

**CITY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 684**  
Tuesday, July 11, 1995, 1:00 p.m.  
Francis F. Campbell City Council Room  
Plaza Level of City Hall  
Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
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Abbott  
Bolzle  
Doverspike  
Turnbo, Chair  
White

Gardner  
Beach  
Moore

Jackere, Legal  
Department  
Parnell, Code  
Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, July 10, 1995, at 11:13 a.m., as well as in the Reception Area of the INCOG offices.

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

**MINUTES:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** the minutes of June 27, 1995 (No. 683)

**UNFINISHED BUSINESS**

**Comments and Questions:**

Ms. Turnbo advised that the Case No. 17081 was denied without prejudice at the previous meeting, due to the absence of the applicant. She informed that the applicant, Mr. Baccus, is present today and is requesting that the previous Board action be reconsidered.

Mr. Jackere informed that the Board can determine at this time if the case should be reconsidered; however, the application will require advertising if it is reheard.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **RECONSIDER** Case No. 17081 on August 22, 1995.

**Case No. 17085**

**Action Requested:**

Special Exception to permit an indoor shooting range in an IM zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 19; variance of the required setback from the centerline of South Zunis from 50' to 25' - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 19; variance of the required number of parking spaces from 55 to 45 - **SECTION 1219.D. Off-Street Parking and Loading Requirements** - Use Unit 19, located 1115 South Zunis.

**Presentation:**

The applicant, **Robert Hinds**, 2215 South St. Louis, was represented by **Roy Johnsen**, 201 West 5th Street, who informed that the use of the building in question was considered for a gun club at a previous Board meeting and was continued to this date. He informed that the structure contains approximately 13,000 sq ft of floor space, and will contain a shooting range, offices and conference rooms. A Conceptual Interior Use Plan (Exhibit A-3) was submitted. Mr. Johnsen noted that the building previously housed an ice plant, and has been vacant for approximately 10 years. He pointed out that the use is appropriate for the area, and noted that an industrial use could begin operation at this location by right. In regard to access, Mr. Johnsen stated that the property entrance is on Zunis, with no access to other streets. He noted that a Public Service facility is located to the south of the subject tract, which also has an access on Zunis. Mr. Johnsen informed that the railroad right-of-way is not available for lease by his client and, although the driveway extending along the tracks from 11th Street is used to access the property, it is not legally available to the gun club. He stated that the use is specifically addressed in the Zoning Code; and noted that parking needs are similar to those of a golf driving range. Mr. Johnsen stated that 45 parking spaces will be provided, which should be adequate for the use, and noted that an industrial use (Use Unit 25) could operate at this location with no parking requirements. He submitted development standards (Exhibit A-2) and advised that 33 firing stations will be installed, with entry to the building being on the east. Mr. Johnsen stated that his client is amenable to requesting that the club members refrain from parking along the street on Zunis. Photographs (Exhibit A-1) were submitted.

**Comments and Questions:**

Ms. Turnbo voiced a concern that additional members will be waiting to use the 33 firing stations and that approximately 60 vehicles could be attempting to park in the 45-space parking area.

Mr. Johnsen noted that several individuals usually arrive in one vehicle, and pointed out that the outdoor facility at another location has approximately 20 members on the premises during peak periods.

Case No. 17085 (continued)

In reply to Mr. Gardner, Mr. Johnsen advised that a ramp will replace the existing loading dock.

Mr. Doverspike asked Mr. Johnsen if his client would be amenable to a condition restricting the use to club members only, with no public use, and he answered in the affirmative.

In reply to Ms. Abbott's inquiry concerning screening, Mr. Johnsen advised that the windows will be sealed and the solid building wall along Zunis would serve as screening.

Ms. Abbott asked if use of the firing bays could be scheduled, and Mr. Johnsen advised that his client has stated that members use a card to access the property and the club does not have enough staff for this type of scheduling.

In reply to Ms. Turnbo, Mr. Johnsen advised that his client can encourage club members to access the property down Zunis from 11th Street, and not through the residential neighborhood.

