

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 691
Tuesday, October 24, 1995, 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
Abbott Doverspike Turnbo, Chair White	Bolzle	Gardner Beach Randolph	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 20, 1995, at 4:57 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 3-0-1 (Abbott, Turnbo, White, "aye"; no "nays"; Doverspike, "abstaining"; Bolzle, "absent") to **APPROVE** the minutes of October 10, 1995 (No. 690)

UNFINISHED BUSINESS

Case No. 17179

Action Requested:

Special Exception to permit automobile sales in a CS zoned district, and a Variance to permit outside storage of vehicles offered for sale less than 300' from an abutting R District - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** and **SECTION 1217.C.2. AUTOMOTIVE AND ALLIED ACTIVITIES** - Use Unit 17, located northeast corner East 19th Street and South Memorial Drive.

Presentation:

The applicant, **Bill Fleeman**, 2007 South 8th Street, Suite 1, Rogers, Arkansas, was represented by **John Scott**, 2308 Southeast 28th Street, Suite 8, Bentonville, Arkansas, who informed that he was previously before the Board regarding the automobile sales operation. He stated that it was discovered that additional relief was needed and the application is properly before the Board at this time.

Case No. 17179 (continued)

Comments and Questions:

Mr. White asked if the car wash will be restricted to the car sales operation, and Mr. Scott stated that he has not been advised as to the use of the car wash.

In reply to Ms. Turnbo, Mr. Scott requested that his client be permitted to use the car wash for retail purposes, if needed.

Mr. Doverspike asked if repair or maintenance work are proposed, and Mr. Scott replied that the requested use is strictly a sales operation, with detailing. He added that there will be no outside storage of parts or other supplies.

Protestants:

None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Special Exception** to permit automobile sales in a CS zoned district, and a **Variance** to permit outside storage of vehicles offered for sale less than 300' from an abutting R District - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** and **SECTION 1217.C.2. AUTOMOTIVE AND ALLIED ACTIVITIES** - Use Unit 17; per plan submitted; subject to the car wash being limited to an accessory use to the car sales operation; subject to no outside storage of parts or material; subject to no maintenance or repairs on vehicles, other than minor repairs of those offered for sale; finding the use, per conditions, to be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

South 150' of the west 150' of Contempra 3 Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17187

Action Requested:

Special Exception to permit automobile sales in a CS zoned district, and a Variance to permit outside storage of vehicles offered for sale within 300' of an abutting R District - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** and **SECTION 1217.C.2. AUTOMOTIVE AND ALLIED ACTIVITIES** - Use Unit 17, located 8521 East Admiral Place.

Presentation:

The applicant, **Eric Weir**, 548 South 80th East Avenue, informed that the car lot was existing when he began operation at this location.

Case No. 17187 (continued)

Comments and Questions:

Mr. Doverspike inquired as to the number of cars currently parked on the lot, and Mr. Weir stated that he will probably sell no more than five or six per year.

Mr. White asked the applicant if he will continue to sell all-terrain vehicles and boats, and he answered in the affirmative.

Mr. White noted that there are multiple uses in the area.

Protestants:

None.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 4-0-0 (Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Special Exception** to permit automobile sales in a CS zoned district, and a **Variance** to permit outside storage of vehicles offered for sale within 300' of an abutting R District - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** and **SECTION 1217.C.2. AUTOMOTIVE AND ALLIED ACTIVITIES** - Use Unit 17; finding that there are mixed commercial uses in the area; and finding car sales to be compatible with existing business; on the following described property:

Part of Lot 15, Block 7, Mingo Terrace addition, City of Tulsa, Tulsa County, Oklahoma, beginning at the SE/c thence N 100.15'; thence NW 84.18'; thence S 138.22'; thence E 75' to POB less beginning at the SE/c thence N18.85'; thence W 75'; thence S 18.9'; thence E 75' to POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17197

Action Requested:

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**, located 1565 and 1559 Swan Drive.

