CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 564
Thursday, June 7, 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 Wednesday, June 6, 1990, at 9:47 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 **CHAPPELLE**, the Board voted 3-0-1 (Bolzle, Bradley, Chappelle, "aye"; no "nays"; White, "abstaining"; Fuller, "absent") to **APPROVE** the Minutes of May 17, 1990.

UNFINISHED BUSINESS

Case No. 15435

Action Requested:

Variance of the required 10' to 5' side yard setback requirements to 5' and 5' - **Section 403 BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 2515 South Cincinnati Avenue.

Presentation:

The applicant, **Douglas M. Gaither**, was represented by **Rex Rouis**, 5838 South Joplin, Tulsa, Oklahoma, who informed that the lot in question is narrow and the house on the abutting property to the south is approximately 13' from the boundary line. He submitted a plot plan (Exhibit A-5) and explained that a detached garage will be built on the rear portion of the lot, with a porte cochere being located in the space along the south boundary. It was noted by the applicant that the proposed construction will be consistent with the existing homes in the neighborhood, and photographs (Exhibit A-2) were exhibited to substantiate the fact that other porte cocheres are located in the side yards of numerous homes in the area. A location map (Exhibit A-4) and plat of survey (Exhibit A-3) were submitted.

Case No. 15435 (continued)

Comments and Questions:

Ms. Bradley asked if the porte cochere could be reduced in width, and Mr. Rouis replied that the structure would be too narrow to accommodate a car if the width is reduced.

Protestants:

Kevin Kelly, counsel for **James T. Kelly,** 2511 South Cincinnati, Tulsa, Oklahoma, stated that his client is owner of the property to the north of the subject lot. He submitted photographs (Exhibit A-1), and pointed out that Mr. Kelly is protesting the application because the lot is too narrow to accommodate the proposed construction, which would result in a decrease in the aesthetic value of the neighborhood. Mr. Kelly referred to a lot split on the property, and noted that there is more distance between most of the residences in the area than the distance requested in this application.

Ms. White asked Mr. Kelly how long his client has lived at his present address, and he replied that Mr. James Kelly has lived in his home approximately one year. Ms. White informed that the case history does not reflect a lot split on the property.

Mr. Jackere asked Mr. Kelly to state the setbacks on his clients lot, and he informed that the balcony on the south side of the house extends to the property line.

Suzanne Tips, 2519 South Cincinnati, Tulsa, Oklahoma, informed that she has lived to the south of Mr. Gaither's lot since 1966, and is concerned that the proposed construction near the boundary line will be detrimental to property values in the neighborhood. She pointed out that previous owners used the lot in question as a side yard.

Ms. White pointed out that the house will be 13' from the property line, and only the porte cochere will encroach into the required side yard setback.

Ms. Bradley noted that the property was developed prior to the current Code, which now has a different zoning classification for 50' lots, with a 5' side yard setback requirement.

Mr. Gardner informed that the lot is nonconforming as to width and area.

Mr. Rouis remarked that a lot of planning has been done to insure that the proposed construction will be compatible with the surrounding area. In response to Ms. Bradley, he stated that the porte cochere is 11 1/2' square.

Case No. 15435 (continued)

There was discussion concerning the variance request, and Mr. Jackere pointed out that the requested 5' variance has been advertised to the public and cannot be reduced to 3' without readvertising the application. Mr. Rouis requested that the Board act on the 5' side yard request as noted on the agenda.

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 10' to 5' side yard setback requirements to 5' and 5' - **Section 403 BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding that the lot is nonconforming as to width and area, and a 50' residential lot would have a different zoning classified under the current Code, which would allow a 5' side yard setback; finding that numerous structures in the older area are as close to the lot line as the proposed porte cochere; and finding that the granting of the variance request will not violate the spirit, purposes and intent of the Code; on the following described property:

Lot 21, Block 7, Sunset Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15424

Action Requested:

Variance of the required screening when abutting an R zoned district - **Section 1225.3.B Use Conditions** - Use Unit 25, located 1504 West 37th Place.

