

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 659
Tuesday, June 28, 1994, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Bolzle
Chappelle
Doverspike, Chairman
S. White
T. White

Gardner
Moore
Russell

Linker, Legal
Parnell, Code
Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, June 24, 1994, at 9:33 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **BOLZLE**, the Board voted 3-0-2 (Bolzle, Doverspike, T. White, "aye"; no "nays"; Chappelle, S. White, "abstaining"; none "absent") to **APPROVE** the Minutes of June 16, 1994 (No. 658).

UNFINISHED BUSINESS

Case No. 16675

Action Requested:

Special Exception to permit a construction office and a janitorial service in a CS zoned district and for a variance of the required setback from the centerline of South Lewis - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** and **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 15, located northwest corner of East 7th Street and South Lewis Avenue.

Presentation:

The applicant, **Cedar Creek Builders**, was represented by **Barry Burkhart**, 824 North Toledo Avenue, who submitted a plot plan (Exhibit A-3) and stated that he has spoken with four area residents in regard to the neighborhood concerns. He informed that they were not able to resolve all issues concerning the application. Mr. Burkhart stated that parking on the corner of 7th and Lewis will be changed, and there will be no cars parked within 50' of the corner along Lewis and within 10' of the corner on 7th Street. He informed that parking is not designated on the plan, but the use will be in compliance with all parking requirements.

Case No. 16675 (continued)

Comments and Questions:

Mr. Doverspike asked if there are existing buildings on the lot, and Mr. Burkhart stated that the application contains two lots, and a house and garage are existing on the back lot.

In response to Mr. Doverspike, Mr. Burkhart informed that the existing structures will remain.

Ms. White asked if the house will be used for office space, and Mr. Burkhart answered in the affirmative.

Mr. Bolzle asked if the new building will also be for office use, and the applicant stated that it will be used for offices and retail sales.

There was discussion regarding the parking requirements for the use.

Mr. Doverspike inquired as to the amount of building space devoted to retail, and Mr. Burkhart replied that approximately half the space will be for retail use.

Mr. Gardner inquired as to the type of merchandise that will be sold, and the applicant stated that the retail sales portion of the business is a part of the janitorial service.

Mr. Gardner stated that it appears that the applicant is proposing two principal uses for the property. He also pointed out that customarily the combination of the two commercial lots in this area would allow for the construction of a new building on the interior lot and would allow the front lot to be used for required off-street parking, which would require the least amount of variance from Lewis. However, the applicant is proposing to retain the house on the interior lot and construct a new building on the front lot, which requires a much greater variance in building setback.

Mr. Burkhart informed that he can reduce the size of the building and move it back on a portion of the west lot.

Protestants:

Allan Stewart, 2244 East 7th Street, District 4 planning chairman, stated that Mr. Burkhart did not return his call until two days before this meeting, and there was not sufficient time to have a neighborhood meeting regarding the use. He stated that three individuals did meet with the applicant, and the long-term plans for the property were vague, and the plot plan had not been changed significantly since the last meeting. Mr. Stewart submitted a letter (Exhibit A-1) stating that the use is too intense for the area and would be detrimental to the abutting residential neighborhood. Photographs (Exhibit A-2) were submitted.

Case No. 16675 (continued)

Applicant's Rebuttal:

The applicant stated that it appears that Mr. Stewart does not want a commercial activity at this location. He informed that the proposed use would have less traffic and would be less intrusive into the neighborhood than a typical retail sales business. Mr. Burkhart stated that it is his intent to improve the neighborhood.

Additional Comments:

Mr. Bolzle stated that the construction of a building on the front portion of the property would be overbuilding the lot and would create parking, access and sight visibility problems.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Doverspike, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Special Exception** to permit a construction office and a janitorial service in a CS zoned district and for a variance of the required setback from the centerline of South Lewis - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** and **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 15; finding that approval of the request would result in overbuilding on the property, and would be detrimental to the neighborhood; and finding that the applicant failed to present a hardship for the variance request; on the following described property:

Lots 29 and 30, Block 5, Hillcrest Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16698

Action Requested:

Minor Special Exception to permit an RV to be parked in the side yard - Use Unit 6, located 5904 East 23rd Street.

Presentation:

The applicant, **John Mathis**, 5904 East 23rd Street, submitted photographs (Exhibit B-5) and informed that he parks his RV in the side yard because it has proved to be very dangerous to attempt to back into his yard from Joplin street. Mr. Mathis stated that he has narrowly escaped being hit on two occasions. Letters of support (Exhibit B-2) and a letter from the applicant (Exhibit B-1) were submitted. He informed that a concrete pad will be installed for the RV unit. A violation notice (Exhibit B-4) was submitted.

