CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 577
Thursday, December 20, 1990, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Wednesday, December 19, 1990, at 9:45 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 4-0-1 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; Bradley, "abstaining"; none "absent") to **APPROVE** the Minutes of December 6, 1990.

UNFINISHED BUSINESS

Case No. 15607

Action Requested:

Variance to reduce the lot area requirement from 9000 sq ft to 8500 sq ft; and a variance to reduce the rear yard from 25' to 20' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6. Both variances to permit Lot Split L-17328.

Presentation:

The applicant, **Ted Sack**, 110 South Hartford, Suite 131, Tulsa, Oklahoma, requested that Case No. 15607 be continued to January 8, 1990, to allow further consideration of neighborhood concerns and proposed lot sizes.

Protestants:

A letter of protest (Exhibit A-1), concerning the granting of a variance of the lot area requirement, was received from **Dr. Robert Zoller**, 2700 South Boston Avenue.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 15607 to January 8, 1991, as requested by the applicant.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15610

Action Requested:

Minor Variance of the required rear yard from 35' to 30' to permit the enclosure of an existing patio - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 5824 South 81st East Place.

Presentation:

The applicant, **Bill Donaldson,** PO Box 4770, Tulsa, Oklahoma, submitted a plot plan (Exhibit B-1) and requested permission to enclose an existing patio. Letters of support (Exhibit B-2) from abutting property owners were submitted.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE,** the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Minor Variance** of the required rear yard from 35' to 30' to permit the enclosure of an existing patio - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding that the granting of the variance request will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lot 4, Block 4, Woodland View Park I Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15612

Action Requested:

Minor Variance of the required front yard from 35' to 28' to permit construction of a new dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1615 East 30th Place.

Presentation:

The applicant, **Nancy Bracken,** was represented by **Gary Bracken,** 6772 South Atlanta Place, Tulsa, Oklahoma, who submitted a plot plan (Exhibit C-1) for a proposed dwelling. He pointed out that Crow Creek parallels the northwest corner of the property, and requested a variance of the required front yard setback to allow construction closer to the street, and away from the area subject to erosion.

Case No. 15612 (continued)

Comments and Questions:

In response to Mr. Fuller, Mr. Bracken informed that the lot to the east is vacant and a house in being constructed on the lot to the west.

There was Board discussion concerning other setbacks in the area, and Mr. Bracken informed that the houses across the street have a 25' front yard setback.

Interested Parties:

The Board received a letter (Exhibit C-2) from **Kevin Coutant,** counsel for the property owner to the east of the lot in question. Mr. Coutant stated that his client is not opposed to the construction of the house, per plot plan submitted; however, if any alterations are made to the plan, a continuance is requested.

Board Action:

On **MOTION** of **CHAPPELLE,** the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Minor Variance** of the required front yard from 35' to 28' to permit construction of a new dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding a hardship imposed on the applicant by the location of Crow Creek along the northwest corner of the property; finding that there are other homes in the immediate area that are closer to the street than the proposed construction; and finding that the granting of the request will not be detrimental to the area, or violate the spirit, purposes and intent of the Code; on the following described property:

Lot 6, Block 5, Avalon Place Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15608

Action Requested:

Variance of the sign setback requirements, measured from the centerline of West 51st Street and South Union Avenue, from 50' to 41' on both streets to permit the replacement of an existing nonconforming sign - **Section 1403. NONCONFORMING SIGNS** - Use Unit 21, located 4966 South Union.

Presentation:

The applicant, **Claude Neon Federal,** was represented by **Joe Westervelt,** 901 North Mingo Road, Tulsa, Oklahoma, who submitted a sign plan (Exhibit D-1), and requested that the sign in question be allowed to remain at the present location. He pointed out that the new replacement sign would be in the QuikTrip driveway if installed at the required setback. A photograph (Exhibit D-2) was submitted.

