

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 690
Tuesday, October 10, 1995, 1 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Abbott Bolzle Turnbo, Chair White	Doverspike	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 Friday, October 6, 1995, at 3:50 p.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, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** the minutes of September 26, 1995 (No. 689)

UNFINISHED BUSINESS

Case No. 17153

Action Requested:

Variance of the required livability space - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6.

Variance of the maximum rear yard coverage by a detached accessory building from 20% to 30% - **SECTION 210.5. YARDS Permitted Obstructions in Required Yards** - Use Unit 6, located 11919 East 23rd Street.

Presentation:

The applicant, **Morton Buildings, Inc.**, Box 1388, Muskogee, Oklahoma, was represented by **Jim Jones**, who informed that the owner is proposing to construct a detached accessory building on the subject tract. A plot plan (Exhibit A-1) and brochure (Exhibit A-2) were submitted.

Case No. 17153 (continued)

Comments and Questions:

Mr. Bolzle asked if the use was previously approved, and Mr. Jones answered in the affirmative. He noted that the issue today is the fact that the building will cover slightly more of the lot than is permitted by the Code.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required livability space - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, and a **Variance** of the maximum rear yard coverage by a detached accessory building from 20% to 30% - **SECTION 210.5. YARDS Permitted Obstructions in Required Yards** - Use Unit 6; finding that the use was previously approved; finding that the long driveway to the rear of the dwelling reduces livability space to an amount slightly under the Code requirement; and finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit, purpose or intent of the Code; on the following described property:

Lot 8, Block 6, Leslie Leigh II Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17166

Action Requested:

Variance of the required setback from the centerline of East 12th Street from 50' to 43' to permit classroom trailers - **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 2, located 1127 South Columbia (Wilson School).

Presentation:

The applicant, **Arron Peters**, 1555 North 77th East Avenue, informed that he is representing Tulsa Public Schools and that school use was previously approved at the above stated location; however, additional relief was needed to install classroom trailers 43' from the centerline of the street. He stated that the additional classroom space is needed to comply with House Bill 1017 student/teacher ratio. A plot plan (Exhibit B-1) was submitted.

Comments and Questions:

In reply to Mr. Bolzle, Mr. Peters informed that the trailers must be placed at the proposed location to access sewer and water.

Case No. 17166 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of East 12th Street from 50' to 43' to permit classroom trailers - **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; finding that the units must be placed at the proposed location in order to access sewer and water lines; and finding that approval of the request will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

NE/4, NE/4, NW/4, Section 8, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17175

Action Requested:

Special Exception to permit auto rental and sales in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; and a variance to permit open air storage and display of merchandise offered for sale within 300' of a R District - **SECTION 1217.C.2. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions** - Unit 17, located southwest corner East Queen Street and North Sheridan Road.

Presentation:

The applicant, **Billie Cox**, 3109 South Lewis Avenue, submitted a plot plan (Exhibit C-1) and informed that a car rental and sales lot is proposed at this location. He stated that some of the neighbors are concerned with water runoff, and remarked that it would be possible to direct the water from this property to Queen Street.

Comments and Questions:

Mr. Bolzle inquired as to the number of available parking spaces, and the applicant stated that approximately 40 spaces will be provided and no more than 40 cars will be parked on the property.

Protestants:

Yvonne Jackson informed that she and her mother own the property at 1535 North Oxford, which abuts the subject property. She stated that their concerns are water runoff, days and hours of operation, lighting, security and the number of customers anticipated. Ms. Jackson also questioned the type of sales that will be conducted in the building.

Case No. 17175 (continued)

Mr. Bolzle asked Ms. Jackson if she is opposed to the use, with conditions, and she replied that she is not opposed to a quality rental and sales operation.

Betty Tharp, 1531 North Oxford, stated that her property abuts the proposed use and the major concern is water runoff. She noted that adequate drainage is not in place and any additional construction will only add to an existing problem. Ms. Tharp requested that a screening fence be installed.

Raymond Dobson, 1540 North Oxford, stated that his concern is the additional traffic that will be generated by the business. Mr. Dobson pointed out that there is an existing problem with unwanted pedestrian traffic in the neighborhood and he would not welcome additional problems.

Applicant's Rebuttal:

Mr. Cox informed that a 6' wood screening fence will be installed along the property line. He stated that the business will operate from 6 a.m. to midnight (seven days a week), which are normal operating hours for a car rental business.

In reply to Ms. Abbott, Mr. Cox stated that the primary use of the property will be the rental of automobiles.