Case No. 16698 (continued)

Comments and Questions:

In response to Mr. Doverspike, the applicant stated that the traffic problem occurs when motorists turn the corner from 23rd Street. He informed that a trailer of some type has been parked at this location since 1970.

Mr. Bolzle asked if the RV can be moved back to align with the front of the house, and the applicant stated that an existing fence will not allow it to be moved farther back (south).

Ms. Russell informed that she site checked the property and found that the RV is parked as close to the house as possible, and there are other similar RV units parked in the neighborhood.

Protestants:

Ms. Russell informed that a letter of opposition (Exhibit B-3) was received from **Terry Wilson**, District 5 chairman.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-1-0 (Bolzle, Chappelle, S. White, T White, "aye"; Doverspike, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Minor Special Exception** to permit an RV to be parked in the side yard - Use Unit 6; subject to the RV being parked on a hard surface material; subject to the vehicle being parked next to the west side of the house and back to the existing privacy fence; finding that approval of the request will not be detrimental to the neighborhood; on the following described property:

Lot 9, Block 5, Mary Francis 2nd, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16699

Action Requested:

Special Exception to permit required parking on a lot other than the lot containing the principal use - Use Unit 12a.

Comments and Questions:

Ms. Russell informed that this application required additional advertising and cannot be heard until the July 12th meeting.

Presentation:

The applicant, **J. R. Primm**, Box 33209, Tulsa, Oklahoma, was not present, but a representative was in the audience and aware of the need for a continuance.

Case No. 16699 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 16699 to July 12, 1994, to allow sufficient time for readvertising.

Case No. 16701

Action Requested:

Variance of the required setback from the centerline of North Santa Fe Place from 50' to 42' to permit an existing structure - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1914 North Santa Fe Place.

Comments and Questions:

Mr. Doverspike advised that the protestants at the previous meeting have made it known that, although they are not present, they continue to object to the variance request.

Mr. Doverspike informed that Mr. Chappelle has indicated that he will abstain from hearing Case No. 16701.

Presentation:

The applicant, **Garry Keele**, 4815 South Harvard, stated that the house was constructed over the lot line by mistake and, contrary to the previous allegation, this builder has never constructed a house over the building setback line, except for the house in question. He pointed out that the house abuts another lot to the north, and streets are on the remaining sides. Mr. Keele stated that the abutting lot to the north is 20' higher than the subject property. He noted that the house does not restrict the view of any other dwelling that would be built in the area. He pointed out that, because of the cul-de-sac location, the building line for the lot in question is located farther east than the building line for the adjacent lot.

Additional Comments:

Mr. Doverspike informed that he viewed the property and it appears that the location of the house on the lot has no significant impact on surrounding lots.

Ms. White noted that the street is curved and the encroachment has little impact on the nearby properties.

Mr. Bolzle pointed out that the requested relief on the case report is for 8' and the measurement on the survey is 17'. He questioned if the application has been properly advertised.

Case No. 16701 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-1 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; Chappelle, "abstaining"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of North Santa Fe Place from 50' to 42' to permit an existing structure - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plat of survey submitted; and to **CONTINUE** the remainder of the application to July 12, 1994 to allow sufficient time for additional advertising, if needed; finding that approval of the request will not have a negative impact on the surrounding properties, due to the curvature of the street, the cul-de-sac location and the fact that the abutting lot is elevated approximately 20'; on the following described property:

Lot 1, Block 17, Gilcrease Hills II, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16702

Action Requested:

Variance to permit five pole signs in a CS zoned district - **SECTION 1221.C.9.a CS District Use Conditions for Business Signs** - Use Unit 12, located 3535-M East 51st Street.

Presentation:

The applicant, **Square Metal Signs**, was represented by **Richard Robertson**, 4707 South 102nd East Avenue, who submitted a plot plan (Exhibit C-1) for an existing sign. He informed that a sign was installed approximately six months ago and was recently removed by some unknown person. Mr. Robertson stated that it was replaced and it was found that the signage for the property exceeded the permitted amount. He informed that one sign has been removed since the application was filed and there are now four existing signs on 365' of frontage.

Comments and Questions:

Mr. Doverspike asked if the sign in question is the fourth sign, and the applicant answered in the affirmative.

In response to Mr. Doverspike, Mr. Robertson stated that the total square footage for the four signs is 138 sq ft.

Mr. Doverspike asked if the replacement sign will be identical to the sign that was stolen, and the applicant stated that the new sign will be smaller.

Protestants:

None.

