

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 507
Thursday, January 21, 1988, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Chappelle, Chairman Quarles Smith White		Gardner Taylor Moore	Jackere, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, January 19, 1988, at 12:30 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **WHITE**, the Board voted 3-0-1 (Bradley, Chappelle, White, "aye"; no "nays"; Quarles, "abstaining"; Smith, "absent") to **APPROVE** the **Minutes** of December 17, 1987.

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, White, Quarles, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** the **Minutes** of January 7, 1988.

UNFINISHED BUSINESS

Case No. 14486

Action Requested:

Variance - Section 1221.4 - CS District Use Conditions for Business Signs - Use Unit 1221 - Request a variance of the size of wall and canopy signs, located 3727 South Memorial Drive.

Presentation:

A letter (Exhibit X-1) was received from Attorney Michael Hackett, requesting a continuance of Case No. 14486 until the April 7, 1988 meeting to allow the Sign Board adequate time to consider revisions in the ordinances.

Case No. 14486 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **CONTINUE** Case No. 14486 (related Case No. 14575) to April 7, 1988, as requested by counsel for the applicant.

Case No. 14575

Action Requested:

Appeal - Section 1650 - Appeals from the Building Inspector - Use Unit 1221 - Appeal Building Inspector's decision to deny a sign permit application on the grounds of sign surface footage.

Interpretation - Section 1660 - Interpretation - Use Unit 1221 - Request Interpretation of the term "nonilluminated background"; as it appears in the term "display surface area".

Presentation:

The applicant, Michael Hackett, 1443 South Norfolk Avenue, Tulsa, Oklahoma, requested by letter (Exhibit X-1) that Case No. 14575 (related Case No. 14486) be continued to April 7, 1988 to allow the Sign Board adequate time to consider revisions in the ordinances.

Comments and Questions:

Ms. Bradley requested that any protestants, which were present at previous meetings concerning this case, be notified of the continuance.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **CONTINUE** Case No. 14575 to April 7, 1988, as requested by the applicant.

Case No. 14690

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of lot width from 100' to 70' (80' front/60' rear - average lot width), lot area from 13,500 sq. ft. to 8500 sq. ft. and land area from 16,000 sq. ft. to 12,500 sq. ft. in order to permit a lot split, located SE/c Utica Avenue and 27th Street.

Presentation:

The applicant, Rick Dodson, PO Box 55461, Tulsa, Oklahoma, was not present.

Case No. 14690 (continued)

Comments and Questions:

Mr. Gardner advised that the TMAPC application for a lot split was denied on January 20, 1988, and that the applicant had remarked that he would revise the configuration of the lots. He suggested that the application be continued for a period of 30 days.

Interested Parties:

Attorney Charles Norman, counsel for Herman Kaiser, stated that due to the TMAPC denial of the lot split, he expected the applicant to withdraw the Board of Adjustment request for relief.

Mr. Gardner stated that the applicant would be required to reapply if the case is not continued.

Mr. Norman stated that he does not object to the continuance, but asked that he be informed of the hearing date.

Ms. Bradley requested that any protestants at the TMAPC meeting be notified of the new hearing date.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, White, Quarles, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **CONTINUE** Case No. 14690 (Lot split #16966) to March 3, 1988.

Case No. 14689

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow for a church and church related uses in an RS-3 zoned district, located 1/4 mile north of NE/c 145th East Avenue and 21st Street.

Presentation:

The applicant, Leroy Veale, 5612 South 68th East Avenue, Tulsa, Oklahoma, was not present.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, White, Quarles, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **CONTINUE** Case No. 14689 to February 4, 1988.

Case No. 14699

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205 - Request a special exception to allow for a children's nursery in an RS-3 zoned district.

