

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 509
Thursday, February 18, 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		Jones 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, February 16, 1988, at 11:45 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 1:04 p.m.

MINUTES:

On **MOTION** of Smith, the Board voted 3-0-2 (Chappelle, Smith, White, "aye"; no "nays"; Bradley, Quarles, "abstaining"; none "absent") to **APPROVE** the Minutes of February 4, 1988.

UNFINISHED BUSINESS

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.

Variance - Section 240.2 - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the size of an accessory building from 750 sq. ft. to 1600 sq. ft., located NE/c 25th Street and South Owasso Avenue.

Presentation:

The applicant, James Brackett, 3110 South Toledo, Tulsa, Oklahoma, was not present.

Comments and Questions:

Mr. Jones informed that Staff had made an unsuccessful attempt to contact the applicant by phone, and suggested that it might be expedient to continue the case until March 3, since it was discovered that additional relief will be required. He informed that protestants were also present at a previous meeting concerning the property, which was continued to the March 3, 1988 meeting. He pointed out that a continuance will allow the applicant to present the case in its entirety at that time.

Case No. 14729 (continued)

Protestants:

Protestants in the audience did not object to a continuance of Case No. 14729.

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 **CONTINUE** Case No. 14729 to March 3, 1988, to allow the applicant to present the case in its entirety at that time.

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.

Comments and Questions:

Mr. Jones advised that this case was continued from a previous meeting to allow the applicant to confer with Staff concerning design and safety aspects of the driving range.

Presentation:

The applicant, Carl Cannizarro, 1331 South Denver, Tulsa, Oklahoma, who submitted a revised plot plan (Exhibit A-1), informed that he has met with Staff and the plot plan for the proposed driving range was revised as suggested. He pointed out that it was determined at that meeting that netting would be needed to protect the west residential property from stray golf balls. Mr. Cannizarro informed that he has since met with the owner of the property to the west and a verbal agreement has been reached that will enable stray golf balls to be retrieved from that 2 1/2-acre residential tract.

Additional Comments:

Mr. Jones informed that the property is in a Planned Unit Development and TMAPC has restrictions that apply to the tract for residential use. He suggested to the Board that, if the application is approved, the interim use as a driving range be noted as such and if residential use is ever revived, the PUD requirements be applied.

Interested Parties:

There was one interested party in the audience, who stated that he is not opposed to the application and did not choose to address the Board.

Case No. 14725 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, White, Smith, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Use Variance** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1220) to allow for a golf driving range in an RS-3, RMH and PUD zoned district as an interim use until such time as the residential project begins; subject to a lease being acquired for use of the property to the west of the subject tract, or, as an alternative in the event the lease is not executed, netting will be installed between the driving range and the property to the west, per plot plan; finding that there is an existing golf course nearby and the granting of the request will not be detrimental to the area; on the following described property:

The W/2, NW/4, SE/4, SW/4 and the E/2, NE/4, SW/4, SW/4, and the SW/4, NE/4, SW/4, SW/4 of Section 15, T-20-N, R-13-E of the Indian Base and Meridian, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14758

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a minor variance of setback from the centerline of 21st Street from 60' to 45' to allow for a business sign, located 4926 East 21st Street.

Presentation:

The applicant, Russell Hackler, 4926 East 21st Street, Tulsa, Oklahoma, who represented Honda of Tulsa, submitted a site plan (Exhibit B-1) for a proposed sign at the above stated location. He pointed out that the sign would be in the parking lot if installed at the required 60' setback, and asked that it be placed 50' from the centerline of 21st Street, instead of 45' as was originally requested.

Comments and Questions:

Ms. Bradley asked the applicant if the business has a sign in place at the present time, and he replied that there is no sign on the property. He stated that the business has been at the present location for approximately 10 years and has had the name of the business painted on the side of the building.

Ms. Bradley inquired if the proposed sign will be closer to 21st Street than the existing sign to the west, and the applicant replied that it will align with the other signs along the street.

Protestants: None.

Case No. 14758 (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 280 - Structure Setback from Abutting Streets - Use Unit 1221) of setback from the centerline of 21st Street from 60' to 50' to allow for a business sign; per site plan submitted; subject to the execution of a removal contract; finding that the proposed sign will align with existing signs along 21st Street; and that the granting of the variance 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:

Lots 3 and 4, Block 1, Gracemont 1st Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14740

Action Requested:

Special Exception - Section 630.1 - Bulk and Area Requirements in Office Districts - Use Unit 1211 - Request a special exception to allow for a .40 floor area ratio in an OL District.