Presentation:

The applicant, **Alan Elias**, 1565 Swan Drive, submitted a letter (Exhibit B-1) requesting that a private park be permitted and that four Galapagos Tortoises be allowed on the property.

Case No. 17197 (continued)

Comments and Questions:

Mr. Jackere advised that the approval of a private park on the subject property would have no bearing on whether or not the Galapagos Tortoises would be permitted.

Ms. Abbott inquired as to the maximum weight of a Galapagos Tortoise, and Mr. Elias replied that the largest one in the world weighs 900 pounds.

Mr. Jackere informed that, if the lot in question was not associated with the residence, the application might be appropriate for a private park; however, this space is actually a part of the applicant's yard. He advised that the Board has the authority to grant the request. He further noted that the Board also has the authority to limit the types of animals kept on the property.

In reply to Mr. Doverspike, Mr. Jackere advised that the applicant can invite anyone he chooses to visit his property.

Mr. Doverspike asked Mr. Elias if he would be amenable to amending the application to request an extension of the yard in lieu of a request for a private park, and he replied that the property must be approved as a private park in order to acquire the necessary governmental permits.

Mr. Jackere advised that any approval of the application should be made subject to all local ordinances that may place limitations on the types of animals that can be kept on the premises.

In reply to Ms. Abbott, Mr. Jackere advised that the City Animal Ordinance states that animals cannot be kept that are not otherwise domesticated.

Mr. Doverspike asked if the area will be fenced to prohibit the animals from leaving the premises, and Mr. Elias answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 2-2-0 (Doverspike, White, "aye"; Abbott, Turnbo, "nay"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Special Exception** to permit a private park (children's amusement park) 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**; for one year only; subject to the abutting lot referred to as a private park being an extension of the applicant's yard, with both lots being included in the legal description; subject to no public or commercial use of the property; subject to the extended yard being screened, with no lighting; and subject to the animals on the property being limited to Galapagos

Case No. 17197 (continued)

Tortoises only and complying with all City, State and Federal requirements; finding the use to be more an extension of the side yard of the residence than a park as defined by the Code; on the following described property:

Part of Lots 7 and 8, Block 1, Swan Park Addition, City of Tulsa, Tulsa County, Oklahoma.

*The application was denied, due to the lack of three affirmative votes for approval.

NEW APPLICATIONS

Case No. 17205

Action Requested:

Special Exception to permit a group home in an RS-3 District - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 8, located 4610 North Elgin.

Presentation:

The applicant, **Albert Hutton**, 2812 North Boston Place, submitted a packet (Exhibit C-2) containing a plot plan, letters of support and a location map. Mr. Hutton stated that he owns the entire block, except for two lots, and properly maintains the property. He stated that the structure will be renovated and will comply with all Code requirements. He informed that the occupants of the group home will be elderly and not include individuals that are mentally handicapped. Photographs (Exhibit C-1) were submitted.

Comments and Questions:

Mr. Jackere inquired as to the number of occupants, and Mr. Hutton replied that the building will accommodate 50 individuals and adequate parking will be provided.

In reply to Mr. Doverspike, ingress and egress will be at the north end of the property, with a street being installed at this location.

Mr. Doverspike inquired as to the use of surrounding properties, and the applicant stated that there are mixed uses in the area.

In reply to Mr. Doverspike, Mr. Hutton stated that the building contains approximately 7500 sq ft of floor area.

Ms. Abbott asked Mr. Hutton if he would be amenable to limiting the use to elderly housing, and he replied that this is the intended use for the property.

Protestants:

Ms. Simmons, 4625 North Elgin, asked if there are any restrictions on who can live in the facility and if there will be a doctor on site. She noted that this is a high-crime area and inquired as to the type of security that will be provided for the residents of the home.

Michael Dean, 4651 North Elgin, informed that the neighborhood was informed that the building would be used for a half-way house for women and recently the use has changed to a group home. Mr. Dean noted that the building is not large enough to house 50 residents.

