

**CITY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 550**  
**Thursday, November 2, 1989, 1:00 p.m.**  
**Francis F. Campbell Commission Room**  
**Plaza Level of City Hall, Tulsa Civic Center**

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Bolzle Bradley Chappelle Fuller White, Chairman		Gardner Jones Moore	Jackere, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, October 31, 1989, at 10:05 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman White called the meeting to order at 1:00 p.m.

**MINUTES:**

On **MOTION** of **BRADLEY**, the Board voted 4-0-1 (Bolzle, Bradley, Chappelle, Fuller, "aye"; no "nays"; White, "abstaining"; none "absent") to **APPROVE** the Minutes of October 19, 1989 (No. 549).

**UNFINISHED BUSINESS**

**Case No. 15232**

**Action Requested:**

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1217 - Request a variance of the required 150' frontage, located east of the SE/c 71st Street and South 92nd East Avenue.

**Presentation:**

The applicant, **Jerry Wilson**, was not present.

**Comments and Questions:**

In review of the case, Mr. Jones pointed out that the Board heard the application several weeks ago, with a portion being approved, and the remainder being continued to allow the applicant sufficient time to readvertise for signage on the property. Mr. Jones stated that he has had no communication with Mr. Wilson since the last meeting, and suggested a continuance to November 16, 1989, to allow Staff to contact the applicant.

Case No. 15232 (continued)

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to CONTINUE Case No. 15232 to November 16, 1989.

Case No. 15243

Action Requested:

Special Exception - Section 310 - Permitted Uses In the Agriculture District - Use Unit 1208 - Request a special exception to permit a community group home for the elderly in an AG zoned district, located 3707 East 101st Street South.

Presentation:

The applicant, **Pamela Williams**, was represented by **Louis Levy**, 5314 South Yale, Tulsa, Oklahoma, who stated that his clients are proposing to operate a home for the elderly at the above stated location. He explained that the three-level house was originally used as a group home for girls in connection with the church located on the property, and consists of eight bedrooms, five bathrooms, an office, a living room and kitchen. He pointed out that the house faces Louisville Avenue on the west and is one of three structures on the property, one of which is the Joy Lutheran Church. Mr. Levy stated that the property in question has agricultural zoning but, if zoned single-family residential, the use would not require a special exception. It was noted by Mr. Levy that the home is for elderly citizens that require some aid, but is not a medical facility; however, a doctor and registered nurses will be on call to assist the residents in a medical emergency. He further noted that the facility will be staffed 24 hours a day. Mr. Levy stated that the requirements imposed at the 1987 Board of Adjustment meeting concerning the location of the Joy Lutheran Church on the property are still in effect. Mr. Levy stated that his clients have a one-year lease on the property, with a six-month option to extend that lease. A letter (Exhibit A-1) explaining the proposed operation was submitted.

Comments and Questions:

Mr. Chappelle asked if a medication aid will be on staff at the group home, and Mr. Levy answered in the affirmative.

In response to Ms. Bradley, Mr. Levy informed that the operators of the group home will lease the existing house from the church. He noted that the church still plans to construct a building on the property, but not at this time.

Ms. White asked if the group home use will be discontinued when the church building is constructed, and Mr. Levy stated that the use will be discontinued when construction begins. She asked if there will be a minimum age limit for residents of the home, and he replied that the age range will probably be 60 and up.

Case No. 15243 (continued)

In response to Ms. Bradley's inquiry, Mr. Levy replied that there will be a maximum of eight residents in the home.

**Protestants:**

**Donald B. Bolt, Jr.**, 3720 East 99th Place, Tulsa, Oklahoma, stated that he is spokesman for some of the owners in the area that oppose the application (Exhibit A-3). He pointed out that the applicant is actually planning to operate a business on the property, and questioned whether or not the applicant is agent for the owner. It was noted that the property in question was sold to the ELCA Loan Fund in 1988. Mr. Bolt asked that the request be denied, allowing the residential character of the area to be preserved.

**Additional Comments:**

Mr. Chappelle asked Mr. Bolt if the homeowners in the area have met with the applicant and reviewed the outline of the proposed operation, and he answered in the affirmative. Mr. Bolt pointed out that the neighborhood is not against a home for the elderly, but it is against a business for profit being operated in the area.

Mr. Chappelle asked Mr. Bolt if he would be opposed to the group home if there was no evidence that a business was being operated on the property, and he replied that he could not support the business operation, even under those circumstances.

Ms. White asked if there are three dwellings located on the property, with one being used for church purposes, and Mr. Bolt answered in the affirmative.

**Applicant's Rebuttal:**

Mr. Levy stated that Gilbert Mueller has signed the lease on behalf of the Joy Lutheran Church.

**Gilbert Mueller**, 9817 South Irvington, Tulsa, Oklahoma, stated that Joy Lutheran Church is a mission congregation of the Evangelical Lutheran Church of America, and the change in ownership was merely a church merger. He pointed out that the building in question is not in use at this time and felt that the contemplated use would be one of service to the area. He further noted that an empty building would not be an asset to the neighborhood.