Presentation:

The applicant, **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma, stated that a setback request was previously approved and the remainder of the application was continued to this date. He informed that the property in question has an IL zoning classification, and abuts the Cherry Creek drainage channel on the east, RS-3 property to the south and an industrial use to the west. Mr. Johnsen explained that the southern residential lots are approximately 330' deep and front on 39th Street. Due to the distance from the dwellings to the back of the lots, he asked that required screening be waived on the south boundary, as well as the boundary abutting the drainage channel. It was noted by Mr. Johnsen that the south lot line is heavily treed, and there are no other screening fences in the area. The applicant pointed out that a blank building wall will be located along the south lot line. Photographs (Exhibit B-1) were submitted.

Comments and Questions:

Mr. Bolzle asked Mr. Johnsen if the trees along the boundary line are located on his client's property, and he replied that they appear to be near the boundary line on both sides of the fence.

Case No. 15424 (continued)

Ms. Bradley inquired as to the type of business that will be operated on the property, and the applicant stated that his client's business deals with the sale and application of concrete sealing materials. In response to Ms. Bradley question concerning outside storage, Mr. Johnsen stated that his client may have a few barrels outside, but has agreed to enclose any outside storage with a screening fence.

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 screening when abutting an R zoned district - **Section 1225.3.B Use Conditions** - Use Unit 25; subject to no outside manufacturing, and all outside storage be located behind the required setbacks and enclosed by a screening fence; finding that the area is in transition to industrial uses, and that the residential area to the east is actually a drainage channel, with no dwellings; and finding the houses to the south are located on long narrow lots fronting 39th Street, approximately 300' from the rear boundary; on the following described property:

Lots 1 - 4 inclusive, Block 4, Interurban Addition, Tulsa County, Oklahoma, according to the recorded plat thereof; less and except, that portion of Lots 1, 2 and 3 described as follows: Beginning at the SE/c of said Lot 1, thence west along the south line of said Lot 1, a distance of 95' to a point; thence in a northwesterly direction to a point 25' south and 30' west of the NE/c of said Lot 3, thence north a distance of 10' to a point: thence on a northwesterly direction to a point, said point being on the north line of said Lot 3, and 46.0' east of the NW/c of said Lot 3, thence east along the north line of said Lot 3, 2 and 1, to the NE/c of said Lot 1, thence south along the east line of said Lot 1, a distance of 330' to the SE/c thereof and place of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15430

Action Requested:

Variance of the minimum front yard setback required from 55' to 25' measured from the centerline of 4th Street - **Section 903 BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICT** - Use Unit 23.

Variance of the minimum side yard setback requirement from 55' to 30' measured from the centerline of Rockford Avenue - **Section 903 BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 23, located 1501 East 4th Place.

Case No. 15430 (continued)

Presentation:

The applicant, **Ted A. Larkin,** 9901 South Sandusky, Tulsa, Oklahoma, submitted a plot plan (Exhibit C-1), and stated that he is representing Southwest Aeroservices. He informed that his client is proposing an expansion to the existing facility, which will align with the buildings currently located along 4th Place and Rockford Avenue.

Comments and Questions:

Ms. Bradley remarked that she has viewed the property, and the construction, as presented by the applicant, will be compatible with the surrounding area.

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 front yard setback required from 55' to 25' measured from the centerline of 4th Street **- Section 903 BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICT** - Use Unit 23; and to **APPROVE** a **Variance** of the minimum side yard setback requirement from 55' to 30' measured from the centerline of Rockford Avenue **- Section 903 BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 23; per plot plan submitted; finding that the proposed construction will align with the existing buildings along 4th Place and Rockford Avenue; and the granting of the variances requests will not be detrimental to the area, or violate the spirit, purposes and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 11 and 12, Block 8, Midway Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15443

Action Requested:

Special Exception and amendment to the site plan to permit the construction, use and occupancy of an addition to the existing building on property approved by the Board in BOA Case No. 12746, August 11, 1983, located 3606 North Cincinnati.