Variance - Section 430.1 - Bulk and Area Requirements In Residential District - Use Unit 1206 - Request a variance of side yard setback from 5' to 16" to allow for an addition to the existing dwelling unit, located 6208 South 101st East Avenue.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, stated that his client is proposing to purchase the subject property for the purpose of operating a children's day nursery. He informed that she is presently leasing property in the area for nursery use and plans to transfer her present business to the new location. Mr. Johnsen stated that the existing dwelling is being upgraded, and a 24' by 24' extension is being added to the north, which will allow his client to accommodate 48 children at this location. He noted that she has met with a representative of the State Health Department, and is now in the process of complying with the requirements of that department, as well as those of the Building Inspector. It was pointed out by Mr. Johnsen that there are commercial uses in the area, with properties to the immediate west being zoned corridor or commercial. He stated that the building to the west and south of the subject tract is an indoor soccer facility, with properties to the immediate north and south being undeveloped. Mr. Johnsen informed that the new addition will have no windows on the north and will be located 16" from the property line, which was the lot line for older buildings that have been removed from the lot. He noted that there is sufficient space to the south of the existing dwelling to gain access to the rear portion of the lot. A plot plan (Exhibit A-1) and photographs (Exhibit A-2) were submitted.

Comments and Questions:

Mr. Chappelle asked the applicant to state the days and hours of operation, and Mr. Johnsen replied that the nursery will be open from 6:30 a.m. to 11:30 p.m.

In response to Ms. Bradley's inquiry as to the parking arrangement, Mr. Johnsen informed that a 20' by 100' concrete driveway has been installed, which will provide ample parking spaces for the business.

Ms. Bradley remarked that she is concerned that a traffic problem could be created by automobiles backing out of the driveway.

Case No. 14699 (continued)

Mr. Johnsen stated that his client is willing to provide an additional area for turn around space or employee parking if parking in the driveway is not acceptable.

Ms. White asked Mr. Johnsen to address the hardship for the variance request, and he replied that the long term future for the property is commercial, which does not require a setback. He further noted that the addition will not extend closer to the lot line than the accessory buildings which were previously at that location.

Interested Parties:

Tim Thomas stated that he is representing the property owner to the south, who is interested in what is being proposed for the subject tract.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, White, Quarles, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow for a children's nursery in an RS-3 zoned district; and to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential District - Use Unit 1206) of side yard setback from 5' to 16" to allow for an addition to the existing dwelling unit; per plan submitted; subject to days and hours of operation being 6:30 a.m. to 11:30 p.m., 7 days each week; subject to applicant acquiring a license for the business; and subject to a maximum of 48 children; finding a hardship demonstrated by mixed uses and zoning classifications in the area, and the fact that the new addition will have the same building line as the previous accessory building that was located on the tract; on the following described property:

Lot 2, less the south 76.27' of the east 275.45', Block 4, Union Gardens Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14711

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Street - Use Unit 1221 - Request a minor variance of setback from the centerline of Peoria Avenue from 50' to 36' to allow for a business sign, located 1444 South Peoria.

Presentation:

The applicant, Mike Moydell, Old Capitol Neon, 1221 West 3rd Street, Tulsa, Oklahoma, submitted a site plan (Exhibit B-1) for a sign at the above stated location. He explained that the existing pole sign for Long John Silver's Restaurant will be relocated, due to the recent installation of a drive-through lane, and asked the Board to allow it to be erected in the grassy area along Peoria. Mr. Moydell pointed out that the proposed sign will be 36' from the centerline of Peoria and will align with the existing signs in the area. A sign drawing (Exhibit B-2) was submitted.

Case No. 14711 (continued)

Comments and Questions:

Ms. Bradley asked if the square footage of the existing sign on the building and the proposed pole sign will exceed the total signage allowed for the restaurant. Mr. Moydell replied that the sign structure will not be changed, but merely moved to the new location.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, White, Quarles, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Street - Use Unit 1221) of setback from the centerline of Peoria Avenue from 50' to 36' to allow for a business sign; per plan submitted; subject to the execution of a removal contract; finding that there are existing signs in the area that are as close to the street as the sign in question; on the following described property:

Lots 3, 4, 5, and 6, Block 16, Broadmoor Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14701

Action Requested:

Special Exception/Variance - Section 250.3 - Modification of the Screening Wall or Fence Requirements - Use Unit 1211 - Request a special exception/variance to modify or remove the screening requirement, located NE/c 54th Street and South Lewis Avenue.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, stated that he is representing the owner of the property at the above stated location. He informed that the recently constructed one-story building is used by the Department of Agriculture for office space and would require a screening fence along the east and south boundaries. Mr. Johnsen asked that this requirement be modified or removed. He pointed out that a brick wall topped with a hedge is in place on the east boundary, and a letter of support (Exhibit C-2) from that abutting property owner was submitted. It was noted by Mr. Johnsen that a Public Service sub-station is located on the property to the south of the subject tract and is not in need of the protective screening. Photographs (Exhibit C-1) were submitted.