Variance - Section 630.1 - Bulk and Area Requirements in Office Districts - Use Unit 1211 - Request a variance to allow for a two-story office building in an OL District, located 1805 East 15th Street.

Presentation:

The applicant, Pyrogen Partners, was represented by Harriet Westerman, 1145 South Utica, Tulsa, Oklahoma, who submitted a plot plan (Exhibit C-1) for a new building at the above stated address. She explained that there is an existing two-story house on the property which will be demolished and replaced with a new facility that will be in character with the neighborhood. Ms. Westerman informed that adequate parking is available on the lot.

Comments and Questions:

Mr. Quarles inquired as to the square footage proposed for the building, and Ms. Westerman replied that it will contain a maximum of 4350 square feet of floor space. Mr. Chappelle asked if there will be windows on the north side of the proposed building, and Ms. Westerman replied that there will be no windows placed on that side of the building.

Case No. 14740 (continued)

Ms. Bradley asked if the accessory building located to the rear of the property will be removed, and Ms. Westerman answered in the affirmative. She informed that the property owners to the west are landscape architects and will be involved in the landscape plan for the subject property.

In response to Ms. Bradley's question as to screening and use of the building, Ms. Westerman replied that the new facility will house medical offices and a screening fence will be installed around the lot.

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 **Special Exception** (Section 630.1 - Bulk and Area Requirements in Office Districts - Use Unit 1211) to allow for a .40 floor area ratio in an OL District; and to **APPROVE** a **Variance** (Section 630.1 - Bulk and Area Requirements in Office Districts - Use Unit 1211) to allow for a two-story office building in an OL District; per plot plan; finding that there are numerous two-story homes in the older area that have been converted to office use; and finding that the new building will replace an existing two-story structure; on the following described property:

Lot 12, Block 3, Resubdivision of Block 5, Terrace Drive Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14743

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215 - Request a special exception to allow for an existing spa sales business in a CS District and the expansion of said business.

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1215 - Request a variance of setback from the centerline of Harvard Avenue from 100' to 85', located SW/c 41st Street and Harvard.

Case No. 14743 (continued)

Presentation:

The applicant, Lee Butler, was represented by Kenneth Miles, 61 South Elwood, Tulsa, Oklahoma. Mr. Miles stated that Mr. Butler, owner of Spas of Tulsa, is planning to construct an addition to an existing building at the above stated location. He informed that the new construction will be toward the south along Harvard Avenue and will align with the existing building. It was pointed out that some of the spas are displayed outside the building, and the question was raised at the time application was made for a Building Permit that the use might be Use Unit 15, as opposed to Use Unit 14 by right. He noted that a special exception is required if the use is considered to be under Use Unit 15.

Comments and Questions:

Ms. White asked if the spas will continue to be displayed outside the building, and Mr. Miles answered in the affirmative.

In response to Ms. Bradley's question concerning the distance from the existing building to the street, Mr. Miles explained that the building was constructed 85' from the centerline at least 10 years ago.

Ms. White asked Staff if a permit is required for outside display of merchandise within 300' of a residential district, and Mr. Jones replied that, to his knowledge, no permit is required for outdoor storage in this instance.

Mr. Jackere informed that the residential districts are not abutting, but are across the street from the subject property.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-2-0 (Bradley, Chappelle, Quarles, "aye"; Smith, White, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215) to allow for an existing spa sales business in a CS District and the expansion of said business; and to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1215) of setback from the centerline of Harvard Avenue from 100' to 85'; finding that the spa sales has been operating on the subject tract for a long period of time and has proved to be compatible with the area; and finding that the proposed addition will align with the existing building which was previously constructed 85' from the centerline of Harvard; on the following described property:

The north 200' of the east 150' of the NE/4, NE/4, NE/4, Section 29, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14744

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1223 - Request a use variance to allow for the storage of automobile bumpers in an RS-1 zoned district, located south and west of Admiral Place and 184th East Avenue.

Comments and Questions:

Mr. Jones informed that the attorney for the applicant is present and has requested that Case No. 14744 be continued to March 3, 1988.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White, "absent") to **CONTINUE** Case No. 14744 to March 3, 1988, as requested by counsel for the applicant.

