

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 508  
Thursday, February 4, 1988, 1:00 p.m.  
City Commission Room, Plaza Level  
Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Chappelle, Chairman Smith White	Bradley Quarles	Gardner Jones Pitts	Jackere, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, February 2, 1988, at 10:29 a.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 1:02 p.m.

**MINUTES:**

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **APPROVE** the Minutes of January 21, 1988.

**UNFINISHED BUSINESS**

**Case No. 14675**

**Action Requested:**

Special Exception - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1217 - Request a special exception to allow for an existing automobile repair shop in a CS zoned district.

Variance - Section 730 - Bulk and Area Requirements In Commercial Districts - Use Unit 1217 - Request a variance of setback from the north property line from 10' to 1' to allow for an addition to an existing building, located 2245 East 6th Street.

**Presentation:**

The applicant, Curtis Davenport, was represented by Robert Todd, 2519 East 21st Street, Tulsa, Oklahoma, who stated that his client is actually requesting a variance from 10' to 4' 9". He stated that this case was heard by the Board at an earlier meeting and his client was given additional time to remove some of the debris from the lot. Mr. Todd informed that 5 cars have been removed and the remaining vehicles are tagged. He asked that his client be permitted to construct an addition to the existing garage. A plot plan (Exhibit L-2) was submitted.

Case No. 14675 (continued)

**Comments and Questions:**

Mr. Smith asked what is located to the west of the subject property, and Mr. Todd replied that a juke box repair shop is in operation to the west.

**Protestants:**

Fran Pace, District 4 Chairman, stated that she attended the previous hearing and after viewing the property could not see a substantial improvement in the appearance of the lot. She informed that it appears that a salvage business is in operation on the lot and asked the Board to deny the application.

**Applicant's Rebuttal:**

Mr. Todd pointed out that his client has been in business at the present location since 1948, and reiterated that 5 vehicles have been removed from the lot and the remainder now carry an Oklahoma tag. He informed that the business is an auto repair shop and not a salvage yard, and that Mr. Davenport is attempting to bring the property up to Code Enforcement specifications.

Ms. White asked how many inoperable cars remain on the lot, Mr. Todd replied that all of the remaining cars are in running order.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to allow for an existing automobile repair shop in a CS zoned district; and to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1217) of setback from the north property line from 10' to 4' 9" to allow for an addition to an existing building; per plan submitted; subject to Code Enforcement approval; finding that all vehicles stored on the lot are operable, with an Oklahoma license tag attached; and finding that the auto repair shop has been in operation at the present location for many years; on the following described property:

Lot 26, Block 4, Hillcrest Addition, City of Tulsa, Tulsa County, Oklahoma.

**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.

Case No. 14689 (continued)

**Presentation:**

The applicant, Leroy Veale, 5612 South 68th East Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit A-1), and asked the Board to allow the placement of a prefab building on the property at the above stated location. He explained that the church has purchased a building from the school system and it will be used for worship services until a new facility is constructed.

**Comments and Questions:**

Ms. White asked the applicant to state the times services will be held, and he replied that services will be held on Sunday morning and evening, as well as Wednesday evening.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205) to allow for a church and church related uses in an RS-3 zoned district; per plan submitted; subject to regularly scheduled church services only (no private school or day care); finding that the granting of the special exception request will not be detrimental to the area and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The south 300' of the west 660' of the S/2, S/2, NW/4, SW/4, Section 10, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

**MINOR VARIANCES AND EXCEPTIONS**

**Case No. 14720**

**Action Requested:**

Variance - Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a minor variance of the front setback from 25' to 20.6' to allow for an existing dwelling unit, located 5215 South 32nd West Place.

**Presentation:**

The applicant, Gerald Snow, 820 North Lynn Lane, Tulsa, Oklahoma, stated that the house in question is located in a cul-de-sac and a portion of the structure encroaches into the front setback. He pointed out that the garage portion of the house sets closer to the street than the remainder of the home.

Case No. 14720 (continued)

**Comments and Questions:**

Mr. Smith informed that his company completed work on this subdivision a few years ago and voiced a concern that he may need to abstain.

Mr. Snow commented that he is in need of immediate relief from this Board in order to close a sale on the subject property.

Mr. Jackere asked Mr. Smith if he stands to lose or gain from the outcome of this case, and he replied that the outcome is of no importance to him or his company. Mr. Smith stated that he will not make or second a motion, but will vote on the case, which will allow the applicant to complete his pending sale of the property.

**Protestants:**

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the front setback from 25' to 20.6' to allow for an existing dwelling unit; finding a hardship imposed on the applicant by the size and shape of the lot, and the curvature of the street; on the following described property:

Lot 8, Block 1, Snowcrest West Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14727**

**Action Requested:**

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of setback from the centerline of East 63rd Street South from 60' to 50' to allow for a dwelling unit, located 6168 South New Haven Avenue.