Protestants: None.

Case No. 14701 (continued)

Comments and Questions:

Ms. White asked Mr. Johnsen if the wall and hedge belong to his client, and he replied that the wall belongs to Mr. Bowers, the property owner to the east.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception /Variance** (Section 250.3 - Modification of the Screening Wall or Fence Requirements - Use Unit 1211) to modify the screening requirement on the east boundary to include the existing brick wall and hedge, and to remove the screening requirement on the south boundary; finding that a sub-station is in place on the property to the south and is not in need of the protective screening; on the following described property:

The north 175' of the north 195' of the west 207' of the S/2, N/2, SW/4, NW/4, Section 32, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14704

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of the rear yard setback from 20' to 5' 6" to allow for a garage, located 1622 East 31st Street.

Presentation:

The applicant, Jack Arnold, 7318 South Yale, Tulsa, Oklahoma, submitted a site plan (Exhibit D-1) for a dwelling in Utica Park Addition and asked the Board to allow the garage to be attached to the house. He informed that there are two other homes in the area which are similar in design. He pointed out that the price range of the homes in this area are from \$300,000 to \$500,000.

Comments and Questions:

Ms. Bradley inquired as to the depth of the lots in this development, and the applicant replied that the lots are 133' deep.

Case No. 14704 (continued)

Interested Parties:

Richard and Carol Liebendorfer, 1634 East 31st, Tulsa, Oklahoma, stated that they were mistaken about the property under application. She stated that their tract is actually one lot removed from the subject lot, instead of abutting it as they had initially thought. Ms. Liebendorfer remarked that they have not received notice of any action on properties in the addition.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, White, Smith "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the rear yard setback from 20' to 5' 6" to allow for an attached garage; per plot plan submitted; finding a hardship imposed on the applicant by the size and shape of the lot; finding that the garage could be placed within 3' of the lot line if the garage was detached; and finding that the proposed use is compatible with the other homes in the area; on the following described property:

The west 70' of the north 133' of a tract beginning 341.7' west and 50' south of the NE/c of the NE/4, NE/4, NW/4 of Section 19, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the US Government Survey thereof; thence west 158.3' to the NE/c of Lot 1, Block 1, Leland Terrace Addition; thence south 266' to the SE/c of Lot 6, Block 1, of said Addition; thence east 0.52' to a point of curve; thence along a curve to the left with a radius of 75' for 48.26' to a point of reverse curve; thence along a curve to the right with a radius of 50' for 84.54' thence 39.47' thence north 266' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14706

Action Requested:

Variance - Section 620.2(d) - Accessory Use Conditions - Use Unit 1221 - Request a variance to allow for two 32 sq. ft. business signs on one street frontage, located 2105 East 15th Street.

Presentation:

The applicant, Charles Norman, Suite 909, Kennedy Building, Tulsa, Oklahoma, stated that this case was heard and denied by the Board in November of 1987. Mr. Norman informed that he was contacted by the owner, Dr. John Carr, after that hearing. He stated that a brick wall had been constructed along the front drive and 2 signs (each containing 32 sq. ft.) were mounted on the wall. Mr. Norman informed that the signs have now been redesigned, with the total display surface area of both signs being less than 32 sq. ft. A revised sign plan (Exhibit E-1) was submitted. Mr. Norman pointed out that the business would be allowed by right to construct a double faced pole sign (32 sq. ft. per side) at the property line. He further noted that the two signs will not extend above the top of the existing screening wall. A sign drawing (Exhibit E-2) and photographs (Exhibit E-3) were submitted.

