CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 559
Thursday, March 15, 1990, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bolzle	Fuller	Gardner	Jackere, Legal
Bradley		Moore	Department
Chappelle		Richards	Hubbard, Protective
White,			Inspections
Chairman			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, March 13, 1990, at 10:11 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 3-0-1 (Bolzle, Bradley, White, "aye"; no "nays"; Chappelle, "abstaining"; Fuller, "absent") to **APPROVE** the Minutes of March 1, 1990.

UNFINISHED BUSINESS

Case No. 15352

Action Requested:

Variance to permit a 6' overhang of eaves into the front yard - **Section 240.2. Permitted Yard Obstructions** - Use Unit 6, located 6919 East 16th Street.

Comments and Questions:

Mr. Richards informed that the Board denied a previous application to allow an existing carport at the above stated location. He stated that a second application was then filed requesting permission to retain a 6' portion of the carport, as the structure is tied to the beams of the existing house and its removal will require extensive masonry and carpentry work.

Presentation:

The applicant, **Eldred Smith**, 6919 East 16th Street, Tulsa, Oklahoma, stated that he has appealed the previous case to District Court, and asked if this hearing could affect the court case.

Case No. 15352 (continued)

Concerning the hardship for a variance request, Mr. Jackere informed that it is the duty of the Board, according to State law, to grant only the minimal variance necessary to alleviate the hardship. He stated that the original variance request was for a carport, and now the applicant is requesting permission to remove the major portion of the carport, while retaining approximately 6' of the structure. He pointed out that the filing of the second application for less relief might suggest that the original request for greater relief was not actually needed.

After Mr. Jackere's explanation concerning the affect this hearing could have on the pending court case, Mr. Smith requested withdrawal of the application.

Protestants:

Al Kolpek, 6913 East 17th Street, Tulsa, Oklahoma, submitted a packet (Exhibit A-1) containing a location map, petition of protest and several appraiser evaluations. Numerous property owners in the audience signed a petition of protest (Exhibit A-2).

Board Action:

On **MOTION** of **BRADLEY,** the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **WITHDRAW** Case No. 15352, as requested by the applicant.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15396

Action Requested:

Variance of the minimum sign setback requirement from 60' to 44' from the centerline of 21st Street to permit erection of new pole sign - **Section 1221.4 CS District Use Conditions for Business Signs** - Use Unit 21, located 1923 East 21st Street South.

Presentation:

The applicant, **Larry Wald,** was represented by **Sam Carney,** 533 South Rockford, Tulsa, Oklahoma, who requested permission to install a sign at the above stated location. After submitting a site plan (Exhibit B-1), Mr. Carney explained that the sign will be placed east of Wendy's Restaurant, and in front of the St. John's Professional Building. He informed that there are numerous signs in the area that are as close to the centerline of the street as the sign in question.

Comments and Questions:

Ms. Bradley asked if the sign in question will replace an existing sign, and Mr. Carney stated that there was previously a Glass-Nelson sign at this location.

Case No. 15396 (continued)

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** of the minimum sign setback requirement from 60' to 44' from the centerline of 21st Street to permit erection of new pole sign - **Section 1221.4 CS District Use Conditions for Business Signs** - Use Unit 21; per plot plan submitted; finding that there are numerous signs in the area that are as close to the street as the sign in question, and the granting of the variance request will not be detrimental to the area, or violate the spirit, purposes and intent of the Code; on the following described property:

Lots 5 - 12, Block 3, and the south 34.26' of Lot 4, Block 3, and all of Lots 9 - 12, Block 2, and the west 150' of Lot 1, Block 5, and the north 6.61' of the west 150' of Lot 2, Block 5, Reddin Third Addition, and a 137.66' by 159' tract out of Lot 12, Block 3, Reddin Third Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15403

Action Requested:

Variance of the required 100' of lot width to 71' and 87' to permit a lot split - **Section 430.1 BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1306 South 83rd East Avenue.