**Presentation:**

The applicant, Jon Vrooman, 6138 South Louisville, Tulsa, Oklahoma, stated that, due to the corner lot location, and setbacks from two streets, it is very difficult to place a house on the property within the setbacks. Mr. Vrooman stated that he is also attempting to limit construction to the flat portion of the lot. A site plan (Exhibit B-1) was submitted.

**Protestants:** None.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area requirements in Residential Districts - Use Unit 1206) of setback from the

Case No. 14727 (continued)

centerline of East 63rd Street South from 60' to 50' to allow for a dwelling unit; per plot plan submitted; finding a hardship imposed on the applicant by the corner lot location, with major setbacks from two streets; on the following described property:

Lot 9, Block 4, Braeswood Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14729**

**Action Requested:**

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a minor variance of front yard setback from 30' to 27' to allow for an existing dwelling unit, located NE/c 25th Street and South Owasso Avenue.

**Presentation:**

The applicant, James Brackett, 3110 South Toledo, Tulsa, Oklahoma, requested by letter (Exhibit C-1) that Case No. 14729 be continued to March 3, 1988 to allow sufficient time to advertise for additional relief.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **CONTINUE** Case No. 14729 to March 3, 1988, to allow sufficient time for additional advertising.

**Case No. 14730**

**Action Requested:**

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a minor variance of lot frontage from 30' to 10' and a lot width from 100' to 90.26' in order to permit a lot split (No. 16986), located 2645 East 41st Street.

**Comments and Questions:**

Mr. Jones informed that the lot split was approved by TMAPC on February 3, 1988.

**Presentation:**

The applicant, Joe Coleman, 2645 East 41st Street, Tulsa, Oklahoma, stated that the lots involved in this lot split are approximately the same size as, or larger than, those in the surrounding area. He informed that the existing garage to the west of the house will be relocated to the rear of the lot in order to provide parking spaces for the interior lots. A plot plan (Exhibit D-1) was submitted.

Case No. 14730 (continued)

**Comments and Questions:**

Ms. White asked if the existing house is in the center of the property, and the applicant answered in the affirmative.

**Protestants:**

Bob Farris, 4002 South Columbia Place, Tulsa, Oklahoma, stated that his property abutts the subject tract on the northeast and asked why the variance is requested.

Mr. Gardner explained that the applicant is attempting to install a private street along the west boundary and have a total of three homes on the property. He pointed out that there are three houses to the east of the subject tract that are on less property. Mr. Gardner informed that the applicant is before the Board today because the three lots do not have 30' of frontage on 41st Street.

Chester Bloomfield, 2708 East 40th Street, Tulsa, Oklahoma, stated that he is concerned with a watershed problem in the area.

Christine Lancaster, 22 South Columbia Place, Tulsa, Oklahoma, remarked that water runs under her house during rainy seasons.

Terry McCall, 416 South 20th Place, Tulsa, Oklahoma, informed that the new way of stacking the houses behind each other is not compatible with the design of the older neighborhood.

**Additional Comments:**

Ms. White asked Mr. Coleman to address the water problem in the rebuttal.

**Applicant's Rebuttal:**

The applicant informed that the construction will not affect the drainage in the area. He stated that all of the houses will face the private street to the west and that the overall neighborhood will be improved by this development.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of lot frontage from 30' to 10' and a lot width from 100' to 90.26' in order to permit a lot split (No. 16986); per site plan submitted; subject to Stormwater Management approval; finding a hardship demonstrated by the shape and large size of the tract and the fact that there are other lots in the area that are as small as, or smaller than, the proposed lots in question; on the following described property:

Lot 3, Block 3, Deatherage Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14735**

**Action Requested:**

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a minor variance of setback from the centerline of 31st Street from 55' to 47' to allow for an addition to an existing dwelling, located NE/c 31st Street and Peoria Avenue.

**Presentation:**

The applicant, Gall Butler, 3047 South Peoria, Tulsa, Oklahoma, submitted a site plan (Exhibit E-1), and asked the Board to allow the construction of an addition to an existing dwelling. She informed that the new room will align with the south wall.

**Protestants:** None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of setback from the centerline of 31st Street from 55' to 47' to allow for an addition to an existing dwelling; per site plan submitted; finding a hardship demonstrated by the size of the lot; and finding that the existing dwelling was constructed over the setback line and that the proposed construction will not move the house closer to the centerline of 31st Street; on the following described property:

Lot 7, Block 2, Edgewood Drive Addition, City of Tulsa, Tulsa County, Oklahoma.