**Board Action:**

On **MOTION** of **DOVERSPIKE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit an indoor shooting range in an IM zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 19; **variance** of the required setback from the centerline of South Zunis from 50' to 25' - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 19; **variance** of the required number of parking spaces from 55 to 45 - **SECTION 1219.D. Off-Street Parking and Loading Requirements** - Use Unit 19; subject to a maximum of 33 firing stations; subjects to member entrance being located on east end of the north building wall, per plans submitted; subject to only one wall sign (maximum 64 sq ft display surface area) being installed on the north building wall; subject to 45 off-street parking spaces being provided; subject to an access way being provided to 11th Street, to the extent permitted by adjoining owners; subject to club rules being amended and each member advised that they are not to park on Zunis; subject to use of the facility being from 10 a.m. to 10 p.m. only; subject to facility being closed to the general public; subject to doors and windows being sealed in firing range area; and subject to membership being encouraged to use 11th Street to access the property; finding the use, per conditions, to be compatible with the area and in harmony with the Code; on the following described property:

South 33.12' Lot 3 and all of Lots 4, 5, 6 and north 15' Lot 7 and north 165' Lot 18, Block 1, M. E. Bailey Subdivision B1 Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17048**

**Action Requested:**

Reconsideration of a request for variance of the required minimum 30' of frontage on a public street or dedicated right-of-way for three separate abutting parcels - **SECTION 206. STREET FRONTAGE REQUIRED** - Use Unit 6, located southeast corner West 73rd Street South and South 33rd West Avenue.

**Comments and Questions:**

Ms. Turnbo advised that Mr. White will abstain from hearing Case No. 17048.

**Presentation:**

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, noted that this is a reconsideration of a previous Board decision (June 27, 1995) regarding a variance of required frontage on a public street. He informed that his clients have purchased three five-acre parcels and are proposing to construct a dwelling on each tract. Mr. Norman noted that the property is approximately 12,000' from the nearest sanitary sewer and there are no plans to extend sewer lines to accommodate this area. He informed that the Creek County Rural Water District will provide water for the project, even though the land is located within the Tulsa city limits. Mr. Norman explained that a Watershed Development Permit was acquired from the City of Tulsa to construct a dam across a tributary of the creek and create a recreation area. The applicant clarified that the property could not be developed in a typical fashion because of topography and utility service constraints. A packet (Exhibit B-1) was submitted, which contained an ownership exhibit, letters regarding development, easements and a sewer exhibit.

**Comments and Questions:**

In reply to Mr. Bolzle, the applicant stated that 26th West Avenue is not open to the south, and noted that the terrain is very steep in this area.

Ms. Abbott asked if utility easements have been filed, and Mr. Norman advised that the property owners granted and filed a 50' wide access and utility easement to each other and to the Creek County Rural Water District. He informed that any additional easements needed for utilities will be provided.

In reply to Ms. Abbott, Mr. Norman advised that the landowners will comply with any Corps of Engineers requirements and would be agreeable to such a condition.

**Protestants:**

None.

Case No. 17048 (continued)

**Board Action:**

On **MOTION** of **ABBOTT**, the Board voted 4-0-1 (Abbott, Bolzle, Doverspike, Turnbo, , "aye"; no "nays"; White, "abstaining"; none "absent") to **APPROVE** a **Variance** of the required minimum 30' of frontage on a public street or dedicated right-of-way for three separate abutting parcels - **SECTION 206. STREET FRONTAGE REQUIRED** - Use Unit 6; per development plan submitted (Exhibit B-1); and subject to all utility easements required by ONG, PSO, Creek County Rural Water District and Southwestern Bell being filed of record; subject to compliance with requirements of the Corps of Engineers; finding that utilities necessary to the development of a typical subdivision are not available and are not proposed at this location; and 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:

