

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 623
Tuesday, December 22, 1992, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bolzle, Chairman Chappelle S. White T. White	Doverspike	Gardner Jones Moore	Jackere, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, December 18, 1992, at 9:55 a.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 **S. WHITE**, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** the Minutes of November 10, 1992.

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** the Minutes of November 24, 1992.

On **MOTION** of **S. WHITE**, the Board voted 3-0-1 (Bolzle, S. White, T. White, "aye"; no "nays"; Chappelle "abstaining"; Doverspike, "absent") to **APPROVE** the Minutes of December 8, 1992.

UNFINISHED BUSINESS

Case No. 16171

Action Requested:

Special Exception to permit mobile home sales in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located NE/c East Admiral and North Garnett Road.

Presentation:

The applicant, **Steve Radley**, Route 4, Box 169-B, Claremore, Oklahoma, was not present.

Case No. 16171 (continued)

Comments and Questions:

Mr. Gardner advised that this case will not be heard by the Planning Commission until January 13, 1993, and suggested that the application be heard by the Board on January 26, 1993.

Protestants:

None.

Board Action:

On MOTION of S. WHITE, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **CONTINUE** Case No. 16171 to January 26, 1993.

Case No. 16206

Action Requested:

Variance to exceed the maximum display surface area of 150 sq ft and exceed the .2 sq ft of display surface area per linear foot of street frontage - **Section 602.B.4.a.** - Use Unit 11, located 7060 South Yale Avenue.

Presentation:

The applicant, **Bruce Anderson**, 9520 East 55th Place, was not present.

Comments and Questions:

Mr. Jones explained that the case was previously continued to correct an error in the legal description, and it was also discovered that the applicant is in need of additional relief. He suggested that the case be continued to January 12, 1993, to permit sufficient time for advertising.

Interested Parties:

There was one area resident in attendance that was interested in the nature of the request, but he was not opposed to the continuance.

Board Action:

On MOTION of S. WHITE, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **CONTINUE** Case No. 16206 to January 12, 1993.

Case No. 16211

Action Requested:

Variance of the building setback to permit the north and west walls of the new day center to be constructed on the right-of-way lines for Brady Street and Frisco Avenue - **Section 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 5, located east of Frisco between Brady and Archer.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, submitted a revised site plan (Exhibit A-1), and noted that this application is concerning the previous approval of a day center for the homeless on the subject tract. He requested that the proposed building be constructed on the property line along Brady Street and Frisco Avenue. Mr. Norman pointed out that the property would qualify for rezoning to Central Business District (CBD), according to the Comprehensive Plan. He noted that this zoning classification would not require a building setback from the property line, and the use would be a permitted use (only spacing of similar uses would be required). Mr. Norman stated that there is a children's play area on the northwest side of the building, and there are no entrances and only two emergency exits on that side of the property. He asked that this area be exempt from fencing to permit use of the emergency exits. Mr. Norman informed that, at the previous meeting, he overlooked the fact that the sidewalk for the handicapped in wheelchairs is located on Brady Street, and requested that a 5' cyclone fence be installed only along Brady Street from the corner of the building to the handicapped sidewalk.

Comments and Questions:

In response to Mr. Bolzle, Mr. Norman replied that anyone using a wheelchair would have to exit the car on Brady and use the sidewalk. He pointed out that the parking area on the south side of the building (front) does not comply with the 3% grade limitation for wheelchair ramps, under City and Federal law.