**NEW APPLICATIONS**

**Case No. 14719**

**Action Requested:**

Special Exception - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1217 - Request a special exception to allow for an existing used automobile sales lot in a CS zoned district, located 4545 North Peoria.

**Presentation:**

The applicant, Alta Lee Kennedy, 4745 South 32nd West Avenue, Tulsa, Oklahoma, stated that she is owner of the property at the above stated location and asked the Board to allow its continued use as a used car business. She informed that the lot has been used for the sale of used cars for approximately 30 years.

**Protestants:** None.

Case No. 14719 (continued)

**Comments and Questions:**

Mr. Smith asked the applicant to state the days and hours of operation for the business, and Ms. Kennedy replied that the car lot will be open from 8 a.m. to 6 p.m., six days each week, with approximately 50 cars displayed.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1217) to allow for an existing used automobile sales lot in a CS zoned district; subject to days and hours of operation being Monday through Saturday, 8 a.m. to 5 p.m.; subject to a maximum of 50 operable automobiles being displayed on the lot; finding that the car lot has been in operation at the present location for many years and has proved to be compatible with the area and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The south 100' of the north 350' of the east 190' of the west 240' of the west 14.86 acres of Lot 1, Section 18, T-20-N, R-13-E of the Indian Base and Meridian, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14721**

**Action Requested:**

Appeal - Section 1650 - Appeals from Code Enforcement Supervisor - Use Unit 1214 - Requests an appeal from the Code Enforcement Division to not allow an existing, nonconforming commercial use in an RS-3 zoned district.

Use Variance - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1214 - Request a use variance to allow for retail sales in an RS-3 zoned district, located NE/c Sheridan and East 79th Street South.

**Presentation:**

The applicant, Charles Sublett, 320 South Boston, Tulsa, Oklahoma, stated that he is representing the owner of the property, William Davis. Mr. Sublett asked the Board to determine that the use is nonconforming. He pointed out that the house stands alone, with Deer Hollow office building to the south and Square One Shopping Center near the 81st Street Intersection. Photographs (Exhibit F-1) were submitted. He remarked that the old farm house was taken into the city limits in 1966 and was used for architectural and building offices at that time, with the present owner operating a gift shop



Case No. 14721 (continued)

for approximately 10 years. Mr. Sublett pointed out that the property, although zoned residential, is not suitable for residential use due to the surrounding commercial developments. He asked that, in the event the Board does not find the present use to be nonconforming, his client be allowed an 18 month period in which to continue operation of the business in order to dispose of the present inventory. A petition of support (Exhibit F-3) signed by approximately 60 surrounding property owners was submitted.

**Protestants:**

Wilbur Richey, 6610 East 78th Place, Tulsa, Oklahoma, stated that his property is close to the subject tract and has experienced a water problem due to the covering of a conduit in the area. He pointed out that some residents may have signed the petition of support because they were told, as he was, that the signatures were required in order to remove accessory buildings from the subject tract.

**Comments and Questions:**

Mr. Gardner informed that a 1966 aerial photograph (Exhibit F-2) shows 2 detached accessory buildings east of the house and one building along the southwest corner which was removed when the street was installed. An aerial photo taken in 1980 shows additional structures on the tract, with a paved parking area, therefore, proving that the use has expanded over the years. In fact it appears that the actual use did begin after the City had zoning control. Mr. Gardner pointed out that the maximum intensity use under the Comprehensive Plan would be one-story light office.

Ms. White asked if the temporary buildings are in use at this time, and the applicant replied that they are not in use and will be removed.

Mr. Smith asked when the buildings will be removed, and Mr. William Davis, 6924 South Knoxville, Tulsa, Oklahoma, replied that he will remove the buildings in approximately 6 months, or as soon as his inventory can be decreased.

Mr. Gardner advised that the case could be continued to allow the applicant sufficient time to remove some of the buildings before considering the application, or the application could be denied, with a specific amount of time for the owner to remove the business from the property.

Ms. White suggested a 3 month continuance of the case.

Case No. 14721 (continued)

Mr. Jackere informed that the ordinance states that the Board shall act on any given application within a period of 90 days.

Mr. Sublett suggested the continued operation of the gift shop for a period of 18 months, with the accessory buildings being removed in 6 months.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **UPHOLD** the **Decision** of Code Enforcement and **DENY** an **Appeal** (Section 1650 - Appeals from Code Enforcement Supervisor - Use Unit 1214) from the Code Enforcement Division to not allow an existing, nonconforming commercial use in an RS-3 zoned district (applicant did not prove nonconforming use); and to **APPROVE** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1214) to allow for temporary retail sales in an RS-3 zoned district for a period of 18 months from this date in order to dispose of the inventory; subject to removal all but two of the accessory buildings from the subject property by August 4, 1988; finding that a permanent retail sales operation is not compatible with the area; and the use variance request for permanent use violates the spirit and intent of the Code and the Comprehensive Plan; on the following described property: *CLARIFICATION 2-18-88 MINUTES*

Lots 1 and 2, Block 1, Deer Hollow Estates Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14722**

**Action Requested:**

Special Exception - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1202 - Request a special exception to allow for a heliport in an OL zoned district, located east of NE/c 91st and Sheridan.

