' to 65' to allow for a flashing (changing message) sign; subject to each price change being on three seconds and off one second; finding there are similar signs in the City; and finding that there is not a provision in the Code for a computerized changing sign; on the following described property:

The east 165' of the west 195' of the south 190' of the SE/4, SE/4, Section 15, T-19-N, R-13-E of the Indian Base and Meridian, City of Tulsa, Tulsa County, Oklahoma, LESS the south 50' thereof.

Case No. 15184

Action Requested:

Variance - Section 1221.3B(3) - General Use Conditions for Business Signs - Use Unit 1221 - Request a variance of the distance between an R District and a flashing sign from 200' to 150'.

Variance - Section 1130.2B(1) - Accessory Uses - Use Unit 1221 - Request a variance to allow for a flashing sign in a Planned Unit Development, located SE/c 71st Street and 93rd East Avenue.

Presentation:

The applicant, **Joe Westervelt**, 901 North Mingo, Tulsa, Oklahoma, stated that he has been before the Board concerning this property and a change was made for the mini-storage warehouse on the far east side of the 10 acres. He stated that the Quik Trip store is under construction and the sign is 150' away from the corner of the residential collector street. A sign plan (Exhibit F-1) and concept development plan (Exhibit F-2) were submitted.

Comments and Questions:

Mr. Gardner informed that the sign will be located at the northeast corner of the plot.

Case No. 15184 (continued)

Mr. Westervelt stated that he has worked closely with the multi-family neighbors on the west side of 92nd East Avenue and they have approved the detail site plan. He asked the Board to approve the same type of sign that was considered in Case No. 15183, with the condition that the electronic price change is allowed three seconds on and one second off.

Ms. Bradley asked Mr. Gardner how the property to the east will be developed, and he replied that the property is zoned CS and will probably be a shopping center, or a similar type development.

Protestants:

Richard deJongh, 7523 South 85th East Place, Tulsa, Oklahoma, president of Woodland Homeowners Association, stated that he represents 470 families in the area, and has objected to the rezoning of the property. He informed that the application was approved by TMAPC, and Mr. Westervelt commented to the City Commission and the Mayor that a marketing study had been made and a Quik Trip was required in the area. Mr. deJongh stated that he questioned that statement, since four others are within a mile.

Mr. Quarles asked the protestant to state the specific objections to the changing sign, and he replied that the residents do not want the store or the sign at this location.

Additional Comments:

Ms. Bradley asked Mr. Westervelt to state the hardship for the variance, and the reason for requesting that the sign be 150' from the residential neighborhood. He replied that the mutual access easement is located on the eastern property line, and the sign is to be placed as close as possible, but would have preferred to have it on the corner of 92nd East Avenue. He pointed out that the electronic changing sign is not defined in the Code, which creates a hardship. It was noted that the sign is approximately one-half mile from the residential neighborhood.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bradley, Quarles, White, "aye"; no "nays"; no "abstentions"; Chappelle, Smith, "absent") to **APPROVE** a **Variance** (Section 1221.3B(3) - General Use Conditions for Business Signs - Use Unit 1221) of the distance between an R District and a flashing (changing message) sign from 200' to 150'; and to **APPROVE** a **Variance** (Section 1130.2B(1) - Accessory Uses - Use Unit 1221) to allow for a flashing (changing message) sign in a Planned Unit Development; per plan submitted; subject to a price change schedule of three seconds on and one second off; finding there are similar signs in the City; and finding that there is not a provision in the Code for a computerized changing sign; on the following described property:

A part of Lot 1, Block 2, Woodland Springs 1, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, being more particularly described as follows, to-wit:

Case No. 15184 (continued)

Beginning at a point on the north line of said Lot 1, said point being 609.33' west of the NE/c thereof, thence due south a distance of 200.00', thence due west a distance of 200.00', thence due north a distance of 170.00' to a point on a curve, thence along a curve to the right with a radius of 30.00' and a central angle of 90° for a distance of 47.12', thence due east a distance of 170.00' to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15185

Action Requested:

Variance - Section 1221.3B(1,3) - General Use Conditions for Business Signs - Use Unit 1221 - Request a variance of spacing from a signalized intersection from 50' to 18' to allow for a flashing sign, AND a variance of spacing from a residential district from 200' to 160' to allow for said sign, located 3606 South Peoria Avenue.