Case No. 14745

Action Requested:

Variance - Section 930 - Bulk and Area Requirements In Industrial Districts - Use Unit 1225 - Request a variance of setback from the centerline of 122nd East Avenue from 50' to 48' to allow for a building, located NE/c 122nd East Avenue and Skelly Drive.

Presentation:

The applicant, Jim Jones, Morton Buildings, Inc., Box 1388, Muskogee, Oklahoma, submitted a plot plan (Exhibit D-1) for a building which is under construction at the above stated location. He stated that one corner of the building will encroach on the setback due to the curvature of the street.

Comments and Questions:

Mr. Jones informed that the applicant was before the Board in November of 1987 asking for an 8' variance which was denied. He informed that the foundation has been poured at the required setback except for an encroachment on the north end of the project, due to the curvature of the street at that location.

Mr. Quarles asked the contractor how the slab was poured in error after the previous Board hearing, and he replied that the construction foreman failed to note the curve in the road.

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 1225) of setback from the centerline of 122nd East Avenue from 50' to 48' to allow for a building; per plot plan submitted; finding a hardship imposed on the applicant by the irregular shape of the lot and the curvature of the street; on the following described property:

Case No. 14745 (continued)

A tract of land situated in a part of Lot 1, Block 2, Eastgate Industrial Park Addition, an addition in Tulsa County, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows, to-wit: Beginning at a point on the south line of said Lot 1, 162.03' northeasterly of the SW/c thereof; thence N 41° 6.25' W for 132.38'; thence along a curve to the right with a radius of 270' for 50.92'; thence N 48° 53.75' E for 120.21'; thence S 41° 6.25' E for 183' to the south line of said Lot 1; thence S 48° 53.75' W for 125' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14746

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from East 99th Street South from 35' to 29' to allow for an addition to an existing dwelling (garage), located NE/c East 99th Street and South Richmond Avenue.

Presentation:

The applicant, Jack Arnold, Architectural Resources, 7318 South Yale, Tulsa, Oklahoma, submitted a plot plan (Exhibit E-1) for a renovation project at the above stated location. He stated that his client presently has a two car garage which will be made a part of the living area, with a new garage being constructed which will protrude into the required setback on East 99th Street approximately 6'. Mr. Arnold pointed out that the lot is large and can easily accommodate the expansion.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, 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 setback from East 99th Street South from 35' to 29' to allow for an addition to an existing dwelling (garage); per plan submitted; finding a hardship demonstrated by the corner lot location, the curvature of the street and the large size and irregular shape of the lot; on the following described property:

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

Case No. 14747

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205 - Request a special exception to allow for a playground in conjunction with an existing YMCA, located 2227 East 20th Street.

Presentation:

The applicant, Mary Espey, 5155 East 51st Street, Suite 200, Tulsa, Oklahoma, who submitted a location map (Exhibit F-1) and photographs (Exhibit F-3), asked the Board to allow a playground for the YMCA on a vacant lot which is one lot removed from the existing YMCA pool.

Comments and Questions:

Ms. White asked if a house was removed from the property in question, and the applicant replied that the property was donated to the organization approximately a year ago and there was an existing house on the lot. Ms. Espey informed that an engineer study (Exhibit F-2) found the structure to be in such bad repair that it was not feasible to renovate it, therefore, it was demolished.

Ms. White noted that the house between the subject property and the swimming pool is for sale and asked the applicant if the YMCA is planning to purchase this house.

Ms. Espey stated that they are negotiating with the owner at this time, and if the contract is executed the organization will have continuous ownership from the corner of 20th and Lewis to the subject lot.

Ms. Bradley asked if a building will be constructed on the lot in question, and the applicant replied that current plans call for an open playground, but that she is not sure what the long range plans are for the property.

Ms. White suggested that the application be continued until such time as the negotiations are complete on the purchase of the house located between the two properties.

Mr. Chappelle remarked that it may take several months to finalize the sale.

It was pointed out by Ms. White, that the owner of the house located between the two YMCA properties would have difficulty disposing of his house if the current contract fell through.

Interested Parties:

Greg Guerrero, 2320 East 20th Street, Tulsa, Oklahoma, stated that he is the owner of the property between the proposed playground and the pool, and is not concerned with the utilization of the lot as a playground, but would be interested in what might happen in the future. He asked that a fence be installed to protect his property.

Case No. 14747 (continued)

Mr. Guerrero informed that he has met with the applicant and that she has kept him fully informed of the organization's intentions for the use of the property.