**Presentation:**

The applicant, David Forrest, 4316 East 66th #2L, Tulsa, Oklahoma, stated that the east portion of an OL zoned lot is the proposed location for the heliport and office. He informed that the property to the north is vacant land, with residences to the east and a Braum's store to the west. Mr. Forrest stated that the helicopter will arrive on the site after 8:30 a.m. and depart at approximately 4:00 p.m. for traffic report, with nighttime storage in another location and no weekend operations. It was noted that the helicopter will always approach the heliport down 91st Street from the east or west and will not fly over the residences. An aerial photo (Exhibit G-1) was submitted.

Case No. 14722 (continued)

**Comments and Questions:**

Mr. Chappelle asked the applicant to state the distance from the heliport to the nearest residence, and he replied that it is approximately 40' to 50' from the east property line.

**Protestants:**

A petition (Exhibit G-3) was signed by numerous protestants in the audience, and one letter of protest (Exhibit G-2) was submitted.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **DENY** a **Special Exception** (Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1202) to allow for a heliport in an OL zoned district; finding that the use is not compatible with the area, and would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The east 117' of Lot 11, Block 1, Resubdivision of Lot 14, Block 2, Chimney Hills South Extended Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14723**

**Action Requested:**

Special Exception - Section 420 - Accessory Uses Permitted in Residential Districts - Use Unit 1211 - Request a special exception for a home occupation to allow a psychology office in an RS-3 zoned district, located 4508 East 39th Street.

**Presentation:**

The applicant, Dale Jeffus, Route 3, Box 116-B, Coweta, Oklahoma, informed Staff (Exhibit H-1) that the sale of the subject property was not finalized and requested that Case No. 14723 be withdrawn.

**Protestants:**

Two letters of protest (Exhibit H-2) were received by Staff.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **WITHDRAW** Case No. 14723, as requested by the applicant.

**Case No. 14724**

**Action Requested:**

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1210 - Request a special exception to allow for an off-street parking lot in an RS-3 zoned district, located west of SW/c 39th Street and South Peoria.

**Presentation:**

The applicant, Robert R. David, 613 East Main, Jenks, Oklahoma, submitted a landscape plan, plot plan (Exhibit J-1) and photographs (Exhibit J-2), and asked the Board to approve off-street parking at the above stated location. He explained that the property is an 'L shaped' parcel, with the frontage on Peoria being zoned CH and the back portion having an RS-3 classification. Mr. David informed that a metal building is in place on the rear lots. He stated that a property will be developed with a 16,000 sq. ft., two story retail building, fronting on Peoria, with approximately 80 parking spaces being located behind the structure. It was noted that screening will be installed to protect the residential neighborhood, along with large trees and landscaping for further screening. Mr. David informed that luminary lighting (Exhibit J-3) will be directed down and away from the residences.

**Protestants:**

Linda Burns, 1207 East 39th Street, Tulsa, Oklahoma, asked where the entrance to the parking lot will be located, and Mr. David replied that there will be no curb cut on Owasso Street.

Ray Moss, 3917 South Owasso, Tulsa, Oklahoma, asked how close the building line will be to Lot 8, and Mr. David informed that there will be no building on the back lots and the parking lot will be 5 or 6 feet from the boundary line. Mr. Moss stated that he believes the construction of the parking lot will have a detrimental affect on his property.

Kay Silver, 3910 South Owasso, Tulsa, Oklahoma, voiced a concern that the owner will be allowed to sell the property for another use. Mr. David informed that his goal is to complete the project and lease the new facility.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1210) to allow for an off-street parking lot in an RS-3 zoned district; per fence, lighting and landscape plans as submitted (see exhibits); subject to the execution of a tie contract on all lots which would prohibit the sale of one or more of the lots without the entire commercial development; finding that the parking lot, as designed, will not be detrimental to the area and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Case No. 14724 (continued)

Lots 9 - 12, Block 1, Roberts Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14725

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1220 - Request a use variance to allow for a golf driving range in an RS-3, RMH and PUD zoned district, located approximately 3700 Park Road.

Presentation:

The applicant, Carl Cannizzaro, 1311 South Guthrie, Tulsa, Oklahoma, submitted an information sheet and site plan (Exhibit K-1) for a proposed golf driving range on 12 acres of land adjacent to the Mohawk Golf Course. He stated that a residential development was previously planned for the property, but those plans were not carried out due to the depressed economy. Mr. Cannizzaro informed that the Park Department is supportive of the application, and the hours of operation will be from sunup to sundown.