Ms. White asked Mr. Mueller to state the use of the third building located on the property, and he informed that the remaining structure is a single-family dwelling, which is rented.

In response to Ms. Bradley, Mr. Mueller stated that the house is not rented to members of the church organization.

Ms. White remarked that she could support the use of the dwelling for a group home until such time as the church constructs a building on the property.

Mr. Levy noted that seven community group homes are presently operating in the City. A copy of the State Residential Care booklet (Exhibit A-2) was submitted.

Case No. 15243 (continued)

**Board Action:**

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 310 - Permitted Uses in the Agriculture District - Use Unit 1208) to permit a community group home for the elderly in an AG zoned district for a period of 18 months only (for the purpose of determining compatibility with the neighborhood); subject to the minimum age of residents being 60 years; all occupants being capable of living an independent life-style; Health Department approval; total number of occupants being eight residents and one live-in staff member; supportive assistance and personal care being provided; one live-in staff member being present from 11:00 p.m. to 7:00 a.m., administrator from 8:00 a.m. to 5:00 p.m., employee dispensing medication (MAT) 7:00 a.m. to 3:00 p.m. and 3:00 p.m. to 11:00 p.m.; on the following described property:

A tract of land lying in the SW/4 of Section 21, T-18-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the US Government Survey thereof, being more particularly described as follow, to-wit: Commencing at the SE/c of the SW/4 of said Section 21; thence due west along the south section line of said section, a distance of 725.00' to the Point of Beginning; thence due west along the said south section line a distance of 300.00'; thence due north a distance of 200.00'; thence N 25°06'53" W, a distance of 176.71'; thence N 05°21'21" E a distance of 160.70'; thence N 39°48'20" E a distance of 39.05'; thence N 11°18'36" E a distance of 127.48'; thence N 65°33'22" E a distance of 302.08'; thence due east a distance of 34.98'; thence S 00°00'04" E a distance of 800.00' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15275**

**Action Requested:**

Special Exception - Section 710 - Permitted Uses in the Commercial Districts - Use Unit 1217 - Request a special exception to permit automobile sales, service and accessory body shop in a CS zoned district, located 40 South Garnett.

**Presentation:**

The applicant, **Frank Moskowitz**, requested by letter (Exhibit B-1) that Case No. 15275 be continued to November 16, 1989.

**Comments and Questions:**

There was Board discussion concerning the number of times the applicant has requested a continuance of the case. Mr. Jones informed that the applicant has been negotiating with a client concerning the subject tract and, if the business transaction fails, the applicant will not need the relief requested. He pointed out

Case No. 15275 (continued)

that Mr. Moskowitz has requested a continuance to allow him to continue negotiations with his customer.

Protestants: None.

Board Action:

On MOTION of BOLZLE, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to CONTINUE Case No. 15275 to November 16, 1989, as requested by the applicant.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15292

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request a variance of the required 100' lot width to 75' to permit a lot split approved by the TMAPC, located 3219 South Birmingham.

Presentation:

The applicant, Roy Johnsen, was not present.

Comments and Questions:

Mr. Jones advised that he has received a call from the applicant requesting a continuance of the case to November 16, 1989. He stated that Mr. Johnsen is prepared to present the case if the continuance is denied.

Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to CONTINUE Case No. 15292 to November 16, 1989, as requested by the applicant.

Case No. 15293

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request a minor variance of the required 50' front setback to 49', located 223 North Yukon Avenue.

Presentation:

The applicant, Mark Davis, 223 North Yukon, Tulsa, Oklahoma, who submitted a plot plan (Exhibit C-1) and plat of survey (Exhibit C-2), explained that the proposed addition encroaches into the required setback. He noted that he is unable to enter the garage from inside his home, and requested permission to enclose the sidewalk to provide a covered entrance.

11.02.89:550(5)

Case No. 15293 (continued)

**Protestants:** None.

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Boizle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Minor Variance** (Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206) a minor variance of the required 50' front setback to 49'; on the following described property:

Lot 8, Block 1, New Irving Place Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15294**

**Action Requested:**

Variance - Section 430.1 - Bulk and Area Requirements in Residential District - Use Unit 1206 - Request a minor variance of the required 65' setback from 21st Street to 60' to permit an existing dwelling, located 2104 South Detroit.

**Presentation:**

The applicant, **Eric Graham**, was represented by **Wade Hinkley**, 2104 South Detroit, Tulsa, Oklahoma, who stated that he is proposing a partial renovation project that will extend into the setback. He pointed out that the proposed addition will not extend closer to 21st Street than the existing house. It was noted that numerous requests for setback variances have been approved in the area, with some being closer to 21st Street than the house in question.