Comments and Questions:

Mr. Chappelle informed that the Board has received one letter of support (Exhibit E-4) from a resident of the area.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-1 (Bradley, Chappelle, Quarles, Smith "aye"; no "nays"; White, "abstaining"; none, "absent") to **APPROVE** a **Variance** (Section 620.2(d) - Accessory Use Conditions - Use Unit 1221) to allow for two nonilluminated business signs, a total of 28 sq. ft., on one street frontage; per plan submitted; finding that the total square footage of both wall signs will be less than the 32 sq. ft. amount allowed by the Code; on the following described property:

The west 75' of Lot 24, and the east 15' of Lot 23, less the following described part of Lot 23; beginning on the north line of Lot 23, at a point 12' west of the NE/c of Lot 23; thence west 3'; thence south 117'; thence east 3'; thence north 117' to the Point of Beginning; all in Block 5, Terrace Drive Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Case No. 14707

Action Requested:

Variance - Section 730.1 - Bulk and Area Requirements In Commercial Districts - Use Unit 1216 - Request a variance of setback from the centerline of Lewis Avenue from 65.5' to 42.5' to allow for the construction of a building and a variance of setback from the centerline of Lewis Avenue from 50' to 35' to allow for an existing sign, located 1435 South Lewis Avenue.

Presentation:

The applicant, Robert Swanson, 4132 East 46th Place, Tulsa, Oklahoma, submitted a plot plan and elevations (Exhibit F-1) and stated that he is the architect for the proposed car lube facility. He pointed out that the shallow lot will be useless without relief from the current setback requirements. He pointed out that the new facility will be an improvement over the old structure that is presently located on the property.

Comments and Questions:

Mr. Chappelle informed that the Board has received a letter of protest (Exhibit F-2) from Rick Braselton, President of the Gillette Historic Association.

Protestants:

Harry Humphries, 2201 East 38th Street, Tulsa, Oklahoma, stated that he owns property on 14th Place, east of the proposed lube facility, and is opposed to the application. He pointed out that the existing sign base is located approximately 6' from a fire hydrant, with a spacing of 8' required. Mr. Humphries stated that there is already a traffic problem in the area and that the proposed use is not compatible with the neighborhood.

Mr. Jackere pointed out that the proposed use is permitted in the Commercial Zone, and that it is setback relief that is being requested in this application.

Whit Mauzy, 1532 South Gillette, Tulsa, Oklahoma, stated that the drawing shows a distance of 27 1/2' from the centerline of Lewis to the property line, while the plat lists the distance as 25'.

Ms. Hubbard advised that, if the 25' setback figure is correct, the building will be closer to the street than was previously determined. She pointed out that the setback information which was given to the architect was taken from the City Atlas.

Russell Marquette, 2415 East 15th, Tulsa, Oklahoma, stated that he owns rental property in the area and is opposed to the construction of the facility at the proposed setback. He pointed out that the Impressions Restaurant is much too close to the street.

Mr. Gardner informed that, according to the site plan, the proposed building will be set back approximately 10' to 12' farther east than the Impressions which was constructed on the property line.

Case No. 14707 (continued)

Additional Comments:

Both Mr. Quarles and Ms. White agreed that the applicant is in need of relief if any construction is to occur on the lot.

Ms. Bradley asked Mr. Swanson if there will be additional curb cuts, and he replied that only the existing curb cuts will be used.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, White, Smith "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 730.1 - Bulk and Area Requirements in Commercial Districts - Use Unit 1216) of setback from the centerline of Lewis Avenue from 65.5' to 42.5' to allow for the construction of a building and a variance of setback from the centerline of Lewis Avenue from 50' to 35' to allow for an existing sign; per plan submitted; subject to Removal Contract and Fire Department approval; finding a hardship imposed on the applicant by the size and shape of the lot, and the corner lot location with setback requirements on two streets; on the following described property:

Lot 12, Block 5, City View Hill Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14710

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the rear yard setback from 20' to 14' to allow for an addition to an existing dwelling, located 2530 South 96th Place.

Presentation:

The applicant, Paul Utry, of Utry and Brewster Construction, 2909 Northshire, Claremore, Oklahoma, submitted a plot plan (Exhibit G-1) and stated that the setback variance affects only a 4' portion of a proposed addition to an existing dwelling. He stated that an existing storm cellar will be enclosed in the added portion. Mr. Utry pointed out that the extreme curvature of the street at this location causes one end of the addition to encroach into the setback.

Comments and Questions:

A letter and photograph (Exhibit G-2) from Watershed Management were submitted to the Board.

Protestants: None.

