

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 593
Tuesday, August 27, 1991, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bolzle, Chairman Chappelle Doverspike Fuller White		Gardner Jones Moore Russell	Jackere, Legal Department Hubbard, Protective Inspections Parnell, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, August 23, 1991, at 2:33 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-2 (Bolzle, Chappelle, Fuller, "aye"; no "nays"; Doverspike, White, "abstaining"; none "absent") to **APPROVE** the Minutes of August 13, 1991.

UNFINISHED BUSINESS

Case No. 15800

Action Requested:

Variance to expand a nonconforming use (parking of various vehicles and equipment) - **Section 1407.A.B.C. Parking, Loading and Screening Nonconformities** - Use Units 6 and 25.

Variance of the required all-weather material to permit parking on a gravel lot - **Section 1303.D Design Standards for Off-Street Parking Areas** - Use Units 6 and 25, located 8160 South Elwood.

Presentation:

The applicant, **Mark Sharp**, 632 West Main, Jenks, Oklahoma, was not present.

Comments and Questions:

Mr. Jones informed that the applicant, **Mark Sharp**, has requested by letter (Exhibit A-1) that the application be continued to allow further negotiations with the protestants.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, Fuller, White "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 15800 to September 10, 1991, as requested by the applicant.

Case No. 15804

Action Requested:

Variance to permit a second story in a detached accessory building - **Section 210.B.5. Permitted Yard Obstructions** - Use Unit 6.

Variance to exceed the maximum permitted 750 sq ft for a detached accessory building to 1120.5 sq ft - **Section 402.B.1.d. Accessory Use Conditions** - Use Unit 6, located 29th Street and Yorktown Avenue.

Presentation:

The applicant, **Jack Givens**, 3800 First National Tower, Tulsa, Oklahoma, counsel for the property owner, submitted a plot plan (Exhibit B-1) and requested permission to construct a two-story building on the subject property. He informed that the proposed structure will be located a few feet further back than the 4300 sq ft dwelling, and will be used as a studio (455 sq ft). In regard to the Staff comments, the applicant stated that he does not see a problem with windows in the upper floor, since the house next door has a window overlooking his clients property. Mr. Givens stated that the owner does not plan to conduct a business at this location or use the facility for rental purposes. He pointed out that the new room will not have a kitchen (Exhibit B-3). In review of a previous action concerning the property, Mr. Givens stated that a lot split was initially approved in error, and his client prepared to removed his existing older home and build a new one. He informed that the lot split was later reversed because of the error, and his client has constructed a dwelling and a detached garage on the tract. Mr. Givens pointed out that there are numerous homes in the area with living quarters above the garage (Exhibit B-6), and asked the Board to approved the application. Photographs (Exhibit B-4) were submitted.

Protestants:

Larry Henry, 1000 Oneok Plaza, Tulsa, Oklahoma, submitted a statement of the protestants position (Exhibit B-5), and informed that he is representing the abutting property owners. He submitted charts depicting the boundaries of the previous lot split (Exhibit B-2)) that was approved in error, and pointed out that actually the owner is still going to have a lot split, because his house is being built on Tract A of the original split. Mr. Henry stated that it is obviously the intent of the owner to build a second home on Tract B. He pointed out that the Code has limitations on the size of an accessory building, and the percentage (20%) of the back yard that can be used for the building. Mr. Henry pointed out that the structure exceeds the percentage allowed if contained on Tract A. He stated that the protestants main concern is the unusual location of the house on the property, and requested that, if approved, the applicant not be allowed to seek a lot split, because Tract B has been utilized to calculate square footage to allow construction on Tract A. He further requested that the proposed dormers on the east and south side of the building be eliminated, and that no commercial use be permitted in the accessory building.

Comments and Questions:

Ms. White stated that she has site checked the subject property and found that the abutting residences have second-story windows overlooking the property in question.

Case No. 15804 (continued)

In response, Mr. Henry pointed out that the windows of the building in question will be 11' from the property line, and the windows on adjacent properties are not that close to the boundary. He informed that Mr. Gaberino, an abutting property owner, disapproves of the fact that the windows of the studio will overlook his bedrooms.

Applicant's Rebuttal:

Mr. Givens informed that the trees screen the windows of Mr. Gaberino's house from the windows of the proposed studio. He pointed out that the second story of the garage is the only issue before the Board at this time, and the lot split is not relevant to the application.