**Protestants:** None.

**Board Action:**

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Boizle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential District - Use Unit 1206) of the required 65' setback from 21st Street to 60' to permit an existing dwelling; per plot plan submitted; finding a hardship imposed by the corner lot location, with major setbacks requirements on two streets; and finding that there are numerous structures in the area that are closer to the street than the house in question; on the following described property:

Lot 4, Block 6, Sunset Park, City of Tulsa, Tulsa County, Oklahoma.

**NEW APPLICATIONS**

**Case No. 15285**

**Action Requested:**

Variance - Section 420.2 - Accessory Use Conditions - Use Unit 1206 - Request a variance to permit a detached accessory building in the side yard, located 5819 East 79th Street South.

11.02.89:550(6)

**Presentation:**

The applicant, **Sheldon Edwards**, 5819 East 79th Street South, Tulsa, Oklahoma, stated that he purchased a house that had gone through a foreclosure, and is in the process of refurbishing the structure. He stated that a detached accessory building for motorcycle storage was constructed in the side yard, which can be moved if it becomes necessary. Mr. Edwards informed that the City Building Inspector has issued an order to cease construction, and asked the Board to allow the building to be finished and remain at the present location. He pointed out that the building is 70% complete. Photographs (Exhibit E-2 ) were submitted.

**Comments and Questions:**

Ms. Hubbard advised that the applicant is also in need of a setback variance which does not appear on the case report.

There was discussion as to whether or not the Board would hear the advertised portion, or continue the entire case to the next scheduled meeting.

In response to Ms. White, the applicant informed that there is 3' of space between the property line and the edge of the building, and 2' from the fence to the building.

**Protestants:**

**Joe Rosario**, 5803 East 79th Street, Tulsa, Oklahoma, submitted a petition (Exhibit E-1) of opposition from members of the Pleasant Valley Homeowners Association, and stated that he lives two houses down the street from the applicant. He pointed out that the storage building will detract from the appearance of the neighborhood, and requested denial of the application. Photographs (Exhibit E-2) were submitted.

**Additional Comments:**

Ms. Bradley asked the applicant to state a hardship for the requested variance, and he replied that he has invested a great deal of money in the structure and the space is needed for storage.

Ms. White clarified that a hardship is something unique and unusual about the property that prohibits its use in the present state.

Mr. Chappelle asked if the building can be relocated to the back yard, and the applicant replied that there is sufficient space in the back yard, but it will be an expensive project to move the building. He pointed out that he has already spent a substantial sum of money on house renovation and does not have sufficient funds to move the storage building.

Mr. Fuller asked if there is a structure at the end of the driveway next door, and Mr. Edward replied that the driveway ends at the fence.

Case No. 15285 (continued)

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Variance** (Section 420.2 - Accessory Use Conditions - Use Unit 1206) to permit a detached accessory building in the side yard; finding that a hardship was not presented that would warrant the granting of the variance request; on the following described property:

Lot 2, Block 7, Pleasant Valley Estates, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15286**

**Action Requested:**

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow church use in an RM-2 zoned district, located NE/c East 13th Place South and South Troost Avenue.

**Comments and Questions:**

Mr. Bolzle stated that he will abstain from hearing Case No. 15286.

**Presentation:**

The applicant, **Tex Richardson**, stated that he is representing **First Lutheran Church**, 1244 South Utica, Tulsa, Oklahoma, and that the church is proposing to relocate on the subject property. He explained that there are 12 separate lots at the new site and the church presently owns four of the lots, with option to buy all but one of the remaining eight. Mr. Richardson informed that the State Highway Department owns one-quarter acre on 13th Place, and he has gained tentative approval to use this property for parking. He noted that the site has been approved by the Department of Stormwater Management, with no requirements. A letter and location map (Exhibit F-1) were submitted.

**Additional Comments:**

Mr. Fuller asked if there are existing buildings on the new church site, and Mr. Richardson replied that there are 10 existing buildings, two of which are owned by the church.

Ms. Bradley asked if the buildings will be removed from the proposed site, and Mr. Richardson answered in the affirmative.

In response to Ms. Bradley's question, the applicant stated that parking would become more of a problem without the property belonging to the Highway Department; however, Hillcrest has also offered the use of their parking lot if the need arises.

Mr. Jackere asked the applicant if he has permission to ask for church use on the one property that the church is not negotiating to purchase, and he replied that he does not have permission from the owner to ask for church use on the one property.

Case No. 15286 (continued)

Mr. Jackere advised that the one lot that is not being purchased by the church should be excluded from the application; however, if there is a chance that a purchase agreement could be worked out, the applicant could be allowed to return to the Board under this same case number.

**Interested Parties:**

**Vicki Mitchell**, 1315 South Troost, Tulsa, Oklahoma, stated that she owns one of the houses in question, and wants to sell her property to the church.