Sharon Dean, 4651 North Elgin, informed that the use as a prison is not a good use for the property and asked the Board to deny the request.

The resident at 4628 North Detroit stated that the area has a high crime rate and that she is not supportive of any use that would be detrimental to the neighborhood. She stated that a senior citizens home would be an appropriate use for the structure.

Kelly Austin informed that he owns property in the area and is in attendance to hear more about the proposed use.

June McGuire, 5801 North Elwood, stated that she is a volunteer at the elementary school located one block from the subject property. She informed that the area has a high crime rate and that she is opposed to a pre-release center of any type.

Jim Doherty, 616 South Boston, stated that the nature of the use is properly stated as a community group home, which is a use by special exception in this area. He pointed out that the entrance is to the west to minimize the traffic impact on the residential area to the east. Mr. Doherty noted that additional construction is not proposed. He advised that medical care will not be provided at this location and the residents will receive medical treatment at other facilities used by the general public. Mr. Doherty informed that he has assisted Mr. Hutton with the zoning aspects of the project.

Applicant's Rebuttal:

Mr. Hutton stated that the project in question will provide housing for approximately 50 elderly individuals, with sufficient staff to operate the facility. He pointed out that jobs will be provided and the area will be upgraded. Mr. Hutton stated that the State will inspect the facility periodically to ensure proper operation.

Mr. White asked the applicant how he determines who will be accepted for occupancy, and Mr. Hutton replied that the names will be obtained through State agencies and by word of mouth.

Case No. 17205 (continued)

Ms. Abbott asked if a plot plan is available, and Mr. Hutton replied that a plan is not available at this time.

In reply to Mr. Gardner, the applicant stated that ample rest rooms are existing, as well as a kitchen area.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 4-0-0 (Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Special Exception** to permit a group home for the elderly (50 years or older, with no mentally handicapped) in an RS-3 District - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 8; subject to a maximum of 50 occupants; subject to the applicant returning to the Board for final site plan approval; and subject to no major medical care being provided at this location; finding the use, as presented, to be compatible with the area; on the following described property:

Lots 4, 5, 10 and 11, Block 12, Fairhill 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17206

Action Requested:

Variance of the required 20% coverage of the required rear yard to permit a new garage - **SECTION 210.B.5. YARDS - Permitted Obstructions in Required Yards** - Use Unit 6, located 1117 East 25th Street.

Presentation:

The applicant, **Terrell Palmer**, 1207 South Carson, advised that he was previously granted Board approval for a variance of the livability space and failed at that time to request a variance of the 20% coverage of the required rear yard.

Protestants:

None.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 4-0-0 (Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Variance** of the required 20% coverage of the required rear yard to permit a new garage - **SECTION 210.B.5. YARDS - Permitted Obstructions in Required Yards** - Use Unit 6; per plan submitted; finding a hardship demonstrated by the small size of the lot in the RS-2 zoning district (lot does not meet RS-2 standards); and finding that approval of

Case No. 17206 (continued)

the request will not cause substantial detriment to the public good, or violate the spirit and intent of Code; on the following described property:

Lot 13, Block 4, Sunset Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17207

Action Requested:

Special Exception to permit catering ice delivery as a home occupation - **SECTION 402.B.6.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6.

Variance of the Home Occupation Guidelines to permit a commercial van to be parked on the driveway - **SECTION 404.B.9. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 6, located 7735 East 30th Place.

Presentation:

The applicant, **Jim Huber**, 1924 South Utica, Suite 810, was represented by **James McConnell**, 7735 East 30th Place, who stated that he operates an ice delivery service and parks the truck at his home during the nighttime hours. He requested permission to continue parking at this location, since he is on 24-hour call. Photographs (Exhibit E-1) were submitted.

Comments and Questions:

Ms. Parnell advised that the truck in question is not customarily found in a residential neighborhood and, therefore, is in violation of the Zoning Code.