Bob Chitwood, 2108 East 29th Street, Tulsa, Oklahoma, stated that he is not proposing to do anything that is detrimental to the neighborhood and, if it is determined that the south window overlooking John Gaberino's house is a problem, a frosted glass can be installed to block that view and still allow the light to come through.

Additional Comments:

Mr. Gardner informed that the variance regarding the size of the structure is not needed, because the applicant is permitted to have an accessory building which does not cover more than 20% of the required rear yard, or 965 sq ft (entire ground floor is only 667 sq ft). He noted that an accessory building can contain no more than 40 percent of the square footage of the principal structure. He pointed out that it seems that the only relief the applicant needs is a variance to permit a second story over the garage.

Mr. Jackere asked if the proposed building will exceed 40 percent of the floor area of the principal structure, and Mr. Gardner replied that 40 percent of the floor area of the house is 1700 sq ft, and 1120.5 sq ft is requested.

Protestants:

Robert Poe, 2131 East 29th Street, Tulsa, Oklahoma, who lives across the street from the subject property, stated that the owner could have positioned the house anywhere on the large lot, and that the applicant has failed to present a hardship for the variance request. He requested that the application be denied.

Mr. Givens stated that the hardship in this case is the fact that there was confusion in the lot split process, and the owner has been attempting to resolve the situation for approximately two years.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Bolzie, Chappelle, Doverspike, White "aye"; no "nays"; Fuller, "abstaining"; none "absent") to **APPROVE** a **Variance** to permit a second story in a detached accessory building - **Section 210.B.5. Permitted Yard Obstructions** - Use Unit 6; and to **WITHDRAW** a **Variance** to exceed the maximum permitted 750 sq ft for a detached accessory building to 1120.5 sq ft - **Section 402.B.1.d. Accessory Use Conditions** - Use Unit 6; per plot plan and drawings submitted; subject to the

Case No. 15804 (continued)

execution of a covenant stating that the property will not be used for commercial purposes; finding that there are other houses on the large lots in the addition that have two-story accessory buildings, and the granting of the request will not be detrimental to the area; on the following described property:

Lot 5 and that portion of Lot 4 described as follows, to-wit: Beginning at the NW/c Lot 4; thence southeasterly along the northerly line of Lot 4 a distance of 55.0'; thence southerly a distance of 166.02' to a point on the south line of Lot 4; thence westerly along the south line a distance of 53.0' to the SW/c of Lot 4; thence northerly along the westerly line of Lot 4 a distance of 167.59' to the POB. All in Block 13, Forest Hills Addition to the City and County of Tulsa, Oklahoma.

NEW APPLICATIONS

Case No. 15807

Action Requested:

Variance of the yard abutting South Richmond Place from 35' to 30.8', and of the yard abutting East 103rd Street South from 35' to 23.3' to permit an existing dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 10209 South Richmond Place.

Comments and Questions:

Mr. Jones informed that relief is not required on 103rd Street, since the Code permits a 15' side yard setback on a corner lot, or 20' if the garage fronts and has access to that side. He pointed out that the house was constructed over a platted building setback line, but does not violate the Zoning Code.

Presentation:

The applicant, **Thomas Bingham**, PO Box 702705, Tulsa, Oklahoma, stated that the structure was built in 1974, and his client is attempting to clear the title to the property.

Comments and Questions:

Mr. Chappelle asked the applicant if exterior changes are proposed, and she replied that no construction is proposed.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bolzie, Chappelle, Doverspike, Fuller, White "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the yard abutting South Richmond Place from 35' to 30.8' to permit an existing dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per survey submitted; finding that no zoning relief is needed on the 103rd Street side; and finding a hardship imposed on the property owner by the curvature of the street and the irregular shape of the lot; on the following described property:

Lot 19, Block 4, Forest Oaks Addition, City of Tulsa, Tulsa County, Oklahoma.

8.27.91:593(4)

Case No. 15808

Action Requested:

Variance of the maximum permitted one story for a detached accessory building in order to permit two stories - **Section 210.B.5 Permitted Yard Obstructions** - Use Unit 6, located 2732 East 13th Street South.

Presentation:

The applicant, **Clint Allan**, 2732 East 13th Street, Tulsa, Oklahoma, who submitted a plat of survey (Exhibit D-1) and a plot plan (Exhibit D-2), explained that he is proposing to replace an old dilapidated garage, which had a loft, with a new two-car garage. He informed that his wife is a court reporter and uses the storage space for records that must be kept for five years. He stated that the new facility will be used for storage purposes only, and could not be used for rental purposes since it does not have utility hookups, except for electricity. Mr. Allan stated that there will be no windows on the second floor.