Comments and Questions:

Mr. Chappelle stated that he will abstain from hearing Case No. 15443.

Presentation:

The applicant, **Dennis Curtis,** was represented by **Steve Olsen,** 324 East 3rd Street, Tulsa, Oklahoma, who submitted a site plan (Exhibit D-1) for expansion of the Westview Clinic. He informed that the existing building contains 14,000 sq ft of floor space, and 7100 sq ft, with parking, will be added.

Case No. 15443 (continued)

Additional Comments:

Mr. Gardner informed that the Board has previously approved a plot plan for construction at this location; however, the plan has been significantly altered, which requires Board review and approval.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-1 (Bolzle, Bradley, White, "aye"; no "nays"; Chappelle, "abstaining"; Fuller, "absent") to **APPROVE** a **Special Exception** and **Amendment** to the site plan to permit the construction, use and occupancy of an addition to the existing building on property approved by the Board in BOA Case No. 12746, August 11, 1983; per amended site plan; on the following described property:

A tract of land in the SE/4 of Section 14, T-20-N, R-12-E, Tulsa County, Oklahoma, said tract of land being more particularly described as follows, to-wit: Commencing at the SE/c, SE/4, thence S 88°34'28" W along the south line of said SE/4, a distance of 500.00'; thence N 01°03'10" W a distance of 50.00' to the Point of Beginning of said tract of land; thence continuing N 01°03'10" W a distance of 350.00'; thence N 88°34'28" E a distance of 403.00'; thence S 01°03'10" E a distance of 235.55'; thence S 66°25'23" W a distance of 220.33'; thence S 77°15'53" W a distance of 163.17'; thence S 88°34'28" W for 40.00' to the Point of Beginning of said tract of land.

AND

A tract of land in the SE/4 of Section 14, T-20-N, R-12-E, Tulsa County, Oklahoma, said tract of land being more particularly described as follows, to-wit: Commencing at the SE/c of the SE/4, Section 14; thence S 88°34'28" W along the south line of said SE/4 a distance of 500.00'; thence N 01°03'10" W a distance of 50.00' to the Point of Beginning of said tract of land; thence S 88°34'28" W a distance of 100.00'; thence N 01°03'10" W a distance of 350.00'; thence N 88°34'28" E a distance of 100.00'; thence S 01°03'10" E a distance of 350' to the Point of Beginning of said tract of land, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15457

Action Requested:

Minor Variance of the required 10' and 5' side yards to 8' and 5' to permit the construction of a single-family dwelling - **Section 403.A BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1309 East 27th Street.

Case No. 15457 (continued)

Presentation:

The applicant, **Robert Wright,** 9017 East 63rd Street South, Tulsa, Oklahoma, submitted a plot plan (Exhibit E-1), and explained that he is proposing to construct a dwelling, with an attached garage, on a lot with 50' of street frontage. The applicant stated that he is attempting to complete the construction without disturbing the existing trees.

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 **Minor Variance** of the required 10' and 5' side yards to 8' and 5' to permit the construction of a single-family dwelling - **Section 403.A BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per site plan submitted; finding that the older area was developed prior to the current zoning ordinance, which allows by right a 5' side yard setback on a 50' lot; finding that there are numerous structures in the area with similar setbacks; on the following described property:

Lot 23, Block 1, Sunset View Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15448

Action Requested:

Special Exception to allow a museum in a RS-3 zoned district - **Section 401 PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5.

Variance of the 25' setback from abutting properties to 0'. - **Section 404 SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, Requirements** - Use Unit 5, located 2715 North Peoria.

Presentation:

The applicant, **Ida Willis,** 2715 North Peoria, Tulsa, Oklahoma, was present and requested continued to July 19, 1990. A letter (Exhibit F-1) was submitted by Ms. Willis.