Presentation:

The applicant, **Joe Westervelt**, 901 North Mingo, Tulsa, Oklahoma, submitted a plot plan (Exhibit G-1) and pointed out that this sign is located at one of the older stores, which is to be remodeled. He stated that the old sign is located at an acceptable point on the property and the new sign will remain at this location; however, it will be changed to be consistent with the other Quik Trip signs with changing prices.

Protestants:

Mr. Quarles stated that one letter of opposition (Exhibit G-2) was received by the Board.

Additional Comments:

Ms. Bradley asked why the second variance is needed if the the new sign will be installed at the same location as the new one, and Mr. Gardner pointed out that the variance would not be required if the sign was not a flashing sign.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bradley, Quarles, White, "aye"; no "nays"; no "abstentions"; Chappelle, Smith, "absent") to **APPROVE** a **Variance** (Section 1221.3B(1,3) - General Use Conditions for Business Signs - Use Unit 1221) of spacing from a signalized intersection from 50' to 18' to allow for a flashing sign, AND a **Variance** of spacing from a residential district from 200' to 160' to allow for said sign; per plot plan; subject to a price change schedule of three seconds on and one second off; finding there are similar signs in the City; and finding that there is not a provision in the Code for a computerized changing sign; on the following described property:

Case No. 15185 (continued)

Lots 5 and 6, Block 5, Peoria Gardens Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 15186

Action Requested:

Variance - Section 430.1 - Bulk & Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of front setback from 30' to 22' to allow for a carport, located 5502 South Delaware Place.

Presentation:

The applicant, **James Helterbrand**, 5502 South Delaware, Tulsa, Oklahoma, who submitted photographs and a plot plan (Exhibit H-1), requested approval of a carport in front of his home. He submitted a petition of support (Exhibit H-3) from neighbors to the north, south and west. Mr. Helterbrand stated that the carport will be of wood construction. A drawing (Exhibit H-2) was submitted by the applicant.

Comments and Questions:

Mr. Quarles asked when the house was constructed, and the applicant replied that it was built in 1954 and has a one-car garage.

Ms. Bradley pointed out that she viewed the area and did not see other carports. Ms. White remarked that there are two carports north of the subject property.

In response to Mr. Quarles, the applicant stated that the neighbors abutting his property signed the petition of support.

Mr. Gardner pointed out that the houses in this area are further from the street than usual, and the 20' carport will encroach approximately 8'.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bradley, Quarles, White, "aye"; no "nays"; no "abstentions"; Chappelle, Smith, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk & Area Requirements in Residential Districts - Use Unit 1206) of front setback from 30' to 22' to allow for a carport; per plot plan submitted; finding that there are other carports in the area; and 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 1, Block 5, Villa Grove Gardens Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 15187

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1225 - Request a special exception to allow for a machine shop in a CH zoned district, located west of NW/c of 3rd Street and Rockford Avenue.

Presentation:

The applicant, **Donald Burris**, 8003 South 77th East Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit J-1) and asked the Board to approve the construction of a 50' by 100' building which will house a machine shop.

Comments and Questions:

Mr. Quarles asked Mr. Burris if he will operate the machine shop, and he replied that it is being built for lease purposes. He informed that there are similar operations in the area, and the proposed business will have six employees and approximately 15 to 20 customers per day. It was noted by the applicant that the shop will work with light materials and will create very little noise. He stated that all parking will be in front and side of the building, and a 6' privacy fence will be installed to the rear.

Ms. White inquired as to the days and hours of operation, and the applicant replied that the shop will be open from 8:00 a.m. to 6:00 p.m., Monday through Friday.

Mr. Gardner pointed out that all property to the south of the subject property is zoned industrial, and the tract is located in a heavy commercial/industrial area.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Quarles, White, "aye"; no "nays"; no "abstentions"; Chappelle, Smith, "absent") to **APPROVE** a **Special Exception** - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1225 - Request a special exception to allow for a machine shop in a CH zoned district; per plot plan submitted; subject to hours of operation being 8:00 a.m. to 6:00 p.m., Monday through Friday; finding that there are multiple zoning classifications in the area, and numerous uses similar to the one in question; and finding that the machine shop will be compatible with the area and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 17 and 18, Block 15, Lynch and Forsythe Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15188

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an AG zoned district, located north of NE/c of 21st Street and 161st East Avenue.

