

CITY BOARD OF ADJUSTMENT
MINUTES OF Meeting No. 758
Tuesday, September 22, 1998, 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
Dunham	Cooper	Beach	Romig, Legal
Perkins		Stump	Department
Turnbo			Parnell, Code
White			Enforcement
			Ballentine, Code
			Enforcement

The notice and agenda of said meeting was posted in the Office of the City Clerk on Thursday, September 17, 1998, at 10:34 a.m., as well as in the Reception Area of the INCOG offices.

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

REQUESTED CONTINUANCES

Case No. 18189

Action Requested:

Special Exception to allow a roofing contractor service in a CH zoned district, 816 N. Mingo Rd.

Presentation:

Mr. Beach explained that the applicant has asked for this item to be stricken from the agenda pending a rezoning application.

Case No. 18171

Action Requested:

Variance of screening requirement from an R district to the south and to the north. **SECTION 1212a.C.1. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Use Conditions – Use Unit 12A** and Special Exception for an Adult Entertainment Establishment in a CS District that is within 150' of a residential district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS**, 6214 S. Sheridan.

Case No. 18171 (continued)

Presentation:

Mr. Beach stated that this case was continued to today's hearing because the legal description was incorrect. A second notice was mailed; however, that notice contained an error that results in the case needing to be continued to October 13, 1998.

Interested Parties:

Two interested parties were in attendance but indicated that they had no opposition to continuing this case.

UNFINISHED BUSINESS

Case No. 18159

Action Requested:

Special Exception to permit auto rental in a CS District. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, 5130 S. Lewis Ave.**

Presentation:

Jim Doherty, 616 S. Boston, stated that the tract is a part of the Goldie's lot south of 51st St. on Lewis. Enterprise Rent-a-Car proposes to refurbish an existing building, and possibly the existing sign, which previously housed a dry cleaning business. This site would be used as a satellite office, generating very little traffic, using no tinsel flags, and will have only cars to be rented parked in the lot. He added that the use would not infringe upon any other use, being separated by the grade of the hill and a fence.

Mr. White asked if repairs would be made on the property. Mr. Doherty responded that there would be light cleaning of the rentals behind the building but no car maintenance or repairs would be made on the premises. No inoperable autos will be parked on the lot.

Interested Parties:

John Allen, 4835 S. Peoria, represented the property just east of the subject property. He expressed his concern that the proposed use is inappropriate and the used cars sitting around would cheapen the neighborhood, which is in a transition period.

In response to the Board's questions, Mr. Allen stated that he understood the request was for car rentals and not for a used car lot. He added that one of his tenants was denied a special exception at 125th E. Ave. and 21st St. for a car rental business, so they moved to another location where an exception was not

needed. The tenant stated that they would only park 10 cars there but has had up to 35 cars parked there. He asked who would police the lots.

Lou Reynolds, 2727 E. 21st St., representing the property owner north and northwest, stated that the property is zoned CS, permitting shopping centers with a wide range of retail and personal services uses to the community. Auto rental business should be located in industrial zoned districts, which permits automotive and related activities by right. He pointed out that the description for Use Unit 17 uses states that open air storage or display of vehicles for sale is allowed within the CS district, and that the distinction of selling and renting autos is very thin. He noted that the subject property is located within 300' of an R zoned district. Mr. Reynolds added that the apartment complex owner to the south has also expressed his opposition to the application. He stated that auto businesses are inappropriate for the area and reminded the Board that the special exception stays with the property.

Mr. White stated that letters in opposition to the request were received from John M. Allen, Venture Properties, Exhibit A-1 and from Michael D. Schnake, Twenty First Properties, Inc., Exhibit A-2.

Applicant's Rebuttal:

Responding to references to 'used car lot', the number of cars, and the appearance, Mr. Doherty stated 1998 is the earliest model vehicle used by Enterprise; the area is confined by a fence, limiting the number of cars able to be parked on the lot, and the pad is barely visible from any residential use surrounding it. He pointed out that there have been other properties that have been vacant for several years, perhaps awaiting the widening of Skelly Drive, but have been an eyesore to the neighborhood. The applicant is asking for a use by special exception that does not harm and is compatible to the neighborhood. Mr. Doherty emphasized that automobile uses are commercial uses allowed in CG zoned districts and up, and pointed out that there are well maintained auto lube businesses along Lewis, which are a more intense automotive use.