Protestants:

John Drouillard, 5320 East 26th Street North, Tulsa, Oklahoma, stated that he has recently purchased property adjacent to the proposed driving range. He informed that the port road is proposed to extend across his property and he is considering a move to the Mohawk area, but is concerned that the driving range cannot be contained on the proposed tract.

Mr. Cannizzaro stated that the course is arranged so that the balls will not be hit toward the residential property, and a purchase of an additional acreage is being considered at this time.

Mr. Drouillard voiced a concern that the balls might travel as far as the residential lots and might be a safety hazard.

Comments and Questions:

Ms. White remarked that Mr. Drouillard could have a valid complaint.

Mr. Gardner informed that the majority of the stray drives might go toward the paint company in the northwest corner.

Mr. Cannizzaro stated that the trees along the side would provide some protection.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **CONTINUE** Case No. 14725 to February 18, 1988, in order that Staff can have sufficient time to explore the safety aspects of the design.

**Case No. 14726**

**Action Requested:**

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of front yard setback from 25' to 15' to allow for a carport, located 2550 East 17th Street.

**Presentation:**

The applicant, Jim Capps, 2224 West Ocala, Broken Arrow, Oklahoma, stated that he is representing Lee Horn, owner of the property at the above stated location. Mr. Capps informed that a variance of the front yard setback is required to allow the construction of a carport on the property. A plot plan (Exhibit L-1) and photographs (Exhibit L-2) were submitted.

**Comments and Questions:**

Ms. White asked if the existing carport is to be expanded, and the applicant replied that the old one is in bad repair and will be removed. He informed that the carport will be of wood construction, with a pitched roof, and will be compatible with the existing house.

In response to Mr. Smith's inquiry as to other carports in the area, the applicant replied that there is one in place directly across the street to the north. He pointed out that the other carports in the neighborhood are as close to the street as the one proposed on the subject property.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of front yard setback from 25' to 15' to allow for a carport; per plot plan; subject to applicant submitting elevations for approval; subject to construction being wood frame, with a pitched composition roof; finding a hardship imposed on the applicant by the long narrow shape of the lot; and finding that there are other carports in the area that are as close to the street as the one in question; on the following described property:

Lot 1, Block 2, Rena Park Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14728**

**Action Requested:**

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of livability space from 4000 sq. ft. to 2827 sq. ft. to allow for a dwelling unit, located 1204 East 29th Street.

**Presentation:**

The applicant, Jack Arnold, 7318 South Yale, Tulsa, Oklahoma, submitted a plot plan and elevations (Exhibit M-1) for a proposed dwelling which meets all of the building requirements except the livability space.

**Interested Parties:**

Pam Caldwell, President of the Mapleridge Association, stated that she and other property owners have met with Mr. Arnold and it was decided at that meeting that the house will be moved 2' farther from the property line than was initially intended.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of livability space from 4000 sq. ft. to 2827 sq. ft. to allow for a dwelling unit; per revised plan and elevations; finding a hardship imposed on the applicant by the long narrow shape of the lot; and finding that there are other similar size houses in the area that are located on lots of comparable size to the one in question; on the following described property:

Lot 15, Block 24, Sunset Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14731**

**Action Requested:**

Special Exception - Section 240.2 - Permitted Yard Obstructions - Use Unit 1208 - Request a special exception to allow a fence height of 8' in the front yard, located 1337 East 61st Street.

**Presentation:**

The applicant, Edwin Luce, 1514 Pecan Circle, Broken Arrow, Oklahoma, represented the owners of Willowick Apartments. He submitted photographs (Exhibit N-1) and explained that a major renovation program is proposed, with the installation of an 8' high brick and wrought iron fence.

Case No. 14731 (continued)

**Comments and Questions:**

Ms. White asked if the fence will be 8' high, and Mr. Luce informed that the fence portion will be 7' high, with the overall height being 8 1/2'.

**Protestants:** None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **APPROVE** a **Special Exception** (Section 240.2 - Permitted Yard Obstructions - Use Unit 1208) to allow a wrought iron fence height of 8' in the front yard; per photograph submitted; finding that the tract is very large and that there are other fences of similar style and height in the area; on the following described property:

Lot 1, Block 1, Willowick Park Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14732**

**Action Requested:**

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow for a wrecker service in a CS zoned district.

Variance - Section 1217.3 - Use Conditions - Use Unit 1217 - Request a variance to allow for open air storage within 300' of an R District.

Variance - Use Unit 1217 - Request a variance of the required all-weather surface for a parking lot, located 8500 East Admiral Place, located 8500 East Admiral Place.