SW/c of S/2 NW/4 Sec. 10 T-18-N R-12-E Indian Base and Meridian, Tulsa County, Oklahoma; thence due N a distance of 594.12'; thence due E a distance of 391.56'; thence on a curve to the left a radius of 300.00', a central angle of 55°04'27" a distance of 288.37'; thence on a curve to the right a radius of 195.00', a central angle of 130°48'25" a distance of 445.19'; thence on a curve to the left a radius of 520.00', a central angle of 39°21'26" a distance of 357.19'; thence on curve to the left a radius of 275.00', a central angle of 77°24'46" a distance of 371.55'; thence on a curve to the right a radius of 485.00', a central angle of 39°38'19" a distance of 335.53'; thence on a curve to the left a radius of 200.00', a central angle of 58°41'35" a distance of 204.88'; thence N 29°54'30" E a distance of 46.00' to the P.O.B.; thence continuing N 29°54'30" E a distance of 182.06'; thence on a curve to the right a radius of 350.00', a central angle of 35°46'20" a distance of 218.52'; thence S 82°35'01" E a distance of 371.24'; thence S 0°00'53" W a distance of 480.00'; thence N 69°56'26" W a distance of 657.95' to the P.O.B. **and commencing** at the SW/c of S/2 NW/4 Sec. 10 T-18-N R-12-E Indian Base and Meridian, Tulsa County, Oklahoma; thence due N a distance of 594.12'; thence due E a distance of 391.56'; thence on a curve to the left a radius of 300.00', a central angle of 55°04'27" a distance of 288.37'; thence on a curve to the right a radius of 195.00', a central angle of 130°48'25" a distance of 445.19'; thence on a curve to the left a radius of 520.00', a central angle of 39°21'26" a distance of 357.19'; thence on curve to the left a radius of 275.00', a central angle of 77°24'46" a distance of 371.55'; thence on a curve to the right a radius of 485.00', a central angle of 39°38'19" a distance of 335.53'; thence on a curve to the left a radius of 200.00', a central angle of 41°17'29" a distance of 144.13' to the P.O.B.; thence on a curve to the left a radius of 200.00', a central angle of 17°24'06" a distance of 60.75'; thence N 29°54'30" E a distance of 46.00'; thence S 69°56'26" E a distance of 657.95'; thence S 0°00'53" W a distance of 401.04'; thence S 89°40'56" W a distance of 180.00'; thence N 42°41'24" W a distance of 735.42' to the P.O.B. **and commencing** at the SW/c of S/2 NW/4 Sec. 10 T-18-N R-12-E Indian Base and Meridian, Tulsa County, Oklahoma; thence due N a distance of 594.12'; thence due E a distance of 391.56'; thence on a curve to the left a radius of 300.00', a central angle of 55°04'27" a distance of 288.37'; thence on a curve to the right a radius of 195.00', a central angle of 130°48'25" a distance of 445.19'; thence on a curve to the left a radius of 520.00', a central angle of 39°21'26" a distance of 357.19'; thence on curve to the left a radius of 275.00', a central angle of 77°24'46" a distance of 371.55'; thence on a curve to the right a radius of 485.00', a central angle of 30°11'16" a distance of 255.53' to the P.O.B.; thence continuing on a curve to the right a radius of 485.00', a central angle of 9°27'03" a distance of 80.00'; thence on a curve to the left a radius of 200.00', a central angle of 41°17'29" a distance of 144.13'; thence S 42°41'24" E a distance of 735.42'; thence S 89°40'56" W a distance of 616.34'; thence N 10°50'58" W a distance of 491.30' to the P.O.B.

## NEW APPLICATIONS

### Case No. 17093

#### Action Requested:

Special Exception to permit a home occupation (law office) in an RS-3 District , and a variance to exceed maximum 500 sq ft and to permit a part-time employee - **SECTION 404.B.2.8. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** -.Use Unit 6, located 5726 East 51st Street.

#### Presentation:

The applicant, **Kathryn Colbert**, was represented by **Allen Core**, 5726 East 51st Street, who requested permission to conduct his law practice at the above stated location. He explained that the residence faces 51st Street and has a circle drive with a double-car garage. Mr. Core submitted photographs (Exhibit C-3) and informed that his office is to the rear of the garage and is not visible from the street. The applicant stated that the major portion of his business consists of federal Indian law issues and many clients are in other states. Mr. Core informed that he has very few walk-in customers and is only in need of a part-time employee. He pointed out that the front of his home is not visible to the neighboring residents.

#### Comments and Questions:

Mr. Doverspike asked the applicant if his business is advertised in the yellow pages or the telephone book or any other publication, and Mr. Core advised that he is listed in the yellow pages.

In reply to Mr. Doverspike, the applicant stated that the yellow-page ad reads "concentrating in Indian law".

Mr. Doverspike asked the applicant if he would be opposed to a one-year approval to prove compatibility with the neighborhood, and Mr. Core replied that he would have no problem with a one-year approval.