Mr. White inquired as to the use of the building, and Mr. Cox replied that the building will be used for washing, minor car repairs and office space.

Ms. Abbott inquired as to security, and the applicant stated that the employees will be on duty until midnight and additional security will not be provided.

Ms. Abbott asked if ingress and egress will be from Queen Street, and the applicant answered in the affirmative.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Special Exception** to permit auto rental and sales in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; and a **Variance** to permit open air storage and display of merchandise offered for sale within 300' of a R District - **SECTION 1217.C.2. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions** - Unit 17; per plan submitted; subject to all lighting being directed inward and away from the residential neighborhood; subject to adequate security being provided; subject to the rental portion of the business being operated no later than midnight; subject to no sales after 9 p.m.; and subject to drainage being in compliance with Stormwater Management recommendations; finding the rental and sales operation, per conditions, to be compatible with surrounding uses and in harmony with the spirit and intent of the Code; on the following described property:

Case No. 17175 (continued)

Lots 1, 2 and 3, Block 1, Douglas Court 3rd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17191

Action Requested:

Variance of the required 30' of frontage on a public street to 0' to permit a lot split - **SECTION 206. STREET FRONTAGE REQUIRED**, located west of southwest corner 111th Street South and South Yale Avenue.

Presentation:

The applicant, **Jerry Ledford**, 8209 East 63rd Place South, requested by letter (Exhibit D-1) that Case No. 17191 be withdrawn.

NEW APPLICATIONS

Case No. 17192

Action Requested:

Variance to permit gravel parking, a variance of the required setback from the centerline of 61st Street from 100' to 58' and a variance of the required setback from abutting R District from 75' to 35.8' - **SECTION 1303.D DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, SECTION 903. BULK AND AREA REQUIREMENTS IN INDUSTRIAL DISTRICTS** - Use Unit 17, located 9933 East 61st Street South.

Presentation:

The applicant, **Caroll Culp**, 2733 South Elder, Broken Arrow, Oklahoma, submitted a plot plan (Exhibit E-1) and requested that an existing building be permitted to remain. He noted that the structure was built approximately 40 years ago and does not comply with current setback requirements. Mr. Culp requested permission to park on the existing gravel parking area. He pointed out that additional paving cannot be installed because of existing lateral lines on the property. Mr. Culp pointed out that the 90' deep lot would not be useable without some type of Board relief. Photographs (Exhibit E-2) were submitted.

Comments and Questions:

Mr. Jackere asked the applicant if he plans to add to the existing structure, and Mr. Culp replied that additional construction is not proposed.

Ms. Abbott inquired as to the prior use of the building, and the applicant replied that a boating supply and water ski sales operation was previously in operation on the lot.

Case No. 17192 (continued)

Protestants:

Barbara Ferguson stated that she is the property owner to the north of the subject tract and informed that there is an existing water drainage problem in the area. She asked that any water discharged on the ground be diverted away from the residential neighborhood. She requested that parking be prohibited on the east side of the building, which is visible from her home.

Gerald Hicks, 5945 South 99th East Avenue, informed that his property abuts the subject property at the corner, and water runoff is his major concern. He stated that excess water runs toward his property and a radiator shop previously discharged liquid contaminates that pooled on nearby residential lots.

Applicant's Rebuttal:

Mr. Culp stated that the lot has always had a gravel parking area.

Mr. Gardner advised that road widening improvements on 61st Street and the installation of storm sewers in the area could improve water runoff problems at this location.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye" no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** to permit gravel parking, **variance** of the required setback from the centerline of 61st Street from 100' to 58' and a **variance** of the required setback from abutting R District from 75' to 35.8' - **SECTION 1303.D DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, SECTION 903. BULK AND AREA REQUIREMENTS IN INDUSTRIAL DISTRICTS** - Use Unit 17; per plan submitted; subject to all parking of vehicles being limited to the west side of the building, with no display of automobiles on the east; finding a hardship demonstrated by the shallowness of the lot, the location of the existing building that was constructed before the adoption of the current Code requirements in regard to setbacks and the local drainage problems; on the following described property:

Lot 8, Block 2, Guy Cook Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17193

Action Requested:

Variance of the required all-weather surface to permit parking vehicles on grass - **SECTION 1303.D. - DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 23, located 600 East 1st Street.