Case No. 14710 (continued)

Board Action:

On **MOTION** of **SMITH**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, White, Smith "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the rear yard setback from 20' to 14' to allow for an addition to an existing dwelling; per plot plan submitted; finding a hardship demonstrated by the size and shape of the lot and the curvature of the street at this location; on the following described property:

Lot 27, Block 31, Lonview Lake Estates Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14712

Action Requested:

Special Exception/Use Variance - Section 420 - Accessory Uses in Residential Districts - Section 410 - Principal Uses in Residential Districts - Use Unit 1213 - Request a special exception/use variance to allow for a home occupation/barber shop in an RS-3 zoned district, located 8033 East 2nd Street.

Presentation:

The applicant, Paul Morse, 8033 East 2nd Street, Tulsa, Oklahoma, stated that he has been in business for 20 years at another location and is proposing to move his barber shop to the above stated address. He informed that he constructed a wood fence across the front yard and a complaint was filed by Mr. Barber, one of his neighbors. Mr. Morse stated that the problem has been resolved, and letters of support from surrounding property owners, as well as the protestant, (Exhibit H-1) were submitted. The applicant pointed out that there are numerous commercial uses in the area. He informed that the curb on 2nd Street was removed and a parking lot was constructed in the back and side yards. Mr. Morse stated that he has no employees and the provided parking area will be more than adequate for his customers. He informed that two signs are in place inside the window. Photographs (Exhibit H-3) were submitted.

Comments and Questions:

Ms. Bradley asked Mr. Gardner if this request is for a home occupation or a use variance, and he replied that the applicant might be able to operate under the Home Occupation Guidelines, except for the sign. He pointed out that the livability space has been depleted by the construction of a paved parking lot, and a variance will be required.

Mr. Smith asked Mr. Morse if he lives in the house where the business is located, and he answered in the affirmative.

In response to Mr. Smith's inquiry as to the number of signs for the business, the applicant informed that he has two signs in the windows and two decorative barber poles.

Case No. 14712 (continued)

Mr. Quarles asked that Mr. Gardner clarify the special exception/use variance request, and he reiterated that the application goes beyond the special exception and will require a variance. He explained that the structure has the appearance of a residence converted to a business.

Ms. White remarked that the structure has the appearance of a house from 2nd Street, but looks like a business on the Memorial side.

Mr. Gardner pointed out that there are only two lots abutting Memorial Drive within the mile that are residential, one of which is the applicant's property.

Ms. Bradley asked the applicant to state the hardship, and he replied that the hardship is an economic one.

Mr. Quarles explained to the applicant that an economic hardship cannot be considered by the Board, but commented that the property is unique in that it is surrounded by uses other than residential.

Protestants:

Mr. Chappelle stated that the Board has received a petition of opposition (Exhibit H-2) from area residents.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-1-0 (Chappelle, Quarles, White, Smith "aye"; Bradley, "nay"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception/Use Variance** (Section 420 - Accessory Uses in Residential Districts - Section 410 - Principal Uses in Residential Districts - Use Unit 1213) to allow for a home occupation/barber shop in an RS-3 zoned district; per Home Occupation Guidelines; subject to 2 existing inside window signs and 2 existing decorative barber poles (as in photograph) on the Memorial Drive frontage only; subject to the south side of the house being residential in appearance; subject to days and hours of operation being Tuesday through Saturday, 9 a.m. to 6 p.m.; and subject to no expansion of the existing structure or parking lot; on the following described property:

Lot 14, Block 8, Tommy Lee Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14702

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the lot width from 60' to 50' to allow for a lot split, located 1439 East 34th Street.

Case No. 14702 (continued)

Comments and Questions:

Mr. Taylor informed that TMAPC approved the lot split on January 20, 1988.

Presentation:

The applicant, John Walton, 2101 South Madison, Tulsa, Oklahoma, who submitted a site plan (Exhibit J-1), stated that he is owner of the property in question and asked the Board to approve the lot split (No. 16972).

Additional Comments:

Mr. Gardner informed that the 50' lot width is consistent with those lots to the west of the subject property.

Interested Parties:

Charles Pulley, 1431 East 34th Street, Tulsa, Oklahoma, stated that he is new in the area and is interested in the plans for the property in question. He pointed out that his property abuts the Walton property, and would like to know what will be built on the slab that has been poured.

Mr. Walton stated that he poured the slab because of the weather, and is not sure if he will move the existing garage to the slab or construct a new one. He informed that the existing house will be brought up to neighborhood standards and a new house constructed on the remaining lot.