Protestants:

None.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 3-0-1 (Bolzle, S. White, T. White, "aye"; no "nays"; Chappelle, "abstaining"; Doverspike, "absent") to **APPROVE** a **Variance** of the building setback to permit the north and west walls of the new day center to be constructed on the right-of-way lines for Brady Street and Frisco Avenue - **Section 903. BULK AND AREA REQUIREMENTS IN THE**

Case No. 16211 (continued)

INDUSTRIAL DISTRICTS - Use Unit 5; per amended site plan submitted; finding that the property could qualify for CBD zoning under the Comprehensive Plan, which would permit construction on the property line; and finding that other buildings in the area have similar setbacks; and finding that approval of the request will not cause substantial detriment to the public good, or impair the spirit, purposes and intent of the Code; on the following described property:

Block 36, and the 20' alley therein (subject to closing and vacation by the City of Tulsa), less and except the easterly 65' of Block 36, all in the Original Town of Tulsa, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16217

Action Requested:

Variance of the required 30' of frontage on a public street to permit a lot split - **Section 206. - Use Unit 6**, located 10509 South 71st East Avenue.

Comments and Questions:

Mr. Jones informed that **John Moody**, council for the interested parties, has requested by letter (Exhibit B-1) that Case No. 16217 be continued to January 12, 1993.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **CONTINUE** Case No. 16217 to January 12, 1993.

MINOR VARIANCES AND EXCEPTIONS

Case No. 16239

Action Requested:

Minor Variance of the front yard setback from 35' to 28' to permit the construction of a carport - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 6930 South Columbia.

Presentation:

The applicant, **Larry Clain**, 6930 South Columbia, requested permission to construct a porte cochere over the existing driveway in front of his home. He submitted a plat of survey (Exhibit C-1), and noted that there are other porte cocheres in the neighborhood.

Case No. 16239 (continued)

Protestants:

None.

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Minor Variance** of the front yard setback from 35' to 28' to permit the construction of a carport - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per survey submitted; finding that there are other porte cocheres in the area, and approval of the minor variance will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lot 3, Block 3, Sherrelwood Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16219

Action Requested:

Variance of the required 6900 sq ft lot area to 6862 sq ft - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 7, located 4325 South Maplewood.

Comments and Questions:

Mr. Jones informed that Staff has determined that the applicant is not in need of the requested relief, and suggested that Case No. 16219 be withdrawn if the applicant is in agreement.

Presentation:

The applicant, **Mirza Shahivand**, 4623 South Maplewood, requested that the application be withdrawn.

Board Action:

On MOTION of S. WHITE, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **WITHDRAW** Case No. 16219; finding that the applicant is not in need of a variance of the lot area.

Case No. 16221

Action Requested:

Special Exception to permit church use (off-street) parking for an existing abutting church - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, located NW/c East 15th Street and South 75th East Avenue.

Presentation:

The applicant, **Harold Nichols**, was represented by **Art Newton**, 575 South 87th East Avenue, who submitted photographs (Exhibit D-1), and explained that the church is proposing to purchase the subject property for a parking lot. He informed that there is a small building on the lot, which was previously used for a day care center. A location map (Exhibit D-2) was submitted.

Comments and Questions:

Ms. White asked if the church will comply with the screening requirement on the north property line, and Mr. Newton answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Special Exception** to permit church use (off-street) parking for an existing abutting church - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5; subject to a screening fence being erected along the north property line; subject to all lighting being directed toward the parking lot and away from the residential area; subject to no access on 15th Street; and subject to the execution of a tie contract, which would prevent the separate sale of either lot; finding the use, per conditions, to be compatible with the area; on the following described property:

South 20' of Lot 10, all of Lots 11 and 12, Block 14, Eastmoor Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16223

Action Requested:

Variance of the maximum square footage allowed for a detached accessory building from 750 sq ft to 2281 sq ft - **Section 402.B.1.d. Accessory Use Conditions** - Use Unit 6, located 2605 West 79th Street.

Presentation:

The applicant, **Michael Yates**, 2605 West 79th Street, submitted a plot plan (Exhibit E-1) and requested permission to construct a three-car garage (912 sq ft) on his property. He informed that there is an existing 1369 sq ft tin building on the lot, which was constructed along with the dwelling. Mr. Yates pointed out that his 2½-acre tract can adequately support the proposed structure, and that there are buildings of similar size throughout the neighborhood.