Case No. 17193 (continued)

Presentation:

The applicant, **Frank Wood**, 5672 South Utica Avenue, requested permission to park buses on property without a hard surface covering. He informed that sale negotiations are underway to sell the tract to Tulsa Development Authority (TDA). Mr. Wood requested that he be permitted to park on the lot until negotiations have concluded. Photographs (Exhibit F-3) and a location map (Exhibit F-1) were submitted.

Protestants:

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

Comments and Questions:

Mr. Bolzle inquired as to the amount of time required to complete the negotiations, and Mr. Wood replied that one year should be sufficient.

Ms. Turnbo advised that the letter from TDA states that it is difficult for the large buses to negotiate the turns in order to park on the lot.

Mr. Wood stated that he owns property on both sides of the street and drives the buses across the street from one lot to the other. He noted that the vehicles are stored on the lot and are not moved often.

Mr. White asked if all of the buses are operable, and Mr. Wood answered in the affirmative.

Protestants:

James Folsom informed that he is the property owner across the street at 705 East 1st Street, and stated that he is opposed to the buses being parked on the property in question. He pointed out that the doors of the buses are left open and they are a prime target for vandalism. Mr. Folsom stated that the buses parked near the downtown area are an eyesore and detrimental to the community.

Applicant's Rebuttal:

Mr. Wood advised that chains can be installed on the bus doors to prevent anyone from gaining entry, and noted that he is interested in protecting his equipment from being vandalized

Mr. White asked how many buses will be stored on the property, and the applicant stated that there is only space for four buses.

Mr. Bolzle stated that the applicant has not presented a hardship that would warrant the granting of a variance.

Case No. 17193 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **DENY** a **Variance** of the required all-weather surface to permit parking vehicles on grass - **SECTION 1303.D. - DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 23; finding that the applicant failed to present a hardship that would warrant the granting of a variance; and finding that approval of the request would be detrimental to the area and violate the spirit and intent of the Code; on the following described property:

Lot 83, part of Lots 5 and 6, Beginning 83.66' NE of NW/c; thence NE 19.58'; thence on a curve to the right 93.47'; thence SE 32.31'; thence on a curve to the left 126.55' to POB, Block 83, Original Townsite of Tulsa, Tulsa County, Oklahoma.

Case No. 17194

Action Requested:

Variance of the required 10' setback on side lot lines of Lot 9 to 5' on north side and on Lot 1 to 9'4" on south side and 4' on north side to permit new single-family dwellings - **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located north of northeast corner 14th Place and South Guthrie Avenue.

Presentation:

The applicant, **Tim Jobin**, P. O. Box 700568, was represented by **Steve Brown**, 1324 East 16th Street, who submitted plot plans (Exhibit G-1) and informed that two single-family dwellings are proposed on multifamily zoned property.

Comments and Questions:

Mr. Bolzle noted that the multifamily lots have 10' required side yards, which constitutes a hardship.

Interested Parties:

Jim Norton, 1322 South Guthrie, advised that he lives in the neighborhood and inquired as to the number of dwellings proposed on each lot.

Mr. Bolzle advised Mr. Norton that one single-family dwelling is proposed per lot.

Case No. 17194 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** of the required 10' setback on side lot lines of Lot 9 to 5' on north side and on Lot 8 to 9'4" on south side and 4' on north side to permit new single-family dwellings - **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the property has developed single family; and finding a hardship imposed by the 10' side yard setback requirements, which were designed for apartment development; on the following described property:

Lots 8 and 9, Block 10, Childers Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17195

Action Requested:

Variance of the required 60' setback from the centerline of 69th East Avenue to 46' to permit a new porch - **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 10111 South 69th East Avenue.

Presentation:

The applicant, **Suresh Bharani**, 10111 South 69th East Avenue, submitted a plot plan (Exhibit H-1) and requested permission to add a front porch to an existing dwelling. He informed that numerous dwellings in the area have front porches.

Comments and Questions:

Mr. Bolzle asked the applicant if the porch would ever be enclosed, and Mr. Bharani replied that the porch will remain open.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** of the required 60' setback from the centerline of 69th East Avenue to 46' to permit a new porch - **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; subject to enclosure of the porch being prohibited; finding that the open porch will extend approximately 2' closer to the street than the house abutting to the south; and finding that approval of the request will not be detrimental to the neighborhood; on the following described property:

Lot 8, Block 2, Forest Glen Estates, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17196

Action Requested:

Variance to permit two dwelling units on one lot of record - **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6, located 748 South 85th East Avenue.