Protestants:

Rosemary Hall, 7736 East 30th Place, advised that she lives across the street from the subject property and is opposed to the large trucks being parked in the residential neighborhood. She pointed out that the school bus has been halted when the truck in question and another vehicle are parked on opposite sides of the street.

Pat Fitzgerald, 7746 East 30th Place, noted that the truck is hooked up to a generator that runs constantly and creates a lot of noise for the neighbors.

Mr. and Ms. Johnson, 7740 East 30th Place, stated that the large truck blocks the line of sight for residents living nearby, and asked the Board to protect the neighborhood by denying the application.

Case No. 17207 (continued)

Don Hipp, 7729 East 30th Place, informed that he lives next door to Mr. McConnell and is a long-time resident of the area. He stated that there are numerous trucks on the property from time to time and there is not sufficient space for emergency vehicles to pass when the large trucks are parked on the street. Mr. Hipp pointed out that the large 30' truck is parked less than 15' from his bedroom window, and Mr. McConnell ignored his request that the truck and compressor be moved to another location. He stated that a box van has been parked on the premises for four years, but the truck that is currently parked there is larger and creates much more noise.

Terry Wilson submitted a packet (Exhibit E-2) containing a location map, petition of opposition and photographs, and informed that he is vice chair for District 5 Planning Team. Mr. Wilson pointed out that a hardship has not been demonstrated by Mr. McConnell, and requested that the application be denied.

Interested Parties:

Kim McConnell, 7735 East 30th Place, stated that she was not aware of the neighborhood concern, and informed that two trucks are now left at another location. She pointed out that it is necessary to have one truck on the premises to allow her husband to work call-outs.

Mr. McConnell stated that he is amenable to replacing the large truck with a smaller truck.

In reply to Ms. Turnbo, Mr. Gardner clarified that the applicant is in need of the special exception for a home occupation catering service. He pointed out that, if the Board finds that the use is a catering service as defined by Code, the application can be approved as a home occupation. However, if the use is not a home occupation catering service, then it would be a Use Unit 15 commercial business, which is not permitted to operate in a residential neighborhood.

In reply to Ms. Abbott, Mr. Gardner advised that the box van referred to by the protestant is actually a commercial truck. He pointed out that the kinds of vehicles that are customary and accessory to residential uses are pickup trucks, station wagons, passenger vans and automobiles.

Mr. Doverspike stated that he finds the Code to be clear and that ice delivery is not a catering service as defined therein.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **DENY** a **Special Exception** to permit an ice delivery service as a home occupation - **SECTION 402.B.6.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; and to

Case No. 17207 (continued)

DENY a Variance of the Home Occupation Guidelines to permit a commercial box van to be parked on the driveway - **SECTION 404.B.9. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 6; finding that ice delivery is a commercial use and not a customary home occupation catering service as defined by the Code; and finding that parking the commercial box van in the residential neighborhood is detrimental to the area and in violation of the spirit and intent of the Code; on the following described property:

Lot 16, Block 34, Boman Acres 4th Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17208

Action Requested:

Special Exception to permit a 37 unit assisted living/nursing facility for the elderly in an RT District - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 78th & South Yale.

Comments and Questions:

Ms. Turnbo advised that Mr. Doverspike will abstain from hearing Case No. 17208.

Presentation:

The applicant, **Bob Parmele**, 5109 South Wheeling, informed that he is representing the property owner, who is selling the subject property to a buyer that is proposing to construct a new 21,000 sq ft assisted living/ nursing facility. He stated that the new structure will contain 37 units, with common dining and recreation rooms being provided. Mr. Parmele stated that two medical technicians and a nurse will provide assistance to the residents and some housekeeping services will also be available. A site plan (Exhibit F-1) was submitted. The applicant stated that multifamily zoned property is located to the south and east of the subject tract, with the north and west properties being single-family. He noted that there is a 50' change in elevation from the north to the south boundary, which will require extensive grading.

Comments and Questions:

In reply to Ms. Turnbo, the applicant stated that the intended use should be classified somewhere between a nursing home and elderly housing.