Presentation:

The applicant, **Jim R. Harp**, 552 South 89th East Avenue, Tulsa, Oklahoma, informed that he owns property which is 258' wide and 297.5' deep. He explained that there are two existing houses on the large lot, and requested that the variance of lot width be approved to allow a lot split (71' and 87' frontages). The applicant pointed out that there is one lot in the area that has a 60' frontage.

Comments and Questions:

Mr. Gardner remarked that both lots comply with the area requirements, but do not have sufficient frontage on a dedicated street to meet the width requirement for two lots.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** of the required 100' lot width to 71' and 87' to permit a lot split - **Section 430.1 BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; finding that

Case No. 15403 (continued)

there are mixed zoning classifications in the area, and lots in the immediate vicinity that are smaller than the lots in question; and finding that the granting of the request will not impair the spirit, purposes and intent of the Code; on the following described property:

Lot 12, Block 3, Forest Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15404

Action Requested:

Minor variance of the front yard setback requirement from 35' to 30' - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located South of East 105th Street South and South Yale Avenue.

Presentation:

The applicant, **Jerry W. Ledford,** 8209 East 63rd Place South, Tulsa, Oklahoma, consulting engineer, submitted a site plan (Exhibit C-1) for the housing project in question. He informed that the area was designated as development sensitive because of water problems, and could have had RS-2 zoning, instead of RS-1, if this condition had not existed. He pointed out that the setback requirement for RS-2 zoned property is 30'. It was noted by Mr. Ledford that the development in question is the second phase of of a three-phase development. He pointed out that the Board approved a similar variance for the first phase of development, and requested that the Board allow them to continue to use the same setback lines as were approved for the original project. Mr. Ledford stated that he was not aware of the new Board policy which recommends a Planned Unit Development when multiple variances are required.

Comments and Questions:

Ms. Bradley asked the applicant if he is requesting a setback for all front yards in Phase II, and he answered in the affirmative.

Mr. Gardner advised that RS-2 zoning would be consistent with the Comprehensive Plan at this location, except for the fact that this area is considered to be a sump area, with overland drainage problems. He informed that consideration is being given to a change in the front yard setback requirement for an RS-1 lot, as most developers have concluded that 35' is excessive for the front yard, and prefer that the additional space be included in the back yard.

Ms. White pointed out that the first phase of the development was completed before the change in policy.

In reply to Ms. Bradley, the applicant stated that the hardship for the variance is the fact that the property would merit an RS-2 zoning classification and a 30' setback by right, except for the sump area designation on the Comprehensive Plan.

Case No. 15404 (continued)

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY,** the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Minor Variance** of the front yard setback requirement from 35' to 30' - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per site plan submitted; finding that the setbacks will be consistent with those granted for Phase I of the project; and finding that the 30' setback would have been allowed by right, except for the sump area designation on the Comprehensive Plan; on the following described property:

A tract of land, being the W/2, NE/4, SW/4, Section 27, T-18-N, R-13-E, of the Indian Base and Meridian, Tulsa County, Oklahoma, said tract being more particularly described as follows:

Beginning at the NW/c of the W/2, NE/4, SW/4, Section 27, T-18-N, R-13-E, of the Indian Base and Meridian, Tulsa County, Oklahoma, said point being also the NE/c of Southern Oaks Estates, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to Plat Number 4742, filed in the records of the Tulsa County Clerk, and also being the SE/c of Country Gentlemen Estates Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to Plat Number 2473, filed in the records of the Tulsa County Clerk; thence N 89°58'31" E along the north line of the NE/4 of the SW/4 of Section 27, a distance of 662.86'; thence S 00°07'29" W a distance of 1321.22' to a point on the south line of the NE/4, SW/4 of Section 27; thence S 89°57'54" W along the south line of the NE/4 of the SW/4 of Section 27, a distance of 663.03' to the SW/c of the NE/4, SW/4 of Section 27, said point being also the SE/c of Southern Oaks Estates; thence N 00°07'55" E along the west line of the NE/4, SW/4 of Section 27 and the east line of southern Oaks Estates a distance of 1321.34' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

The basis of bearing for the tract described above is the record bearing of N 90°00'00" E along the north line of Plat Number 4705 (Camelot Park).