Presentation:

The applicant, **Alice Turley**, 748 South 85th East Avenue, requested permission to construct a new dwelling on the rear portion of her property (approximately 1 1/4 total acreage). Ms. Turley explained that an attempt was made to split the property into two legal lots, but it was determined that adequate sewer and water was not available for two separate lots. She pointed out that a family member will reside in the new dwelling and the property will remain under the same ownership.

Comments and Questions:

Mr. Gardner informed that the City will not permit the installation of private sewer and water lines to extend across private property by private easement rather than a sewer line/water line extension within the City right-of-way. He pointed out that the City requires that each lot of record be hooked up to the City owned sewer and water lines.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** to permit two dwelling units on one lot of record - **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6; subject to the lot of record remaining under one ownership; finding a hardship demonstrated by the size of the tract and the fact that water and sewer hookups are not available to permit a lot split; on the following described property:

S/2, Lot 2, Block 3, Clarland Acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17197

Action Requested:

Minor Special Exception to permit a detached accessory building to be located on a lot other than the lot containing the principal residence - **SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS**, and special exception to permit a private park as a children's amusement on a lot other than the lot containing the principal residence in an RS-3/HP zoned district - **SECTION 1202. AREA-WIDE SPECIAL EXCEPTION USES** - Use Unit 2, located 1565 and 1559 Swan Drive.

Case No. 17197 (continued)

Presentation:

The applicant, **Alan Elias**, 1565 Swan Drive, advised that he purchased the property abutting his dwelling and removed the dilapidated dwelling, but retained the accessory building. He asked that the building be permitted to remain on the lot. Mr. Elias informed that the existing 8' basement will have a 10' waterfall and will be stocked with trout. He stated that the area will also have Galapagos Island tortoises, which can be enjoyed by the neighborhood children.

Comments and Questions:

Mr. Jackere asked the applicant if he has been advised by the City that the tortoises are not permitted at this location, and he answered in the affirmative. Mr. Jackere advised that the Board does not have the authority to approve a special exception for a private park with tortoises if there is another City ordinance prohibiting same.

Ms. Turnbo inquired as to the individuals that will be permitted to use the private park, and the applicant stated that he has already installed access gates for two neighbors, and other neighbors will be welcome. He pointed out that the side lot will not have a gate and all visitors must access the park from the lot containing his home.

In reply to Ms. Turnbo, the applicant stated that a Certificate of Appropriateness has been acquired for a street cut for parking, but this has not been approved by the City.

Mr. Jackere advised that it appears that the abutting lot is an extension of the yard.

Mr. Bolzle stated that he is amenable to approving the detached accessory building, but suggested that the special exception for the private park may require additional research and should be continued.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Minor Special Exception** to permit a detached accessory building to be located on a lot other than the lot containing the principal residence - **SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS**, and to **CONTINUE** the balance of the application to October 24, 1995; subject to the execution of a tie contract; subject to the applicant returning with a list of animals proposed for the park; finding that approval of the accessory building will not be detrimental to the area; on the following described property:

Case No. 17197 (continued)

A part of Lots 7 and 8, Block 1, Swan Park Addition, City of Tulsa, Tulsa County, Oklahoma as follows: Beginning at a point on the north line of said Lot 7 a distance of 8' from the NW/c of said Lot; thence in a southerly direction to a point in the southerly line of said Lot, which point is a distance of 80' from the SE/c of said Lot 7, thence along the southerly line of Lots 7 and 8 a distance of 82.64' to a point in the southerly line of Lot 8, which point is 2.64' east of the SW/c of Lot 8, thence a northerly direction to a point on the north line of said Lot 8, which point is 8' east of the NW/c of said Lot 8, thence in a westerly direction along the northerly line of said Lots 7 and 8, a distance of 59.85' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17198

Action Requested:

Minor Special Exception to permit residential accessory uses to be located on a lot other than the lot containing the principal use - **SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS**, located 2139 North Midland Place.

Presentation:

The applicant, **William Taylor**, 2139 North Midland Place, was represented by **Ca' Johnson**, who submitted a plot plan (Exhibit J-1) and requested permission to construct an accessory building on an abutting lot.

Comments and Questions:

Mr. Bolzle inquired as to the size of the existing house on Lot 9, and Mr. Johnson replied that the house is approximately 30' by 56'.