In reply to Mr. Doverspike, the applicant stated that he is familiar with the home occupation guidelines.

Ms. Turnbo inquired as to the hours of operation, and the applicant stated that he schedules appointments between 9 a.m. and 4:30 p.m., with the part-time employee working between 9 a.m. and 1:30 p.m.

#### Protestants:

**Debbie Bunting**, 5114 South Irvington, informed that her back yard abuts the subject property and the traffic at Mr. Core's home is visible from her home; however, the major concern is the possibility that the property will be used for commercial purposes.

Case No. 17093 (continued)

**Harry Stahl**, 5123 South Hudson Place, stated that he lives to the rear of the subject property and has filed a complaint concerning the business sign. He informed that the sign has now been removed. He asked that the residential character of the neighborhood be retained.

**Lloyd Hobbs**, planning chairman for District 18, submitted letters of protest (Exhibit C-2) and informed that he has received several phone calls from individuals protesting the application. Mr. Hobbs stated that a similar application was recently denied by the Board and requested that this case be denied.

A zoning violation notice (Exhibit C-1) was submitted.

**Comments and Questions:**

Mr. White noted that the application referred to by Mr. Hobbs was deep inside a residential neighborhood and the applicant was operating more than one business.

**Board Action:**

On **MOTION** of **DOVERSPIKE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a home occupation (law office) in an RS-3 District for **one year only** from this date; to **APPROVE** a **variance** to exceed the maximum 500 sq ft to 620 sq ft; and to **DENY** a **variance** to permit a part-time employee - **SECTION 404.B.2.8. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 6; subject to the home occupation guidelines; subject to the hours of operation being 9 a.m. to 4:30 p.m., Monday through Friday; subject to no signage other than the existing directional office sign near the dwelling (not visible from the street); finding that the one year time limitation will allow the Board to determine compatibility with the neighborhood; on the following described property:

North 228.45', east 135', W/2, W/2, NW/4, NE/4, less north 50' for street, Section 34, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17095**

**Action Requested:**

Special Exception to allow an auto repair service in a CS District - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 4604 North Peoria Avenue.

Case No. 17095 (continued)

**Presentation:**

The applicant, **Urel Gibbs**, 1446 North Cincinnati, was represented by **Kimberly Gibbs**, who informed that a service station began operation at this location in 1982; however, the sale of gasoline was later discontinued, with only the repair business remaining. She stated that they were not aware that this use was not permitted by right, and requested that the garage be allowed to continue operation at this location.

**Comments and Questions:**

Mr. Gardner informed that he received a call from an individual that was concerned that numerous cars will be parked on the lot for long periods of time and that these cars would not be screened.

Ms. Parnell advised that she became aware of the violation when it was noted by another Code Enforcement employee that a screening fence was needed on the west property line. She stated that the applicant paved the parking area when this violation was brought to his attention, and has been very conscientious in attempting to comply with the Code. A zoning violation notice (Exhibit D-1) and photographs (Exhibit D-2) were submitted.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **ABBOTT**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to allow a 3-bay auto repair service in a CS District - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; subject to no outside storage of inoperable vehicles; finding that the business has been in operation for several years and has proved compatibility with the area; on the following described property:

Beginning 50' west and 45' north of the SE/c of the SE/4, thence north 145', west 155', south 160', east 140', northeast 21.2' to the POB, less south 10' for road, Section 12, T-20-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17096**

**Action Requested:**

Special Exception to permit a boat repair shop in a CS District, special exception to permit an industrial supply business in a CS District and a variance to permit temporary gravel parking for one year - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** and **SECTION 1303.D. Design Standards for Off-Street Parking**; special exception to remove the screening requirement from an abutting residential district - **SECTION 212. SCREENING WALL OR FENCE** - Use Units 15 & 17, located 1217 South 129th East Avenue.

**Presentation:**

The applicant, **Robert Harter**, 1238 South 105th East Avenue, was represented by **Carolyn Harter**, who requested that she be permitted to relocate her business and her husband's business to the above stated location (Exhibit E-3). Ms. Harter informed that she has visited with the abutting landowners and has found no objection to the proposed use of the property. Letters of support (Exhibit E-1) and photographs (Exhibit E-2) were submitted.

**Comments and Questions:**

Mr. Doverspike asked if both buildings will be used for the businesses in question, and Ms. Harter answered in the affirmative.