Case No. 16702 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Doverspike, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit four pole signs in a CS zoned district - **SECTION 1221.C.9.a CS District Use Conditions for Business Signs** - Use Unit 12; per plan submitted; subject to no more than four signs on the property; finding that the sign replaces a larger sign, and approval of the request will not be detrimental to the area; on the following described property:

West 365' of Lot 1, Moreland Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16714

Action Requested:

Variance of the 25' required rear yard to permit the construction of a sun room - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 6929 South Delaware Place.

Presentation:

The applicant, **Robert Mansfield**, was represented by **Jane Mansfield**, 6929 South Delaware Place, who submitted a plot plan (Exhibit D-2) and explained that the house was originally constructed toward the rear of the lot because of the curvature of the street, and the proposed sun room will extend into the required rear yard setback. Ms. Mansfield stated that the neighborhood is supportive of the project. Photographs (Exhibit D-1) were submitted.

Comments and Questions:

In response to Ms. White, Ms. Mansfield informed that the new room will be constructed where the existing patio is located.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Doverspike, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the 25' required rear yard to permit the construction of a sun room - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, per plan submitted; finding that the existing dwelling was constructed near the rear of the lot, and the curvature of the street and the irregular shape of the lot result in a shallow back yard; and finding that similar variances have been granted in the area; on the following described property:

Case No. 16714 (continued)

South 5' of Lot 2 and Lot 3, Except the south 5', Block 2, Timberlane Heights, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16715

Action Requested:

Variance of the maximum 750 sq ft for a detached accessory building to 1812 sq ft to permit the addition of a carport to an existing garage - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 5317 East 7th Street.

Comments and Questions:

Ms. White informed that she will abstain from hearing Case No. 16715.

Presentation:

The applicant, **Gilbert Pinion**, 5317 East 7th Street, was represented by **Susan Green**, 4911 East 4th Street, who informed that her parents have constructed a carport and attached it to an existing garage, which was built in 1928. She pointed out that the garage will not accommodate an average size car. Photographs (Exhibit E-1) and a petition of support (Exhibit -2) were submitted.

Interested Parties:

A neighbor informed that the carport is within 2' of his property, and asked if the application includes the construction of additional buildings. He stated that he is not opposed to the existing structures.

Ms. Russell informed that the total amount of accessory buildings is 1812 sq ft , and additional buildings are not proposed.

Comments and Questions:

Mr. Doverspike inquired as to the use of the garage, and Ms. Green stated that a small car is parked in the garage, and the remainder is used for storage.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-1 (Bolzle, Doverspike, Chappelle, , T. White, "aye"; no "nays"; S. White, "abstaining"; none "absent") to **APPROVE** a **Variance** of the maximum 750 sq ft for a detached accessory building to 1812 sq ft to permit the addition of a carport to an existing garage - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the existing garage was constructed many years ago and is not large enough to accommodate an average size car; on the following described property:

Lot 5, Block 19, White City Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16716

Action Requested:

Amended site plan approval - Use Unit 17.

Presentation:

The applicant, **Warren Morris**, 1918 East 51st Street, stated that he represents the owner of the property, and explained that a variance was previously approved on the property, per plans submitted. He stated that his client is now proposing additional construction (mini-storage), which will align with the existing building. A plot plan (Exhibit F-1) and photographs (Exhibit F-2) were submitted.

Protestants: None.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-0-0 (Doverspike, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** an Amended site plan - Use Unit 17; finding that the proposed construction will align with the existing building; on the following described property;

E/2 of Lot 1, Block 1, Bright Industrial Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16717

Action Requested:

Variance of the required setback for outdoor display of merchandise - **SECTION 1214.C. Use Conditions** - Use Unit 14, located 6525 East 51st Street.

Comments and Questions:

Mr. Doverspike informed that he received a letter (Exhibit G-1) from the Southeast Homeowners Association requesting a continuance of the case; however, INCOG was not aware that a copy had been received at their office.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, inquired as to the reason for the continuance request, and Mr. Doverspike stated that it was not possible for a representative of the association to attend the meeting. Mr. Johnsen pointed out that he is usually amenable to a continuance if additional information is being gathered; however, is somewhat disturbed that the homeowners association did not contact him regarding the continuance. He stated that this is an inconvenience to his client and he is not agreeable to the request. Mr. Johnsen noted that he reviewed the file at the INCOG office on June 27 and did not find a letter requesting a continuance.

Case No. 16717 (continued)

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 5-0-0 (Bolzle, Doverspike, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 16717 to July 12, 1994.

Case No. 16718

Action Requested:

Variance of the required setback from the centerline of East 36th Street from 55' to 42' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 934 East 36th Street.