Case No. 15608 (continued)

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the sign setback requirements, measured from the centerline of West 51st Street and South Union Avenue, from 50' to 41' on both streets to permit the replacement of an existing nonconforming sign - **Section 1403. NONCONFORMING SIGNS** - Use Unit 21; per sign plan submitted, and subject to a removal contract; finding that the new sign will replace the nonconforming sign; and finding that, if installed at the required setback, the sign would be located in the driveway of the business; on the following described property:

Lots 5 and 6, Block 2, Greenfield Acres Subdivision in the E/2, E/2, SE/4, Section 27, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15609

Action Requested:

Variance of the required rear yard coverage limitation from 20% to 31% to permit the reconstruction of a detached garage destroyed by fire - **Section 210. YARDS** - Use Unit 6, located 1015 East 19th Street.

Presentation:

The applicant, **Jim Moore**, 1015 East 19th Street, Tulsa, Oklahoma, informed that his garage was destroyed by fire, and requested permission to construct a new one at the same location. He informed that large trees prevent relocation of the garage to another part of the yard. Mr. Moore informed that there are other houses in the area with similar detached garages. A plot plan (Exhibit R-1) was submitted.

Comments and Questions:

Ms. White asked the applicant if the living quarters in the garage will also be replaced, and he replied that they will not be replaced, as the living area in the old garage was only used for storage.

Mr. Gardner asked if the new garage will be more than 40% of the square footage of the house, and Mr. Moore stated that his garage will contain 936 sq ft of floor space, which is less than 40% of the 3600 sq ft house.

Case No. 15609 (continued)

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required rear yard coverage limitation from 20% to 31% to permit the reconstruction of a detached garage destroyed by fire - **Section 210. YARDS** - Use Unit 6; per plot plan submitted; finding that the proposed structure will replace a detached garage previously located on the property; and finding that there are numerous lots in the area that have dwellings and garages that are similar in size, or larger; and finding that 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, or the Comprehensive Plan; on the following described property:

Lots 11 and 12, Block 3, Maple Ridge Addition, and the south 10' of the abutting vacated alley.

Case No. 15611

Action Requested:

Variance of the number of required off-street parking spaces from 21 to 14 to permit construction of a new building and parking lot - **Section 1214.D. Off-Street Parking and Loading Requirements** - Use Unit 14, **Shopping Goods and Services,** located 804 North Sheridan Road.

Presentation:

The applicant, **James Germany,** 834 North Sheridan Road, Tulsa, Oklahoma, submitted a plot plan (Exhibit T-1), and stated that he purchased the property in question to be used in the operation of a pawn shop. He informed that the existing dwelling, along with a proposed metal building, require more than the available parking spaces. He requested that the number of required spaces be reduced from 21 to 14, as the lot used for storage of larger items will be fence and will not be available for parking.

Comments and Questions:

Ms. White suggested that the fenced area could be used for parking during the daytime hours and locked at night.

Mr. Germany informed that only 800 sq ft of the total square footage of the buildings will be accessible to the public.

In response to Ms. White, the applicant stated that the new building will be used for warehouse purposes only.

Case No. 15611 (continued)

Ms. Bradley asked Ms. Hubbard if a hard surface will be required for parking of large equipment on wheels, and she answered in the affirmative.

Ms. Hubbard stated that the new building, if used for storage purposes only, will require one parking space; however, the initial parking requirement was based on two commercial buildings used for commercial purposes.

Mr. Jackere pointed out to Mr. Germany that fewer parking spaces are required if the new building is used for storage purposes only, with no commercial use.

Mr. Germany stated that the new building will be utilized for storage only.

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the number of required off-street parking spaces from 21 to 14 to permit construction of a new building and parking lot - **Section 1214.D. Off-Street Parking and Loading Requirements** - Use Unit 14, **Shopping Goods and Services**; per plot plan submitted; subject to the new 50' by 50' building being used for storage purposes only; subject to no additions to the existing buildings and no buildings being moved to the lot; and subject to pawn shop use only: finding that the new 50' by 50' building will not be used for commercial purposes and will require fewer parking spaces than the existing commercial building; on the following described property:

A tract of land beginning 60' north of the southeast corner of the N/2 of the SE/4 of Section 34, T-20-N, R-13-E of the IBM; thence north 120'; thence west 180'; thence south 120'; thence east 180' to the POB, less the east 50' thereof in the City and County of Tulsa, State of Oklahoma.

Case No. 15613

Action Requested:

Special Exception for the height limitation for a front yard fence from 4' to 8' - **Section 210.B.3 YARDS** - Use Unit 6, located 1599 Swan Drive.