Mr. Gardner advised that, when the Code was written, it was envisioned that townhouses would be the only type of development that would occur in an RT District, because of the unique platting of small, narrow residential lots. He stated that this tract has never been platted as a townhouse development. He pointed out that the applicant was advised by Staff to file this application under Use Unit 2, which is permitted in any district by exception; however, the intended use is somewhere between a community group home and a nursing facility. He pointed out that the residents will have limited medical care on site, but these residents are not bedfast.

Case No. 17208 (continued)

In reply to Mr. White, the applicant stated that the facility will have one access point, which is on Yale Avenue.

Interested Parties:

Jerry Cork, 4625 East 78th Street, inquired as to the proposed drainage and parking for the project.

Dudley Viles, 7613 south Quebec, advised that he is the president of Silver Oaks Homeowners Association and noted that residential lots in the addition abut the subject property on the north and east. He informed that the Association is not opposed to the project, but would like further details concerning traffic, building height, drainage, grading and exterior lighting.

Ted Griffin, 7641 South Winston, informed that his property backs up to the subject tract, and it is his opinion that the property probably slopes 70' instead of the stated 50'. He stated that there will not be sufficient level ground to construct a building. Mr. Griffin stated that he is opposed to a big drop-off (retaining wall) at the rear of his property.

Lloyd Hobbs informed that he is the chairman for Planning District 18 and suggested that a neighborhood meeting be scheduled to address the concerns of the property owners.

Applicant's Rebuttal:

Mr. Parmele advised that the issue today is whether or not the use is appropriate for the RT zoned area; however, an engineer is currently working on the topography and water runoff issues. He pointed out that a one-story facility is proposed for the property, with some cutting being required on the north and some filling on the south. Mr. Parmele advised that five employees will be parking on the lot and a limited number of residents drive vehicles. He informed that parking will be provided on the east along Yale Avenue and on the south portion of the property. Mr. Parmele noted that the proposed facility will be for the elderly and not a low income subsidized project. He pointed out that the lighting will be directed to the interior of the parking lot and away from the residential area.

In regard to parking, Mr. Gardner advised that screening may be required along the residential boundary next to the parking on the south.

In reply to Mr. White, Mr. Parmele noted that the parking requirement for this type of facility is less than one space per unit.

Case No. 17208 (continued)

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 3-0-1 (Abbott, Turnbo, White, "aye"; no "nays"; Doverspike, "abstaining"; Bolzle, "absent") to **APPROVE** a **Special Exception** to permit a 37 unit assisted living/nursing facility for the elderly (50 years or older) in an RT District - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; subject to all exterior lighting being directed toward the facility and the parking lot and away from the residential neighborhood; finding the proposed structure (one story) to be residential in character and design, with some medical assistance provided; and finding the assisted living facility to be compatible with the existing development in the area; on the following described property:

Lot 15, Block 1, Southern Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17209

Action Requested:

Special Exception to permit a private law office to be located in the homeowners management office of a condominium complex - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 11, located 6642 South Peoria Avenue.

Presentation:

The applicant, **Frank Thompson**, 6632 South Peoria Avenue, #D101, requested permission to continue to maintain a law office in the condominium complex where he lives. He informed that the office is located in a 11' by 11' portion of the club house.

Comments and Questions:

In reply to Ms. Turnbo, the applicant stated that he will have a private law practice as well as work for the condominium operators. He informed that the person that previously represented the condominiums operated from his personal unit. Mr. Thompson stated that his contract to manage the facility states that he must maintain an office on site. The applicant stated that he has no more than one or two clients visiting his office each week, and noted that approximately 95% of his business is condo related. Letters of support (Exhibit G-2) and a location map (Exhibit G-3) were submitted.

Comments and Questions:

In reply to Mr. Doverspike, Mr. Thompson stated that he does not have a secretary.

Mr. Doverspike inquired as to the hours of operation, and the applicant stated that he does not have set hours of operation.