Additional Comments:

Mr. Smith asked Mr. Guerrero if he lives in the home that will be next door to the playground, and he answered in the affirmative.

In response to Ms. White's question regarding his support of the playground, Mr. Guerrero replied that he is supportive of the application for a playground on the subject tract.

Ms. Bradley remarked that she shares Ms. White's concern for the property that would be isolated between the playground and the pool, and asked the status of the negotiations.

Ms. Espey stated that the YWCA has submitted an offer to the owner and they are awaiting the results of an engineers study, which will be completed in approximately two weeks.

Mr. Quarles asked the applicant what improvements will be made on the lot, and she informed that it will be left in its natural state.

In response to Mr. Chappelle's inquiry, Ms. Espey informed that the house has been for sale since December of 1987.

Ms. White suggested that the case be continued, and asked the applicant to supply definite plans for equipment and fencing.

Mr. Smith remarked that he is concerned with the isolation of the house between the two YWCA properties.

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 **CONTINUE** Case No. 14747 to March 17, 1988, to allow the applicant sufficient time to acquire an engineer study on the house and to continue negotiations for purchase of the abutting property.

Case No. 14748

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the side yard setback from 5' to 3' to allow for an addition to an existing building, located 2731 East 13th Place.

Case No. 14748 (continued)

Presentation:

The applicant, John Laur, 7 East Brady, Tulsa, Oklahoma, submitted a plot plan (Exhibit G-1) and informed that he is architect for the owner of the subject property. He stated that the line of the existing house will be extended to within 3' 8" of the property line, which is not an unusual setback for the area. Mr. Laur informed that, in addition to the extension, the attic will also be converted to living space.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, 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 side yard setback from 5' to 3' to allow for an addition to an existing building; per plan submitted; finding a hardship imposed on the applicant by the narrow frontage and the long narrow shape of the lot; finding that there are numerous homes in the area that are as close to the lot line as the one in question and the granting of the request will not be detrimental to the neighborhood; on the following described property:

Lot 20, Block 1, Longview Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14749

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow for an automobile wash in a CS zoned district, located SW/c Queen Street and North Peoria Avenue.

Presentation:

The applicant, Adolph Williams, PO Box 6310, Tulsa, Oklahoma, requested by letter (Exhibit H-1) that Case No. 14749 be withdrawn.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-1 (Bradley, Chappelle, Quarles, "aye"; no "nays"; Smith, "abstaining"; White, "absent") to **WITHDRAW** Case No. 14749, as requested by the applicant.

Case No. 14750

Action Requested:

Use Variance - Section 410 - Principal Uses In Residential Districts - Use Unit 1217 - Request a use variance to allow for a machine shop in an RS-1 zoned district.

Variance - Section 240.2 - Permitted Yard Obstructions - Use Unit 1217 - Request a variance of the size of detached accessory buildings from 750 sq. ft. to 2000 sq. ft.

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow a mobile home in an RS-1 zoned district.

Variance - Section 440.6(e) - Special Exception Requirements - Use Unit 1209 - Request a variance of the time restriction from one year to permanently, located east of 169th East Avenue, south side of Admiral Place.

Presentation:

The applicant, Danny Richardson, 1247 Forest Lane, Catoosa, Oklahoma, submitted a plot plan (Exhibit J-1) and explained that he has a contract to purchase the six acre tract at the above stated location, contingent upon approval of this application. He informed that he is proposing to erect a 2000 sq. ft. metal building on the front portion of the lot to be used as a machine shop. Mr. Richardson requested that he be allowed to install a mobile home on the back portion of the lot. A location map (Exhibit J-2) was submitted.

Comments and Questions:

Ms. Bradley asked if the property is located in the linear development area, and Mr. Jones informed that it is designated as a medium intensity linear development area in the Comprehensive Plan, which would require a companion PUD if rezoned.

Mr. Smith asked what is located to the east and to the west of the subject property, and the applicant replied that a mobile home is located on the tract to the east, with pending IL zoning on the west property. Mr. Richardson informed that Am-Track Construction is located to the north of the subject property and a sewer lagoon for a nearby housing addition is on the property to the south. He informed that he has met with surrounding property owners and they are supportive of the application.

Mr. Quarles asked the applicant if he has a machine shop at another location, and he replied that his shop is operating in Catoosa.

Ms. Bradley advised that the applicant has not demonstrated a hardship and the granting of the application would not be in harmony with the spirit and intent of the Code or the Comprehensive Plan.