Comments and Questions:

The Board discussed that it would be hard to police the number of vehicles parked on the lot, there will be no maintenance/service to be done on the premises, the automobiles will be parked in the rear of the building, and that it probably would not generate a great volume of traffic. The Board asked if they could approve the exception for a car rental operation, which would eliminate an injurious business in the future. Staff responded affirmatively.

Case No. 18159 (continued)

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a Special Exception to permit auto rental in a CS District. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17** subject to no more than four employees, with only 10 to 15 cars that are parked in the rear, and the hours of operation are 7:30 a.m. – 6:00 p.m., Monday through Friday; 8:30 a.m. – 12:30 p.m., Saturday; closed on Sunday, and that no maintenance, only cleaning, be allowed on the following described property:

N 104' of the E 155' Lot 2, Block 3, Perry's Subdivision, City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof

NEW APPLICATIONS

Case No. 18178

Action Requested:

The applicant is appealing zoning officer's decision that accessory building does not meet code of less than 40% of principal structure. **SECTION 402.B.1.D. ACCESSORY USES IN RESIDENTIAL DISTRICTS**, 8818 E. 17th St.

Presentation:

Howard Perkins stated that the applicant's residence is 4,164 SF and is located on three lots. There is one permanent shop building with 720 SF, a portable 9' X 12' greenhouse, and the proposed carport will be 600 SF. According to their calculations, the accessory buildings do not exceed the allowed 40% of principal structure. He added that Kurt Ackermann, City of Tulsa Public Works, indicated that he agreed with the measuring and calculations. He is asking for the Board's determination to keep harmony between the neighbors.

Comments and Questions:

Referring to Staff's comments, Mr. Dunham explained that a request for an accessory building in September 1996 was denied. Today's aerial photograph reflects a building that was not on the property at the September 1996 meeting, and noted that there was no building permit. He asked if the building was constructed on Lots 4 – 7. Mr. Perkins responded that a 750 SF shop building was constructed on the subject property, which complied with the standards, and a building permit was obtained.

Case No. 18178 (continued)

Mr. Dunham asked if there was proof that the applicant's statement was true regarding the size of all buildings, would the application need to be heard. Mr. Stump responded that if Mr. Ackermann has ruled that the case does comply, it does not need to be heard by the Board. Mr. Ackermann stated that the original application was not approved in 1996 because the contractor represented that the home only had 2900 SF. This application was denied based on the previous information of a 2900 SF building. After the letter of deficiency was mailed, the building inspector staff measured the principle dwelling as 4,100 SF, which includes the covered patio, the garage, etc. Two weeks ago he invited Mr. Perkins to a meeting to discuss additional information, and noted that there may not be a need to go before the Board. Mr. Perkins refused to meet, stating that Mr. French preferred to receive the Board's decision as a matter of record.

Mr. White noted that he calculated the house as having 2600 SF, and asked if the floor area of the dwelling included the patio. Mr. Beach responded that he estimated from the site plan that their house is 2,600 SF, noting that there were not enough dimensions provided to make a more accurate calculation. The zoning office has determined the dwelling to be over 4000 SF, and 40% of that would allow 1600 SF. Mr. Beach suggested that the applicant should submit a more accurate site plan to reflect the floor area of the building. The Board discussed if the floor area included patios. Mr. Romig read the definition of 'floor area' which excludes required off-street parking area, such as carports and patios.

In response to Ms. Parnell's question, Mr. Perkins stated that Mr. French is the principal of the corporation, Marco Homes, which purchased Lots 4 – 7.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **CONTINUE** Case #18178 to October 13, 1998, with the requirement that a detailed site plan with dimensions be provided.

Case No. 18179

Action Requested:

Variance of the required 2 acres in an AG district to .9 acres for an existing lot.
SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT – Use Unit 6, 4051 N. Cincinnati

Presentation:

Almeta Goodwin, 1208 N. Denver, stated that she bought the property and the existing house was burned down, and she is seeking permission to construct a house on the property.

Comments and Questions:

Mr. Dunham recalled that she had previously addressed the Board regarding a flower shop, and asked if she intended to put a flower shop on this property. Ms. Goodwin responded that currently she wants to reside on the property. Ms. Turnbo explained that she would not be allowed to put a flower shop on the property because it's AG zoning. She could apply to the Tulsa Metropolitan Area Planning Commission to rezone the property.