Case No. 17209 (continued)

Protestants:

Debbie Scott, 6630 South Peoria, #103, voiced a concern that the privacy of the homeowners will be affected if the law office is approved.

Joe Scott, 6630 South Peoria, stated that the applicant was appointed as manager against the will of the homeowners, and feels that he should pay for his law office space. Mr. Scott pointed out that the office space is 300' from his condo and he is opposed to the application.

Mr. Jackere advised that the Board must determine if a law office at this location would be detrimental to the area and the issue of paying fees cannot be considered.

Dorothy Mickelson advised that she is a concerned homeowner and pointed out that approval of the law office at this location will set a dangerous precedent. She asked that the business be denied.

Christine Johnson, 6638 South Peoria, informed that a sign has been installed in the residential area and asked that the application be denied.

Heidi Lahe, 6638 South Peoria, informed that her home is next to the clubhouse and the proposed law office. She stated that her job requires that she work nights and the business near her home could interfere with her rest during the day.

Stanley Synar Jr. advised that he is the vice chair for Planning District 18-A and advised that there are numerous neighborhood concerns regarding the proposed business. He asked that the application be denied.

Applicant's Rebuttal:

Mr. Thompson reiterated that he has only one or two clients per week and that his practice would not have a negative impact on the complex.

Mr. White asked the applicant if he previously maintained an office at another location, and he answered in the affirmative. Mr. Thompson advised that he has operated an office at the current location approximately five months.

In reply to Mr. Doverspike, Mr. Jackere advised that office use is permitted by special exception in a multifamily zoned district.

Ms. Parnell advised that the management office is permitted by right, but the adding of the law office requires Board approval.

Ms. Turnbo remarked that the condo association and housing project is very fragile and that she cannot support the application.

Case No. 17209 (continued)

Mr. Doverspike stated that he is in agreement with Ms. Turnbo and noted that the typical residential neighborhood has spacing between residences, while this complex does not have this spacing, and any type of business could have a negative impact on the area.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Bolzle, "absent") to **DENY** a **Special Exception** to permit a private law office to be located in the homeowners management office of a condominium complex - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 11; finding that the law office would be detrimental to the condominium complex and would violate the spirit and intent of the Code; on the following described property:

Lot 1, Block 1, Phase 1, Raintree 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17210

Action Requested:

Variance of the maximum allowable square footage for a detached accessory building, from 750 sq ft to 1728 sq ft - **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1820 South Lynn Lane Road.

Presentation:

The applicant, **Betsy Barnes**, 7712 East 29th Street, informed that she is constructing a new home on the subject tract and requested that a 36' by 48' accessory building be permitted. A plot plan (Exhibit H-1) was submitted by the applicant.

Comments and Questions:

in reply to Ms. Turnbo, the applicant stated that the accessory building will be used for storage and a barn.

Mr. Gardner advised that, although the property is zoned RS-1, it has not developed single-family residential and the entire area is predominately agricultural.

Interested Parties:

Mike Rowe advised that he owns the property to the south of the subject tract and is supportive of the application. He noted that there are numerous large accessory buildings in the area.

Case No. 17210 (continued)

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Bolzle, "absent") to **APPROVE** a **Variance** of the maximum allowable square footage for a detached accessory building (horse barn) from 750 sq ft to 1728 sq ft - **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding a hardship demonstrated by the size of the tract; and finding that the area is predominately agricultural in nature, with numerous large accessory buildings in place; and finding that approval of the variance request will not be detrimental to the area or impair the spirit and intent of the Code; on the following described property:

N/2, N/2, SE/4, SE/4, Section 11, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17212

Action Requested:

Variance of livability space on two lots to permit construction of two new dwellings - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located south of southeast corner of South Utica Avenue and East 43rd Street South.