**Protestants:** None.

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 4-0-1 (Bradley, Chappelle, Fuller, White, "aye"; no "nays"; Bolzie, "abstaining"; none "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow church use in an RM-2 zoned district; subject to no church use on Lot No. 1 (depicted on the location map); finding that the church is negotiating the purchase of all other lots in Block 1; and to **CONTINUE** the portion of the application concerning Lot No. 1 to December 7, 1989, to allow the applicant sufficient time to initiate negotiations to purchase the lot; finding that church use is compatible with the area, and in harmony with the spirit and intent of the Code; on the following described property:

Block 1, Lake View Addition to the City of Tulsa, Tulsa County, State of Oklahoma, described as:

Lot 1, and the east 10' of alley adjoining said lot on the west according to the recorded plat thereof; Lot 2 and the east 10' of vacated alley adjoining on the west less beginning at the northeast corner of Lot 2, thence west 20.04', south 50.01' east 21.05', north 50.0' to Point of Beginning; Lot 3 and the east 10' of vacated alley adjoining on west, less beginning at the NE/c, thence west 21.05', south 50.1' to south line, east 22.07' to SE/c, north 50.0' to Point of Beginning; Lots 4 and 5, and the east 10' of vacated alley adjoining on west, less beginning at the NE/c of Lot 4, west 22.07, south 45.72' to south line, west 11.50' to point on south line, southwesterly 50.05' to point on south line of Lot 5, east 37.0' to SE/c, north 95.5' on east line of Lots 4 and 5 to Point of Beginning; Lot 20 and the west 10' of vacated alley adjoining on the east; Lot 21 and the west 10' of vacated alley adjoining on the east; Lot 22 and the west 10' of vacated alley adjoining on the east; and Lots 23 and 24 and the west 10' of each vacated for alley adjoining on the east, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15287**

**Action Requested:**

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request a special exception to allow office use in an RM-2 zoned district.

Variance - Section 1211.3 - Use Conditions - Use Unit 1211 - Request a variance of the screening requirement when abutting an "R" District.

Variance - Section 1211.4 - Off-Street Parking and Loading Requirements - Use Unit 1211 - Request a variance of the required 6 parking spaces to 4, located 1638 South Denver.

**Presentation:**

The applicant, **Philip Blough**, 1638 South Denver, Tulsa, Oklahoma, stated that he has recently purchased the property in question, and requested permission to move his law office to the above stated location. He pointed out that there are numerous businesses operating along Denver. Mr. Blough noted that he will continue to live in the house, but will reserve some space for his law practice. He stated that he does not have a secretary or other employees, and that the 100' driveway, along with the detached garage, will provide sufficient parking for his cars, as well as those of his clients. Mr. Blough pointed out that the back yard can be covered with asphalt and supply approximately eight additional parking spaces. A plat of survey (Exhibit G-1) was submitted.

**Comments and Questions:**

Ms. White asked if the law practice will be expanded in the future, and the applicant replied that he could have one additional attorney at this location. He stated that he will not have employees as long as he resides in the house.

Ms. White pointed that all property from 15th Street to 16th Street is zoned OL. She further noted that there are no screening fences in place on any of the properties in the immediate area.

Mr. Gardner advised that the Comprehensive Plan calls for offices, apartments and townhouses within the general area. He also noted that the Plan also calls for the preservation of the residential character of the existing homes, and the special exception allows that to be accomplished, while rezoning would permit the removal of the structures.

**Interested Parties:**

**Rick and Jan Jones**, 1634 South Denver, Tulsa, Oklahoma, stated that they live in the area and are supportive of the application.

Case No. 15287 (continued)

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1211) to allow office use in a RM-2 zoned district; to **APPROVE** a **Variance** (Section 1211.3 - Use Conditions - Use Unit 1211) of the screening requirement when abutting an "R" district; and to **APPROVE** a **Variance** (Section 1211.4 - Off-Street Parking and Loading Requirements - Use Unit 1211) of the required 6 parking spaces to 4, for a period of 2 years only; finding that there are numerous homes in the area that have been converted to offices, and that the granting of the requests will not be detrimental to the area; on the following described property:

Lot 10, Block 5, Stonebraker Heights, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15289**

**Action Requested:**

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1206 - Request a variance to permit two dwelling units on one lot of record, located East of the SE/c of East 54th Street North and North Utica Avenue.

**Presentation:**

The applicant, **Gene Anderson**, Route 2, Box 272, Adair, Oklahoma, stated that there were formerly three dwellings on his property. He explained that he obtained a lot split, which resulted in two dwellings being located on one lot and one dwelling on the remaining lot. Mr. Anderson stated that Health Department approval was conditioned on his ability to obtain the lot split (Exhibit H-1), and the installation of a new septic systems on each property.

**Comments and Questions:**

Ms. Bradley asked if TMAPC has approved the lot split, and the applicant answered in the affirmative.

**Protestants:** None.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1206) to permit two dwelling units on one lot of record; per plan submitted; subject to TMAPC approval of the lot split; finding that there are other tracts in the area with more than one dwelling; on the following described property:

North 320' of Lot 4, Block 5, Grimes Heights II, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15290**

**Action Requested:**

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1202 - Request a special exception to permit a Christmas tree sales lot in a RS-1 zoned district, located 4504 South Harvard.