Comments and Questions:

Mr. Fuller asked the applicant if he will use the loft area for storage only, and he answered in the affirmative.

In response to Mr. Fuller, Mr. Allan stated that there are numerous two-story structures in the neighborhood.

Mr. Allan stated that the new structure will conform to the plot plan, except the stairway will be relocated to the rear of the building.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bolzie, Chappelle, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the maximum permitted one story for a detached accessory building in order to permit two stories - **Section 210.B.5 Permitted Yard Obstructions** - Use Unit 6; per plot plan submitted, except for the relocation of the stairway to the rear of the structure; subject to no plumbing and no commercial use; finding that the garage will replace an existing garage, and that there are numerous two-story structures in the area; and finding that the granting of the variance request will not be detrimental to the area, or violate the spirit, purpose and intent of the Code; on the following described property:

Lot 5, Block 1, Longview Addition, a Resubdivision of Block 6, Fair Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15809

Action Requested:

Special Exception to waive the screening requirements from an abutting residential zoned district to the north - **Section 1213.C.2. USE CONDITIONS** - Use Unit 13, located 4903 East Admiral Place.

Presentation:

The applicant, QuikTrip, was not represented, and it was the consensus of the Board to continue the application to the next scheduled meeting date.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; "absent") to **CONTINUE** Case No. 15809 to September 10, 1991, due to the absence of the applicant.

Case No. 15810

Action Requested:

Varlance of the front yard requirement, as measured from the centerline of South Louisville Avenue from 55' to 43.25', and of the required 5' side yard to 2' in order to construct a carport - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 3810 South Louisville Avenue.

Presentation:

The applicant, **Wayne Gum**, 4262 East 24th Place, Tulsa, Oklahoma, submitted a plat of survey (Exhibit E-1) and stated that he is the contractor for the proposed construction. He explained that the sidewalk is inside the 5' required side yard setback and if the posts are installed on the outside of the walk they would be in the setback. If the posts are installed inside the walk, the driveway would not be wide enough to accommodate two cars.

Comments and Questions:

Mr. Fuller asked if the driveway is within 2' of the property line, and Mr. Gum answered in the affirmative.

In response to Mr. Bolzle, Mr. Gum stated that his client has not mentioned widening the driveway, but there is a possibility that she could want to enlarge it.

Ms. Hubbard advised that the plans Mr. Gum submitted for the building permit reflected that the carport in question is detached. Mr. Gum stated that the carport will be connected to the existing dwelling.

Mr. Bolzle advised that the area has many carports, although the case report does not reflect that they have had Board approval.

Case No. 15810 (continued)

Mr. Jones stated that only one carport in the immediate area has had Board approval.

Ms. White informed that she has site checked the area, and many homes in the area have carports.

Mr. Gardner pointed out that the neighborhood has a large number of carports, and only about 10' of this 20' carport will extend past the front of the house. He stated that this fact makes the application different from most applications the Board is asked to rule on.

Board Action:

On **MOTION** of FULLER, the Board voted 5-0-0 (Bolzie, Chappelle, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; "absent") to **APPROVE** a **Variance** of the front yard requirement, as measured from the centerline of South Louisville Avenue from 55' to 43.25', and of the required 5' side yard to 2' in order to construct a carport - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plat of survey submitted; finding that only one-half of the carport will extend beyond the front building wall of the home; and finding there are numerous carports in the immediate area, and the granting of the variance request will not be detrimental to the neighborhood; on the following described property:

Lot 8, Block 1, Eisenhower Third Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15811

Action Requested:

Special Exception to permit Use Units 11, 12, 13 and 14 in an IL zoned district - **Section 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Units 11, 12, 13 and 14, located 3332 South Memorial Drive.

Comments and Questions:

Mr. Jones informed that Use Unit 11 appears in the applicant's requests; however, Use Unit 11 is permitted by right in an IL District.

Presentation:

The applicant, **James Boeh**, 12624 Glenwood, Overland Park, Kansas, stated that the property in question is contiguous with commercial uses, and asked that the requested use units be approved for the 10,000 sq ft building. He submitted a copy (Exhibit F-1) of uses that have been deleted from the request.