**Presentation:**

The applicant, David Brown, 8500 East Admiral Place, Tulsa, Oklahoma, stated that he owns a large vacant lot which is presently rented by a wrecker service company. He informed that the property has previously been rented by a feed store which parked their trucks on the lot. Mr. Brown stated that a portion of the lot is presently being used for storage of his business equipment and asked the Board to allow the continued use.

**Comments and Questions:**

Mr. Gardner asked if the wrecker service brings wrecked cars to the property, and Mr. Brown replied that the wrecked cars are stored there for a limited period of time. He informed that approximately 15 cars are presently stored on the lot.



Case No. 14732 (continued)

**Protestants:**

Howard Sanders, 49 South 85th East Avenue, Tulsa, Oklahoma, stated that he owns property to the south and feels that the lot in question should have a hard surface. Mr. Sanders informed that a screening fence should also be installed, and pointed out that gasoline remaining in the tanks of the inoperable cars could prove to be a fire hazard for persons in the area. Photographs (Exhibit O-1) were submitted.

Stewart Morse, 205 South 85th East Avenue, Tulsa, Oklahoma, stated that he is not opposed to the wrecker service utilizing the lot if the property is maintained properly, with a hard surface parking lot and a screening fence installed. It was noted that the business in question parks some of their vehicles on the street during regular working hours.

Mr. Chappelle stated that the Board has received two letters (Exhibit O-2) of opposition to the wrecker service operating under present conditions.

**Additional Comments:**

Bob Stengon, 5324 South 77th East Avenue, Tulsa, Oklahoma, asked the Board to allow the present operation to continue for a period of 90 days while a new location is found for his business.

Mr. Gardner informed that the wrecker service is consistent with the heavy commercial use, but the outside storage of wrecked vehicles is not permissible.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to allow for a wrecker service in a CS zoned district; subject to no parking of vehicles in the street; to **DENY** a **Variance** (Section 1217.3 - Use Conditions - Use Unit 1217) to allow for open air storage within 300' of an R District; and to **DENY** a **Variance** (Use Unit 1217) of the required all-weather surface for a parking lot; subject to all inoperable vehicles being removed from the premises 90 days from this date; finding that the wrecker service business is compatible with the area and in harmony with the spirit and intent of the Code and the Comprehensive Plan; but finding that a hardship was not demonstrated that would warrant the granting of the variances requested; on the following described property:

The north 541.9' of Lot 1 and the west 60', north 300', Lot 2, less beginning at the NW/c, Lot 1, thence south 31', east 215', north 31.1', west 215' to the Point of Beginning, Block 3, Day Suburban Acres Addition to the City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14733**

**Action Requested:**

Variance - Section 208 - One Single Family Dwelling per Lot of Record - Use Unit 1206 - Request a variance to allow for two dwelling units on one lot of record, located 7405 South Elwood Avenue.

**Presentation:**

The applicant, Steve Lauterwasser, 6966 East 20th Place, Tulsa, Oklahoma, informed that he has recently purchased the property in question, along with an existing 700 sq. ft. home. He asked permission to leave the dwelling in place until a new home is constructed on the back portion of the lot. Mr. Lauterwasser pointed out that there are other lots in the area with more than one dwelling. A plot plan (Exhibit P-1) was submitted.

**Comments and Questions:**

Mr. Smith asked how long the construction period will be, and the applicant replied that construction will begin in March and be completed by the end of the summer.

Mr. Smith asked if the small house will be removed, and Mr. Lauterwasser replied that he plans to move the existing house farther back and use it for temporary housing for missionaries.

**Protestants:** None.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **APPROVE** a **Variance** (Section 208 - One Single Family Dwelling per Lot of Record - Use Unit 1206) to allow for two dwelling units on one lot of record; per plot plan submitted; finding a hardship demonstrated by the size and long, narrow shape of the lot; on the following described property:

The north 166.5' of the N/2, N/2, SW/4, NW/4, less the north 166.5' of the N/2, NE/4, SW/4, NW/4, Section 12, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14734**

**Action Requested:**

Variance - Section 730.1 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213 - Request a variance of setback from the centerline of Peoria Avenue from 50' to 42.5', located 3509 South Peoria Avenue.

Case No. 14734 (continued)

**Presentation:**

The applicant, Jim Glass, 1820 South Boulder Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit R-1), and stated that he is a partner of the Consortium, formerly Stone Horse Retail Center, which is being converted from an enclosed mall to an open air courtyard type commercial structure. He informed that all stores will have an interior courtyard storefront as well as storefronts on Peoria or 35th Street. Mr. Glass explained that the Peoria frontage will be redesigned by projecting 88' of the existing 142' wall to the west a distance of 7', which will not increase the square footage of the existing building, but will result in a decrease because of the change in the interior design. He pointed out that there are numerous buildings in the area that extend as close to Peoria as the proposed construction. A packet (Exhibit R-2) containing design concepts, a location map, a letter of support and photographs was submitted.