**Presentation:**

The applicant, **Steve Walker**, 3601 East 70th Street, Tulsa, Oklahoma, requested permission to sell Christmas trees at the above stated location for approximately one month.

**Comments and Questions:**

Ms. White asked the applicant to state the days and hours of operation for the sales lot, and he replied that the lot will be open on weekends, 9:00 a.m. to 9:00 p.m., and Monday through Thursday, 12 noon to 6:00 p.m.

Mr. Jackere asked if lighting will be installed on the lot, and the applicant answered in the affirmative.

Ms. White inquired as to the parking arrangement for the sales operation, and Mr. Walker stated that he plans to spread gravel to accommodate approximately 15 vehicles.

Ms. Bradley asked if a tree sales operation has previously been conducted at this location, and the applicant replied that there was previously a rent house on the property, which has been removed.

In response to Mr. Jackere, the applicant stated that he has permission from the owner, Dr. Paul Summers, to use the lot for Christmas trees sales.

**Protestants:**

**Benjamin Danford**, 4523 South Gary, Tulsa, Oklahoma, stated that he lives around the corner from the property in question, and is concerned with parking in the area where parking is prohibited.

Mr. Jackere advised that the applicant is not responsible for customers parking illegally.

**Jim Saunders** stated that he is counsel for the DMT Medical Building, which is directly across the street from the proposed sales lot. He submitted photographs (Exhibit J-2) and a letter of opposition (Exhibit J-1), and explained that his client is opposed to the application because the proposed business is not in harmony with the existing uses in the area. He pointed out that adequate parking is not available, and the additional traffic generated by the sales lot will have an adverse affect on the surrounding properties.

Case No. 15290 (continued)

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential District - Use Unit 1202) to permit a Christmas tree sales lot in an RS-1 zoned district; finding that the proposed use on this small lot is not compatible with the area, and would violate the spirit and intent of the Code; on the following described property:

That part of Tract 1, Block 3, Villa Grove Park, a subdivision of Tulsa County, State of Oklahoma, according to the recorded plat thereof, being more particularly described as follow, to-wit:

Beginning at the NW/c of Lot 1; thence south along the west line of said Lot 1 to a point 117.6' north of the SW/c of Lot 1; thence east a distance of 75' on a line parallel to and 117.6' distant from the south line of Lot 1; thence north on a line parallel to the west line of Lot 1 to the north line of said Lot 1; thence in a southwesterly direction along said north line of Lot 1 to the point and place of beginning; AND,

That part of Tract 1, Block 3, Villa Grove Park, a subdivision of Tulsa County, State of Oklahoma, according to the recorded plat thereof, being more particularly described as follows, to-wit:

Beginning at the northeasterly corner of Lot 1, thence south along the east line of said lot, a distance of 117'; thence west on a line parallel to and 117.6' distance from the south line of said lot, a distance of 175'; thence in a northerly direction on a line parallel to and 75' distance from the westerly line of said lot, to the intersection with the northerly line thereof; thence in a northeasterly direction along the northerly line of said lot to the northeasterly corner thereof and point and place of beginning, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15291**

**Action Requested:**

Special Exception - Section 1680.1(L) - General - Use Unit 1205 - Request a special exception to permit an accessory residential use on a lot by itself.

Request approval of amended site plan, located SE/c North Hartford and East Queen.

**Comments and Questions:**

Mr. Chappelle stated that he will abstain from hearing the application.

Case No. 15291 (continued)

**Presentation:**

The applicant, **DVIS** (Domestic Violence Intervention Service), was represented by **Terry Young**, 2311 North Elwood, Tulsa, Oklahoma. He informed that there is currently a need for a storage building on the property. He informed that a tie contract (Exhibit K-2) has been executed on the 10 lots owned by the organization. Mr. Young pointed out that the previous approval for the DVIS structure was approved per site plan, and asked that the Board approve the amended plan to allow the addition of the storage facility.

**Comments and Questions:**

Mr. Jones noted that the request for waiver of filing fees for this application was approved at the previous meeting.

**Protestants:** None.

**Board Action:**

On **MOTION** of **FULLER**, the Board voted 4-0-1 (Boizle, Bradley, Fuller, White, "aye"; no "nays"; Chappelle, "abstaining"; none "absent") to **APPROVE** a **Special Exception** (Section 1680.1(L) - General - Use Unit 1205 - to permit an accessory residential use (storage building) on a lot by itself; and to **APPROVE** an **Amended** site plan as submitted; subject to the execution of a tie contract; finding that 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:

Lot 1-10, Block 5, Roosevelt Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15295**

**Action Requested:**

Variance - Section 440.7(A) - Special Exception Uses in Residential Districts, Requirements - Use Unit 1208 - Request a variance of the maximum .5 floor area ratio for an assisted care facility to .52, 2154 South 85th East Avenue.

