

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 601
Tuesday, January 14, 1992, 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	Jackere, Legal Department Hubbard, Protective, Insp. Parnell, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, January 10, 1992, at 1:14 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 **WHITE**, the Board voted 4-0-1 (Bolzle, Doverspike, Fuller, White, "aye"; no "nays"; Chappelle "abstaining"; none "absent") to **APPROVE** the Minutes of December 27, 1991.

UNFINISHED BUSINESS

Case No. 15870

Action Requested:

Special exception to permit Use Unit 5 uses in an RM-3 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, located 6202 East 61st Street.

Presentation:

The applicant, **Skyline Terrace**, was not represented.

Comments and Questions:

Mr. Jones informed that the applicant has requested by letter (Exhibit A-1) that Case No. 15870 be withdrawn.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; Doverspike "abstaining"; none "absent") to **WITHDRAW** Case No. 15870.

Case No. 15893

Action Requested:

Appeal of the decision of an administrative official that industrial equipment and vehicles are being stored on subject property - **Section 1605 APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 13.

Special exception to allow Use Units 2, 5, 6, 7, 7a, 8, 15, 17, 18 and 20 in a CS District - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 13.

Variance of the screening requirement between property zoned commercial and property zoned residential - **Section 1213.C.2. Use Conditions** - Use Unit 13, located 6255 and 6405 East 36th Street North.

Comments and Questions:

Mr. Jones submitted a letter (Exhibit B-1) requesting that Case No. 15893 be continued to January 28, 1992.

Presentation:

Jack Baker, 6405 East 36th Street North, Tulsa, Oklahoma, stated that he had an appointment to discuss the case with Mr. Gardner, however, he was ill and unable to meet with him. He stated that he spoke with Mr. Jones and might be able to work out a solution or correct the error in the Staff comments.

Mr. Jones informed that he and Mr. Stump met with the applicant, and assured him that they were competent to make any changes to the application or case report that were incorrect. He advised that Mr. Baker chose to cancel the meeting with the two of them, and Mr. Jones suggested that the case be heard as scheduled.

Mr. Bolzle asked Mr. Baker if there is additional information that could be supplied if the application is continued, and he replied that he would like to see the law that states that zoning of property can be accomplished by publishing the zoning change in a legal newspaper that he does not subscribe to.

Ms. White stated that the applicant had an opportunity to discuss the application with Staff, and suggested that the case be heard.

Mr. Bolzle asked Mr. Baker to continue with his presentation.

Case No. 15893 (continued)

The applicant asked permission to continue to operate his business at the above stated location. He informed that the area surrounding his property consists of a railroad to the north, Mowhawk Park to the west, vacant airport property to the east, and a state highway to the south. He stated that the equipment stored on his property requires screening, and the mobile, which has a permit (temporary), is determined to be in violation of the Code. He informed that the nearby zoo has similar uses, which have been approved by special exceptions or variances. Mr. Baker stated that he is requesting that he be granted similar relief to that approved for the zoo. The applicant asked that the screening requirement be waived until the abutting residential property is developed. Mr. Baker pointed out that he does not receive notice when there are improvements made to the zoo, park or golf course; however, they are notified of all changes to his property. A letter (Exhibit B-5) from the company that owns the abutting railroad and photographs (Exhibit B-4) of the area were submitted by the applicant.

Comments and Questions:

Mr. Fuller stated that the photographs (Exhibits B-2 and B-3) submitted by the Code Enforcement officer support the claim that industrial equipment and vehicles are being stored on the subject property.

Mr. Bolzle asked the applicant if he stores industrial equipment on the property in question, and he replied that commercially tagged pieces of equipment used in his business are stored on the property. Mr. Baker pointed out that moving the equipment to IL property to the east would make it more visible to the public.

In response to Mr. Bolzle, Mr. Jones advised that a screening fence is required for the existing convenience store, and it was a requirement placed on the property by District Court during an appeal process.

Mr. Baker stated that he constructed the screening fence approximately four years ago, and now Code Enforcement states that the fence has not been properly maintained.

Mr. Jackere asked the applicant if he has maintained the fence since its construction four years ago, and he replied that there are gaps in the fence, which he will repair.