Presentation:

The applicant, **Jean Jensen,** 1599 Swan Drive, Tulsa, Oklahoma, submitted an inspection plat (Exhibit E-5) and photographs (Exhibit E-4), and requested permission to complete an 8' privacy fence along her property line. She informed that the Transportation Department was contacted before construction began, and Mr. Bill French stated that he would view the site, and notify her if there was a problem with the location of the fence. Ms. Jensen pointed out that traffic is moving one way into the neighborhood, and that the fence would not block the view of motorists. A letter from Aaron Fence Company (Exhibit E-3) and a petition of support (Exhibit E-2) were submitted.

Comments and Questions:

Ms. Bradley inquired as to the purpose of the fence, and the applicant stated that her yard abuts Utica Avenue, which is heavily traveled. She pointed out that photographs previously submitted verify the fact that the interior of the home is visible to those vehicles traveling on Utica.

Ms. White stated that she has checked the property, and the partially completed fence does obstruct the view of motorists, as they are forced to move beyond the stop sign in order to see oncoming traffic.

Ms. Jensen pointed out that the boundary line to the property was previously lined with a chain link fence and dense shrubbery.

After discussion, it was the consensus of the Board that Traffic Engineering should determine if the location of the fence causes a traffic hazard for motorists in the area.

Interested Parties:

A letter (Exhibit E-1) requesting that the fence be lower and of open type construction, was received from **Glen and Marvel Nelson,** 1724 South Utica.

Board Action:

On **MOTION** of **CHAPPELLE,** the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** for the height limitation for a front yard fence from 4' to 8' - **Section 210.B.3 YARDS** - Use Unit 6; subjects to applicant acquiring written approval from Traffic Engineering; on the following described property:

Case No. 15613 (continued)

That part of Lots 12 and 13, Block 1, Swan Park, a Subdivision In Tulsa County, State of Oklahoma, according to the recorded Plat No. 204, described as follows: BEGINNING at the northeast corner of Said Lot 13; thence west along the north line of said Lot 13 a distance of 122.7' to a point; thence S 0°23' E a distance of 37' to a point; thence S 48°57' W a distance of 36' to a point; thence S 46° 45' E a distance of 69.1' to a point on the southerly line of Lot 13; thence easterly along the southerly line of said Lot 13 to the southeast corner of said Lot 13 a distance of 136.37' to a point; thence north along the east line of said Lot to the northeast corner thereof to the POB and being located in an RS-3 zoned district, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15614

Action Requested:

Special Exception to permit a detached accessory building on an abutting lot under common ownership - **Section 1608. SPECIAL EXCEPTION** - Use Unit 6, located SW/c King and Jamestown.

Comments and Questions:

Mr. Gardner pointed out that the proposed accessory building will be larger than the principal structure on the property.

Protestants:

Ms. White informed that the Board has received a letter of protest (Exhibit F-1) from **Charles Griffith,** owner of the property at 3509 East King Street. Mr. Griffith stated that the garage in question will be larger than most of the homes in the neighborhood, and voiced a concern that a commercial business might be conducted in the building. He asked that the variance request be denied.

Presentation:

The applicant, **Scott Simmons,** 924 North Jamestown, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-2), and explained that he is proposing to construct a garage large enough to house four vehicles, as he is frequently working out of town. Mr. Simmons stated that he is employed in the construction business and is forced to leave his property unattended for long periods of time. He pointed out that the garage will be located west of the existing house, and to the rear of the property.

Additional Comments:

Ms. Bradley inquired as to the size of the dwelling, and the applicant replied that it contains approximately 1050 sq ft of floor space.

Mr. Fuller asked the applicant if he is proposing to operate a commercial business at this location, and he replied that the garage will be used for storage purposes only.

Case No. 15614 (continued)

In response to Mr. Fuller, the applicant stated that he is not sure of the roof height, but the inside walls of the building will be 8'.

Ms. White asked Mr. Simmons if he would be amenable to the execution of a tie contract on the two lots, and he answered in the affirmative.