**Presentation:**

The applicant, **Hamra Construction**, 4512 East 51st, Tulsa, Oklahoma, was represented by **Joe Hamra**, owner of the property in question. He submitted a plot plan (Exhibit L-2) and summary sheet (Exhibit L-1), and explained that he is proposing to construct an addition to the existing Leisure Village Health Care Center.

**Comments and Questions:**

Ms. Hubbard advised that a screening fence is required along the west, south and east property lines. Mr. Hamra stated that it has been determined that screening is not required because of the fact that the abutting property is all a part of Leisure Village. Ms. Hubbard stated that she previously advised Mr. Hamra that a variance of the floor area ratio was needed, a 6' screening fence was to be installed and a revised plot plan was to be approved by the Board. She further noted that the property is subject to a plat.

**Case No. 15295 (continued)**

Mr. Jones stated that he took the application from a representative of Mr. Hamra's business and read the letter from Ms. Hubbard. Mr. Jones stated that he advised him that a variance of the floor area ratio and the screening requirement were needed, and he replied that the screening would be installed, if needed.

Mr. Jackere advised that the only issue that is under application, and can be considered at this time, is the variance of the floor area ratio.

Mr. Hamra stated that, upon completion of the proposed facility, the center will contain a retirement complex, an assisted care complex and a nursing center complex.

**Protestants:** None.

**Board Action:**

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Boizie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 440.7(A) - Special Exception Uses In Residential Districts Requirements - Use Unit 1208) of the maximum .5 floor area ratio for an assisted care facility to .52; per plot plan submitted; on the following described property:

East 352' Tract 2, O'Conner Park, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15296**

**Action Requested:**

Special Exception - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1202 - Request a special exception to allow a post office/mail service in an OL zoned district, located North of NW/c East 21st Street and South Lewis Avenue.

**Presentation:**

The applicant, **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma, submitted a site plan (Exhibit M-1), and stated that he is representing the owner of the subject property. He explained that Mazzio's is located on the corner to the south of the property, with 20th Street forming the north boundary and the YWCA being located further to the north. Mr. Johnsen stated that a post office/mail service is proposed for the subject property, which will provide various types of mail service for the area. It was noted that the proposed building contains 5400 sq ft, with 1200 to 1500 sq ft being utilized for the mail service. Mr. Johnsen stated that the facility is not a US Post Office, but will provide the usual services of a post office, with boxes for rent. He explained that the curb between Mazzio's and the subject property will be removed to provide better access and a smoother traffic flow. Photographs (Exhibit M-2) were submitted.

**Comments and Questions:**

Ms. White inquired as to the days and hours of operation, and Mr. Johnsen replied that the business will be open from 8:30 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 2:00 p.m., Saturday. He pointed out that the peak hour traffic will have diminished by the time the facility opens.

In response to Ms. White, the applicant stated that the business does not have a fleet of trucks, but UPS may make deliveries to this location. He stated that three to five employees will operate the mail service.

**Interested Parties:**

Greg Guerrero, 2223 East 20th Street, Tulsa, Oklahoma, stated that he lives to the west of the YMCA and, due to their lack of parking, there is parking in the street. He pointed out that the problem was much worse before the YMCA began to use the property in question for additional parking.

A representative from the YMCA stated that the current owner of the lot in question has assured the continued use of the lot for parking. She informed that as many as 30 of their patrons park their vehicles in the lot.

Ms. White asked the YMCA representative if any type of parking agreement has been made with the new owner, and she stated that they only have a verbal agreement.

**Applicant's Rebuttal:**

Mr. Johnsen pointed out that it is the intent of his client to allow the YMCA to continue to park on the property; however, there will be no written parking agreement. He reiterated that the tying of the two lots together and the removal of the curb will improve the traffic flow in the area.

**Additional Comments:**

Mr. Gardner pointed out that the property is zoned OL and an office complex could cover 30% of the lot; however, the Board can impose conditions in this situation that would address the concerns of the neighborhood.

Ms. White remarked that the use is compatible with the residential neighborhood.

**Protestants:**

Ms. White stated that the Board has received one letter of protest (Exhibit M-3) from Nancy Davis, 2232 East 19th Street, Tulsa, Oklahoma.

Case No. 15296 (continued)

**Board Action:**

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 610 - Principal Uses Permitted In office Districts - Use Unit 1202) to allow a post office/mail service in an OL zoned district; per plot plan submitted; subject to days and hours of operation being 8:30 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 2:00 p.m., Saturday; finding the use to be compatible with the area, and in harmony with the spirit and intent of the Code; on the following described property:

Lots 1, 2, 3 and 4, Block 11, Woodward Park Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15297**

**Action Requested:**

Variance - Section 420.2(A3) - Accessory Use Conditions - Use Unit 1206 - Request a variance of the required 3' setback from an interior lot line for a detached accessory building to 1.7', located East of NW/c Delaware Avenue and 1st Street.