Presentation:

The applicant, **Anthony Perrault**, 4369 South Yale, submitted an architectural rendering (Exhibit H-1) and informed that he is representing the property owner, who is currently remodeling an existing dwelling. He noted that the existing house was constructed prior to current Code requirements and is encroaching into the required setback. Mr. Perrault explained that the owner is proposing to add a small porch and replace existing steps, because it is currently necessary to stand on the top step to open the door.

Interested Parties:

Patricia Nolan, 927 East 36th Street, stated that she is a resident of the neighborhood and is supportive of the project.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Doverspike, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of East 36th Street from 55' to 42' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the existing dwelling was constructed prior to the current setback requirements, and the construction of a small porch will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 12 and East 10' of Lot 13, Block 2, Peoria Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16719

Action Requested:

Variance of the permitted signage - **SECTION 1103.B.2.a. Accessory Uses - Signs** - Use Unit 11, located northeast corner East 68th Street and South Memorial Drive.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, informed that Boatmen's Bank occupies a tract that was previously used by another banking facility and is proposing to change signage. He submitted a plot plan (Exhibit J-2) and noted that the property is in a PUD and has three different zoning classifications. Mr. Johnsen explained that Romano's restaurant is located on the north portion (CS zoning) of the bank property and a PUD was filed that included the portion being considered today. He stated that the previous bank was permitted a ground sign on Memorial Drive, a monument sign on 68th Street and existing wall signs on four sides of the building. Photographs (Exhibit J-3) were submitted. Mr. Johnsen stated that the signage complied with Code requirements at that time (1991); however, the Code has been amended to permit only two signs in a PUD under OM zoning, and the permitted wall signage is greatly reduced. He pointed out that commercial zoning is located to the east, west and south of the existing banking facility. Mr. Johnsen stated that the Planning Commission approved one ground sign and a sign on the west wall, per the existing Code requirements. He asked the Board to approve a sign on the other three walls, the ATM, the monument sign and a directional sign.

Comments and Questions:

Mr. Chappelle asked if the previous bank had six signs and the ATM sign, and Mr. Johnsen answered in the affirmative.

Mr. Johnsen submitted a statistical detail list, and noted that the total amount of signage approved for the previous bank was 328 sq ft, and the proposed signage for the current facility is 326 sq ft. He informed that the two signs approved by the Planning Commission have been installed. The applicant stated that the existing monument sign on 68th Street will be refaced. He noted that the ATM is located in a low area and the existing 22 sq ft panel on that structure will be refaced, with the logo being expanded from 4 1/2' to 9'. Mr. Johnsen pointed out that signage on the ATM will be on the north and south walls only. He explained that the sign on the west wall of the bank was approved for 31 sq ft and the same size sign is proposed for the north and east walls. He stated that the proposed sign for the large south wall is 54 sq ft. Mr. Johnsen noted that, if the entire tract was zoned CS, the additional signage would be permitted by right.

Protestants:

None.

Case No. 16719 (continued)

Board Action:

On **MOTION** of **S. WHITE** the Board voted 3-0-1 (Chappelle, S. White, T. White, "aye"; no "nays"; Doverspike, "abstaining"; Bolzle, "absent") to **APPROVE** a **Variance** of the permitted signage - **SECTION 1103.B.2.a. Accessory Uses - Signs** - Use Unit 11; per plan submitted; finding that the overall signage is basically the same as approved for the previous banking facility; and finding that, if zoned CS, the additional signage would be permitted by right; on the following described property:

Lot 1, Block 3, Woodland Hills Mall, Blocks 2, 3, 4 and 5, an Addition to the City of Tulsa, Oklahoma, less and except the north 200' of said Lot 1, Block 3, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16720

Action Requested:

Variance of the required setback from the centerline of East 39th Street from 60' to 50' to permit an addition to an existing dwelling - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2853 East 39th Street.

Presentation:

The applicant, **Bill Huffman**, was represented by **Joe Westervelt**, 1250 East 26th Street, who informed that the area was developed with 50' setbacks from the centerline of the street, and a portion of the house in question is on the setback line. He informed that the proposed addition will align with the existing building wall. A site plan (Exhibit K-1) was submitted.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Doverspike, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of East 39th Street from 60' to 50' to permit an addition to an existing dwelling - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the house was constructed prior to current setback requirements, and the new addition will align with the existing building wall; on the following described property:

Lot 9, Block 34, Ranch Acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16721

Action Requested:

Variance to permit two dwelling units on one lot of record and a special exception to permit a mobile home in an AG zoned district - Use Unit 9, located 7923 South Elwood.