Presentation:

The applicant, Marie Lilleskau, 16413 East 21st Street, Tulsa, Oklahoma, asked permission to locate a mobile home on a five-acre tract, approximately 600' off 21st Street, and noted that she owns an additional 160 acres surrounding the mobile. She submitted photographs (Exhibit K-1), and pointed out that there are other mobile homes in the area.

Comments and Questions:

Ms. Bradley remarked that she has viewed the property and that there is a creek in the area.

Mr. Quarles informed that the Board has been supplied with a copy of the Stormwater Management Case Review (Exhibit K-2), which states that the southwest corner of the property is located in a floodplain, and a Watershed Development Permit will be required prior to any development on the property. He further noted that the review stated that no requirements will be imposed if a mobile home is placed outside the floodplain; however, if placed in the floodplain, minimum elevation and tie-downs will be required.

Ms. Bradley asked what creek was mentioned on the case review, and Mr. Quarles informed that Spunky Creek is noted on the review.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Quarles, White, "aye"; no "nays"; no "abstentions"; Chappelle, Smith, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1209) to allow for a mobile home in an AG zoned district; subject to Stormwater Management approval; finding that there are other mobile homes in the vicinity and the granting of the special exception will not violate the spirit and intent of the Code; on the following described property:

The S/2, N/2, S/2, SW/4, SW/4, Section 11, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15189

Action Requested:

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance to allow for an accessory building to locate in the side yard and a variance of the size of said building from 750 sq ft to 968 sq ft, located 1228 North Richmond Avenue.

Presentation:

The applicant, **Marvin Canady**, 1228 North Richmond, Tulsa, Oklahoma, stated that he is proposing to remove an existing detached garage and construct an attached garage to his existing home. The applicant asked that a 22' by 44' tile building, which has been on the property approximately 75 years, be allowed to remain. He pointed out that the construction of the garage causes the old structure to be in the side yard instead of the rear yard. Mr. Canady stated that the building also exceeds the square footage allowed for an accessory building. A plot plan (Exhibit L-1) was submitted.

Comments and Questions:

In response to Mr. Quarles, the applicant informed that the old building will be used for storage of personal items.

Interested Parties:

Georgia Henry, 1220 North Richmond, Tulsa, Oklahoma, reviewed the plot plan and stated that she is not opposed to the application.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bradley, Quarles, White, "aye"; no "nays"; no "abstentions"; Chappelle, Smith, "absent") to **APPROVE** a **Variance** (Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206) to allow for an accessory building to locate in the side yard and a variance of the size of said building from 750 sq ft to 968 sq ft; per plot plan; subject to the accessory building being used for storage only, and no commercial use; finding that the size of the lot can easily accommodate the 968 sq ft accessory building; on the following described property:

Lot 2, Block 1, Westrope Acres II Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15190

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow for automobile sales and repair in a CS zoned district.

Variance - Section 1217.3(A) - Use Conditions - Request a variance of the required screening, located north of NE/c of 14th Street and Memorial.

Comments and Questions:

Mr. Quarles informed that Stormwater Management (Exhibit M-1) has advised Staff that the property in question is in the Mingo Creek floodplain and a Watershed Development Permit will be required prior to development. He noted that some of the tract is in a flood hazard area and a fence that will obstruct the flow of water will not be allowed.

Presentation:

The applicant, **Eugene Vire**, 1269 South Memorial Drive, Tulsa, Oklahoma, stated that he leased the property for automobile sales and a mobile office unit will be installed. He stated that he was not aware the land was not properly zoned for this use. Mr. Vire pointed out that there is approximately 150' that has been filled to elevate that portion of the lot, and a retention facility is under construction at McClure Park which should alleviate the flooding problem in this area. He stated that the lot will have a maximum of 50 cars on display, and there are many other car lots along Memorial.

Comments and Questions:

Mr. Jackere advised that the Board should base their decision on land use and Stormwater Management will make a determination as to the water problem in the area.