**Presentation:**

The applicant, **Clifford Stubblefield**, 2735 East 1st Street, Tulsa, Oklahoma, requested permission to construct a new detached garage on the same foundation as the one previously at this location. A plot plan (Exhibit T-1) was submitted.

**Protestants:** None.

**Board Action:**

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 420.2(A3) - Accessory Use Conditions - Use Unit 1206) of the required 3' setback from an interior lot line for a detached accessory building to 1.7'; per plot plan submitted; finding that the garage will be constructed on the existing foundation of the previous structure; on the following described property:

Lot 21, Block 8, East Highlands Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15298**

**Action Requested:**

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts Use Unit 1217 - Request a special exception to allow Use Unit 17 uses.

Variance - Section 330 - Bulk and Area Requirements in the Agriculture District - Request a variance of the required 200' frontage to 177.94' and 142' to permit a lot split, located East of NE/c 71st Street and South Memorial Drive.

**Comments and Questions:**

Mr. Gardner stated that there is an unusual zoning pattern on the property, as there is a portion of land on the southern boundary along 71st Street that is zoned AG. He pointed out that the Planning Commission has approved the lot split, subject to Board approval. He advised that the Board should consider the issues of how the property will be accessed, the location of the garage doors, type of building materials (no metal building), outside storage, etc.

**Presentation:**

The applicant, **Gerrell Beaty**, 1601 Southwest 89th Street, Oklahoma City, Oklahoma, submitted a plot plan (Exhibit N-1) and stated that he is requesting permission to operate a tire store (vehicle repair and services) on the subject property. He explained that the proposed building is 111' long and will be 8' to 9' lower than 71st Street. Mr. Beaty stated that, due to the elevation of 71st Street, motorists traveling on that street will not be able to view the inside of the garage through the doors on the east. He pointed out that there will be no outside storage of materials.

**Additional Comments:**

Mr. Gardner stated that access to the business will be from the ring road, with no access on 71st Street.

Mr. Bolzle asked Mr. Beaty if the building front is facing north, and he answered in the affirmative.

In response to Mr. Gardner, the applicant informed that the building will have a brick veneer exterior.

**Protestants:** None.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts Use Unit 1217) to allow vehicle repair and service only, Use Unit 17; subject to no outside storage of materials; and subject to the building being of masonry exterior; on the following described property:

Commencing at the SW/c of said SW/4 thence due east along the south line of said SW/4 for a distance of 508'; thence due north for a distance of 60.00' to the point of Beginning; thence continuing due

Case No. 15298 (continued)

north for a distance of 170.00'; thence N 19°09'51" E for a distance of 49.94' to a point on a curve; thence on said curve to the left whose radius is 400.00', chord bearing S 80°00'33" E, chord distance of 127.53', for a length of 128.08'; thence due south for a distance of 195.04' to a point on the north right-of-way line of east 71st Street South; thence due west along the said north right-of-way line of East 71st Street South for a distance of 142.00' to the point of beginning, containing 28,625.58 sq ft or 0.6572 acres, more or less, City of Tulsa, Tulsa County, Oklahoma; and to APPROVE a **Variance** (Section 330 - Bulk and Area Requirements in the Agriculture District) of the required 200' frontage to 177.94' and 142' to permit a lot split; per plot plan submitted; since there are other lots in the near vicinity with similar frontages; on the following described property:

SW/4, Section 1, T-18-N, R-13-E, east of the IBM, Tulsa County, Oklahoma, as follows: Commencing at the SW/c of said SW/4; thence due east along the south boundary of said SW/4 for a distance of 330'; thence N 0°03'42" E a distance of 60' to the POB; thence N 0°03'42" E a distance of 270'; thence N 45°01'51" E for a distance of 59.87' to point on a curve; thence on said curve to the left whose radius is 400, chord bearing S 57°54'09" E, chord distance 179.05' for a length of curve of 180.58'; thence S 19°09'51" W for a distance of 49.94'; thence due south for a distance of 170.00' to a point on the north ROW line of East 71st Street South; thence due west along the said North ROW line of east 71st Street South for a distance of 177.94' to the POB, containing 48,141.18 square feet or 1.1052 acres, more or less.

Case No. 15299

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1205 - Request a variance of the required 25' setbacks to 13' on the south property line and to 23' on the east property line to permit an addition to an existing day care, located 4103 South Detroit.

Presentation:

The applicant, **Henry Penix**, 4115 South Detroit, Tulsa, Oklahoma, stated that he resides in the house next door to the existing day care center, and requested permission to construct an addition to the existing center. He stated that the neighbors have been contacted concerning the proposed addition, and they are supportive of the application. The applicant pointed out that sufficient parking spaces are available for employees, and the circular drive provides a safe place for leaving the children and picking them up. A site plan (Exhibit P-1) and location drawing (Exhibit P-2) were submitted.

Comments and Questions:

Ms. Bradley inquired as to the increase in children that will occur after the expansion, and the applicant stated that 32 additional children will be allowed when the construction is complete. Mr. Penix noted that the present enrollment at the day care is 36.