In reply to Mr. Doverspike, Mr. Harter informed that a house, which has numerous accessory buildings, is located to the south of the subject tract.

Mr. Harter remarked that they were not aware the businesses were prohibited until the land purchase had been finalized.

Ms. Harter informed that their business hours are from 8 a.m. to 5 p.m. , Monday through Friday.

In reply to Mr. Doverspike, Mr. Harter informed that the major portion of the motor testing is outside the building, but the neighbors have not voiced a concern with the noise level.

In reply to Mr. Bolzle, Ms. Harter informed that her supply business consists of hand tools, cutting tools, etc., but no large tools.

In reply to Mr. Bolzle, Mr. Harter stated that storage for his business is similar to that of a car repair operation and there will be no boat storage on the property.

**Protestants:**

None.

Case No. 17096 (continued)

**Interested Parties:**

**Mary Hill**, 1115 South 129th East Avenue, informed that her property abuts the subject tract and stated that she is supportive of the application.

In response to Ms. Turnbo's question concerning screening, Mr. Doverspike noted that the developed portion of the abutting residentially zoned property is quite a distance from the subject tract.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a boat repair shop in a CS District, **special exception** to permit an industrial supply business in a CS District and a **variance** to permit temporary gravel parking for one year - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** and **SECTION 1303.D. Design Standards for Off-Street Parking**; special exception to remove the screening requirement from an abutting residential district - **SECTION 212. SCREENING WALL OR FENCE** - Use Units 15 & 17; per plan submitted; subject to days and hours of operation being Monday through Friday, 8 a.m. to 5 p.m., subject to boat repair being conducted in the east building only; and subject to the industrial supply business being limited to the west building; finding the use to be compatible with the area; finding that the abutting residential district remains undeveloped near the subject tract; and finding that approval of the requests will not cause substantial detriment to the public good or violate the spirit and intent of the Code; on the following described property:

North 91½' Lot 6 and Lot 7 less west 25' and Lot 8 less west 25', Block 4, Romoland Addition to the City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17097**

**Action Requested:**

Special Exception for a home occupation (custom draperies) in an RS-3 zoned district - **SECTION 402.B.6. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 11015 East 38th Street.

**Presentation:**

The applicant, **Darrell Boyd**, 11015 East 38th Street, explained that he has lived at the current address for approximately 20 years and his family has made custom draperies in their home for the last 12 years. He informed that customers are seen by appointment only and requested that the business be permitted to continue.

Case No. 17097 (continued)

**Comments and Questions:**

Ms. Turnbo inquired as to the number of customers visiting the residence each day, and Mr. Boyd replied that there are no more than five customers per day. He pointed out that customers do not visit the home except to select fabric or view the draperies after the sewing process has begun.

Mr. White asked how many family members are involved in the business, and the applicant replied that he, his wife, two sons, mother-in-law and niece work in the business. He informed that his niece does not live in the home and only works part-time.

Mr. White remarked that approximately 10 vehicles were parked in front of the house when he site-checked the property, and Mr. Boyd stated that his family owns eight vehicles.

Mr. Jackere referred to a photograph (Exhibit F-3) that was submitted, and pointed out that it is not lawful to park a vehicle across the sidewalk. Mr. Boyd stated that Ms. Parnell advised him of this violation and the cars are no longer parked on the sidewalk. The applicant volunteered to store some vehicles at another location, if required.

In reply to Ms. Turnbo, the applicant stated that his sons work on their vehicles from time to time, but there are no inoperable vehicles on the property.

Mr. Doverspike asked the applicant if he is familiar with the home occupation guidelines, and he answered in the affirmative. Mr. Boyd informed that the business is operated Monday through Friday, 8 a.m. to 4 p.m.

Ms. Turnbo pointed out that anyone living outside the household is not permitted to work in a home occupation, and noted that the niece would not be permitted to continue working in the business without additional advertising and Board approval.

**Protestants:**

Ms. Turnbo advised that a letter of protest (Exhibit F-2) was received from a neighborhood resident.

**Jim Rush**, 11011 East 38th Street, informed that he lives approximately 10' from the business in question, and stated that traffic is a constant problem at this location. He advised that he frequently misses mail delivery because vehicles are blocking access to his mail box. Mr. Rush noted that the applicant is constructing a new dwelling and voiced a concern that the residence could be used solely for business purposes in the future.