Case No. 15893 (continued)

Board Action:

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bolzle, Chappelle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; none "absent") **UPHOLD** the **Decision** of the administrative official, and **DENY** an **Appeal** of the decision of an administrative official that industrial equipment and vehicles are being stored on subject property - **Section 1605 APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 13; and to **DENY** a **Special exception** to allow Use Units 2, 5, 6, 7, 7a, 8, 15, 17, 18 and 20 in a CS District - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 13; and to **DENY** a **Variance** of the screening requirement between property zoned commercial and property zoned residential - **Section 1213.C.2. Use Conditions** - Use Unit 13; finding that the information supplied by the Code Enforcement officer substantiated the claim that equipment and vehicles are being stored on the property; and finding that the applicant failed to specify intended uses under the 10 requested use units; and finding that District Court previously required that the screening requirement be met; on the following described property:

Lot 1, Block 1, Rebel Run, addition to the City of Tulsa, Tulsa County, Oklahoma. Part of the S/2, SE/4, SE/4, Beginning 100' west SE/c, SE/4, SE/4 thence west to point 556.66' east SW/c, SE/4, SE/4, thence northeast 429.29' northeast 230.99' southeast 99.64' south 167.33' to the Point of Beginning, Section 15, T-20-N, R-13-E, City of Tulsa, Tulsa, County, Oklahoma.

Case No. 15897

Action Requested:

Special exception to permit a mobile home in an RM-2 District - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9.

Variance of the one year time limitation - **Section 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9.

Variance of the required rear yard from 10' to 6', and the east side yard from 10' to 6' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 9.

Variance to permit more than one dwelling per lot of record - **Section 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9, located west of the NW/c Sheridan Avenue and Newton Place..

Case No. 15903 (continued)

After a second telephone call to the sign company, Mr. Jones stated that the applicant advised that he is unable to leave the office to attend the meeting.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bolzle, Chappelle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; none "absent") to **STRIKE** Case No. 15903; finding that the applicant failed to appear at two consecutive meetings.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15913

Action Requested:

Minor Variance of the required 45' setback from the centerline of East 41st Place to 42' to permit the replacement of a garage - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 4128 South 33rd West Avenue.

Presentation:

The applicant, **Joe Hardesty**, 4128 South 33rd West Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit C-1), and requested permission to construct a garage on an existing slab. He stated that the previous garage, which burned, extended 3' into the required setback on East 41st Place.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bolzle, Chappelle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Minor Variance** of the required 45' setback from the centerline of East 41st Place to 42' to permit the replacement of a garage - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding that the proposed garage will replace one that was destroyed, and will be constructed on the existing slab; and finding that granting the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lots 1 - 3, Block 18, Yargee Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No 15897 (continued)

Presentation:

The applicant, **Bill Cousins**, 6323 East Newton Place, Tulsa, Oklahoma, stated that his mobile home was previously approved temporarily at this location; however, the time limitation has expired and he asked that the mobile be permitted to remain permanently.

Comments and Questions:

Mr. Jones informed that the case was previously continued to permit any interested parties to attend the meeting.

Board Action:

MOTION of WHITE, the Board voted 5-0-0 Bolzle, Chappelle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a Special Exception to permit a mobile home in an RM-2 District - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; to **APPROVE** a Variance of the one year time limitation to permanent - **Section 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9; to **APPROVE** a Variance of the required rear yard from 10' to 6', and the east side yard from 10' to 6' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 9; and to **APPROVE** a Variance to permit more than one dwelling per lot of record - **Section 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9; finding that the mobile home has been at the current location for several years and has proved to be compatible with the neighborhood; on the following described property:

Lot 6, Block 2, Exchange Acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15903

Action Requested:

Variance of the required 10' setback from a freeway right-of-way to 6' to permit an existing sign - **Section 1221.C.1 General Use Conditions for Business Signs** - Use Unit 16, located 5108 South Peoria.

Presentation:

The applicant, **Oklahoma Neon**, 6550 East Independence, was not represented.

Comments and Questions:

Mr. Jones stated that the sign company was not represented at the last scheduled meeting, and the case was continued. He informed that he contacted a company spokesman to advised him of the new meeting schedule, and was told that the hearing date had been overlooked.