Case No. 15299 (continued)

Ms. White asked the applicant to state the number of employees at the present time, and he replied that there are presently 5 employees, and if operating at full capacity, 8 employees would be required. Mr. Penix stated that a tree can be removed if additional parking spaces are needed.

Ms. Hubbard advised that, based on the total floor area after completion of the new addition, 5 parking spaces will be required.

Protestants:

W. A. Wiedman, 4110 South Detroit, Tulsa, Oklahoma, stated that he is a homeowner in the area, and submitted a petition (Exhibit ) signed by other homeowners in the neighborhood. He pointed out that the Board denied an expansion on the property approximately three years ago. Mr. Wiedman stated that the granting of the variance request would be injurious to the neighborhood, and asked the Board to deny the application.

Applicant's Rebuttal:

Ms. Bradley inquired as to the hardship for this case, and the applicant replied that the hardship is directly related to the children, with better service provided by additional footage for play space and learning rooms.

Mr. Penix stated that Mr. Wiedman does not live in the area, and his property is rented. He pointed out that his own home is next door to the day care center, and that he would not do anything to adversely affect the neighborhood.

Mr. Chappelle asked Mr. Penix if a day care business has been in operation continuously since 1971, and he answered in the affirmative.

Additional Comments:

Ms. White voiced a concern with the expansion of the day care center in the residential neighborhood. She pointed out that the applicant may not increase the number of children to the maximum, but a subsequent owner might make the increase.

Mr. Fuller stated that he has lived in the area, and pointed out that there are multiple uses in the general vicinity.

Mr. Chappelle stated that he is supportive of the application, and pointed out that the lot is unique in that it is larger than the surrounding lots, and the applicant can meet the parking requirements.

Mr. Bolzie stated that he is concerned with doubling the amount of traffic in and out of the neighborhood.

Case No. 15299 (continued)

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 3-2-0 (Bolzie, Bradley, White, "aye"; Chappelle, Fuller, "nay"; no "abstentions"; none "absent") to **DENY** a **Variance** (Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1205) of the required 25' setbacks to 13' on the south property line and to 23' on the east property line to permit an addition to an existing day care; finding that the expansion of the day care would double the traffic and would be detrimental to the neighborhood; on the following described property:

West 146.55' of Lot 1, Block 1, Demorest Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15301**

**Action Requested:**

Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request a variance of the rear yard from 20' to 3', side yard from 5' to 2' and livability space from 4000 sq ft to 3108 sq ft, all to permit an addition to an existing dwelling, located 3520 South Norfolk.

**Presentation:**

The applicant, **Ellen Dean**, 3520 South Norfolk, Tulsa, Oklahoma, stated that construction is proposed to add one room and a garage on the back portion of her property. A plot plan (Exhibit R-2) was submitted.

**Freida Cloud**, spokesman for Ms. Dean, explained that Ms. Dean's husband is currently in the Veteran's Hospital and is confined to a wheelchair; therefore, since the hospital is adding to Mr. Dean's support, certain VA requirements have been set. She pointed out that the surrounding neighbors have been contacted and are supportive of the application. A letter (Exhibit R-1) from the Building Inspector was submitted.

**Comments and Questions:**

Mr. Jones advised that the garage, which will be attached to the rear of the existing home, could be a detached accessory building within 3' of the property lines; however, in this case, it is connected by a breezeway because of VA regulations requiring wheelchair access. He informed that, for this reason, it becomes a part of the principal residential structure and requires greater setbacks.

**Bobby Lovell**, Lovell Construction, stated that he is bidder for the VA construction, and pointed out that the ramp will be attached to the house with screws. He stated that Mr. Dean will not be allowed to reside at this location until the wheelchair ramp is completed.

Case No. 15301 (continued)

**Board Action:**

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Boizle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206) of the rear yard from 20' to 3', side yard from 5' to 2' and livability space from 4000 sq ft to 3108 sq ft, all to permit an addition to an existing dwelling; per plot plan submitted; on the following described property:

N/2, Lot 4, Block 2, Peoria Court, City of Tulsa, Tulsa County, Oklahoma.

**OTHER BUSINESS**

**Case No. 14977**

**Action Requested:**

Detail fence plan review.

**Comments and Questions:**

In review, Mr. Jones stated that the Board heard Case No. 14977 on November 17, 1988, and a variance request was approved, subject to a detail fence plan being approved before installation. He stated that Staff has sent a letter to the interested party that was present at the previous meeting.

**Presentation:**

Bob Lukin submitted a detail fence plan (Exhibit S-1), and stated that he is the contractor for the owner, Mr. Slagle. He presented samples of fencing for Board review and approval.

**Board Action:**

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Boizle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the detail fence plan as submitted; subject to the solid screening fence being constructed of beige corrugated metal fencing material.

There being no further business, the meeting was adjourned at 4:20 p.m.

Date Approved

Nov. 16 1989

Harry A. White  
Chairman