Mr. Dunham asked for a clarification of Staff's comments. Mr. Beach responded that the Bulk and Area Requirements for AG zoning requires the property to have 2 acres of lot area and 2.2 acres of land area per dwelling unit.

Interested Parties:

Bob Boatwright, Route 8 Box 410C, lives across the street from the property. He was informed by INCOG staff that the variance had already gone into effect, and asked if the variance was effective prior to the notice informing him of the hearing. Mr. White responded that the variance is not yet effective. He explained that the lot can remain as it is because it existed prior to the property being zoned AG, which made the lot nonconforming with the AG requirements. However, when someone applies for a building permit, that lot will have to meet the current standards and requirements. He added that the variance would not change the zoning of the property.

Kathryn Cline, Route 8 Box 410, noted that they are concerned about the use of the lot and asked for clarification that the neighbors would be notified if the property would be used for anything other than farming. The Board responded affirmatively.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a Variance of the required 2 acres in an AG district to .9 acres for an existing lot. **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT – Use Unit 6** and to **CONTINUE** Case #18179 to October 13, 1998, to consider a variance on the land area on the following described property:

Beginning 300' S & 460' W NE/c NE, SE of Section 14, T-20-N, R-12-E, thence S 266.3' to NL Cincinnati, NWly on RD to PT 300' S NL NE, SE E 215' to beginning

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Case No. 18180

Action Requested:

Variance of the required parking of 489 spaces to 409 spaces to permit an addition to a furniture store in a RM-1, RM-2 and CS Districts. **SECTION 1214.D. USE UNIT 14. SHOPPING GOODS AND SERVICES, Off-Street Parking and Loading Requirements – Use Unit 14, 6225 E. 36th St. S.**

Comments and Questions:

In response to Mr. Dunham questions, Mr. Evans stated that the building would be 100,000 SF with two stories. They have a total of 52 employees with approximately half on duty at one time. He pointed out that the store would be doing well to have one customer for each of the 22 salespersons at work.

Discussion ensued regarding the need for 409 parking spaces, the number of parking spaces required by the Zoning Code, rationale that a significant floor space is used in a warehousing activity reducing the amount of customers generated.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a Variance of the required parking of 489 spaces to 409 spaces to permit an addition to a furniture store in an RM-1, RM-2 and CS Districts. **SECTION 1214.D. USE UNIT 14. SHOPPING GOODS AND SERVICES, Off-Street Parking and Loading Requirements – Use Unit 14** per plan finding that the furniture store does not require the normal amount of parking spaces on the following described property:

Part of Lots 2 and 3, Block 2, Wilmot Addition to the City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows: Beginning in the S boundary of said Lot 3, 15.00' from the SE/c thereof; thence N 0°22'30" W parallel to and 15.00' from the E boundary of said Lot 3, a distance of 208.00'; thence N 12°43'23" E 114.73'; thence N 0°22'30" W parallel to and 11.00' E of the W boundary of said Lot 2, a distance of 300.72' to the N boundary of said Lot 2; thence S 60°27'25" E, 0.00'; thence along the Nly boundary of said Lot 2 to the right on a curve having a radius of 3769.72', a distance of 942.66'; thence S 0°17'15" E 55.91' to the SEly corner of said Lot 2; thence S 89°47'35" W along the S boundary of said Lots 2 and 3, a distance of 775.84' to the point of beginning

Case No. 18182

Action Requested:

Special Exception to allow an office and dispatch for a heat and air conditioning business as a home occupation in an RS-3 district. **SECTION 402.B.6.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 11;** Variance to permit two employees. **SECTION 404.B.2. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS;** and Variance to permit more than the maximum 750 SF of detached accessory buildings. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS,** 1727 S. 145th E. Ave.

Ms. Turnbo asked for clarification that Use Unit 15 is not allowed in an RS-3 district, that Board cannot give a Special Exception except for a home office. Mr. Beach stated that that was correct and noted that he would consider the application's activity to fall under Use Unit 15. Should the storage of all trucks, equipment, parts, etc. be moved to another location and operate only the office business at this site, it could be considered as Use Unit 11, Home Occupation.

Presentation:

David Luper, 1725 S. 145th E. Ave., stated that they have had a home-based operation for 15 years, and have been at this location since 1990. They have a warehouse with approximately 1200 SF in which they store everything that is not in use. Their business is small and they basically run it by dispatch.