NEW APPLICATIONS

Case No. 15263

Action Requested:

Special Exception to allow for an outdoor Christmas tree sales lot for a period of three years from November 15th to Christmas - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 12, located SE/c 41st Street and Harvard Avenue.

Comments and Questions:

Mr. Richards explained that this case was heard and approved on October 5, 1989; however, it was recently discovered that the entire legal description was not advertised. He informed that the legal description has been corrected and is properly before the Board for consideration.

Presentation:

The applicant, **Bill Manley,** 5401 West Skelly Drive, Tulsa, Oklahoma, a representative of Southwest Nursery, stated that the property in question is located at 41st and Harvard. He informed that the Christmas tree sales lot has been operating at this location for many years.

Comments and Questions:

Mr. Gardner advised that the legal description supplied for the previous hearing did not include all property used as a sales lot. He stated that the legal description has now been amended to include the entire Christmas tree sales area.

Mr. Bolzle asked if additional space has been added to the sales lot, and the applicant replied that there have been no new additions in recent years, and that the legal description previously supplied was probably the first legal that was submitted many years ago.

Board Action:

On **MOTION** of **BRADLEY,** the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** to allow for an outdoor Christmas tree sales lot for a period of three years, from November 15th to Christmas - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 12; finding that the seasonal sales operation has been at the present location for many years, and has proved to be compatible with the area; on the following described property:

Lots 1 and 2, and the west 100' of Lots 25 and 26, and the east 100' of Lot 3, Block 1, Villa Grove Heights One Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15394

Action Requested:

Special Exception to permit a manufactured home in an AG zoned district - **Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 9, located 2517 West 91st Street South.

Presentation:

The applicant, **Ric Poston,** 2517 West 91st Street, Tulsa, Oklahoma, requested permission to install a manufactured home on his land. He explained that there are existing horse training stables on the property which house expensive show horses, and a residence is needed near the stables to allow continuous supervision of the animals. Mr. Poston stated that the property was in a state of disrepair when he purchased it approximately 14 months ago, but continual improvements are being made.

Comments and Questions:

Ms. Bradley asked if the manufactured home will be used as an office, and Mr. Poston stated that the unit will be used as a residence only.

In response to Ms. Bradley, the applicant informed that a septic tank has been installed on the property.

Mr. Gardner asked if the manufactured home is double wide with a pitched roof, and the applicant answered in the affirmative.

Protestants:

Glen Strobel, 2723 West 91st Street, Tulsa, Oklahoma, stated that his land abuts the subject property, and he is opposed to the installation of a mobile home at this location. Mr. Strobel stated that the majority of the homes surrounding the property are in the $200,000 price range. He pointed out that the only access to the proposed location of the manufactured home is an 88' easement along the side of the tract.

Ms. White asked Mr. Strobel if he would object to a manufactured home with a pitched roof, and he replied that the unit would adversely affect the the property values in the property.

Mr. Jackere asked if the manufactured home will be placed on a permanent foundation, and Mr. Poston stated that the 1120 sq ft structure will be supported by piers.

Wendy Moore, 2501 West 91st Street South, Tulsa, Oklahoma, stated that she lives in the area and is protesting the installation of a mobile home at the proposed location.

Following Board discussion, Ms. Bradley stated that she would not be inclined to approve the application without seeing a brochure or photograph of the mobile unit.

Case No. 15394 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **CONTINUE** Case No. 15394 to April 5, 1990, to allow Board members to view the property. Ms. White requested that the applicant supply a brochure or photographs of the manufactured home for Board review.

Case No. 15395

Action Requested:

Variance to permit off-street parking on a lot other than the lot of principal use - **Section 1320.D. GENERAL REQUIREMENTS** - Use Unit 11.