Board Action:

On **MOTION** of **SMITH**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, White, Smith "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the lot width from 60' to 50' to allow for a lot split (No. 16972); finding a hardship demonstrated by the size of the tract and the fact that numerous lots to the west of the subject property are 50' in width; on the following described property:

Lot 5, Block 8, Oliver's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14718

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of the front setback from 30' to 24' to allow for an existing dwelling in order to clear the title, located 3802 East 83rd Street.

Presentation:

The applicant, Val B. Moore, 3802 East 83rd Street, Tulsa, Oklahoma, informed that he is the owner of the property at the above stated

Case No. 14718 (continued)

location. He pointed out that he has obtained a new survey (Exhibit K-1), which showed that the porch of the existing home is extending over the front setback line.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, White, Smith "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the front setback from 30' to 24' to allow for an existing dwelling in order to clear the title; per new survey submitted; on the following described property:

Lot 5, Block 10, Forrest Creek Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14713

Action Requested:

Variance - Section 1420 - Nonconforming Use of Buildings - Use Unit 1206 - Request a variance to allow for the expansion of a nonconforming use, located 1403 South Jamestown Avenue.

Presentation:

The applicant, Jesse Gresham, was represented by Joseph Nosak, 1021 West Reno, Tulsa, Oklahoma. Mr. Nosak submitted a plot plan (Exhibit L-2) for an addition of approximately 23 sq. ft. to an existing garage apartment. A location map (Exhibit L-3) was submitted.

Comments and Questions:

Ms. White asked where the 23 sq. ft. will be added, and Mr. Nosak replied that the addition is to the east.

Mr. Chappell informed that the Board has received one letter of protest (Exhibit L-1) from a resident in the area.

Mr. Jackere asked how long the garage apartment has been at the present location, and Mr. Nosak replied that it was constructed along with the main residence.

In response to Mr. Quarles inquiry as to the use of the additional space, Mr. Nosak replied that the closet and bathroom space is being enlarged.

Mr. Gardner asked Mr. Nosak if there is only one bedroom and one bath in the apartment, and he answered in the affirmative.

Case No. 14713 (continued)

Interested Parties:

Bascom Bullington, 1335 South Jamestown, Tulsa, Oklahoma, stated that he is not opposed to the enlarging of the garage apartment, but voiced a complaint that he did not receive an earlier explanation of the applicant's intent.

Stan Keithley, 1336 East 20th Street, Tulsa, Oklahoma, stated that he owns the property to the east of the garage apartment. He explained that the project was started approximately two years ago without a permit, and work was ordered to cease before completion. Mr. Keithley informed that the applicant then received a permit, which was granted in error. He informed that a permit cannot be issued to expand a nonconforming structure without relief from this Board. He pointed out that the expansion was major, and voiced a concern that the area will actually be rezoned, one by one, to multiple residences.

Mr. Gardner pointed out that the use is nonconforming because of the fact that there are two detached dwellings on the same lot.

Mr. Quarles stated that the garage apartment is basically the same after the construction is completed, except for being 23 sq. ft. larger.

Ms. White pointed out that a trend toward expansion of the garage apartments in the area could lead to parking problems.

Ms. Bradley asked Mr. Nosak to address the hardship for this case, and the applicant stated that he does not understand a hardship, but that it is not obvious that the 23 sq. ft. has been added. He stated that the addition was cut down by two feet to move the apartment away from the easement.

Mr. Jackere inquired as to the size of the garage apartment before it was extended, and he stated the initial size was approximately 16' by 25', with a portion added that is 2' by 11 1/2'.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-2-0 (Chappelle, Quarles, Smith "aye"; White, Bradley, "nay"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 1420 - Nonconforming Use of Buildings - Use Unit 1206) to allow for the expansion of a nonconforming use (garage apartment); per plan submitted; finding that the tract contains two dwellings and the expansion is minor (approximately 5 percent increase in size) and that the land use intensity (1 bedroom efficiency) will not result in increased incompatibility with the area, nor cause substantial detriment to the public good; on the following described property:

Lot 13, Block 5, Summit Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14714

Action Requested:

Variance - Section 730 - Bulk and Area Requirements In Commercial Districts - Use Unit 1213 - Request a variance of setback from the centerline of Peoria Avenue from 50' to 43' to allow for a gasoline Island canopy, located 1603 South Peoria Avenue.