Comments and Questions:

Ms. Turnbo asked if the applicant understood that his business is a use in Use Unit 15 and that the Board cannot approve a Special Exception for his request. The Board cannot allow any trucks, parts, repair or storage on his property. She noted that the dispatch could be used out of the house.

Interested Parties:

Steve Schuller, 100 W. 5th St., Suite 550, representing the neighbors, Raymond and Audrey Rose, concurred with Ms. Turnbo's comments that the Board cannot act on the requested exception, which would make the requested variance moot. He explained that the applicant is proposing to operate the business out of a barn, not in the home, which is not permitted by the Zoning Code. A concrete slab has already been poured and the frame erected next to the barn, and the barn is approximately the same size as the house. He added that there is also a 10' X 12' storage building, a 10' X 10' pole shed, and another shed near the back of the property. They typically park four or five vans on the property, two cranes, at least one duct cleaning truck in addition to various personal vehicles that are stored on the property, some of which are non-operable at times. Mr. Schuller added that parts are stored outside, which is prohibited. He submitted photographs, Exhibit C-1, and noted the large amount of firewood, presumed to be from a previous fire wood business. One neighbor has complained that the wood has created an increase in mice and snakes. He added that the hardship has not been shown.

Applicant's Rebuttal:

Mr. Luper stated that the property has been cleaned up, and that all the trucks, cranes, and equipment have been relocated. Occasionally, equipment would have been hauled to the site, but they now have a warehouse and the equipment is taken to it. Mr. Luper stated that the barn is 1800 SF; they had two businesses at one time, but have had only the one for the past two years. He has three service trucks, but are currently running only two, and he has only one office employee at the time, which is his wife.

Comments and Questions:

Mr. Beach clarified a previous statement made by a protester that the home occupation activity could take place in an accessory building.

Mr. White asked who the two employees were. Mr. Luper responded that at the time of application, his sister was also working in the office, and one technician. Mr. White asked if he hired another technician that he would have three employees. Mr. Luper responded affirmatively.

In response to Mr. White's question, Mr. Schuller stated that the photographs from his client's property were taken last year, and the remainder was taken a few days prior to this hearing.

Ms. Turnbo stated that she was inclined to deny all three requests, noting that it is inappropriate for the neighborhood. Mr. White stated that if the special exception were denied, the remaining two would be moot, and added that he felt this request stretches the bounds of home occupancy.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **DENY** a Special Exception to allow an office and dispatch for a heat and air conditioning business as a home occupation in an RS-3 district. **SECTION 402.B.6.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 11; Variance to permit two employees. SECTION 404.B.2. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS;** and Variance to permit more than the maximum 750 SF of detached accessory buildings. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS** on the following described property:

S/2 N/2 S/2 NW SW Section 10, T-19-N, R-14-E, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 18183

Action Requested:

Variance to permit 0' frontage in an AG District and allow access by easement.
SECTION 206. STREET FRONTAGE REQUIRED – Use Unit 6, 7424 ± S. Union

Presentation:

Bart James, 8908 S. Yale, Suite 200, stated that the tract has approximately 2.7 acres located in the rear of a 24 acre tract. There are two structures on two of the tracts, with over 2.5 acres each, and a third tract that has 0' frontage approval with 2.6 acres. The 30' easement from 75th St. and Union go to the western tracts. The property has an 8" water line, fire hydrant, gas, electric, telephone, etc.

Comments and Questions:

Mr. White noted that the other three tracts were developed in 1991 and asked if he getting ready to build on this tract. The applicant responded affirmatively. Mr. Beach explained that the subject tract was connected to the large tract that fronts on Union, and the application has applied for a lot split to separate the tract.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a Variance to permit 0' frontage in an AG District. **SECTION 206. STREET FRONTAGE REQUIRED – Use Unit 6** per plan submitted on the following described property:

Beginning in the SE/c of the N 24 acres of the SE/4 of the NE/4, Section 10, T-18-N, R-12-E of the IBM, Tulsa County, Oklahoma; thence S 88°51'49" W a distance of 1032.16' to the point of beginning; thence S 88°51'49" W a distance of 290' to a point; thence N 0°48'43" W a distance of 410.33' to a point; thence N 88°51'43" E a distance of 260.21' to a point; thence S 0°48'43" E a distance of 30' to a point; thence N 88°50'32" E a distance of 14.58' to a point; thence N 80°15'23" E a distance of 15.41' to a point; thence S 0°48'43" E a distance of 382.64' to the point of beginning, containing 2.712 acres more or less

Case No. 18184

Action Requested:

Special Exception to permit a mobile home in an RS-2 District. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Variance to permit mobile home on a permanent basis. **SECTION 404.E. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, W of NW/c 131st E. Ave. & 7th St.