Variance of the required number of parking spaces from 37 to 23 - **Section 1211.4 Off-Street Parking and Loading Requirements** - Use Unit 11.

Variance of the required number of loading berths from 1 to 0 - **Section 1211.4 Off-Street Parking and Loading Requirements** - Use Unit 11, located 1602 South Main Street.

Presentation:

The applicant, **C & R Investments, Inc.**, was represented by **John Rayll**, 1390 East 26th Street, Tulsa, Oklahoma, who submitted a packet (Exhibit D-1) containing a plot plan, history of the property and a letter explaining the variance requests. He stated that, when application was made for a Building Permit, it was discovered that 37 parking spaces are required for the building. Mr. Rayll stated that the building has been continuously used as office space since its construction, with some cosmetic changes being made in 1983 and May of 1984. He informed that the building had 13 parking spaces prior to the Code change, and should be allowed to continue with that number. Mr. Rayll pointed out that the Code does not specifically address parking for law offices, and stated that the business only has 11 employees, three of which are part-time. In reference to a tie contract, Mr. Ryall stated that he is not opposed to the execution of a tie contract between the lot containing the building and one-half of the parking lot adjoining the building. A location map (Exhibit D-2) was submitted.

Comments and Questions:

Ms. Gardner pointed out that the applicant has supplied information to support his statement that the building has consistently been used for office space since its construction. He stated that Mr. Rayll has agreed to supply additional parking spaces for the offices, which is over and above the number that is required if the use is nonconforming.

Case No. 15395 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** to permit off-street parking on a lot other than the lot of principal use - **Section 1320.D. GENERAL REQUIREMENTS** - Use Unit 11; to **APPROVE** a **Variance** of the required number of parking spaces from 37 to 23 - **Section 1211.4 Off-Street Parking and Loading Requirements** - Use Unit 11; to **APPROVE** a **Variance** of the required number of loading berths from 1 to 0 - **Section 1211.4 Off-Street Parking and Loading Requirements** - Use Unit 11; per plot plan submitted; subject to the execution of a tie contract between Lots 3 and 4, and the south half of Lot 2; finding that, although the building has been continuously used for office space since construction, the applicant has provided additional parking on one-half of the abutting parking lot; on the following described property:

Lots 2, 3 and 4, Block 5, Stansbery Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15397

Action Requested:

Variance to permit two-story construction in an OL zoned district - **Section 630. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 11, located north of NE/c 57th Street and Memorial Drive.

Presentation:

The applicant, **C. Terry Stowe, Jr.**, 4709 South 83rd East Avenue, Tulsa, Oklahoma, of the Area Building Company, submitted photographs (Exhibit E-1) and stated that he is representing Ninde Funeral Directors, owners of the property in question. The applicant explained that the rear portion of the tract is approximately 10' lower than the frontage along Memorial Drive, and although some fill is proposed, the entire lot will not be raised to street level. Mr. Stowe requested that a portion of the building be allowed to be two stories, with no windows in the back or sides (north, south or east). A drawing of the proposed building and a plat of survey (Exhibit E-2) were submitted.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** to permit two-story construction in an OL zoned district - **Section 630. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 11; subject to no windows on the north, south or east sides of the building; finding a hardship demonstrated by the extreme slope of the lot (approximately 10' from the street to the rear); and finding that there are other two-story structures in the immediate vicinity; on the following described property:

Case No. 15397 (continued)

A part of the NW/4, SW/4, Section 36, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, Oklahoma, to-wit:

Commencing at the NW/c of said SW/4, thence due east along the north line of said SW/4 a distance of 35.00'; thence S 00°08'25" E and parallel with the west line of said SW/4, a distance of 205.0'; thence due east a distance of 10.00'; thence S 00°08'25" E a distance of 45.00' to the Point of Beginning; thence due east a distance of 332.21'; thence S 44°09'54" W a distance of 0.89'; thence S 34°21'49" W a distance of 479.64'; thence due west a distance of 44.88'; thence N 00°08'25" W a distance of 5.0'; thence due west a distance of 10.0'; thence N 00°08'25" W a distance of 125.0'; thence due west a distance of 5.0'; thence N 00°08'25" W a distance of 266.57' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15398

Action Requested:

Variance of the rear yard setback requirement from 35' to 25' to permit construction of dwellings - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located NE/c 44th Place and Evanston.