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 **CONTINUE** Case No. 15448 to July 19, 1990, as requested by the applicant.

Case No. 15449

Action Requested:

Variance of the front yard setback requirement measured from the centerline of East 26th Place from 50' to 43' 6", and variance of the side yard setback requirement from 5' to 1' to permit a carport - **Section 403 BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 6781 East 26th Place.

Presentation:

The applicant, **Stan Draayer,** 6781 East 26th Place, Tulsa, Oklahoma, requested that Case No. 15448 be continued to July 5, 1990, due to a medical emergency.

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. 15449 to July 5, 1990, as requested by the applicant.

Case No. 15450

Action Requested:

Special Exception to allow church use in an OL district - **Section 601 PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 5.

Variance of required parking spaces - **Section 1205 USE CONDITIONS** - Use Unit 5, located 7906 East 55th Street.

Presentation:

The applicant, **Fair Havens Church,** was represented by **Brant Morrey,** 1530 South 79th East Avenue, Tulsa, Oklahoma, who submitted a plot plan (Exhibit H-1) and photographs (Exhibit H-2). He explained that the church began in 1988 and experience enough growth that services were moved to the present location; however, he was not sure the building had enough parking to comply with the Zoning Code. After contacting the City, it was determined that the church did not have sufficient parking for the use. Mr. Morrey stated that the church leases approximately 3400 sq ft, with an average attendance of 65, and regular services are held on Sunday, with other services being held on Saturday, Tuesday and Thursday. He asked the Board to approve the use and a variance of the required parking spaces.

Comments and Questions:

Mr. Gardner stated that the sanctuary has approximately 600 sq ft of floor space, which would require 15 parking spaces, and the applicant stated that there are 15 spaces available.

Case No. 15450 (continued)

Mr. Gardner asked if there would ever be a need to increase the size of the sanctuary at this location, and the applicant replied that the existing sanctuary does not contain 600 sq ft of floor space at this time; however, a wall can be removed to increase the size to 600 sq ft. He further noted that there is another business in the building, but that office is not conducting business at the same time the church meets.

Ms. White asked if the other occupant of the building is open during regular office hours, and the applicant answered in the affirmative.

In response to Ms. Bradley, Mr. Gardner stated that the two occupants need approximately two additional spaces to comply with the Code requirements.

Mr. Bolzle inquired as to the length of time the church has been at this location, and the applicant replied that the church moved to the present location approximately two years ago.

Protestants:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** to allow church use in an OL district - **Section 601 PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 5; and to **APPROVE** a **Variance** of required parking spaces - **Section 1205 USE CONDITIONS** - Use Unit 5; per plot plan submitted (maximum chapel space of 600 sq ft); subject to **no** services involving the entire congregation being held between the hours of 8:00 a.m to 5:00 p.m., Monday through Friday; finding that the church has been meeting at this location for two years and has proved to be compatible with the area; and finding that the meeting times for the entire congregation and the regular office hours of the business located in the building do not conflict; on the following described property:

A part of Lots 10 and 11, Block 1 of Memorial Drive Office Park, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the official recorded plat thereof, said part of Lots 10 and 11, Block 1 being more particularly described as follows: Beginning at the NW/c of said Lot 11, Block 1 of Memorial Drive Office Park; thence N 81°43'46" E alone the north line thereof, a distance of 11.42' to a point of curve to the right thence along said curve to the right having a radius of 1670.00', a central angle of 2°45'45", an initial tangent bearing of N 81°43'46" E a distance of 80.52'; thence S 3°45'29" E a distance of 161.75'; thence N 86°14'31" E a distance of 41.00'; thence S 3°45'29" E a distance of 35.01' to a point on the south line of said Lot 10; thence S 59°32'22" W along the south line of said Lot 10 and 11 a distance of 126.69' to the SW/c of said Lot 11; thence N 8°16'14" along the west line of said Lot 11 a distance of 249.16' to the Point of Beginning. Tract A-2 contains 21,189.51 square feet or 0.486 acres, more or less.