Presentation:

The applicant, W. R. Grisez, PO 9152, Tulsa, Oklahoma, stated that he is owner of the property in question and asked the Board to allow the erection of a canopy over the gas pumps. He explained that the old equipment will be replaced by Texaco, and the 24' by 24' canopy will extend over the required setback on Peoria.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, White, Smith "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements In Commercial Districts - Use Unit 1213) of setback from the centerline of Peoria Avenue from 50' to 43' to allow for a gasoline island canopy; finding that the lot is shallow in depth and there are other structures in the area that are as close to the street as the one in question; and finding that the granting of the variance request will not cause substantial detriment to the public good or impair the spirit, purposes and intent of the Code or the Comprehensive Plan; on the following described property:

The west 80' of Lots 15 and 16, Block 9, Orcutt Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14715

Action Requested:

Variance - Section 930 - Bulk and Area requirements in Industrial Districts - Use Unit 1213 - Request a variance of setback from the centerline of Southwest Boulevard, located 3050 Southwest Boulevard.

Presentation:

The applicant, W. R. Grisez, PO Box 9152, Tulsa, Oklahoma, asked the Board to allow him to replace an existing building with a new oil storage warehouse and office facility. He pointed out that the new building will be an asset to the community and will not be as close to the street as other structures in the area.

Comments and Questions:

Mr. Gardner informed that the proposed building setback will be as great as, if not greater than, other buildings along Southwest Boulevard.

Case No. 14715 (continued)

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, White, Smith "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 930 - Bulk and Area requirements in Industrial Districts - Use Unit 1213) of setback from the centerline of Southwest Boulevard; finding a hardship demonstrated by the narrow shape of the lot; and finding that the old building on the property will be demolished and replaced with a new office/warehouse which will not be closer to the street than the surrounding structures; on the following described property:

All that part of the SW/4, SW/4 and all that part of the S/2, S/2, NW/4, SW/4 of Section 14, T-19-N, R-12-E of the Indian Base and Meridian, Tulsa County, Oklahoma, particularly described as follows, to-wit:

Commencing at a point in the south boundary of said SW/4, SW/4 a distance of 662.16' from the SW/c thereof, said point being in the easterly right-of-way line of the Oklahoma Union Railway Company right-of-way; thence due east along the south line of said SW/4, SW/4 a distance of 578.26' to the point of beginning, said point being in the westerly right-of-way line of Sapulpa Road; thence N 0°33'45" W along the westerly right-of-way line of Sapulpa Road a distance of 1623.98' to a point in the south boundary of Howard Park to the City of Tulsa, Tulsa County, Oklahoma; thence N 89°30'38" W along the south boundary of Howard Park a distance of 282.59' to a point in the easterly right-of-way line of the Red Fork Expressway right-of-way; thence S 1°20'04" W along the easterly boundary of the Red Fork Expressway right-of-way a distance of 888.22'; thence S 5°55'58" E along the easterly right-of-way line of Red Fork Expressway right-of-way a distance of 520.29'; thence S 2°52'32" W a distance along the easterly boundary of the Red Fork Expressway right-of-way and the extension thereof, a distance of 221.11' to a point in the south boundary of said SW/4, SW/4; thence due east a distance of 276.53' to the Point of Beginning, containing 10.837 acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14716

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1205 - Request a variance of height from 35' to 43' and a variance of setback from the centerline of 36th Street from 65' to 60' to allow for an addition to an existing building, located 3601 South Yale.

Case No. 14716 (continued)

Presentation:

The applicant, Larry Morgan, PO Box 123, Owasso, Oklahoma, submitted a plot plan and elevations (Exhibit M-1) for an addition to an existing church building, which is set back 62' 10" from 36th Street. Mr. Morgan explained that piers for the two-story expansion will be set outside the existing structure and will extend 1' closer to 36th Street. He informed that a multi-purpose building will be added to the first floor. The applicant pointed out that the other buildings in the area are closer to the street than the building in question. Photographs (Exhibit M-2) were submitted.

Comments and Questions:

Mr. Quarles asked if the new portion of the building will be higher than the existing structure, and Mr. Morgan pointed out that the existing structure is one story (35' tall). He informed that the new portion will envelope the old building and the roof of the second story will have a maximum height of 43'.