Protestants:

Bob Looney, president of the Mingo Valley Homeowners Association, stated that he is concerned with the variance of the screening requirement. He pointed out that the area is inundated with used car lots, so is not opposed to the car lot, but requested that screening be made a requirement. Ms. Bradley pointed out that a fence would obstruct water flow, but Stormwater Management will make that determination. Mr. Jackere stated that the screening requirement could be modified to require screening on the eastern property line, and the bottom of the fence could be elevated a few feet, and still screen the use.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Quarles, White, "aye"; no "nays"; no "abstentions"; Chappelle, Smith, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to allow for automobile sales and repair in a CS zoned district; and to **APPROVE** a **Variance** (Section 1217.3(A) - Use Conditions) of the required screening; subject to the location and type of 6' screening fence on the eastern boundary to be determined by the Department of Stormwater Management; finding that there are numerous automobile sales businesses in the near vicinity; and the granting of the request will not be detrimental to the area, but will be in harmony with the spirit and intent of the Code; on the following described property:

Lot 6, Block 3, Forest Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15191

Action Requested:

Variance - Section 930 - Bulk & Area Requirements in Industrial Districts - Use Unit 1223 - Request a variance of the required setback from an R District from 75' to 25' to allow for a building, located 1504 West 37th Place.

Presentation:

The applicant, David Wheeler, 11119 South Fulton, Tulsa, Oklahoma, stated that he has purchased a tract of land in an industrial area that abutts residentially zoned property. He noted that he has spoken with the the owners in the residential area to the west and south and they are not protesting the construction of a building on the site. Mr. Wheeler informed that, since the original application, the plan has been altered and the location of the building has been changed. A plot plan (Exhibit N-1) was submitted.

Comments and Questions:

There was discussion as to the new location of the building, and Ms. Bradley asked what type of business will be operating in the proposed structure. The applicant replied that the building will be used for a warehouse and offices.

Mr. Quarles informed Mr. Wheeler that a Watershed Development Permit (Exhibit N-2) will be required prior to development.

Mr. Jackere stated that the law states that if a variance is granted it should be the minimum amount necessary to relieve the hardship. He pointed out that the applicant has plans that will meet the required 75' setback. The applicant pointed out that he is proposing to construct an additional building at a future date, and does not want to refile the application.

It was the general consensus of the Board that the applicant could submit plans and file the application again at a later date under the same application number, with no filing fee.

Protestants:

Mr. Quarles informed that the Board has received one letter of protest (Exhibit N-3) to the application.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Bradley, Quarles, White, "aye"; no "nays"; no "abstentions"; Chappelle, Smith, "absent") to **WITHDRAW** Case No. 15191, to allow the applicant to submit a plot plan at a later date, with no additional charge for filing fees.

Case No. 15193

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Street - Use Unit 1221 - Request a variance of setback from the centerline of East 11th Street from 50' to 42' to allow for the replacement of an existing sign, located 4038 East 11th Street.

Presentation:

The applicant, **Joseph Korsak**, 8307 East 60th Street, Tulsa, Oklahoma, stated that the company he is affiliated with does business with Big State Pawn and Bargain Centers, which currently have three locations in the City. He submitted photographs (Exhibit P-2) and a plot plan (Exhibit P-1) for a sign at one store location, and explained that the existing sign encroaches 7 1/2', while the new replacement sign will extend only about 6' over the setback.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bradley, Quarles, White, "aye"; no "nays"; no "abstentions"; Chappelle, Smith, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Street - Use Unit 1221) of setback from the centerline of East 11th Street from 50' to 42' to allow for the replacement of an existing sign; per plot plan and photographs submitted; finding that there are other signs in the area that are closer to the street than the sign in question; and the granting of the request will not cause substantial detriment to the public good or impair the spirit, purposes and intent of the Code; on the following described property:

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

Case No. 15194

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1202 - Request a special exception to allow for a pet cemetery in an RS-1 zoned district, located east of the SE/c 15th Street and 93rd East Avenue.

Presentation:

The applicant, **Nolan Gross**, 9402 East 16th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit R-1), and asked the Board to approve a pet cemetery across the street from his residence. The applicant

Case No. 15194 (continued)

informed that he owns the property to the south of the proposed cemetery, the properties to the east and north are wooded areas belonging to the City and the land to the west is owned by Mr. Lawrence.

Comments and Questions:

Ms. Bradley asked if the state is involved in the operation of a pet cemetery, and the applicant replied that the state is not involved.

Mr. Quarles requested that the applicant explain the proposed operation, and Mr. Gross explained that the cost for burying a pet is approximately \$200 to \$300, which includes a specific space with a flat concrete marker. He informed that he was told by the City/County Health Department that the overburden above the animal or coffin is required to be a minimum of 17", with no requirement as to the distance between graves.

Ms. White asked if the animals will be buried in boxes or bags, and the applicant stated that he would prefer to use coffins, unless the Health Department is opposed to that procedure.