Presentation:

The applicant, **John S. Dobbs,** 2635 East 28th Street, Tulsa, Oklahoma, submitted a site plan (Exhibit F-1) and stated that Lots 1, 2 and 3 currently have a 35' setback on both the front and rear property lines. He pointed out that the two setbacks cause the building space on the lots to be too narrow for any type of residential construction.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY,** the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** of the rear yard setback requirement from 35' to 25' to permit construction of dwellings - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; finding a hardship imposed by two street setbacks; and finding that the 35' rear yard setback exceeds the requirement for a typical rear yard in the current Zoning Code; on the following described property:

Lots 1, 2 and 3, Annadale Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15399

Action Requested:

Special Exception to permit office use in an RM-2 District - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 11.

Variance to waive the screening requirement - **Section 1211.3 Use Conditions** - Use Unit 11, located 1441 South Carson.

Comments and Questions:

Ms. White abstained, and asked Ms. Bradley to chair the hearing of Case No. 15399.

Presentation:

The applicant, **Tim Lannom,** owner of the subject property, was represented by **Charles Norman,** 2900 Mid-Continent Tower, Tulsa, Oklahoma. Mr. Norman submitted photographs (Exhibit G-1) and noted that his client's property is located on Carson Avenue, one block north of 15th Street. He pointed out that the house to the north has been vacant for approximately six years and a law office, which was approved by the Board in 1982, is located in the residence across the street. In reference to structural alterations, Mr. Norman informed that the exterior appearance will remain the same and the office sign will be no larger than 2' by 4'.

Comments and Questions:

Ms. Bradley inquired as to the type of office that will be in operation at this location, and Mr. Norman informed that a chiropractic medical office is proposed.

In response to Ms. Bradley's question concerning parking, Mr. Norman stated that 11 parking spaces are available, with access from the street and the alley. She asked if the accessory building to the rear will remain, and Mr. Norman informed that this structure is used as a garage apartment and will remain.

Ms. Bradley asked Mr. Gardner if office use will be permitted in all buildings located on the property if this application is approved as requested, and he answered in the affirmative. He further noted that, unless the use is limited to the principal structure, the existing buildings could be replaced with a new building.

Mr. Bolzle asked if the principal structure will be a combined home and office, and Mr. Norman replied that the building will be restricted to office use only.

Mr. Bolzle voiced a concern with parking in front of the house, as well as the amount of traffic that could be generated by the medical practice.

Case No. 15399 (contnued)

Mr. Jackere advised that, if the Board is inclined to approve the application, screening will be required on the north, south and west property lines.

Mr. Gardner pointed out that, although the area has developed single-family, it is zoned for apartments, which would allow parking in the front by right.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-1 (Bolzle, Bradley, Chappelle, "aye"; no "nays"; White, "abstaining"; Fuller, "absent") to **APPROVE** a **Special Exception** to permit office use in an RM-2 District - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 11; and to **APPROVE** a **Variance** to waive the screening requirement on the west and south boundary lines - **Section 1211.3 Use Conditions** - Use Unit 11; subject to the structure retaining its residential character, and the principal building only being used for office space; subject to screening being installed on the north boundary; and subject to signage being limited to one unlighted sign 2' by 4'; finding that office use is existing in the area; and finding that screening on the front portion of the lot would destroy the residential character of the neighborhood; and finding that the granting of the reguests, per imposed conditions, will not alter the residential character of the neighborhood, or violate the spirit, purposes and intent of the Code or the Comprehensive Plan; on the following described property:

Lot 35, Block 2, Carlton Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15400

Action Requested:

Variance of the maximum square footage allowed for detached accessory buildings within the rear yard from 750 sq ft - **Section 240. YARDS** - Use Unit 6.