Mr. Bolzle noted that the submitted plot plan depicts the size of the garage as being 24' by 32', and Mr. Johnson replied that the plan has been revised. He added that the proposed garage will comply with all Code requirements in regard to size and setbacks.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Minor Special Exception** to permit residential accessory uses to be located on a lot other than the lot containing the principal use - **SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS**; subject to the execution of a tie contract; finding that the proposed garage will be on a lot next door to the existing dwelling; and finding that

Case No. 17198 (continued)

approval of the request will not be detrimental to the neighborhood or violate the spirit and intent of the Code; on the following described property:

W/2 Lot 10, Block 5, Leclair Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17199

Action Requested:

Special Exception to remove the screening requirement to permit a funeral home to be constructed as an integral part of the cemetery - **SECTION 212.C. SCREENING WALL OR FENCE** - Use Unit 2, located 4661 East Admiral Place.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, informed that a funeral home is proposed at the above stated location and requested that screening between the funeral home and the cemetery be waived.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Special Exception** to remove the screening requirement to permit a funeral home to be constructed as an integral part of the cemetery - **SECTION 212.C. SCREENING WALL OR FENCE** - Use Unit 2; finding that the screening fence would screen the funeral home from the remainder of the cemetery; and finding that approval of the request would not be detrimental to the area, or violate the spirit, purpose or intent of the Code; on the following described property:

Commencing at the SE/c US Government Lot 1, Section 4, T-19-N, R-13-E, IBM, Tulsa County, Oklahoma; thence S89°59'17"W for 608.83; thence N00°00'43"W for 30' to the POB; thence S89°59'17"W for 303.91'; thence N00°00'00"E for 137.45'; thence N90°00'00"E for 25'; thence N00°00'00"E for 59.16'; thence N90°00'00"E for 250.44'; thence S81°35'06"E for 87.48'; thence S31°34'22"E for 28'; thence S06°19'46"W for 29.67'; thence S16°15'59"W for 37.80'; thence S28°00'13"W for 40.68'; thence S39°01'34"W for 51.93'; thence °S21°37'07"W for 19.20 to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17200

Action Requested:

Variance of the required rear yard from 25' to 18.5' to permit an addition to an existing structure - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2150 South Norfolk Terrace.

Presentation:

The applicant, **Charles Cole III**, 2150 South Norfolk Terrace, submitted a plot plan (Exhibit K-1) and requested permission to add a workshop/storage area to the existing dwelling. He pointed out that a detached building could be placed within 3' of the rear lot line; however, the lot has five sides and the rear lot line is very irregular. He requested that the new addition be attached to the existing dwelling.

Comments and Questions:

Mr. Bolzle asked if the storage area will be one story, and Mr. Cole answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye", no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a Variance of the required rear yard from 25' to 18.5' 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 a hardship demonstrated by the irregular shape of the lot; and finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit, purpose or intent of the Code; on the following described property:

Lot 9, Block 12, Amended Sunset Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17201

Action Requested:

Variance of the required rear yard from 20' to 7.5' to permit an addition to an existing dwelling - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 4018 South 92nd East Avenue.

Case No. 17201 (continued)

Presentation:

The applicant, **Dick Dobson**, 5345 East 41st Street, stated that he is the general contractor employed to rebuild an existing structure that was damaged and removed. He noted that the new addition will be constructed on the existing slab. A plot plan (Exhibit L-1) was submitted.

Comments and Questions:

In reply to Mr. Bolzle, the applicant stated that he does not have information stating the year this portion of the house was initially constructed.

In response to Mr. White, the applicant stated that the proposed construction will be one story.

Mr. Gardner asked if the proposed addition will extend farther to the west than the southern wall of the existing structure, and Mr. Dobson replied that the addition will be built on the existing slab, which extends approximately 2" farther than the house.

Mr. White asked if the new addition will be a part of the living area, and the applicant replied that the new portion will be a solarium and will be a part of the living space.

In reply to Mr. Beach, the applicant stated that the damage to the structure occurred in the Spring of 1995.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** of the required rear yard from 20' to 7.5' 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 lot is irregular in shape; finding that the new addition will replace a damaged portion of the dwelling that was removed; and finding that the new addition will be placed on the existing slab; on the following described property:

Lot 13, Block 2, Imperial Estates, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17202

Action Requested:

Special Exception to permit school use in an AG zoned district - **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURAL DISTRICT** .- Use Unit 2, located 3101 West Edison (Central High School).

Presentation:

The applicant, **Aaron Peters/Tulsa Public Schools**, 1555 North 77th East Avenue, submitted a plot plan (Exhibit M-1) and informed that two temporary classrooms are being installed to comply with House Bill 1017 in regard to teacher/student ratio. He pointed out that they are behind the building and barely visible from the street.