Comments and Questions:

Mr. Jackere inquired as to the use of the existing tin building, and the applicant replied that he stores lawn mowers and supplies to repair his rental properties. He added that the previous owner of the property is storing some furniture in the building.

There was discussion concerning additional relief that might be required.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** of the maximum square footage allowed for a detached accessory building from 750 sq ft to 2281 sq ft - **Section 402.B.1.d. Accessory Use Conditions** - Use Unit 6; and to **CONTINUE** the remainder of the application to January 12, 1993; per plan submitted; subject to no commercial use of the building; finding that the tract is large enough to accommodate the proposed structure; and finding that there are other buildings in the residential area that are similar in size; on the following described property:

NW/4, NE/4, SE/4, SW/4, Section 10, T-18-N, R-12-E, less the east and the south 25' to center of road, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16225

Action Requested:

Special Exception to permit a car wash in a CS District - Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 17, located east of the southeast corner of 101st East Avenue and East 11th Street.

Presentation:

The applicant, Jeff Levison, 35 East 18th Street, requested permission to operate a 10-bay car wash at the above stated location. He pointed out that the property is surrounded by commercial zoning and does not abut residential property. A plot plan (Exhibit F-1) was submitted.

Comments and Questions:

In response to Ms White, Mr. Levison stated that the car wash will be a 24-hour-a-day operation.

Ms. White asked if there is an attendant on duty at all times, and the applicant replied that an attendant will be on duty during daylight hours. He pointed out that the Quik Trip store next door to the proposed car wash is open all night.

Protestants:

None.

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Special Exception** to permit a car wash in a CS District - Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 17; per plan submitted; finding the car wash to be compatible with surrounding uses; on the following described property:

A tract of land lying in the NE/4, NW/4, Section 7, T-19-N, R-14-E of the Indian Base and Meridian, according to the Us Government Survey thereof, City of Tulsa, Tulsa County, Oklahoma, more particularly described as follows:

Commencing at a point lying 50' east and 265' south of the NW/c of said NE/4, NW/4; thence S00°00'29"E and parallel to the west line thereof a distance of 185' to a point on the most northerly line of Crescent Height Addition according to the recorded plat thereof; thence S89°49'29"E along said most northerly line a distance of 599.06' to a point; thence N00°10'31"E a distance of 161.94' to the

Case No. 16225 (continued)

point of beginning; thence N89°50'45"W a distance of 256.20' to a point; thence N00°05'28"E a distance of 164.10' to a point of curve; thence along said curve to the left, said curve having a radius of 30', a central angle of 33°35'03", a distance of 17.58' to a point of tangent; thence N33°29'35"W a distance of 33.00' to a point; thence N00°10'31"E a distance of 15' to a point lying 370.53' east of the west line of said NE/4, NW/4 and lying 65' south of the north line of said NE/4, NW/4; thence S89°49'29"E and parallel to said north line a distance of 196.58' to a point; thence S00°10'31"W a distance 170' to a point; thence S89°49'29"E a distance of 83.19' to a point; thence S00°10'31"W a distance of 53.05' to the Point of Beginning, containing 1.0060 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16226

Action Requested:

Special Exception to permit a church owned and operated maternity home to accommodate not more than 12 women in a supervised counseling environment and for an amended site plan review - **Section 301. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** - Use Unit 5, located 8621 South Memorial Drive.

Presentation:

The applicant, **Higher Dimensions**, 8621 South Memorial Drive, was represented by **Tom Winters**, 7130 South Lewis Avenue, who requested permission for the church to begin operation of a maternity home on church property. He explained that the maternity home will be comparable to other residential dwellings in the area, and will contain approximately 4000 sq ft of floor space. Mr. Winters stated that the building location will be approximately 400' from Memorial Drive, which is behind an existing dwelling owned by the church. A plot plan (Exhibit G-1) was submitted.

Comments and Questions:

In reply to Mr. Bolzle, Mr. Winters explained that there will be house parents on the premises at all times, and no men or children are permitted in the home. He stated that approximately 80% of the residents will place their babies up for adoption, and all expenses during their pregnancy are paid for by the church.