Mr. Jackere inquired as to the amount of cover over the animal, and Mr. Taylor stated that he discussed the subject with Terry Silva, City/County Health Department, and was told that the state does not generally regulate uses such as this, but they do require 3' of ground cover. Mr. Gross stated that he will bury cats, dogs and birds in the cemetery, but the burial of large animals will not be permitted.

It was noted by Mr. Quarles that the Board is concerned with the number of grave sites and the amount of traffic generated during a burial ceremony. The applicant stated that he was told the animals must have 17" of ground cover and is surprised at the 36" figure given by Mr. Taylor. He stated that he will comply with all required health regulations.

Mr. Jackere asked if the owner of the plots would receive a deed, and the applicant stated that the owners will not receive deeds to the plots. Mr. Jackere asked if an animal could be exhumed and another animal buried in the grave, and Mr. Gross answered in the affirmative. Mr. Jackere asked where the visitors would park, and he informed that there is a 30' gravel entrance and parking space on 16th Street. It was noted by Mr. Jackere that the entrance would be required to have a hard surface covering.

Mr. Quarles read a Stormwater Case Review (Exhibit R-2) which stated that a Watershed Development Permit will be required prior to development.

There was discussion concerning plastic bags for burial purposes, and whether or not the material would decompose. It was the general

Case No. 15194 (continued)

consensus of the Board that the applicant should be required to supply a plot plan before a decision could be made concerning the cemetery.

Protestants:

Bob Looney, president of the Mingo Valley Homeowners Association, stated that the residents of the area are protesting the application because of flood problems and the fact that a commercial operation would be operating in a residential area.

Additional Comments:

Mr. Gardner stated that the proposed site is an interior tract and the only access to the property is through the neighborhood. He pointed out that most cemeteries are located on an arterial or a street that can easily be accessed by the public.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bradley, Quarles, White, "aye"; no "nays"; no "abstentions"; Chappelle, Smith, "absent") to **CONTINUE** Case No. 15194 to July 20, 1989, to allow the applicant to prepare a plot plan and traffic flow pattern for the business.

Case No. 15195

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an IM zoned district, located 3113 West Admiral Boulevard.

Comments and Questions:

Mr. Quarles informed that Staff has been informed that the property in question is in a floodplain and a Watershed Development Permit will be required (Exhibit S-4).

Presentation:

The applicant, **Ruth M. Sipes**, 3113 West Admiral, Tulsa, Oklahoma, submitted a drawing (Exhibit S-1), and explained that her home recently burned and a mobile home was purchased with the insurance money. She informed that the mobile unit is already on the property, but is not hooked up to the utilities. Ms. Sipes submitted a petition of support (Exhibit S-2) and pointed out that there are numerous mobile homes in the surrounding area. One letter of support (Exhibit S-3) was submitted.

Comments and Questions:

Ms. White asked if the mobile will use a septic tank for sewage disposal, and the applicant answered in the affirmative.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bradley, Quarles, White, "aye"; no "nays"; no "abstentions"; Chappelle, Smith, "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1209) to allow for a mobile home

Case No. 15195 (continued)

In an IM zoned district; subject to a Building Permit, Stormwater Management and Health Department approval; finding that there are numerous mobile homes in the area, and the granting of the special exception request will not be detrimental to the area; on the following described property:

The E/2 of Lots 5, 6 and 7, Block 2, Tower View Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15197

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an IM zoned district, located 6143 East Admiral Place.

Presentation:

The applicant, **Roy L. Bankhead**, 6143 East Admiral Place, City of Tulsa, Tulsa County, Oklahoma, informed that he is requesting a permanent location for a mobile home which is installed at the above stated address. He explained that he purchased an old motel and is proposing to build a mini-storage facility on the concrete pads where the motel was located. Mr. Bankhead stated that the mobile home can serve as his residence and also provide security for the business. A plat of survey (Exhibit T-1) and photographs (Exhibit T-2) were submitted.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Quarles, White, "aye"; no "nays"; no "abstentions"; Chappelle, Smith, "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1209) to allow for a mobile home in an IM zoned district for security purposes; finding that there is a mobile home park next door and the approval of the request will not be detrimental to the area; on the following described property:

Lot 6, Block 2, Greenlawn Addition, City of Tulsa, Tulsa County, Oklahoma.

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

Date Approved

7-25-89



Chairman