Case No. 15451

Action Requested:

Special exception to continue a mobile home as a dwelling in an RM-1 zoned district - **Section 401 PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9.

Variance to continue to allow two dwellings on a single lot of record - **Section 207 ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9.

Variance of the one year time regulation to permanent approval with no time limit - **Section 404 SPECIAL EXCEPTION USES, REQUIREMENTS** - Use Unit 9, located at 6043 East Virgin Street.

Presentation:

The applicant, **Judy C. Campbell**, 6043 East Virgin, Tulsa, Oklahoma, stated that temporary mobile use was previously granted on the property, and asked the Board to allow the mobile home to be located permanently for the caretaker's residence. Ms. Campbell explained that she is operating a boarding home on the large lot and it is necessary that someone live on the premises to maintain the property.

Comments and Questions:

Mr. Gardner remarked that the previous approval was for a two-year period, and the Board should determine if the use should be permitted permanently or for a limited number of years.

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 **Special Exception** to permit a mobile home as a dwelling in an RM-1 zoned district - **Section 401 PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; to **APPROVE** a **Variance** to continue to allow two dwellings on a single lot of record - **Section 207 ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9; and to **APPROVE** a **Variance** of the one year time regulation to five years only - **Section 404 SPECIAL EXCEPTION USES, REQUIREMENTS** - Use Unit 9; finding that the use has proved to be compatible with the surrounding area; on the following described property:

Beginning at the SW/c of the W/2, SW/4, SE/4, NE/4, Section 27, T-20-N, R-13-E, thence 180' north; thence 195' east; thence 180' south; thence 195' west to the place of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15452

Action Requested:

Special Exception to permit construction of a heliport - **Section 701 PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, located at 1010 North Mingo Road.

Presentation:

The applicant, **Doug Drury,** was represented by **Ken Duckworth,** 1010 North Mingo, Tulsa, Oklahoma, who explained that he is affiliated with an environmental company that is in need of a helicopter pad, as they are on call seven days a week to fly to various parts of the country to identify chemicals. He informed that the heliport has been approved by the Federal Aviation Authority (FAA).

Comments and Questions:

Mr. Gardner stated that **Murrel Wilmoth,** INCOG Staff, has informed that the pad has been constructed over septic tank laterals, and the pad must comply with Health Department regulations.

Mr. Duckworth stated that he was not aware of the problem.

Mr. Jackere advised that the Health Department should view the site before construction, as the proposed site may be the only location available on the property. He asked Mr. Duckworth if the business owns a helicopter, and he explained that the company does not own a helicopter, but retains other companies to pick up employees and fly them to a designated location. He stated they fly only company employees, and the pad will not be used for public transportation.

It was the consensus of the Board to continue the application to allow the Health Department to make a determination as to the lateral line layout in connection with the proposed site for the helicopter pad.

Ms. Bradley pointed out that the pad location is very near power lines, and the applicant stated that the power company will place orange balls on the lines, which was an FAA requirement. He stated that the helicopter will enter from the south.

Board Action:

On **MOTION** of **CHAPPELLE,** the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **CONTINUE** Case No. 15452 to June 21, 1990, to allow the Health Department to review the case.

Case No. 15453

Action Requested:

Special exception to permit Use Unit 17 (Automotive and Allied Activities) in a CS District - **Section 701 PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17.

Variance to allow open air storage and display of merchandise within 300' of a Residential District - **Section 1217.C.2 AUTOMOTIVE AND ALLIED ACTIVITIES** - Use Unit 17, located at 718 South Lewis.

Presentation:

The applicant, **Marjorie L. Murry,** 3713 East 30th Street, Tulsa, Oklahoma, stated that she is representing her father, owner of the property in question. She informed that a large concrete building is located on the lot, which has been utilized for automobile repair since construction. Ms. Murry stated that all previous automobile repair work has been conducted inside the building.