Mr. Gardner informed that the protestant, Mr. Griffith, stated that he is concerned that the building will be considerably larger than the other houses or accessory buildings in the neighborhood, and that a business could be conducted at this location.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-1-0 (Bolzle, Chappelle, Fuller, White, "aye"; Bradley, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a detached residential accessory building (garage for the dwelling) on an abutting lot under common ownership - **Section 1608. SPECIAL EXCEPTION** - Use Unit 6; per plot plan; subject to the structure having a pitched roof and 8' building walls; subject to the execution of a tie contract, which prevents selling, mortgaging, or otherwise encumbering one lot separate and independent from the other; subject to the filing of an instrument in the office of the County Clerk, prohibiting the operation of a commercial business of any type; finding that the property consists of two building lots, which can accommodate two structures; on the following described property:

Lots 1 and 2, Block 3, Harvard Hills Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15615

Action Requested:

Appeal of the determination of the Zoning Officer that the care of one, but not more than three, ambulatory elderly persons and associated activities constitutes a Community Group Home - **Section 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL.**

Special Exception to operate a Community Group Home under Use Unit 8, for a maximum of three ambulatory elderly persons - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 8, located 2353 South Delaware Court.

Case No. 15615 (continued)

Presentation:

The applicant, **Brian Curthoys,** 1408 South Denver, Tulsa, Oklahoma, stated that he is representing Opal Vale, who is proposing to operate a Residential Care Home for elderly citizens. He explained that his client will provide care for three elderly ambulatory individuals, one of which is Ms. Vale's mother. The applicant stated that the home is operated under the guidelines of the State Department of Health, and medical care will not be provided at this location; however, one person will dispense all medications, none of which are intravenous.

Comments and Questions:

Ms. Bradley asked if employees will live in the home, and the applicant stated that one person will be employed to work only during the daytime hours.

Mr. Jackere informed that the applicant feels that the use in question is allowed by right, and Ms. Hubbard has asked that the Board make that determination.

Rich Brierre, Deputy Director, INCOG, informed that the applicant was required to obtain a license to operate the home, which requires evidence of proper zoning. He informed that the Zoning Office made the determination that the use was a Community Group Home under Use Unit 8, and the applicant felt that the use should be allowed by right under Use Unit 6. He pointed out that the City is in the process of completing major revisions concerning neighborhood group homes, which will be made to comply with the 1988 Federal Fair Housing Act. Mr. Brierre noted that a home providing care for up to three frail elderly people would not constitute a nursing home (Use Unit 8), but would be similar to a neighborhood group home or a normal family with six members. He pointed out that the spacing requirement of group homes is no longer allowed by federal law.

Mr. Fuller asked Mr. Brierre if the State law finds no difference in the handicapped and the elderly, and he replied that the Federal Fair Housing Act states that these individuals are to be treated the same as any other family.

There was Board discussion concerning the difference between community group homes, residential group homes and nursing homes, and Ms. Hubbard stated that, since a State license is required, she determined the use to be more like a nursing home.

Mr. Brierre pointed out that the elderly living in residential care facilities are ambulatory and do not require the same type of care as residents in nursing homes.

Case No. 15615 (continued)

Mr. Bolzle asked Mr. Jackere if the application, as presented, appears to be for a nursing home, and he stated that the care does not appear to be as intense as that required in a nursing home.

Protestants:

John Rutter, 2340 South Florence, Tulsa, Oklahoma, stated that he is the president of the Triad Homeowners Association, as well as a homeowner near the proposed group home. He informed that there is no opposition to finding the home to be a Neighborhood Group Home (Use Unit 6), but would request a continuance of the application if found to be a Community Group Home (Use Unit 8). A letter requesting a continuance (Exhibit G-1) was submitted.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **REVERSE** the **Decision** of the Zoning Officer that the care of one, but not more than three, ambulatory elderly persons and associated activities constitutes a Community Group Home - **Section 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL;** and as a result of the Board's action, the **Special Exception** to operate a Community Group Home under Use Unit 8 was no longer necessary and became a moot issue.

Case No. 15616

Action Requested:

Special Exception to permit a mobile home as a dwelling - **Section 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9.

Variance of the one year time limit on mobile homes to permanent - **Section 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9, located 6138 West 9th Street.

Presentation:

The applicant, **Eldon Mullanax,** 6138 West 9th Street, Tulsa, Oklahoma, requested permanent installation of a mobile home on his property at the above stated location.