**Protestants:** None.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **APPROVE** a **Variance** (Section 730.1 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213) of setback from the centerline of Peoria Avenue from 50' to 42.5'; subject to the execution of a removal contract; subject to the execution of a tie contract on all lots, which will prevent the sale of one lot without the sale of the entire parcel; finding that there are numerous buildings along Peoria that extend as close to the street as the building in question; on the following described property:

The north 2' of Lot 2, Lots 3 - 6 and the east 50' of Lot 12, Block 3, Oliver's Addition to the City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14736**

**Action Requested:**

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from the centerline of Utica Avenue from 85' to 60' to allow for a carport, located 440 South Utica Avenue.

**Presentation:**

The applicant, David Ledford, 440 South Utica, Tulsa, Oklahoma, submitted photographs (Exhibit S-1), and asked the Board to allow an existing carport to remain at its present location. Mr. Ledford informed that the front of the carport aligns with the front portion of the house.

**Comments and Questions:**

Ms. White asked the applicant if there is an enclosed storage area on the back portion of the carport, and he answered in the affirmative.

Case No. 14736 (continued)

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of setback from the centerline of Utica Avenue from 85' to 60' to allow for an existing carport; finding that the carport aligns with the front of the house, and that there are other structures that are as close to the street as the one in question; on the following described property:

Lot 5, Block 5, Hackathorn Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14737**

**Action Requested:**

Variance - Section 1221.3(k) - General Use Conditions for Business Signs - Use Unit 1221 - Request a variance to allow for an existing roof sign, located 1133-H South Memorial.

**Presentation:**

The applicant, Raymond Wolf, 1133 South Memorial, Tulsa, Oklahoma, stated that he recently purchased a new sign for his business and asked the Board to allow a roof installation. He informed that all of the shops in the complex have roof signs. Photographs (Exhibit T-1) were submitted.

**Comments and Questions:**

Mr. Gardner asked the applicant if the old sign was installed on the roof, and Mr. Wolf replied that the new sign will replace the old roof sign, but is two feet longer.

Ms. White asked if the sign is lighted, and Mr. Wolf answered in the affirmative.

**Protestants:** None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **APPROVE** a **Variance** (Section 1221.3(k) - General Use Conditions for Business Signs - Use Unit 1221) to allow for an existing roof sign; as shown in submitted photographs; finding that the previous sign was installed on the roof, as are all other signs in the strip; on the following described property:

Lot 9 and the west 51' of Lot 10, Block 2, Forrest Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14738**

**Action Requested:**

Variance - Section 1211.3 - Off-Street Parking Requirements - Use Unit 1211 - Request a variance of the required 33 parking spaces, located 1430 South Boulder.

**Presentation:**

The applicant, Robert Yadon, MPI Architects, stated that he is representing Tulsa Area United Way and asked the Board to allow the use of a parking lot across the alley from their building.

**Comments and Questions:**

Mr. Chappelle asked the applicant how many parking spaces will be provided on the lot, and he replied that 33 spaces will be available.

Ms. Hubbard noted that the applicant is not requesting a variance of the parking spaces, but is asking to have required parking on a lot other than the lot where the building is located.

Mr. Jackere asked if the owner of both lots is the same, and Mr. Yadon answered in the affirmative.

**Protestants:** None.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **APPROVE** a **Variance** (Section 1211.3 - Off-Street Parking Requirements - Use Unit 1211) to allow the required 33 parking spaces to be located on a lot other than the lot of principal use; subject to the execution of a tie contract; finding that there are mixed uses and other parking lots in the area; and 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 south 25' of Lot 5, the north 25' of Lot 6, the S/2 of Lot 6 and the N/2 of Lot 7, Block 1, Carlton Place Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14739**

**Action Requested:**

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of setback from the front property line from 25' to 12.5' to allow for a carport, located 7307 East King Street.

**Presentation:**

The applicant, Joseph Stelert, 7307 East King Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit V-2) and photographs (Exhibit V-1) of a carport that has been constructed on his property.

Case No. 14739 (continued)

**Comments and Questions:**

Ms. White asked the applicant if a contractor built the carport, and he replied that his son-in-law did the work.

Mr. Smith inquired if a building permit was acquired, and he replied that he did not make application for a permit and was not aware that one was required.

**Protestants:** None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of setback from the front property line from 25' to 12.5' to allow for a carport; per plot plan and photographs submitted; finding a hardship imposed on the applicant by the size and the long narrow shape of the lot; and finding that there are other carports in the area; on the following described property:

Lot 15, Block 8, Val-Charles Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14741**

**Action Requested:**

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209 - Requests a special exception to allow for a mobile home in a RS-3 zoned district.