Comments and Questions:

Mr. Fuller asked why the applicant does not rezone the property, and Mr. Gardner explained that commercial and industrial uses are mixed in many areas. He pointed out that the Board must review each

Case No. 15811 (continued)

application and determine if the use is compatible with the area. He pointed out that activities that are conducted late at night are not always compatible with industrial areas, since there would be individuals coming into the area after all industrial uses are closed. Mr. Gardner stated that the requested use units are consistent with the commercial activities along Memorial Drive.

Protestants:

Mr. Bolzle stated that Staff has received a letter (Exhibit F-2) from Craig Tomlinson, Project Manager for Landmark Land Company, Inc., who requested that broadcasting/recording studios, funeral homes, entertainment or drinking establishments, liquor stores, tobacco stores, pawn shops and gunsmiths be restricted from operating at this location.

Additional Comments:

In response to Mr. Fuller, Mr. Jackere advised that in many applications the applicant can either request rezoning or seek Board of Adjustment relief. He pointed out that it is the prerogative of the applicant to determine which alternative he will pursue, and it is not the Board's job to make suggestions as to the best method.

Mr. Bolzle stated that the application for a special exception gives the Board an opportunity to restrict those uses that would not be compatible with the area.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; "absent") to **APPROVE** a **Special Exception** to permit Use Units 12, 13 and 14 in an IL zoned district - **Section 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Units 12, 13 and 14; excluding bars, dance halls, motion picture theaters, night clubs, taverns, furriers, and pawn shops; finding that the remaining uses in Use Units 12, 13 and 14 are compatible with the area; and finding that there are other commercial uses on lots abutting the subject tract; on the following described property:

Two tracts of land in the SE/4 of the NE/4, Section 23, T-19-N, R-13-E of the IBM, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, more particularly described as follows, to-wit: Beginning 150' south and 50' west of the NE/c of the SE/4 of the NE/4 of said Section thence south and parallel with the east line of said Section 150'; thence west 250'; thence north 150.22'; thence south 89°57'00" east 250' to the POB; and beginning 300' south and 50' west of the NE/c of the SE/4 NE/4 of said Section 23; thence south and parallel with the east line of said section 50'; thence west 250'; thence north 50'; thence east 250' to the POB; City of Tulsa, Tulsa County, Oklahoma.

Case No. 15812

Action Requested:

Variance of the required 20' rear yard to 13', and of the required 10' side yard to 5' to permit an addition to an existing dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6**, located 524 1/2 South 45th West Avenue.

Presentation:

The applicant, **Nathan Rodgers**, 2904 West 40th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit G-1) and explained that he was issued a building permit to replace an 8' by 10' enclosed porch with a new 12' by 20' addition, but was told later by a City Inspector that the footing is encroaching into the required rear and side yards. The applicant pointed out that there are numerous structures in the area that are only 2' from the alley.

Comments and Questions:

Mr. Bolzle asked if the new addition will align with the side wall of the house, and Mr. Rodgers answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required 20' rear yard to 13', and of the required 10' side yard to 5' to permit an addition to an existing dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6**; per plot plan submitted; finding that there are numerous structures in the older area that encroach into the required rear yard; and finding that the new addition will align with the side building wall of the existing dwelling; on the following described property:

Lot 6, Block 12, Verndale Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15813

Action Requested:

Special Exception to permit the extension of country club use by including indoor tennis facility - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5**, located south and east of the SE/c of East 61st Street and South Lewis Avenue.

Presentation:

The applicant, **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma, represented Southern Hills Country Club, and explained that the country club is proposing to construct an indoor tennis facility, which will replace three outdoor courts in the southernmost corner of the complex. He pointed out that no additional tennis courts will be constructed. Mr. Johnsen submitted a plot plan (Exhibit H-1) and

Case No. 15813 (continued)

stated that the existing clubhouse will be connected to the new facility and the architectural design of the two buildings will be similar. He stated that the exterior construction materials of the two structures will also be comparable. Mr. Johnsen advised that the plans have been reviewed by abutting property owners, and there has been no opposition to the proposed construction. He informed that the dimension from the ground to the roof is 20' and the structure is 41' at the highest point.

Comments and Questions:

Mr. Gardner pointed out that the lighted courts will be contained inside the building, which will improve conditions for nearby property owners.

Mr. Bolzle asked if lighting is in place on the practice court in the southeast corner of the subject property, and Mr. Johnsen replied that there are no lights on that court.