In response to Mr. Smith's inquiry as to the type of material that will be used, Mr. Morgan replied that the new addition will be of precast panels (no metal) and will have an asphalt shingle roof.

Mr. Quarles asked the cost of the proposed expansion, and the applicant replied that the cost for the construction will be approximately \$350,000.

Interested Parties:

Bob Farrill, 6036 East 36th Street, Tulsa, Oklahoma, stated that he is in support of the variance request.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Chappelle, Quarles, White, Smith "aye"; no "nays"; Bradley, "abstaining"; none, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1205) of height from 35' to 43' and a variance of setback from the centerline of 36th Street from 65' to 60' to permit an addition to an existing building; per plan submitted; subject to building materials being precast panels (no metal) which will be compatible with the existing building; subject to a pitched roof with asphalt shingle covering; finding that the building will be compatible with the area and will align with, or be set back farther than, the other structures in the area; on the following described property:

The NW/4, NW/4, SW/4 of Section 22, T-19-N, R-13-E of the Indian Base and Meridian in Tulsa County, State of Oklahoma,

Case No. 14716 (continued)

according to the US Government Survey thereof. LESS, the east 24.25' of the west 50' of the NW/4, NW/4, SW/4 of Section 22, T-19-N, R-13-E in Tulsa County, Oklahoma and LESS a tract in the NW/4, NW/4, SW/4 of Section 22, T-19-N, R-13-E described as follows, to-wit:

Beginning at the SE/c of said NW/4, NW/4, SW/4, thence north along the east line thereof a distance of 660.12' to the NE/c thereof; thence west along the north line of said NW/4, NW/4, SW/4 a distance of 105'; thence S 0°00'55" W a distance of 284.39'; thence N 89°57'58" W a distance of 553.84' to a point on the westerly line of said NW/4, NW/4, SW/4; thence south along the west line thereof a distance of 375.73' to the SW/c thereof; thence east along the south line of said NW/4, NW/4, SW/4 a distance of 658.74' to the Point of Beginning subject to existing roadway easements over the west 50' and the north 40' thereof, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14717

Action Requested:

Variance - Section 620.2(d-1) - Accessory Use Conditions - Use Unit 1221 - Request a variance of the size of a business sign from 32 sq. ft. to 86 sq. ft., located 3414 South Yale Avenue.

Presentation:

The applicant, Amax Signs, was represented by Duane Gooding, 9520 East 55th Place, Tulsa, Oklahoma, who submitted a sign plan (Exhibit N-1) and photographs (Exhibit N-2). He informed that the existing sign will be replaced with a new ribbon sign (2' by 43').

Comments and Questions:

Ms. White asked if the lighted pole sign will remain, and Mr. Gooding replied that the pole sign on Yale will remain.

Protestants:

Mr. Chappelle stated that the Board has received one letter of opposition (Exhibit N-3) which stated that the requested sign is approximately three times the size of the existing one.

Additional Comments:

Ms. White remarked that the area is saturated with signs and pointed out that the building across the street from the subject property has set a good example with their small sign.

Mr. Smith pointed out that the business is allowed 32 sq. ft. of signage on each of the two street frontages.

Case No. 14717 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Chappelle, Quarles, White, Smith "aye"; no "nays"; Bradley, "abstaining"; none, "absent") to **DENY** a **Variance** (Section 620.2(d-1) - Accessory Use Conditions - Use Unit 1221) of the size of a business sign from 32 sq. ft. to 86 sq. ft.; finding that the applicant failed to demonstrate a hardship that would justify the granting of the amount of the variance request; on the following described property:

Lots 1 and 2, Block 2, Conway Park 11 Addition, City of Tulsa,
Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:25 p.m.

Date Approved 2-4-88



Chairman

CITY BOARD OF ADJUSTMENT

MINUTES of Meeting No. 506

Thursday, January 7, 1988, 1:00 p.m.

City Commission Room, Plaza Level

Tulsa Civic Center

Due to inclement weather, the January 7, 1988 City Board of Adjustment Meeting was cancelled. All items scheduled to be heard at that meeting will be added to the agenda for the next regularly scheduled meeting, January 21, 1987.

Date Approved

1-21-88



Chairman