Variance to allow a detached accessory building to be erected in the side yard - **Section 420. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6.

Appeal from the decision of the Tulsa zoning officer for refusing to issue a zoning clearance permit - **Section 1650. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** and **Section 1660. INTERPRETATION**, located 1550 East 27th Street.

Case No. 15400 (continued)

Presentation:

The applicant, **William A. Stoskopf,** 1717 South Boulder, Tulsa, Oklahoma, requested by letter (Exhibit H-1) that Case No. 15400 be withdrawn, as he is no longer in need of the relief requested.

Board Action:

On **MOTION** of **BOLZLE,** the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **WITHDRAW** Case No. 15400, as requested by the applicant.

Case No. 15401

Action Requested:

Variance to permit a detached accessory building in the side yard - **Section 420.2.A2 ACCESSORY USE CONDITIONS** - Use Unit 6.

Variance of the required 20' setback from the west property line to 0' to permit the construction of a detached accessory building - **SECTION 430.1 BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located NE/c of west 38th Street South and South 31st West Avenue.

Presentation:

The applicant, **Delphine Harris,** 2923 West 38th Street, Tulsa, Oklahoma, requested that Case No. 15401 be continued to April 5, 1990, due to a death in the family.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY,** the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **CONTINUE** Case No. 15401 to April 5, 1990, as requested by the applicant.

Case No. 15402

Action Requested:

Variance of the required 20' setback on the north property line to 14' to permit construction of an attached garage - **Section 430.1 BULK AND AREA REQUIREMENT IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 5202 South Atlanta Avenue.

Presentation:

The applicant, **Loren E. Beaver,** 5205 South Atlanta, Tulsa, Oklahoma, submitted a site plan (Exhibit J-1) for a proposed garage, which will be attached to an existing dwelling. Mr. Beaver stated that the house in located on a corner lot, and was constructed prior to the current setback requirement.

Case No. 15402 (continued)

Comments and Questions:

Ms. Bradley asked if the proposed garage will align with the existing house, and the applicant answered in the affirmative.

Board Action:

On **MOTION** of **BRADLEY,** the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** of the required 20' setback on the north property line to 14' to permit construction of an attached garage - **Section 430.1 BULK AND AREA REQUIREMENT IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding a hardship imposed on the applicant by the corner lot location, and the fact that the house was constructed prior to the adoption of the current Zoning Code; and finding that the new addition will align with the existing dwelling, and the granting of the variance 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:

Lot 1, Block 4, Columbia Terrace 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15405

Action Requested:

Variance to allow parking spaces located within major street plan and to be within 30' of the centerline of East 15th Street - **Section 280. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 12.

Special Exception to modify the parking requirements when changing use to a restaurant - **Section 1470.c. PARKING, LOADING AND SCREENING NONCONFORMITIES** - Use Unit 12, located 1503 East 15th Street.

Presentation:

The applicant, **Roy Johnsen,** 324 Main Mall, Tulsa, Oklahoma, requested by letter (Exhibit K-1) that Case No. 15405 be withdrawn.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE,** the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **WITHDRAW** Case No. 15405, as requested by the applicant.

Case No. 15406

Action Requested:

Variance of the bulk and area requirements in an RS-3 zoned district (previous Case No. CDP-78) - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located east of South 129th East Avenue and South of East 28th Street South.

Presentation:

The applicant, **Jerry Ledford,** 8209 East 63rd Place South, Tulsa, Oklahoma, requested permission to continue development of the housing project, per conditions previously imposed. A plat of survey (Exhibit L-1) was submitted.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE,** the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** of the bulk and area requirements in an RS-3 zoned district (previous Case No. CDP-78) - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per original site plan and CDP text submitted; subject to the following conditions:

1. One and one-half parking spaces be provided for each dwelling unit in Areas 1, 2 and 3 designated on the plot plan.

2. No two-story development be permitted within the east 50' of Area 1 and the south 50' of Area 2, and further provided that a 20' minimum yard be maintained along these same areas.