In response to Mr. Bolzle, Mr. Johnsen confirmed that the proposed facility will be approximately 90' from the south property line and 120' from the east property line.

Mr. Fuller asked Mr. Johnsen if the driveway and parking lot will be altered, and he replied that there will be a slight alteration in one section of the drive.

Protestants: None.

Board Action:

On **MOTION** of FULLER, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit the extension of country club use by including indoor tennis facility - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5; per plot plan submitted; finding that approval of the special exception request will permit the enclosure of existing tennis courts and reduce unnecessary lighting in the abutting residential neighborhood; on the following described property:

A tract of land that is part of the NE/4 of Section 5, T-18-N, R-13-E, Tulsa County, Oklahoma, said tract being described as follows, to-wit: Beginning at a point, said point being the NE/c of Lot 4 in Block 1 of Vinson Addition to the City of Tulsa, Tulsa County, Oklahoma; thence westerly along the northerly line of said Vinson Addition for 600'; thence northerly and parallel with the easterly line of the W/2 W/2 SE/4 NE/4 of said Section 5 for 600'; thence easterly and parallel to the northerly line of Vinson Addition for 600' to a point on the easterly line of the W/2 W/2 SE/4 NE/4 of Section 5; thence southerly along said easterly line for 600' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15815

Action Requested:

Variance of the maximum permitted one sign fronting South Lewis Avenue to permit two signs, and of the maximum permitted square footage for signage from 67 sq ft to 76.25 sq ft - **Section 602.B.4. SIGNS** - Use Unit 11, located 7306 South Lewis Avenue.

Protestants:

Mr. Jones submitted a letter of protest (Exhibit J-1) from a nearby condominium project.

Presentation:

The applicant, **Family Medical Care Center**, was represented by **Jack Easley**, 5588 South Garnett, Tulsa, Oklahoma, who stated that the variance request is for the benefit of the patients visiting the medical facility. He submitted a photograph (Exhibit J-2), and pointed out that the design of the building makes it very difficult for the patients to locate the front door. He explained that the existing signs on the north and south boundaries of the property are placed at right angles to Lewis Avenue, and motorists on that street can only see the edge of the signs. Mr. Easley informed that the proposed sign will be placed on the small wall, which was built for a sign at the same time the facility was constructed. He stated that the proposed signage will only exceed the permitted amount by 9.3 sq ft.

Comments and Questions:

Mr. Bolzie asked the applicant if a sign plan was submitted, and Mr. Easley replied that he only submitted a photograph.

Interested Parties:

Councilor Richard Pollshuk, stated that he is representing District 8, and residents of that area have requested that the application be denied.

Applicant's Rebuttal:

Mr. Easley advised that the proposed 7' by 2 1/2' sign will be constructed of sandblasted redwood, and will be oval shaped with 23 carat gold lettering.

Mr. Jackere asked the applicant if the other signage on the property is also needed, and he replied that the existing signs list the services available in the clinic.

Ms. White asked if the existing signs will be removed, and the applicant replied that all signage will remain.

In response to Mr. Bolzie, the applicant explained that the building has two entrances and it is difficult for patients to determine which door is the entrance to the medical center.

Mr. Jackere advised that the Code permits directional signs, which could be placed in the parking lot to direct patients to the correct door.

Mr. Bolzie remarked that a hardship is not apparent in this case.

Case No. 15815 (continued)

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-1 (Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; Doverspike, "abstaining"; none "absent") to **DENY** a **Variance** of the maximum permitted one sign fronting South Lewis Avenue to permit two signs, and of the maximum permitted square footage for signage from 67 sq ft to 76.25 sq ft - **Section 602.B.4. SIGNS** - Use Unit 11; finding that the applicant failed to present a hardship for the variance request; and finding that the facility abuts two streets and is permitted to have two signs by right, and that additional signage on the property would be detrimental to the neighborhood, and would violate the spirit and Intent of the Code; on the following described property:

Lot 1, Block 9, Kensington, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15816

Action Requested:

Variance of the required 4000 sq ft of livability space to 3984 sq ft, and a variance of the required 20' rear yard to 11' to permit an addition to a dwelling and a carport connected to an existing garage - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1241 South Oswego.