Presentation:

The applicant, **Katherine Bilby**, Route 5, Box 376, requested permission to install a mobile home on her property. She submitted a plot plan (Exhibit L-1) and informed that one mobile home is currently located on the tract.

Comments and Questions:

Mr. Doverspike inquired as to the size of the mobile home that will be installed, and she replied that it will be a 16' by 80' or a double-wide mobile unit.

In reply to Mr. Doverspike, the applicant stated that she intends to installed the mobile home approximately 70' from 81st Street, instead of the 90' setback depicted on the site plan.

Protestants:

Robert Weaver, 3326 West 74th Street, stated that his property abuts the subject tract to the north and that he is opposed to additional mobile homes being installed in the area.

Additional Comments:

In reply to Mr. Doverspike, the applicant stated that there will be two mobile homes and one house on the tract.

In response to Mr. Gardner, the applicant informed that the two mobile homes will be on the land across the creek and south of the house. She informed that the existing mobile home has been at the current location for approximately 20 years.

Mr. Gardner informed that there are actually three dwelling units on the tract; however, if inclined to approve the request, the legal description could be amended to restrict the two dwellings (mobile units) to the south six acres of the tract.

Mr. Doverspike stated that he is amenable to supporting the application for a limited time, in order to determine if the use will be compatible with development in the area.

Case No. 16721 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Doverspike, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Variance** to permit two dwelling units on one lot of record for **three years** only, and a special exception to permit a second mobile home in an AG zoned district - Use Unit 9; subject to the proposed mobile unit being setback 110' from Elwood and no less than 70' from 81st Street; subject to skirting and tie-downs; subject to a building permit and Health Department approval; finding that approval of the temporary use (3 years) will not cause substantial detriment to the public good or violate the spirit, purpose or intent of the Code; on the following described property:

South 405' of the SW/4, SW/4, SW/4, Section 12, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16722

Action Requested:

Variance of the required setback from the centerline of North Kingston Place from 55' to 47' and a variance of the required side yard from 5' to 3' to permit an addition to an existing structure - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1438 North Kingston Place.

Presentation:

The applicant, **James Ballard**, 1438 North Kingston Place, submitted a plot plan (Exhibit M-1) and explained that he is proposing to replace the roofline on the front portion of an existing dwelling, which will extend 8' over the building setback line. He informed that numerous carports and additions have been constructed in the neighborhood. Photographs (Exhibit M-2) were submitted.

Protestants: None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 5-0-0 (Bolzle, Doverspike, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of North Kingston Place from 55' to 47' and a **variance** of the required side yard from 5' to 3' to permit an addition to an existing structure - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that approval of the change in the roofline will not be detrimental to the area; on the following described property:

Lot 5, Block 2, Maplewood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16735

Action Requested:

Variance of the required setback from the centerline of Brady from 65' to 58', a variance of the number of required parking spaces and amended site plan approval - **SECTION 1212.C.A. USE CONDITIONS** and **SECTION 1212.D. Off-Street Parking** - Use Unit 12, located 14 West Brady.

Comments and Questions:

Mr. Doverspike informed that he will abstain from hearing Case No. 16735.

Presentation:

The applicant, **Susie Woody**, 1820 South Boulder, submitted a plot plan (Exhibit N-1) and informed that she is representing Mexicali Border Cafe. She informed that an outdoor dining area is proposed.

Additional Comments:

Mr. Gardner asked the applicant if the proposed construction will align with the existing building on Brady Avenue, and she replied that it will not extend as far north as the end of the existing building.

Interested Parties:

Jim Norton, president of Downtown Tulsa Unlimited and chairman of Planning District 1, stated that he is supportive of the application. He informed that the existing building was constructed prior to current Code requirements regarding building setbacks, and noted that angle parking is being proposed on the east and west sides of Main Street. Mr. Norton pointed out that angle parking will provide approximately 35 on-street parking spaces, and advised that the property is included in a proposal for CBD zoning, which requires no parking.

Protestants:

None.

Board Action:

On **MOTION** of **S. WHITE** Board voted 3-0-1 (Chappelle, S. White, T White, "aye"; no "nays"; Doverspike, "abstaining"; Bolzle, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of Brady from 65' to 58', a **variance** of the number of required parking spaces and amended site plan approval - **SECTION 1212.C.A. USE CONDITIONS** and **SECTION 1212.D. Off-Street Parking** - Use Unit 12; per plan submitted, finding that 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:

Case No. 16735 (continued)

Lots 1, 6 and 7, Block 40, Original Town of Tulsa, City of Tulsa, Tulsa County,
Oklahoma.

There being no further business, the meeting was adjourned at 3:07 p.m.

Date Approved

July 12, 1994

[Signature]

Chairman