3. The amount of internal separation between multifamily units be determined by the City Building and Fire Code.

4. That any other use in Areas 1, 2 and 3, other than those provided for in the CDP text, be prohibited. A possible church site could be provided, with the appropriate number of housing units being deducted (based on the size of the church site) from the total 237 units afforded under the previous U-IC zoning.

5. The total number of multifamily units in Areas 1, 2 and 3 must not exceed 129.

Lots 18, 20-28, 30, 34-43, 45, 47-48 and 66, Block 2, Tamarac Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15407

Action Requested:

Variance of the maximum floor area permitted for detached accessory buildings from 750 sq ft to 783.87 sq ft - **Section 240. YARDS** - Use Unit 6.

Variance of the 20% rear yard coverage allowed to permit the renovation of a nonconforming use - **Section 240. YARDS** - Use Unit 6, located 3407 East Admiral Court.

Presentation:

The applicant, **Matthew Brown,** 7123 East Ute, Tulsa, Oklahoma, submitted a site plan (Exhibit M-1), and explained that he purchased the abandoned property with the intent of renovating the house for use as his primary residence. Mr. Brown pointed that the existing garage is larger than the current Code permits, and asked the Board to approve the variance, which would allow him to proceed with the renovation process.

Comments and Questions:

Mr. Jackere requested that Staff clarify the request for the renovation of a non-conforming use. Mr. Gardner stated that the portion of the application requesting renovation of a non-conforming use should be eliminated; however, the applicant is in need of the variance of the 20% rear yard coverage for an existing use.

Interested Parties:

Jerry Gabbert, 3403 East Admiral Court, Tulsa, Oklahoma, spoke in support of the application. He pointed out that the property in question was in disrepair and the renovation project will be an improvement to the neighborhood.

Several individuals in the audience indicated support of the application, but did not address the Board.

Board Action:

On **MOTION** of **BRADLEY,** the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** of the maximum floor area permitted for detached accessory buildings from 750 sq ft to 783.87 sq ft - **Section 240. YARDS** - Use Unit 6; and to **APPROVE** a **Variance** of the 20% rear yard coverage allowed to permit the renovation of an existing use - **Section 240. YARDS** - Use Unit 6; per site plan submitted; finding that the accessory building was constructed approximately 30 years ago under previous Zoning Code regulations, and the granting of the request will not be detrimental to the neighborhood; on the following described property:

Lot 7, Block 3, Sequoyah Hills Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15408

Action Requested:

Variance of the required street frontage to permit an 8' by 8' by 8' high ground mounted sign where the street frontage is 0' - **Section 420.2 Accessory Use Conditions** - Use Unit 21, located 4404 South 109th East Avenue.

Presentation:

The applicant, **Drew, Schunk, Case and Associates Properties, Inc.,** 7625 East 51st Street, Tulsa, Oklahoma, was represented by **Diane Hufford,** Manager of Tower Crossing Apartments. Ms. Hufford submitted a sign plan and location map (Exhibit N-1), and noted that the apartment complex is separated from Highway 169 by a large detention facility. She asked the Board to allow the sign to be located to the rear of the tract, and away from the street frontage, to allow visibility from Highway 169. Ms. Hufford pointed out that the location of the complex severely limits its exposure to the public.

Protestants: None.

Comments and Questions:

Mr. Jackere stated he does not believe that the intention of the provision, which allows a sign to be erected on each perimeter street frontage in a multi-family development, is a mandatory requirement. He informed that he and Ms. Hubbard consider this provision when making calculations as to the amount of signage.