Case No. 17097 (continued)

**Charles Simmons**, 6814 East 50th Street, informed that he owns a house in the area, and pointed out that there is limited access to the addition. He noted that school buses, as well as emergency vehicles, have a difficult time maneuvering through the parked cars. Mr. Simmons suggested that the business has grown too large for the neighborhood.

**Applicant's Rebuttal:**

Mr. Boyd reiterated that the business has been conducted for approximately 12 years without incident, and noted that there are other home occupations in the area. The applicant stated that he will comply with any conditions imposed by the Board.

Mr. Jackere asked Mr. Boyd if the drapery business will be moved when the new residence is completed, and he answered in the affirmative.

Ms. Parnell informed that Code Enforcement has worked the property five times, and vehicles seem to be the major problem. She pointed out that each time she site checked the property there were numerous vehicles parked at Mr. Boyd's home. She noted that there were two covered vehicles in the driveway. A notice of violation (Exhibit F-1) and photographs (Exhibit F-3) were submitted.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** for a home occupation (custom draperies) in an RS-3 zoned district for **two years only** from this date - **SECTION 402.B.6. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; subject to days and hours of operation being Monday through Friday, 8 a.m. to 4 p.m., subject to all work being conducted inside; subject to a maximum of 4 homeowner vehicles being on site; and subject to home occupation guidelines; finding that the home occupation, per conditions, will be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

Lot 13, Block 13, Shannon Park Sixth Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17098**

**Action Requested:**

Variance of the required rear yard from 40' to 15' to permit construction of a new residence and detached garage - **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 6, located 717' South 26th West Avenue.

Case No. 17098 (continued)

**Comments and Questions:**

Mr. Bolzle advised that he will abstain from hearing Case No. 17098.

**Presentation:**

The applicant, **Bruce Blake**, 2723 East 10th Street, submitted a site plan (Exhibit G-1) and explained that approximately one-third of the subject tract is located in the floodplain, one-third of the land cannot pass a percolation test and one-third is suitable for a building site. Mr. Blake informed that his applicant is proposing to purchase the property to the east, but the purchase has not been finalized at this time.

**Comments and Questions:**

Ms. Turnbo asked Mr. Blake if his client is amenable to the execution of a tie contract if the property to the east is purchased, and he replied that his client would be agreeable to a tie contract.

**Protestants:**

**David Center**, 208 East New Orleans, Broken Arrow, Oklahoma, informed that he is the architect for the project and is available for questions.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-1 (Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; Bolzle, "abstaining"; none "absent") to **APPROVE a Variance** of the required rear yard from 40' to 15' to permit construction of a new residence and detached garage - **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 6; per plan submitted; subject to the execution of a tie contract if the adjoining property to the east is purchased; finding a hardship demonstrated by the floodplain and the fact that only one-third of the tract is suitable for building; on the following described property:

Lot 2, Block 3, Rosewood Acres 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17099**

**Action Requested:**

Special Exception to permit a reduction of the front yard from 25' to 22', and a variance of the required rear yard from 20' to 7' to permit an existing encroachment - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 6638 South 67th East Avenue.

Case No. 17099 (continued)

**Presentation:**

The applicant, **Roy Johnsen**, 201 West 5th Street, submitted a plat of survey (Exhibit H-1) and explained that the existing dwelling was constructed approximately 25 years ago and the building wall extends into the required front and rear yards. He informed that sale of the property is pending and the requests were made to clear the title and allow the sale to go forward. Mr. Johnsen stated that the vacation of the utility easement to the south is pending.

**Interested Parties:**

**Jack Strobel**, 6605 East 67th Street, stated that he lives to the rear of the subject property and advised that most of his concerns were answered by Mr. Johnsen.

**Board Action:**

On **MOTION** of **ABBOTT**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a reduction of the front yard from 25' to 22', and a **variance** of the required rear yard from 20' to 7' to permit an existing encroachment - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the dwelling was constructed approximately 25 years ago and the relief is required to clear the title and finalize the sale of the property:

Lot 8 Block 4, Park Plaza South Addition, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:12 p.m.

Date Approved 7-25-95

Norma Turnbo

Chairman