Presentation:

The applicant, **A. L. Larson**, 4320 South Victor, informed that the lots in question were split in December 1992, which was before the zoning classification was changed from RS-1 to RE. He informed that the existing lots contain approximately 14,000 sq ft and the livability space requirement is 12,000 sq ft, which would severely restrict any construction on the lots. He requested that the livability space be reduced to 7500 sq ft. (previous RS-1 standard 7000 sq ft) A plot plan (Exhibit J-1) was submitted.

Comments and Questions:

Mr. Gardner advised that the lots are nonconforming in all aspects except livability space and building setbacks, according to the current Code requirements.

Interested Parties:

Mike Still, 4340 South Victor, informed that he is the resident to the south of the subject property, and was not supportive of the lot split in 1992. He pointed out that his lot and many others are very large and the general area is known for its large trees and spacious lots. Mr. Still pointed out that the addition was zoned RE to prevent RS-1 development in the neighborhood and asked the Board to preserve the character of the area by denying the request.

Case No. 17212 (continued)

Applicant's Rebuttal:

Mr. Larson noted that the property contiguous to the subject tract has been split into three smaller lots. He pointed out that he will be forced to construct small houses on the lots if the variance is not approved.

Mr. Gardner advised that, without Board relief, there will only be 1300 sq ft of construction area for the homes on the lots after adding garages and driveways, which will not be compatible with the existing homes in the neighborhood. He pointed out that the lots are legal nonconforming lots as to size. Mr. Gardner stated that it was determined that it would be better to include some of the smaller lots in the RE zoning than have spot zoned RS-1 lots throughout the area.

Mr. Jackere advised that, if the application is denied, the applicant has the option to build a 1300 sq ft home on each lot, or build one large home on the two lots.

Mr. Doverspike stated that he is in agreement with Mr. Gardner's explanation that the entire area was zoned RE, recognizing the fact that a hardship would be created for a few existing lots that could not comply with those requirements.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Doverspike, Turnbo, White "aye"; no "nays"; no "abstentions"; Abbott, Bolzle, "absent") to **APPROVE** a **Variance** of livability space on each of two lots to 7500 sq ft to permit construction of two new dwellings - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; finding a hardship demonstrated by the fact that the lots in question were created prior to RE zoning; and finding that approval of the request will permit the construction of dwellings comparable in size to the existing construction in the neighborhood; on the following described property:

Lot 1: Beginning at the SW/c Lot 2, Block 8, Bolewood Acres, an addition to the city of Tulsa County, Oklahoma; thence easterly for 135.10'; thence N00°01'53"W for 101.62'; thence westerly 135.16'; thence south for 105' to the POB. Lot 2: Beginning at the NW/c said Lot 2, thence easterly for 135.25'; thence S00°01'53"E for 102.77'; thence westerly for 135.16'; thence northerly for 105' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17213

Action Requested:

Special Exception to waiver the screening requirement along south side of property line where the purpose of the screening requirement cannot be achieved - **SECTION 212.C. SCREENING WALL OR FENCE** - Use Unit 18, located northeast corner East 16th Street and South Lewis Avenue.

Case No. 17213 (continued)

Presentation:

The applicant, **Sack and Associates, Inc.**, 111 South Elgin, requested by letter (Exhibit R-1) that Case No. 17213 be withdrawn.

Case No. 17214

Action Requested:

Variance of livability space requirement from 5000 sq ft to 3700 sq ft to permit a new residence - **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1577 East 22nd Street.

Presentation:

The applicant, **Pat Fox**, 1560 East 21st Street, submitted a plot plan (Exhibit K-1) and informed that a dwelling is proposed on the lot in question. He pointed out that the property was platted in 1936 and does not comply with current Code requirements. Mr. Fox advised that the neighbors three doors to the west and two doors to the west are supportive (Exhibit K-2) of the application.

Protestants:

Ms. Turnbo advised that one letter of protest (Exhibit K-2) was received by the Board.

Kimberly Speegle, 2202 South Utica Avenue, stated that she lives to the southeast of the subject property and voiced a concern that the proposed dwelling is too large for the lot. She pointed out that the majority of the homes in the area are brick, instead of the proposed stucco exterior. Ms. Speegle suggested that a smaller home be constructed on the lot.