NEW APPLICATIONS

Case No. 15908

Action Requested:

Variance to expand a nonconforming use - **Section 1402.A. Nonconforming Use of Buildings or Buildings and Land in Combination** - Use Unit 25, located 540 North 87th East Avenue.

Presentation:

The applicant, **John Hemphill**, 540 North 87th East Avenue, Tulsa, Oklahoma, was represented by **Elmer Hemphill**, 1664 South Pecan Place, Broken Arrow, Oklahoma, who informed that the business in question has been in operation at the current location since 1959. He explained that the shop has been a continual operation since that time, and the company has grown to the point that additional office space is needed. Mr. Hemphill submitted a plot plan (Exhibit D-1) for the proposed construction, and stated that 1200 sq ft of office space will be added to the existing 900 sq ft office building.

Comments and Questions:

In response to Mr. Bolzle, Mr. Hemphill informed that Independence Street leads directly into the subject property.

Mr. Gardner informed that the area east of 89th East Avenue is designated residential by the Comprehensive Plan, and the immediate area is a special district.

Mr. Bolzle stated that he site-checked the property and found the major portion of the area to be sparsely developed with older farmhouses.

Mr. Doverspike asked if the use of the new addition will be consistent with that of the existing building, and the applicant answered in the affirmative.

Protestants:

None.

Case No. 15908 (continued)

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 5-0-0 (Bolzle, Chappelle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** to expand a nonconforming use - **Section 1402.A. Nonconforming Use of Buildings or Buildings and Land in Combination** - Use Unit 25; per plot plan submitted; finding that the use has been at this location for many years and has existed in harmony with the neighborhood; and finding that approval of the request will not be injurious to the area or violate the spirit and intent of the Code; on the following described property:

Lot 1, Block 9, Mingo Valley Subdivision No. 1, City of Tulsa, Tulsa County, Oklahoma.

Case No 15909

Action Requested:

Variance of the required 100' setback from the centerline of South Peoria Avenue to 92' - **Section 603. BULK AND AREA REQUIREMENTS IN OFFICE DISTRICTS** - Use Unit 11, located 5332 South Peoria Avenue.

Presentation:

The applicant, **Eugene Coy**, 5532 South Peoria, Tulsa, Oklahoma, stated that his photography studio is located in a Light Office Zone, and requested permission to expand the building. He submitted a plot plan (Exhibit E-1), and explained that the existing house is 75' from the centerline of South Peoria, and does not comply with the current 100' setback. He pointed out that the front of the new addition will be 16' farther back than the front of the existing house. Mr. Coy noted that moving the addition further to the rear would result in the removal of a large tree and would create a problem with the roofline.

Protestants:

None.

Case No. 15909 (continued)

Board Action:

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bolzle, Chappelle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a Variance of the required 100' setback from the centerline of South Peoria Avenue to 92' - **Section 603. BULK AND AREA REQUIREMENTS IN OFFICE DISTRICTS** - Use Unit 11; per plan submitted; finding that the existing house was constructed prior to the adoption of the current setback requirement, and the new addition will be 16' behind the front of the existing house; on the following described property:

The north 59.5' of Lot 15, and the south 65.5' of Lot 16, Block 5, Houstonia Homesites Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 15911

Action Requested:

Special Exception to permit automobile sales in a CS District - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 10101 East 21st Street.

Presentation:

The applicant, **Robert Majors**, 10101 East 21st Street, Tulsa, Oklahoma, stated that a used car lot has been in operation on the subject property for approximately seven years. Mr. Majors explained that he acquired the property and was unaware that he could not continue the car sales business.

Comments and Questions:

Mr. Fuller asked if there are other used car sales in the area, and the applicant stated that a camper sales business is operating next door to the subject property.

Mr. Gardner explained that the two-year time limitation imposed on the previous applicant lapsed, and Mr. Majors is required to file another application to permit the car sales operation to continue.

Ms. White pointed out that the previous operation was limited to 15 cars, and Mr. Majors requested permission to display 20 vehicles on the lot.