Comments and Questions:

Ms. White asked how long it has been since the last automobile repair business operated in the building, and Ms. Murry stated that the last tenant moved out in April of 1990.

In response to Ms. Bradley, the applicant stated that the intended use for the building is any automobile related activity, including sales.

Mr. Gardner pointed out that Use Unit 17 includes many uses, and the Board would be reluctant to permit approval for all uses included in this use unit.

The applicant stated that she is only interested in gaining approval for automotive repair, as this has been the use for many years.

Protestants:

Allen Stewart, 2244 East 7th Street, Tulsa, Oklahoma, stated that the repair shop on the subject property has been operating without Board approval. He informed that cabinets were sold at this location in the past, and the automotive businesses have proved to be detrimental to the area, as cars parked in the street and on the sidewalk. A packet (Exhibit J-1) containing a petition of opposition, a yellow page ad from the phone book and a history of the tract) and photographs (Exhibit J-2) were submitted.

Dave Keener, 2239 East 8th Street, Tulsa, Oklahoma, stated that he has lived at his present address for approximately eight years, and the property in question was used for mattress storage, which generated very little traffic. He pointed out that the two automobile repair shops that have occupied the building have caused a great deal of trouble in the neighborhood. He stated that the street has been used as a testing ground for the repaired automobiles and car repair was performed in the street.

Case No. 15453 (continued)

James Barnes, 2252 East 7th Street, Tulsa, Oklahoma, stated that he has lived in the area since 1960, and the building has been used for a warehouse, as well as car repair and sales during this period.

Tracy Fields, 2244 East 8th Street, Tulsa, Oklahoma, stated that she has observed that the traffic has increased during the times the building has been used for automotive services. She stated that she is not opposed to warehouse use, but is opposed to the traffic generated by the repair business.

Applicant's Rebuttal:

Ms. Murry stated that she is aware that the previous occupant did not properly maintain the lot, and they were asked to move. She informed that there were no complaints when the body shop or the Salvation Army occupied the building.

Board Action:

On **MOTION** of **BRADLEY,** the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **DENY** a **Special Exception** to permit Use Unit 17 (Automotive and Allied Activities) in a CS District - **Section 701 PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; and to **DENY** a **Variance** to allow open air storage and display of merchandise within 300' of a Residential District - **Section 1217.C.2 AUTOMOTIVE AND ALLIED ACTIVITIES** - Use Unit 17; finding that automobile repair and other Use Unit 17 uses are not compatible with the area, and the granting of the requests would violate the spirit and intent of the Code; on the following described property:

Lot 30, Block 6, Hillcrest Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15454

Action Requested:

Variance of the maximum 4' height for a fence in the front yard to 8' - **Section 210.B.3 YARDS** - Use Unit 6, located at 1393 East 26th Place.

Presentation:

The applicant, **Louis W. Bullock,** 1393 East 26th Place, Tulsa, Oklahoma, requested permission to construct a fence up to 8' in height on the front of the house to enclose a side yard where the pool is located. He informed that the property drops approximately 4' and, although a portion of the fence will be 8' tall, it will only be 5' at the western end of the lot. Mr. Bullock pointed out that the fence will be an extension of an 8' fence which encloses the next door neighbors property on the east.

Protestants: None.

Case No. 15454 (continued)

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 maximum 4' height for a fence in the front yard to 8' - **Section 210.B.3 YARDS** - Use Unit 6; per drawing submitted; finding that the fence will join an existing fence to the east and, due to the slope of the lot, will drop to a height of approximately 5' on the west; on the following described property:

That part of Lot 6, Block 12, of the resurvey of Blocks 11, 12 and 19, Terwilleger Heights Addition, being a resubdivision of Lots 1, 2, 3 and 4, Block 10, and all of Blocks 11, 12 and 19, Terwilleger Heights Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows, to-wit:

Beginning at the NW/c of said Lot 6; thence in an easterly direction along the north line of said lot a distance of 37.5' to a point; thence in a southerly direction along a straight line a distance of 140.8' to a point on the south line of said lot, 40' east of the SW/c of said lot; thence in a westerly direction along the south line of said lot a distance of 40' to the SW/c of said lot; thence in a northerly direction along the west line of said lot a distance of 135' to the NW/c of said lot, the point and place of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15455

Action Requested:

Special Exception to permit a home occupation (video service) - **Section 402.A Accessory Uses Permitted - ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, located at 12519 East 25th Street.