Joyce Saunders, 1572 East 22nd Street, asked if there is going to be three requests to permit a reduction in the livability space, and Mr. Fox replied that the other two lots probably will not need Board relief. Ms. Saunders stated that she is interested in preserving the neighborhood.

Applicant's Rebuttal:

Mr. Fox informed that single family residences are proposed for three lots in the area, and it is his intent to build dwellings that are comparable to those in the neighborhood. He stated that the aggregate livability space for the three houses is in excess of the amount required for RS-2 zoning.

Case No. 17214 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Bolzle, "absent") to **APPROVE** a **Variance** of livability space requirement from 5000 sq ft to 3700 sq ft to permit a new residence - **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the property was developed approximately 60 years ago and does not comply with current Code requirements; on the following described property:

Lot 6, Block 1, Terwilliger Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17215

Action Requested:

Variance to permit two dwelling units on one lot of record in an RM-2 zoned district, and a variance of lot width, lot area and land area per dwelling unit - **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** and **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1510 South Elwood.

Presentation:

The applicant, **Pat Fox**, 1560 East 21st Street, submitted a plot plan (Exhibit L-1) and stated that his dwelling was constructed in 1915. He noted that numerous dwellings in the area have garages with apartments above, and requested permission to rebuild a two-car garage with a 720 sq ft living area on the second floor.

Comments and Questions:

Mr. Beach advised that a representative of the Public Works Department has expressed a concern with drainage of the lot and requested that drainage be directed from west to east toward the street.

Mr. Fox advised that the property slopes from east to west and it would be impossible to drain the property to the east. He noted that the garage will be constructed on the existing slab and there will be no change in water runoff.

Protestants:

None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Bolzle, "absent") to **APPROVE** a **Variance** to permit two dwelling units on one lot of record in an RM-2 zoned district, and a **variance** of lot width, lot area and land area per dwelling unit - **SECTION 207. ONE**

Case No. 17215 (continued)

SINGLE-FAMILY DWELLING PER LOT OF RECORD and SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6; per plan submitted; finding that there are numerous garage apartments in the multifamily zoned area; 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:

Lot 3, Block 1, River Ford Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17216

Action Requested:

Special Exception to permit Use Unit 15 printing and publishing business in a CS District - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 15, located west of SW/c East Admiral Place and South 193rd East Avenue.

Presentation:

The applicant, **John Moody**, 5555 East 71st Street, Suite 6230, stated that his client is renting the subject property to a printing company that has previously operated at another location. He informed that large printing presses are not used in the business. A parking layout (Exhibit M-1) was submitted.

Comments and Questions:

Mr. White advised that the business is located in a former Wal-Mart building, with no surrounding uses.

In reply to Mr. Jackere, the applicant stated that pickups and deliveries will take place during regular business hours. He noted that the business in question is not involved in publishing and that portion of the application can be deleted.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Bolzle, "absent") to **APPROVE** a **Special Exception** to permit Use Unit 15 printing business in a CS District - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 15; finding the printing business to be compatible with the area; on the following described property,

Case No. 17216 (continued)

Beginning 110' east of the NW/c Lot 2, Block 1, Amended Plat of Rolling Hills Center Addition, City of Tulsa, Tulsa County, Oklahoma; thence S89° for 50.9031'; thence east along the north line said Lot 2 for 311'; thence due south for 395'; thence S89° for 50.9031' west for 421'; thence due north for 255'; thence S89° for 931'; thence east for 110'; thence north for 140' to the POB.

OTHER BUSINESS

Selection of newspaper for publishing legal notices

Mr. Gardner noted that advertising costs at the Tulsa World have increased approximately 400% and advised of the intent to use Tulsa Daily Commerce and Legal News for future advertising. It was the consensus of the Board that the change would be appropriate.

There being no further business, the meeting was adjourned at 4:00 p.m.

Date Approved

Norma Turbo

11-14-95

Chair