Comments and Questions:

Ms. Hubbard informed that, although mobile home use was previously approved at this location in December of 1989, the mobile home was actually installed approximately one month ago.

Mr. Fuller asked if the mobile home is tied down and skirted, and the applicant stated that the mobile is tied down and skirting will be installed.

Case No. 15616 (continued)

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a mobile home as a dwelling - **Section 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9; and to **APPROVE** a **Variance** of the one year time limit on mobile homes to permanent - **Section 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9; subject to Building Permit and Health Department approval; and subject to skirting being installed; finding that there are other mobile homes in the area, and the granting of the request will not be detrimental to the neighborhood; on the following described property:

The north 155' Lot 7, except east 12.5', Block 6, Lawnwood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15617

Action Requested:

Variance of the required rear yard from 20' to 10' to permit construction of a new sun room - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 7406 South 70th East Court.

Presentation:

The applicant, **Ron Beasley**, 7406 South 70th East Court, Tulsa, Oklahoma, submitted a plot plan (Exhibit J-1), and requested permission to add a sunroom to an existing dwelling. He informed that the irregular shape of the property restricts construction on the lot.

Comments and Questions:

Mr. Gardner asked if the sun room will have glass walls, and the applicant answered in the affirmative.

In response to Ms. Bradley, the applicant stated that a privacy fence is in place on the west boundary.

Mr. Gardner asked if the existing patio has a roof in place at the same location as the roof of the new sun room, and the applicant stated that the patio roof, which has been in place for some time, has the same roofline setback as the new room.

Protestants: None.

Case No. 15617 (continued)

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required rear yard from 20' to 10' to permit construction of a new sun room - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding that the sun room will replace an existing covered patio; and finding a hardship imposed by the placement of the house and the irregular shape of the lot; on the following described property:

Lot 4, Block 1, Valley South Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15618

Action Requested:

Variance of the required front yard from 35' to 25' to permit construction of a new dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2811 East 44th Court.

Presentation:

The applicant, **Richard Holmes**, 5918 East 31st Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit K-1), and stated that the house in question is partially complete and was setback 25' instead of the required 35'. He informed that the steep slope of the land, the irregular shape of the lot and the cul-de-sac location imposed building restrictions which caused the structure to be moved closer to the street. A location map (Exhibit K-2) and photographs (Exhibit K-3) were submitted.

Comments and Questions:

Mr. Fuller inquired as to the setback of houses on abutting lots, and the applicant stated that the lots on either side of the dwelling are vacant, but houses across the street (south) have a 25' setback.

Protestants:

Ms. Richard Burgess, 4247 South Columbia Place, Tulsa, Oklahoma, stated that she is concerned with the development being different from the surrounding area. She pointed out that the house is 75% complete and, since a building permit has not been issued for the construction, it seems that the owner is attempting to circumvent the normal process.

Case No. 15618 (continued)

Additional Comments:

Ms. Hubbard stated that she assumed the lot to be vacant, and was unaware construction was under way.

The applicant stated that a building error was made and he is before the Board to attempt to correct the mistake. He pointed out that his client owns the lot in question, and the developer owns the remaining property in the addition.

In response to Ms. Bradley, the applicant stated that the roof and wall of the house have been completed. He further noted that the property is unique in that the lot is irregular in shape and the land steeply slopes to the rear of the lot.

Mr. Bolzle pointed out that a smaller house could have been constructed on the lot.

Ms. Burgess stated that prior to development a Planned Unit Development (PUD) was filed and denied on the property, and it is her opinion that they have now "back-doored" into a PUD.

There was Board discussion as why the developer got this far along without proper approvals, and as to the possibility of other builders requesting similar setback relief. Mr. Jackere pointed out that they could request similar variances if other lots have sloping yards, and the Board should review the request as though nothing had been built.

Board Action:

On **MOTION** of **FULLER**, the Board voted 3-2-0 (Chappelle, Fuller, White, "aye"; Bolzle, Bradley, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required front yard from 35' to 25' to permit construction of a new dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding a hardship demonstrated by the steep slope on the rear portion of the property, the irregular shape of the lot and the cul-de-sac location; on the following described property:

Lot 6, Annandale Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15619

Action Requested:

Special Exception to permit teaching music lessons as a home occupation - **Section 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 6, located 410 South 120th East Avenue.