Comments and Questions:

Mr. Richards informed that Staff has received five letters (Exhibit L-1) of opposition to the home occupation.

Presentation:

The applicant, **Judy McClain,** 12519 East 25th Street, Tulsa, Oklahoma, was represented by **Curtis McClain,** owner of the business in question. He explained that his video business was started in one room of his home approximately six years ago, which consisted of transferring of film to video. Mr. McClain stated that his business grew and traffic to his home increased; however, since there were other business operating in the neighborhood, he was not aware that there were ordinances governing this type of operation. He stated that, as a result of a complaint from a neighbor and a citation from the City, the business was moved to another location. Mr. McClain assured the Board that he is not requesting permission to move the

Case No. 15455 (continued)

business back to the home, but asked that he be allowed to install a computer terminal. He explained that the terminal would allow him to access the hard drive at his office and run paper from his home in the evenings. It was noted that there will be no deliveries and no clients coming to the residence, and the home address will not be listed in the telephone advertisement section.

Additional Comments:

Mr. Gardner stated that home occupations of this type are under consideration by the Planning Commission and, if the ordinance amendments are passed, businesses that have no customers visiting the residence will be allowed by right.

Ms. Bradley asked what type of equipment will be located in the home, and the applicant replied that he will have a desk, computer terminal and printer in one bedroom.

Protestants:

Bob Porterfield, 12520 East 25th Street, Tulsa, Oklahoma, stated that he lives across the street from the applicant, and the traffic was so congested in the neighborhood that there was not enough parking for the property owners. He informed that the business had employees on the premises and many customers visiting the home. Additional protest letters were submitted.

Mr. Bolzle asked if the parking problem is the major concern of the protestants, and Mr. Porterfield answered in the affirmative. Mr. Bolzle pointed out that the applicant has stated that there will be no customers visiting the residence, and asked Mr. Porterfield if he would be opposed to the business if this is made a condition of approval. He replied that he does not have a problem with the installation of the computer terminal if the traffic and street parking is not increased in the neighborhood.

Ms. Bradley asked Mr. Porterfield if there has been a traffic problem in the neighborhood since the business in question was moved to another location, and he replied that traffic has not been a problem since the business moved.

Russell Jones, informed that he owns a house at 2437 South 124th, and his renters are contemplating purchase of the property, but are concerned about the home occupation. He stated that one approval of a home occupation in the neighborhood could initiate the filing of applications for other businesses.

Ms. White pointed out to Mr. Jones that each case is considered on its own merit and the approval of one application would not assure the approval of others.

Case No. 15455 (continued)

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 permit a home occupation (video service) - **Section 402.A Accessory Uses Permitted - ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; subject to the installation of a computer terminal and printer; and subject to no customers or deliveries coming to the residence; finding that the installation of the computer equipment will not be detrimental to the neighborhood and will not generate additional traffic in the area; on the following described property:

Lot 12, Block 5, Stacey Lynn Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15456

Action Requested:

Special Exception to permit a mobile home as a dwelling - **Section 401 PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9.

Variance of the one year time limit to permanent - **Section 404 SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9.

Variance to permit two dwelling units on a single lot of record - **Section 207 ONE SINGLE FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9, located North of NE/c North Yorktown and East Pine.