Presentation:

The applicant, **John Cole**, 1554 East 53rd Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit M-1) for the proposed construction. Mr. Cole explained that he is representing the owner of the subject property, Ms. Brasel, who is confined to a wheelchair and is in need of a covered area between her dwelling and the garage.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bolzie, Chappelle, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required 4000 sq ft of livability space to 3984 sq ft, and a variance of the required 20' rear yard to 11' to permit an addition to a dwelling and a carport connected to an existing garage - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding that the variance of the required livability space would be only 0.4%, and finding that approval 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 17, Block 6, Mayo Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

I-333 - TransVoc, Inc. - Determination of appropriate use unit for TransVoc, Inc.

Comments and Questions:

Mr. Gardner advised that the organization attempted to rezone the property in order to do remodeling, but that request was denied. He informed that they are now considering other options, and have asked that the Board make a determination as to where the use would be classified in the Zoning Code.

Presentation:

Connie Kritzberg, 507 North Atlanta Place, Tulsa, Oklahoma, stated that TransVoc, Inc. is a nonprofit corporation that was organized in 1964, but has vastly changed during the past three or four years. She informed that in 1989 the organization received a federal grant to teach reading to non-readers, and to develop leisure and social skills that are necessary for community survival. A letter (Exhibit K-1) explaining the program was submitted. She stated that a business, Pet Connection, has been started recently. Ms. Kritzberg explained that individuals participating in this program will go to the home and feed pets, take them to the vet, or do other jobs related to pet care. She informed that the organization is not a trade school or manufacturing facility.

Comments and Questions:

Mr. Bolzie asked if the participants in the program live on the premises, and the applicant replied that they do not live on the property.

In response to Mr. Bolzie, the applicant stated that the organization has 29 staff members, and each member only works with one individual.

Mr. Gardner informed that many of the services provided by the organization are community services, which are permitted by exception under Use Unit 5; however, some of the activities could be similar to a Use Unit 15 trade school. He stated that, since the Zoning Code does not address this particular type of training, the Board must determine where the described use should be classified. Mr. Gardner pointed out that Use Unit 15 uses are not permitted at TransVoc's current location.

In response to Mr. Fuller, Mr. Jackere advised that the Board is going to determine where the use will be classified in the use units, and the Zoning Code will determine how the use fits in the neighborhood.

Ms. White stated that the individuals do not work on the premises, such as they do at Sertoma, but are in a teaching program to prepare them to function in the workplace.

Steve Mendenhall, 2164 East 61st Street, Tulsa, Oklahoma, stated that he does volunteer work for the organization, and pointed out that the participants in the program are not taught a trade, but are taught social skills to prepare them to live in the community.

I-333 - TransVoc (continued)

Mr. Jackere noted that a trade school is classified under Use Unit 15.

In response to Mr. Bolzie, the applicant stated that the Pet Connection is a service that is offered away from the building.

Mr. Jackere asked the applicant to describe the principal activities that are conducted on the premises, and the applicant explained that eight staff people work in support employment, ten work in pre-vocational skill training, five are working in academic and leisure, three do basic packaging and work with the thrift shop and one is involved in Pet Connection.

Mr. Jackere inquired as to the type of machinery that is used on the subject property, and the applicant stated that a shrink-wrap machine is used for wrapping, and a hand held stapler and hair dryer are sometimes used. Mr. Jackere stated that the items identified are incidental to the primary function of teaching basic living skills.

After a lengthy discussion, it was the consensus of the Board that the activities that take place at TransVoc, Inc. should be classified under Use Unit 5.

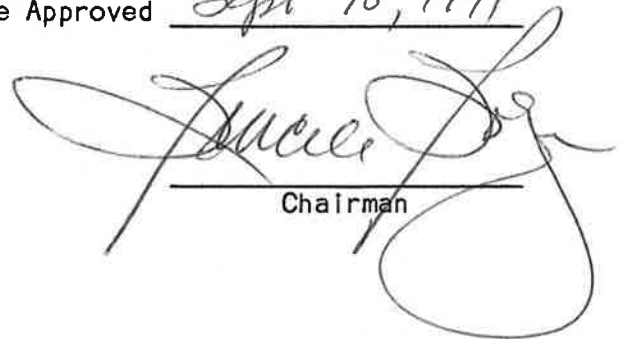
Mr. Bolzie asked if a community service organization is always nonprofit, and Mr. Jackere stated that not all community services are classified as nonprofit organizations.

Board Action:

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bolzie, Chappelle, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **DETERMINE** that the use, as described, should be classified under Use Unit 5.

There being no further business, the meeting was adjourned at 3:20 p.m.

Date Approved Sept 10, 1991


Chairman