Presentation:

Danny Hall, Pastors Victory Temple Church which owns the property, stated that the property is located on a dead-end street and they have had a lot of vandalism over the past five years, with the closest house approximately 500' away. They would like to have someone dwelling on the property to help cut down on the church property.

Interested Parties:

Charles Jones, 13001 E. 7th St., stated that they are opposed to this request, noting that there are several lots in the area that have not be developed. If one mobile home is allowed, others will be allowed in the future, surrounding his home with mobile home.

Applicant's Rebuttal:

Mr. Hall stated that the church does not own any other property, and noted the vacant property surrounding the church. There have been three police reports filed over the last five years, resulting in thousands of dollars in repairs.

Comments and Questions:

Mr. White asked if the mobile would be used as a parsonage. Mr. Hall responded that his daughter would be purchasing the mobile and would reside there.

The Board noted that there were no other mobiles in the area and that the lot was large enough to build a house.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **DENY** a Special Exception to permit a mobile home in an RS-2 District. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Variance to permit mobile home on a permanent basis. **SECTION 404.E. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** on the following described property:

Lot 7, Block 6, Meadowbrook Heights, an addition to the City of Tulsa, County of Tulsa, State of Oklahoma

Case No. 18185

Action Requested:

Special Exception to allow a nightclub in an IL zoned district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 12A, 2610 N. Yale**

Presentation:

Dr. Eric Michael, 909 E. 36th St. N., stated that the existing building previously housed a convenience store. He submitted a site plan, Exhibit B-1, which reflects the property as it exists, with added dimensions.

Comments and Questions:

Mr. White referred to Staff's comments on the previous site plan submitted. Dr. Michael responded that the person providing the site plan was unaware of the size and lengths of the parking spaces. He responded that he would be removing the canopy.

Mr. Stump interjected that the landscaping requirements were not met on the submitted site plan.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a Special Exception to allow a night club in an IL zoned district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 12A** subject to the landscaping and parking requirements being met on the following described property:

Lot 2, Block 5, Gilcrease Freeway Industrial Park B3-10, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 18186

Action Requested:

Variance of the required lot width from 100' to 94.8' and 90.2'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, 44th St. & Florence**

Presentation:

Fred Roundtree stated that there is an existing dwelling on the property which will be removed. The two new dwellings will be built within a range of \$250,000 - \$300,000 each, being an asset to the neighborhood.

Case No. 18186 (continued)

Comments and Questions:

The Board noted that the request is in keeping with the neighborhood's activities and the lot is larger than other lots.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a Variance of the required lot width from 100' to 94.8' and 90.2'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** per plan submitted on the following described property:

W 185' of Lot 11, Block 5, Villa Grove Park, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 18187

Action Requested:

Variance of the required setback from an arterial street (S. 129th E. Ave.) from 85' to 53' to construct a carport. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, 12905 E. 34th St.

Presentation:

Bruce Christian, 12509 E. 34th St. S., stated that the setback is 85' from 129th E. Ave., about the center of his property. He presented 15 photographs of his property and neighborhood properties, Exhibit D-1. He added that there is no access from 129th E. Ave.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a Variance of the required setback from an arterial street (S. 129th E. Ave.) from 85' to 53' to construct a carport. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** finding that the requirements of Section 1607.C. have been met on the following described property:

Lot 15, Block 10, Briarglen Park

Case No. 18188

Action Requested:

Variance to permit a structure in the planned right-of-way. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** and **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 13, 15th St. & Lewis**

Presentation:

Gregory Sowle, 1 W. 3rd St., stated that definition of 'structure' in the Zoning Code would make the proposed Albertson's retaining wall in violation.