Mr. Gardner advised that, if a complex has two street frontages and is allowed to locate the signs anywhere on that lot, all signage could be placed on one street. He pointed out that any signage permitted on a street frontage should have some relationship to the street.

Board Action:

On **MOTION** of **CHAPPELLE,** the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** of the required street frontage to permit an 8' by 8' by 8' high ground mounted sign where the street frontage is 0' - **Section 420.2 Accessory Use Conditions** - Use Unit 21; per sign plan submitted; finding that the property in question is separated from the street that would provide the greatest amount of exposure by a large detention pond; and finding that the approval of the variance request will not be detrimental to the area; on the following described property:

Case No. 15408 (continued)

A tract of land in the City of Tulsa, situated in the S/2, NE/4, Section 30, T-19-N, R-14-E of the Indian Base and Meridian in Tulsa County, Oklahoma, said tract being wholly contained in Lot 3, Block 2, Towne Centre II. Beginning at the NE/c of Lot 2, Block 2; thence N 51°22'31" W a distance of 115.24' to the Point of Beginning, said point being on the easterly boundary of Lot 3; thence N 51°22'31" W a distance of 89.68'; thence northwesterly along a curve to the right, with a radius of 651.73', a distance of 2.32'; thence S 38°48'42" W a distance of 21.10'; thence southeasterly along a curve to the right, with a radius of 482.98', a distance of 94.15'; thence N 37°00'03" E a distance of 2.50', to the Point of Beginning, said tract containing 942.3 sq ft, or 0.022 acres, more or less,

AND

A tract of land in the City of Tulsa, situated in the S/2, NE/4, Section 30, T-19-N, R-14-E of the Indian Base and Meridian in Tulsa County, Oklahoma, said tract being wholly contained in Lot 3, Block 2, Towne Centre II. Beginning at the NE/c of Lot 2, Block 2; thence N 51°22'31" W a distance of 66.13' to the Point of Beginning, said point being on the easterly boundary of Lot 3; thence N 51°22'31" W a distance of 49.11'; thence S 37°00'03" W a distance of 2.50'; thence southeasterly along a curve to the right, with a radius of 482.98', a distance of 49.12', to the Point of Beginning, said tract containing 40.8 sq ft, or 0.001 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15409

Action Requested:

Variance of the minimum lot area from 2 acres to 1.15 acres to permit a lot-split - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 4.

Special Exception to permit construction of a public utility facility (sewage lift station) in an Agriculture District - **Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 4, located 12136 South Sheridan Road.

Presentation:

The applicant, **City of Tulsa,** was represented by **Felix Belanger,** 2317 South Jackson, Tulsa, Oklahoma, who informed that the City has purchased a 1.15-acre tract of land in an AG zoned district for the purpose of constructing a lift station. He informed that the lift station will pump waste water from the proposed location at 121st Street and Sheridan Avenue to Haikey Creek Treatment Plant at 151st Street and Garnett. Mr. Belanger stated that 1.15 acres is sufficient space to construct the facility, and asked the Board to grant a variance of the minimum lot area of two acres.

Case No. 15409 (continued)

Comments and Questions:

Mr. Gardner pointed out that the Code does not make a distinction between a two-acre lot for a residence and a plot of land that the City might need for the construction of a public facility.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** of the minimum lot area from 2 acres to 1.15 acres to permit a lot-split - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 4; and to **APPROVE** a **Special Exception** to permit construction of a public utility facility (sewage lift station) in an Agriculture District - **Section 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 4; finding a hardship imposed on the applicant by the fact that the Code does not make a distinction between the required lot area for residential purposes and the required lot area for a public facility; on the following described property:

A tract of land containing 1.15 acres, more or less, beginning 1,024.75' south and 24.75' west of the NE/c of Section 3, T-17-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma; thence south 200'; thence west 250'; thence north 200'; thence east 250' to the Point of Beginning.

There being no further business, the meeting was adjourned at 3:05 p.m.

Date Approved April 5, 1990

Harry White

Chairman