Mr. Bolzle suggested that the applicant be restricted to used car sales only, with no repair or outside storage of automobile parts.

Case No. 15911 (continued)

Board Action:

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bolzle, Chappelle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit automobile sales in a CS District - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; subject to the business being limited to used car sales and detailing only, with a maximum of 20 cars; and subject to no automobile repair or outside storage of automobile parts; finding that a car sales lot has previously operated on the lot, and that the use is compatible with the surrounding area; on the following described property:

Tract 1 out of Lot 1, Block 1, Magic Circle South Addition to the City and County of Tulsa being: The south 200' of the west 200' of Lot 1, Block 1, Magic Circle South Addition, Tulsa County, Oklahoma.

Case No 15912

Action Requested:

Variance of the 50' setback from the centerline of Vancouver Avenue - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6.

Variance of the 5' side yard to 0' to permit a carport - **Section 403. BULK AND REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located at 4863 South Vancouver.

Presentation:

The applicant, **William Groden**, 4863 South Vancouver Avenue, Tulsa, Oklahoma. was represented by **Robert Series**, who informed that the carport in question was constructed approximately four years ago. He explained that Mr. Groden's home and the houses to the south of his property were constructed toward the front of the lot to permit the installation of lateral lines in the back. He stated that large trees on the front portion of the yard obstruct the view of the carport from the street. A plot plan and photographs (Exhibit G-1) were submitted.

Comments and Questions:

Mr. Doverspike asked if there are other carports in the area, and Mr. Series stated that there is one carport two blocks to the north of the subject property.

Case No. 15912 (continued)

Ms. White inquired as to the reason for the application, and Mr. Sories replied that there was a protest filed approximately one year ago and the Groden's were cited. He stated that the property was inspected again in December, 1991.

Mr. Bolzle stated that he viewed the property and found that there are large trees that align with the posts of the carport.

There was discussion concerning the different building setbacks in the neighborhood, and the mixed uses in the area.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 5-0-0 (Bolzle, Chappelle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the 50' setback from the centerline of Vancouver Avenue - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; and to **APPROVE** a **Variance** of the 5' side yard to 0' to permit a carport - **Section 403. BULK AND REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding that the house in question and the other older homes to the south were constructed closer to the street to accommodate lateral lines in the back yard; finding that the building setbacks in the neighborhood are not uniform and there are mixed uses in the area; and finding that there are large trees that extend as close to the street as the poles supporting the carport, which help to screen the carport from the street; on the following described property:

The north 60' Lot 7, Block 2, Greenfield Acres, City of Tulsa, Tulsa County.

Case No 15914

Action Requested:

Variance of the required 50' setback from the centerline of south 98th East Avenue to 30' - **Section 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 15, located 4711 South Mingo Road.

Presentation:

The applicant, **Charles Boyd**, 4998 East 26th Street, Tulsa, Oklahoma, submitted a photograph (Exhibit H-1), and requested permission for an existing lumber company to construct storage sheds for lumber storage. He informed that the sheds will screen the stacked lumber from the neighborhood. A plot plan (Exhibit H-2) was submitted by the applicant.

Protestants:

None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bolzle, Chappelle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required 50' setback from the centerline of south 98th East Avenue to 30' - **Section 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 15; per plot plan submitted; finding that 98th East Avenue does not extend beyond the south boundary of the subject property, and has limited traffic, due to an existing detention pond to the south; and finding that the approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lots 1 - 18, Block 24, Lots 1 - 23, Block 26, Lots 11 - 16, Block 27, and vacated portions of Main Street alleys in Block 26, and the N/2 of vacated 48th Street South of Blocks 26 and 27 in Alsuma City of Tulsa, Tulsa County, Oklahoma.

Case No 15915

Action Requested:

Variance of the required setback from the centerline of Apache Street from 50' to 41' to permit enlargement of existing building - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 12, located 1529 East Apache Street.

Presentation:

The applicant, **Caesar Latimer**, 546 East Quincy, Tulsa, Oklahoma, submitted a packet (Exhibit J-1) containing plans and photographs, and explained that a small extension is being constructed on the front portion of the existing building. He stated that the addition extends approximately 1' into the City right-of-way. Mr. Latimer stated that initially a patio was constructed, which was in compliance with the Code, and aligned with existing buildings.