Mr. Stump explained the rationale for areas where the streets have not been widened, the acquisition of the right-of-way makes the building substandard as to parking.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a Variance to permit a structure in the planned right-of-way. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** and **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 13** per plan submitted finding that the requirements of Section 1607.C. have been met on the following described property:

Lots 13-24, Block 5, City View Hill Addition, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 18190

Action Requested:

Variance of constant light requirement to allow changeable electronic message in an RS-3 and AG zoned districts. **SECTION 402.B.4.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 21, 8820 E. Pine**

Presentation:

Bruce Anderson, 9520 E. 55th Pl., would like to place electronic message center for Spartan School of Aeronautics in place of the existing sign. He stated that it would be for the students and to welcome out-of-state employers. The sign would use a 5-watt lamp and they could turn the sign off at night if the Board feels that is necessary.

Interested Parties:

None.

Case No. 18190 (continued)

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a Variance of constant light requirement to allow changeable electronic message in an RS-3 and AG zoned districts. **SECTION 402.B.4.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 21** per plan submitted finding that the requirements for Section 1607.C. have been met on the following described property:

Prt NW NW and Prt SW NW lying E Gilcrease Exp. E R/W Ln & E/2 NW Less N 40' E 1530' N/2 NW & S 40' E 450' W 1145' SW NW lying E Gilcrease Exp. & S 30' E 175' SW NW & S 40' E/2 NW all thereof for ST Section 36, T-20-N, R-13-E, 100.64 ACS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 18191

Action Requested:

Variance to reduce required frontage in a CS District from 150' to 137.14'. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 16**, S & E of the SE/c 101st St. S. & Delaware

Presentation:

Jeff Levinson, 35 E. 18th St., stated that the applicant is requesting a variance of less than 10% of the required frontage. Previously, the Board approved a Special Exception for a mini-storage in a CS district, which is a very low traffic generator and has only one access.

Interested Parties:

Donald Burns, owns property at 10115 S. Evanston, is opposed to the request. He stated that people drive 45 – 50 mph, down from previously driving 55 – 60 mph, when the posted speed limit is 40 mph. The closest intersection is congested and the street is a two-lane county road, and there is not enough room to get off the street into a business. A convenience store is located on the north side, but they have 150' of paving. If there is only one access point, it will cause the congestion to be even worse. He stated if 150' of frontage was needed when the zoning was created, they still need it now.

Applicant's Rebuttal:

Mr. Levinson stated that 101st St. should be widened shortly. Secondly, there are very few businesses that would generate less traffic than a mini-storage.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a Variance to reduce required frontage in a CS District from 150' to 137.14'. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 16** limited to one access as reflected on the site plan finding that the requirements for Section 1607.C. have been met on the following described property:

Beginning at a point on the Nly line of the NE/4 of Section 29, T-18-N, R-13-E and 525.00' from the NW/c thereof; thence N 89°42'15" E along the Nly line of said NE/4 a distance of 137.14' to a point; thence S 0°09'35" E a distance of 660.00' to a point; thence S 89°42'15" W a distance of 362.09' to a point; thence N 0°09'51" W parallel to the W line of the NE/4 a distance of 360.00' to a point; thence N 89°42'15" E distance of 224.98'; thence N 0°09'35" W a distance of 300.00' to the point of beginning, and containing 3.937 acres, more or less, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 18201

Action Requested:

Minor Variance of side yard setback requirement from 10' to 5' in an RM-2 zoned district to permit single family structures. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, 1601 & 1603 S. Carson**

Presentation:

Pat Fox stated that the neighborhood was zoned multi-family 20 years ago. The property is currently under re-development for single-family, and they are asking for a variance to be consistent with the neighborhood. Steps are being made to seek rezoning of the area to single-family residential zoning.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a Minor Variance of side yard setback requirement from 10' to 5' in an RM-2 zoned district to permit single family structures. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** for single-family homes on the following described property:

Lots 23 and 24, Block 8, Stonebraker Heights Addition, City of Tulsa, Tulsa County, Oklahoma

OTHER BUSINESS

1999 Calendar Meeting Dates

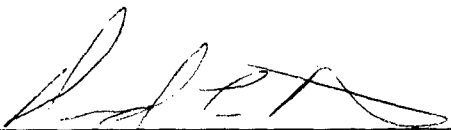
Mr. White noted that a meeting is scheduled for December 28, 1999, which should probably be deleted.

Board Action:

On **MOTION** of **PERKINS**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** the 1999 Calendar Meeting Schedule with the deletion of the December 28, 1999, date.

There being no further business, the meeting was adjourned at 2:49 p.m.

Date approved: NOVEMBER 10, 1998



Chair