Interested Parties:

Jim Carter stated that he is opposed to the addition of permanent structures on the school property, because he is currently experiencing water problems.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Special Exception** to permit school use in an AG zoned district - **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURAL DISTRICT** .- Use Unit 2; finding that the temporary use (classroom trailers) will not be detrimental to the neighborhood; on the following described property:

Lot 3 and NW/4, SE/4, Section 33, T-20-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17203

Action Requested:

Special Exception to permit auto repair in a CS District - **SECTION 701. PRINCIPAL USED PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 10875 East Admiral Boulevard.

Presentation:

The applicant, **Billy Young**, 12 South 111th East Avenue, requested permission to conduct an automobile repair business at the above stated location. A plot plan (Exhibit N-1) was submitted.

Comments and Questions:

Mr. Bolzle asked Mr. Young if he is proposing to utilize only a portion of the building and he replied that one-third (north) of the building will be used for auto repair, with the south portion being reserved for retail sales.

Case No. 17203 (continued)

Mr. Bolzle noted that the plot plan depicts a shooting range and training facility, and Mr. Young informed that those uses are permitted by right in the CS District and are not included in this application.

Mr. Bolzle asked if the new building will be of metal construction, and the applicant answered in the affirmative.

In reply to Mr. White, the applicant stated that there will be gun sales on the property.

Ms. Turnbo asked if the business in question will be restricted to automobile repair only, and Mr. Young answered in the affirmative.

In response to Mr. Bolzle, the applicant stated that the east half of the tract will be used for the business.

Protestants:

Julia Becwar, 10845 East Admiral, informed that she owns the nearby mobile home park and voiced a concern with the proposed shooting range, and Mr. Bolzle advised her there is an empty tract between the proposed use and her property. He added that the shooting range is permitted by right in the CS zoned district.

Lula McBride, 10877 East Admiral Place, stated that her lot abuts the tract in question and that she is concerned with the possibility of junk cars being stored on the property. Ms. McBride requested that a screening fence be installed on the property line and that the business be operated during regular business hours.

Mr. Bolzle advised Ms. McBride that the auto repair portion of the business will be in the extreme north end of the building.

Dominic White informed that he owns the property across the street from the proposed use (1 South 109th East Place) and, although he is not opposed to the use, is concerned with the possibility of vehicles remaining on the property for long periods of time. He inquired as to the type of parking that will be provided.

Applicant's Rebuttal:

Mr. Young stated that outside storage is not proposed, and noted that space for 10 vehicles will be provided inside the building. He informed that the business will be open from 8 a.m. to 6 p.m., Monday through Saturday. Mr. Young stated that a privacy fence will be installed and the property will be cleaned up and properly maintained.

Case No. 17203 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Special Exception** to permit auto repair in a CS District - **SECTION 701. PRINCIPAL USED PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; subject to days and hours of operation being Monday through Saturday, 8 a.m. to 6 p.m.; and subject to no outside storage of vehicles or parts; finding the use to be compatible with the area and in harmony with the Code; on the following described property:

All of W/2, W/2, E/2, Lot 1, Section 6, T-19-N, R-14-E, less and except southerly 75' thereof; and all of the E/2, E/2, W/2, Lot 1, Section 6 except the southerly 75' thereof and the northerly 17' of the W/2, E/2, W/2, Lot 1, Section 6, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17204

Action Requested:

Variance of the required front setback from 35' to 30.5' to permit an existing garage, and a variance to permit an existing accessory building in the required front yard **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** and **SECTION 402.B.1.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 7744 South Indianapolis.

Presentation:

The applicant, **Jordan Lindsay**, 5801 East 41st Street, advised that this problem was discovered during a recent sale of the dwelling and requested that the variances be approved to clear the title to the property. He submitted a plot plan (Exhibit P-1) and informed that the house was built approximately 15 years ago. It was noted that the property has two street frontages.

Comments and Questions:

Mr. White noted that there is an approximate 50' change in elevation on the property.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** of the required front setback from 35' to 30.5' to permit an existing garage, and a **variance** to permit an existing accessory building in the required front yard - **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** and

Case No. 17204 (continued)

SECTION 402.B.1.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS - Use Unit 6; per plan submitted; finding a hardship demonstrated by the irregular shape of the lot, the curvature of the street and setbacks from two major streets; on the following described property:

Lot 4, Block 1, Timbercrest View, City of Tulsa, Tulsa County, Oklahoma.

Date Approved 10.24.95

Norma Turabo

Chair