Comments and Questions:

Ms. Hubbard informed that the addition to the building will require three additional parking spaces, and the applicant has not requested this relief.

Mr. Latimer stated that the lot adjacent to the subject property is available for parking, and there is parking on the west side of the building and to the rear.

Mr. Bolzle advised the applicant that, if he is required to provide three spaces before the building permit can be issued, that portion of the application can be continued to the next Board of Adjustment meeting.

Mr. Jones asked the applicant if he can provide three additional parking spaces on the lot containing the use, and Mr. Latimer answered in the affirmative.

Ms. Hubbard informed that the applicant was advised that three additional spaces would be required; however, he failed to submit a revised site plan.

Mr. Chappelle pointed out that there are numerous buildings along Apache that are closer to the street than the addition in question.

Mr. Gardner advised that there are no future plans for widening Apache

Protestants:

None.

Case No. 15915 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bolzle, Chappelle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of Apache Street from 50' to 41' to permit enlargement of existing building - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 12; and to **CONTINUE** the balance of the application to February 11, 1992, to permit the applicant to advertise for any additional parking relief that may be required; finding that the proposed addition will not extend as close to the street as existing structures along Apache, and there are no future plans for widening the street; and approval of the request will not be injurious to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 14, Block 2, Apache Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No 15916

Action Requested:

Minor special Exception to amend a previously approved plot plan.

Variance of the required setback from the centerline of North Columbia Avenue from 50' to 35' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS**, and **Section 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS** - Use Unit 5, located NE/c 36th Street North and North Columbia Avenue..

Presentation:

The applicant, **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma, submitted a plot plan (Exhibit K-2) for expansion of the Green Country Care Center into CS zoned property. Mr. Johnsen explained that the nursing home is permitted by right in this area; however, the new addition will attach to the existing building, which extends into CS, RM-2 and RS-3 properties, and was previously approved by the Board, per plot plan. He stated that the existing structure is 43.81' from the centerline of Columbia at its nearest point, and the nearest point of the new building will be 44.81'. Mr. Johnsen pointed out that the new addition will be further from Columbia Avenue than the existing structure. A plat of survey (Exhibit K-1) was submitted.

Case No. 15916 (continued)

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 5-0-0 (Bolzle, Chappelle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Minor Special Exception** to amend a previously approved plot plan; and to **APPROVE** a **Variance** of the required setback from the centerline of North Columbia Avenue from 50' to 35' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS, and Section 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS** - Use Unit 5; per amended plot plan submitted; finding that the proposed addition will not extend as close to North Columbia Avenue as the nearest point of the existing structure; and finding that the nursing home has proved to be compatible with the surrounding area; on the following described property:

Part of the W/2 of Lot 8 Barrett and Evans Subdivision Tulsa County, Oklahoma according to the recorded plat thereof being more particularly described as follows to-wit; Beginning at a point on the west line of said Lot 8, said point lying 40' north of the SW/c thereof, thence N 00°03'07" E along said west line a distance of 314' to a point thence due east 317.90' to a point on the north and south centeline of said Lot 8 thence S 00°01'34" W a distance of 137' thence due west a distance of 100' thence S 00°01'34" W a distance of 167' thence S 84°17'22" W a distance of 100.50' to a point lying 40' north of the south line of said Lot 8 thence due west a distance of 118.03' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No 15920

Action Requested:

Variance of the required 50' setback from the centerline of North Hartford to 37.5' - **Section 403. BULK AND AREA REQUIREMENTS FOR RESIDENTIAL DISTRICTS** - Use Unit 5, located southwest corner North Hartford Avenue and East Oklahoma Street.

Presentation:

The applicant, **Jack Henderson**, 1414 North Greenwood Avenue, Tulsa, Oklahoma, was represented by **Wilbur Collins**, who submitted a plot plan (Exhibit L-1), and stated that 38 additional elderly housing units have recently been completed at this location. He explained that two of the buildings comprising the units face Hartford Avenue, which is closed between Newton Street and Oklahoma Avenue. Mr. Collins requested that the setback variance be approved.