Presentation:

The applicant, **Janet Stow**, 410 South 120th East Avenue, Tulsa, Oklahoma, requested permission to teach piano lessons in her home at the above stated location. Ms. Stow stated that she has been teaching music lessons for many years, and will have no more than one student at any given time.

Comments and Questions:

Mr. Fuller inquired as to the days and hours of operation, and the applicant replied that she will teach Monday, Tuesday and Wednesday, 3:30 p.m. to 7:30 p.m., and will have approximately 18 students.

Ms. Bradley asked if recitals will be held at this location, and Ms. Stow stated that there will be no recitals in her home.

Mr. Gardner informed that the Code is in the process of being revised to allow some less intense types of home occupations by right.

In response to Board inquiry concerning opposition to the proposed business, Ms. Stow stated that her neighbor has complained, which may have stemmed from the fact that they are in litigation. concerning another matter.

Protestants:

Letters of protest (Exhibit L-1) were received from **Thomas Holbert, Wanda Holbert, Bob Hawkins, Treva Lacefield** and **Charles Tegeler,** who were concerned with additional traffic in the neighborhood.

Board Action:

On **MOTION** of **FULLER,** the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit teaching music lessons as a home occupation - **Section 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 6; subject to Home Occupation Guidelines; and subject to days and hours of operation being Monday, Tuesday and Wednesday, 3:30 p.m. to 7:30 p.m., no more than one student at any given time and no recitals; finding that the home occupation use is compatible with RS-3 zoning and will not be detrimental to the neighborhood; and finding that parking will not be a problem since each student is given individual instruction and leaves the premises before another student arrives; on the following described property:

Lot 16, Block 23, Western Village III Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15620

Action Requested:

Variance of the required front yard from 25' to 7' to permit the construction of a new attached garage - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 3242 South Braden.

Comments and Questions:

Ms. Bradley informed that she will abstain from hearing Case No. 15620.

Presentation:

The applicant, **Steve Mazur**, 2909 East 76th Place, Tulsa, Oklahoma, submitted a plat of survey (Exhibit M-2), and requested permission to extend a dwelling to include the existing garage and construct a new garage toward the front of the property. He informed that a screened porch to the rear of the house prevents moving the garage to that location.

Protestants:

Tom Dee, 3220 South Braden, Tulsa, Oklahoma, pointed out that the proposed garage will extend further toward the street than other homes on the block, and asked the Board to deny the application.

Comments and Questions:

After discussion, it was the consensus of the Board that the proposed construction will not align with existing dwellings, and that the applicant failed to present a hardship that would warrant the granting of the variance request.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-1 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; Bradley, "abstaining"; none "absent") to **DENY** a **Variance** of the required front yard from 25' to 7' to permit the construction of a new attached garage - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; finding no hardship for the variance request; and finding that the proposed construction would not align with the existing dwellings, and would violate the spirit and intent of the Code; on the following described property:

The south 80' of the East 112.5' of the east 200' of Lot 1, Block 2, Yorkshire Estates Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15621

Action Requested:

Variance of the setback requirement, as measured from the centerline of East 51st Street, from 100' to 42' in order to permit the existing hotel facility and clear title to the property - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 19, located 3131 South 51st Street.

Presentation:

The applicant, **David Forbes,** 7724 South Erie, Tulsa, Oklahoma, submitted a plot plan (Exhibit N-2), and stated that the Flagship Inn has been purchased and will be refurbished and converted to Hampton Inn. He informed that the irregular shape of the lot prevents the proposed additions to the existing building. A plat of survey (Exhibit N-3) and photographs (Exhibit N-1) were submitted.

Comments and Questions:

Mr. Gardner advised that the motel is 50' from 51st Street, with only the canopy extending beyond that point. He pointed out that the building complied with the 50' setback requirement under the terms of the 1967 Zoning Code

Mr. Jackere asked how the existing building will be modified along 51st Street, and the applicant stated that the exterior will be resurfaced, which will move the building closer to the street.

Mr. Gardner pointed out that the previous setback approval on the property was to accommodate the canopy over the gasoline island, and if the requested setback is approved at 42', the entire building could be extended 8' closer to 51st Street.