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209 - Request a variance to allow for 2 units on one lot of record.

Variance - Section 440.6(e) - Special Exception Requirements - Use Unit 1209 - Request a variance of the one year time regulation for mobile homes, located 2702-B East 49th Street North.

**Presentation:**

The applicant, Scott Moore, 2702 East 49th Street North, Tulsa, Oklahoma, submitted a plot plan (Exhibit W-1), and stated that there has been a mobile home located on the property since 1960. He asked permission to place a new mobile home at the same location.

**Comments and Questions:**

Mr. Smith asked if the mobile home in question has a pitched roof, and the applicant answered in the affirmative.

Ms. Smith inquired if other mobile homes are located in the area, and he replied that there is one mobile that has been in the area since 1960.

Case No. 14741 (continued)

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for a mobile home in a RS-3 zoned district; to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1209) to allow for 2 units on one lot of record for a period of 5 years only; and to **APPROVE** a **Variance** (Section 440.6(e) - Special Exception Requirements - Use Unit 1209) of the one year time regulation for mobile homes to 5 years; subject to building permit and Health Department approval; finding that there has been a mobile home at the present location for many years; and finding that the granting of the requests will not be detrimental to the area, and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The S/2, NE/4, SW/4, and the N/2, SE/4, NW/4, SW/4, and the south 165' of the west 330' of the N/2, SW/4, NW/4, SW/4 and the east 165' of the N/2, SW/4, NW/4, SW/4 of Section 8, T-20-N, R-13-E, of the Indian Base and Meridian, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 14434

Action Requested:

Approval of detail plot plan, building elevations, landscape and fencing plans for a police substation which was approved by the Board on March 19, 1987.

Presentation:

Alan Jackere informed that he presented the case for the City in March of 1987 and the police substation was approved at that time, subject to parking for the late shift being restricted to the western portion of the property; and subject to a living fence being planted along the north boundary. He informed that Commissioner Dick will address these conditions.

Commissioner Bob Dick stated that the City is very concerned with being good neighbors to the residents in the area. He informed that a fueling facility for the police cars has been added to the previous plans. Commissioner Dick stated that the response from the neighborhood has been very positive, and this location is essential to the overall master plan for policing in the City. He explained that there will be a large room in the proposed facility which can be used by the residents of south Tulsa for various meetings.

Case No. 14434 (continued)

Bob Selman, 6440 South Lewis, Tulsa, Oklahoma, architect for the project, submitted a plot plan (Exhibit X-1), and explained that the proposed building will be a one-story structure, with the main entrance being on the northwest, away from the residences. He stated that the larger, healthy trees will remain and the shrubs along the fence will be removed. Mr. Selman informed that the three concerns from the previous Board meeting were sound, light and visibility. He stated that a living fence will be installed and lights, are to be directed down and are located as far from the residences as possible.

**Comments and Questions:**

Ms. White inquired as to the location of the fueling station, and Mr. Selman replied that it is located at the south end of the parking lot.

**Interested Parties:**

Frank McCarthy, 1521 East 75th Court, Tulsa, Oklahoma, stated that his property is adjacent to the east parking area for the substation. He informed that he has spoken with Mr. Selman on numerous occasions about his concerns with light and sound. It was pointed out that there will be 75 parking spaces for officers with three shift changes each day, and that the alternative plan to plant 40 trees along the boundary line would be more acceptable than the present plan for four trees along the 300' fence line. Mr. McCarthy remarked that the headlights from cars pulling in for refueling will be pointed directly toward his residence.

Commissioner Dick informed that the fuel lane can be one way west, which will eliminate that lighting problem, and that funds will probably be available to acquire the extra shrubbery needed for the project.

Wayne Driggers, 7504 South St. Louis, Tulsa, Oklahoma, stated that he is horticulturist for the Tulsa County Fairgrounds and lives in the residential area behind the proposed substation. He suggested that more of the existing trees be preserved if possible and that special plants be used for sound buffers. Mr. Driggers remarked that he is pleased to have the police station in the area.

**Additional Comments:**

Mr. Gardner stated that the original plan showed the parking lot very close to the eastern boundary, which was a concern of the Board because of noise and lights; however, the parking lot has now been moved 80' from the east lot line.



Case No. 14434 (continued)

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, White, Smith "aye"; no "nays"; no "abstentions"; Bradley, Quarles, "absent") to **APPROVE** the **detail plot plan, building elevations, landscape and fencing plans** for a police substation which was approved by the Board on March 19, 1987.

There being no further business, the meeting was adjourned at 4:13 p.m.

Date Approved

2-18-88

  
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Chairman