Case No. 15920 (continued)

Comments and Questions:

Mr. Doverspike asked how long the buildings have been at the current location, and Mr. Collins stated that construction was completed approximately two weeks ago.

In response to Mr. Bolzle, Mr. Collins informed that 34 units were constructed approximately two years ago, and 38 additional units were recently completed.

Mr. Fuller stated that the hardship for the variance request is the fact that North Hartford is closed at this location, but apparently has not been vacated, and the new buildings align with the older buildings on the lot.

Mr. Bolzle pointed out that a detention facility is located to the east and to the south of the property in question.

Protestants:

None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bolzle, Chappelle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required 50' setback from the centerline of North Hartford to 37.5' - **Section 403. BULK AND AREA REQUIREMENTS FOR RESIDENTIAL DISTRICTS** - Use Unit 5; per plot plan submitted; finding a hardship demonstrated by the fact that Hartford Avenue is closed at this location; and that the granting of the variance request will not be injurious to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 1, Block 1, less west 280', Heritage Park, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No 15123

Action Requested:

Consideration of amended plot plan, property located at 252 East 28th Street.

Comments and Questions:

In review of the application, Mr. Jones explained that the initial request for a variance was approved and there has been no increase in floor area, but the building has been shifted forward on the lot. He informed that there was no notice given for this application; however if the Board determines that the change in the plot plan is significant, the application can be continued and notice will be given to surrounding property owners.

Presentation:

The applicant, James Hawkinson, 1903 East 37th Street, Tulsa, Oklahoma, submitted an amended plot plan (Exhibit M-1) informed that he purchased the lot with the intention of constructing a residence. Mr. Hawkinson stated that the house is designed to be compatible with other homes in the neighborhood

Comments and Questions:

Mr. Gardner explained that the previous action on the property permitted the applicant to have 3300 sq ft of livability space, and this figure will be increased to 3432 sq ft on the revised plot plan, because of less paving. He pointed out that the layout of the structure has been changed, however, the house will not be closer to the street than the one shown on the original plan. Mr. Gardner advised that the Board must determine if the change in the plot plan is significant enough to merit notification of surrounding property owners.

Ms. Hubbard informed that the elevations have also changed slightly.

Interested Parties:

Jeffry Rambach, 248 East 28th Street, Tulsa, Oklahoma, stated that he lives next door to the subject property, and is concerned about the construction on the lot. He requested that notice be given to the surrounding property owners to permit the residents sufficient time to review the plans before construction begins.

Case No. 15123 (continued)

Mr. Bolzle asked Mr. Rambach if he has a specific complaint, and he replied that he does not understand how the original plan is being altered, and would like to have sufficient time to review the changes.

Applicant's Rebuttal:

Mr. Hawkinson stated that the house is designed to be compatible with the surrounding area, and he was not aware that there was neighborhood opposition to the changes.

Additional Comments:

Mr. Jackere stated that the City Council has been considering construction on in-fill lots, and some of the members want to notify the neighborhood of any such activity prior to the presentation of an application. Mr. Jackere pointed out that elevations have changed, and the previous application was approved per plot plan and elevations submitted at that time.

It was the consensus of the Board that the relocation of the house and change in elevations would be a significant change that would warrant notification of surrounding property owners.

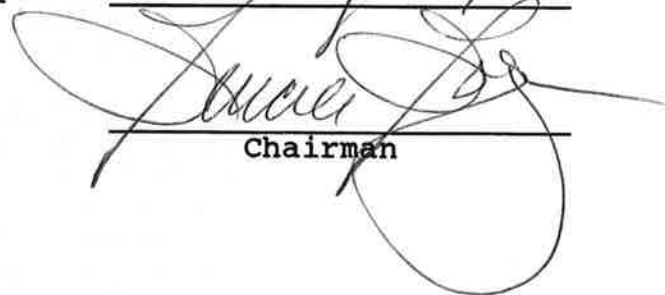
Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bolzle, Chappelle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 15123 to January 28, 1992 to allow sufficient time for notification of surrounding property owners.

There being no further business, the meeting was adjourned at 2:35 p.m.

Date Approved

January 28, 1992


Chairman