Presentation:

The applicant, **Judy Casey,** 1556 North Yorktown, Tulsa, Oklahoma, informed that she lives across the street from the property in question, and explained that the existing house will be repaired and an additional mobile home will be installed for rental purposes. She pointed out that the lot is large enough to accommodate two dwelling units, and probably too large for one renter to maintain. Ms. Casey stated that she purchased the property because the neighborhood is deteriorating and she wanted to be sure the property is properly maintained. A plot plan (Exhibit M-4) and photographs (Exhibit M-1) were submitted by the applicant.

Protestants:

Ms. White informed that one letter and a petition of opposition (Exhibit M-3) were received by the Board.

Ms. Bradley stated that she has viewed the area and there is a large lot in the area that has a mobile home in place, and also has numerous junk cars and other trash littering the property. Ms. Casey reiterated that the deterioration of the neighborhood is the reason for purchasing the lot across the street from her home. She further noted that it has been rumored in the area that a mobile home park is proposed for the property in question, which is the reason for some of the signatures on the petition opposing the application. Ms. Casey submitted a petition of support (Exhibit M-2) signed by area residents.

Case No. 15456 (continued)

Comments and Questions:

Mr. Gardner asked if the lot is served by the city sewer, and she 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 **Special Exception** to permit a mobile home as a dwelling - **Section 401 PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; **DENY** a **Variance** of the one year time limit to permanent - **Section 404 SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9; and **APPROVE** a **Variance** to permit two dwelling units on a single lot of record - **Section 207 ONE SINGLE FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9; subject to the mobile home being skirted and tied down and similar in appearance to the photographs submitted; finding that much of the area is in a deteriorated condition and the temporary mobile home use will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

The south 20' of Lot 7, all of Lot 8, Block 1, Kinloch Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15458

Action Requested:

Variance of the required rear yard setback from 40' to 8' to permit construction of a detached garage - **Section 302.B.1 ACCESSORY USES IN THE AGRICULTURE DISTRICT** - Use Unit 6, located at 9706 East Pine Street.

Presentation:

The applicant, **Clarence Hendrickson,** 9706 East Pine Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit N-1), and requested permission to construct a garage 8' from the rear property line. He informed that there is a dilapidated barn on the lot abutting his property to the rear, with empty lots to the east and west.

Comments and Questions:

Ms. Bradley pointed out that the applicant would not be in need of the requested relief if the property had a residential zoning classification.

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 rear yard setback from 40' to 8' to permit construction of a detached garage - **Section 302.B.1 ACCESSORY USES IN THE AGRICULTURE DISTRICT** - Use Unit 6; per site plan submitted; finding that that the property abuts agriculture uses to the rear; and finding that the construction would be allowed by right if the subject property had a residential zoning classification; on the following described property:

Case No. 15458 (continued)

Beginning 280' east and 50' south of the NW/c Lot 1, thence south 132'; thence east 164.34', thence north 132'; thence west 164.34' to the Point of Beginning, Section 31, T-20-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma

OTHER BUSINESS

Case No. 15298

Action Requested:

Correction of minutes for Case No. 15298 heard on November 2, 1989, to include added legal description.

Comments and Questions:

Mr. Richards stated that this action is to correct a legal description for Case No. 15298. He informed that the applicant submitted a partial legal for the property in question.

Mr. Gardner explained that this application was a request to allow Use Unit 17 on one lot and a variance of the frontage for the two lots involved in the application. Only the legal description for the lot containing the Use Unit 17 use was required to be published since the lot split is a minor variance and requires only mailing of notices to abutting property owners; however, both legals are needed in the minutes.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **CORRECT** the minutes for Case No. 15298 to include the following legal description:

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, City of Tulsa, Tulsa County, Oklahoma.

Election of Officers

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") that the following Board officers continue to serve in their current positions for the upcoming year, June 1990 to June 1991: Sharry White, Chairman; Janet Bradley, Vice-Chairman; Bruce Bolzle, Secretary.

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

Date Approved June 21, 1990

Sharry White
Chairman