Mr. Forbes stated that the architect for the project suggested that he request a 42' setback; however, a lesser amount may be satisfactory, as the only exterior changes in the building will be the resurfacing of the exterior of the motel and the removal of the exiting canopy.

After Board discussion, it was determined that a 47' setback would allow more than ample space for resurfacing the motel.

Board Action:

On **MOTION** of **FULLER,** the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the setback requirement, as measured from the centerline of East 51st Street, from 100' to 47' in order to permit resurfacing of the existing hotel facility and clear title to the property - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 19: finding that the building was constructed in compliance with the 1967 Zoning Code requirements; and finding that the extension of the building an additional 3' for resurfacing will not be detrimental to the area; on the following described property:

Case No. 15621 (continued)

All that part of Lots 16, 17 and that Tract marked "Reserved for Park" Block 2, Villa Grove Subdivision, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, lying south of the south R/W line of 51st Street By-Pass (also known as Skelly Drive and Interstate Highway 44) more particularly described as follows, to-wit:

BEGINNING AT A POINT in the south line of said Lot 17, 23.00' from the SE/c thereof; thence south 89°31'00" west along the south lines of said Lots 16 and 17 and that tract marked "Reserved for Park," a distance of 938.45'; thence north 0°29'00" west a distance of 15.00'; thence south 89°31'00" west a distance of 3.17'; thence north 29°33'20" east a distance of 184.82' to a point on the south R/W line of said 51st Street By-Pass 63.08' from the west line of said Lot 16; thence north 89°31'00" east along the south R/W line of said 51st Street By-Pass, a distance of 161.92'; thence south 0°32'34" east a distance of 20.00'; thence north 89°31'00" east a distance of 100.00'; thence south 81°52'55" east a distance of 450.13'; thence south 82°15'39" east a distance of 151.58'; thence north 89°31'00" east a distance of 15.00' to the point where said south R/W line of 51st Street By-Pass intersects the east line of said Lot 17; thence south 0°32'34" east along the east line of said Lot 17 a distance of 43.00'; thence south 44°29'13" west a distance of 32.51' to the POB; City of Tulsa, Tulsa County, Oklahoma.

Case No. 15622

Action Requested:

Variance of the setback requirement, as measured from the centerline of Harvard, from 100' to 82.4' to permit the construction of an addition to the existing building - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 13, located 3901 South Harvard.

Presentation:

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

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 15622 to January 8, 1991, to allow Staff sufficient time to contact the applicant.

Case No. 15623

Action Requested:

Variance of the required number of parking spaces from 263 to 207 to permit a church in an existing shopping center - **Section 1205.D. Off-Street Parking and Loading Requirements** - Use Unit 5, **COMMUNITY SERVICES AND SIMILAR USES**, located 6709-K East 81st Street.

Presentation:

The applicant, **Mike Hopper**, was represented by **Terry Marsh**, 1705 West Twin Oaks, Broken Arrow, Oklahoma, who requested permission to reduce the number of parking spaces required for church use at the above stated location. He explained that the commercial and office uses in the shopping center are closed during the time church services are conducted. Mr. Marsh pointed out that the entire congregation will not meet during regular operating hours of the surrounding businesses.

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required number of parking spaces from 263 to 207 to permit a church in an existing shopping center - **Section 1205.D. Off-Street Parking and Loading Requirements** - Use Unit 5, **COMMUNITY SERVICES AND SIMILAR USES**; subject congregational functions being limited to Monday through Saturday, 6:00 p.m. to 11:00 p.m. and Sunday, 7:00 a.m. to 11:00 p.m.; subject to church sanctuary containing no more than 2112 sq ft; finding that the peak parking periods for businesses in the center will not be the same as those for church services; on the following described property:

> Lot 1, Block 1, Less and Except a tract of land beginning at the northwest corner of Lot 1, Block 1; thence east a distance of 390.32'; thence south a distance of 536.68'; thence west a distance of 360.61'; thence on a curve to the right a distance of 47.11'; thence north a distance of 506.68' to the POB, Lot 1, Block 1, Square One Addition to he City and County of Tulsa, State of Oklahoma, according to the recorded Plat thereof.

There being no further business, the meeting was adjourned at 3:37 p.m.

Date Approved Jan. 8, 1991

Harry White
Chairman

12.20.90:577(19)