Mr. Bolzle asked if the maternity home is regulated by the State, and Mr. Winters replied that the home is not under the oversight of the State.

Case No. 16226 (continued)

Board Action:

On MOTION of S. WHITE, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Special Exception** to permit a church owned and operated maternity home to accommodate not more than 12 women in a supervised counseling environment and for an amended site plan review - **Section 301. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** - Use Unit 5; per plan submitted; finding the church home to be similar to other homes in the area, and that the use will be compatible with the surrounding neighborhood; on the following described property:

Lot 1, Block 1, Higher Dimensions, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16227

Action Requested:

Variance of the required livability space from 4000 sq ft to 2924 sq ft - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located at 18 South Columbia.

Presentation:

The applicant, **Richard Richards**, 3633 East 49th Street, informed that the back portion of an existing house will be removed and rebuilt. He stated that the lot is very narrow and a garage will be constructed on the back portion of the property. A plot plan (Exhibit H-1) was submitted.

Comments and Questions:

Mr. Jones informed that the lot was split years ago and it does not comply with current Code requirements (6900 sq ft).

Board Action:

On MOTION of S. WHITE, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** of the required livability space from 4000 sq ft to 2924 sq ft - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the lot was split many years ago and does not comply with current Code requirements concerning lot size; and finding that there are similar size lots in the neighborhood, and approval of the request will not violate the spirit, purposes and intent of the Code; on the following described property:

Case No. 16227 (continued)

North 50' of Lot 24, Block 7, and north 50' of Lot 23, Block 7, East Highland Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16228

Action Requested:

Variance of the required rear yard from 25' to 7' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 2530 East 22nd Street.

Presentation:

The applicant, **Roy Farley**, 2530 East 22nd Street, submitted a plot plan (Exhibit J-1) and stated that he is proposing to enclose a breezeway between his residence and garage. Mr. Farley informed that the concrete walkway between the two structures was poured at the time the house was constructed.

Comments and Questions:

Mr. Bolzle asked if the house was built recently, and the applicant stated that it was constructed a few months ago. He explained that he occasionally works out of town and his wife does not feel safe when walking from the garage to the house.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** of the required rear yard from 25' to 7' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the narrowness of the lot and the corner location restricts development on the property; and finding that enclosing a breezeway to attach the garage to the dwelling will not be injurious to the neighborhood; on the following described property;

Lot 1 and W/2 of Lot 2, Block 1, Harter's IV Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16231

Action Requested:

Minor Variance of the required front yard from 35' to 30.7' to permit an existing encroachment - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 2615 East 35th Street South.

Presentation:

The applicant, **C. M. Davis**, 2615 East 35th Street South, was not present.

Comments and Questions:

Mr. Jones informed that Staff has had no contact with the applicant since the application was filed, and noted that the lot is irregular in shape and the encroachment is existing.

Protestants:

None.

Board Action:

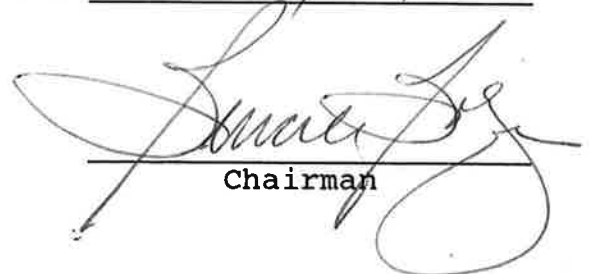
On MOTION of **S. WHITE**, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Minor Variance** of the required front yard from 35' to 30.7' to permit an existing encroachment - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the structure is existing and was constructed on an irregular shaped lot; and finding that approval of the minor variance will not be injurious to the neighborhood or violate the spirit, purposes or intent of the Code; on the following described property:

Lot 9, Block 5, Timberland Addition, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:30 p.m.

Date Approved

January 12, 1993


Chairman