Case No. 14750 (continued)

Interested Parties:

Betty Engelbrecht, 5516 South Newport, Tulsa, Oklahoma, was in the audience, but did not choose to address the Board.

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 **DENY** a **Use Variance** (Section 410 - Principal Uses in Residential Districts - Use Unit 1217) to allow for a machine shop in an RS-1 zoned district; to **DENY** a **Variance** (Section 240.2 - Permitted Yard Obstructions - Use Unit 1217) of the size of detached accessory buildings from 750 sq. ft. to 2000 sq. ft.; to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow a mobile home in an RS-1 zoned district; and to **DENY** a **Variance** (Section 440.6(e) - Special Exception Requirements - Use Unit 1209) of the time restriction from one year to permanently; finding that a hardship was not demonstrated by the applicant; and finding that the action requested violates the spirit, purposes and intent of the Code and the Comprehensive Plan; on the following described property:

West 252.48' of east 427.3' of Lot 7, Section 2, T-19-N, R-14-E, and west 168.32' of east 595.63' of Lot 7, Section 2, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14751

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from the side yard from 10' to 5' to allow for an addition to an existing dwelling, located 1416 South Elwood Avenue.

Presentation:

The applicant, Doug Gronberg, 1416 South Elwood, Tulsa, Oklahoma, submitted a plot plan (Exhibit K-1) and explained that he has lived at the present location for 10 years and the existing house was constructed five feet from the property line. Mr. Gronberg stated that a proposed addition will extend toward the rear and align with the existing wall.

Comments and Questions:

Mr. Jones informed that the area is zoned RM-2, but has developed single-family, and if the zoning was a typical RS-3 zoned district only a 5' side yard setback would be required.

Protestants: None.

Case No. 14751 (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 setback from the side yard from 10' to 5' to allow for an addition to an existing dwelling; per plot plan submitted; finding a hardship imposed on the applicant by the narrow width and long narrow shape of the lot; and finding that, although the property is zoned RM-2, it has developed single-family and a 5' side yard setback would be the requirement if the property was located in a typical RS-3 zoned district; on the following described property:

Lot 4, Block 9, Childer's Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14752

Action Requested:

Variance - Section 730.1 - Bulk and Area Requirements In Industrial Districts - Use Unit 1223 - Request a variance of setback from an R District from 75' to 10' to allow for a building.

Variance - Section 1223.3 - Use Conditions - Request a variance of the screening requirements, located 5624 South 107th East Avenue.

Presentation:

The applicant, David Cannon, 10301-A East 51st Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit L-1) and stated that he is the contractor for the project. Mr. Cannon informed that he was before the Board in July and failed to note that the property in question was zoned for residential use. He informed that he is now asking for additional relief. Mr. Cannon stated that a heliport is proposed for the site, which complies with all requirements except the setback from the property to the north. He stated that the north property owner is supportive of the application. Mr. Cannon noted that the area is in transition from residential to light industrial.

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 730.1 - Bulk and Area Requirements In Industrial Districts - Use Unit 1223) of setback from an R District from 75' to 10' to allow for a building; and to **APPROVE** a **Variance** (Section 1223.3 - Use Conditions) of the screening requirements; per plan submitted; finding that the property abuts the expressway on the west and that there are mixed zoning classifications in the area; on the following described property:

Lot 2, Block 2, Golden Valley Estates Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 14749

Action Requested:

The applicant, Adolph Williams, requested a refund of application fees.

Comments and Questions:

Mr. Jones informed that the case has been fully processed and suggested a refund of \$25.00 for the public hearing portion of the application.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-1 (Bradley, Chappelle, Quarles, "aye"; no "nays"; Smith, "abstaining"; White, "absent") to **APPROVE** a partial refund of the filing fee in the amount of \$25.00; finding that the application was processed prior to withdrawal.

Case No. 14723

Action Requested:

The applicant, Dale Jeffus, Route 3, Box 116-B, Coweta, Oklahoma, requested a refund of filing fees.

Comments and Questions:

Mr. Jones pointed out that the application has been processed and suggested that a partial refund in the amount of \$25.00 be returned to the applicant.

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 refund of filing fees in the amount \$25.00; finding that processing of the application had begun prior to the withdrawal request.

Case No. 14721

Action Requested:

The applicant, Charles Sublett, requested a clarification of previous Board action.

Comments and Questions:

Mr. Jones informed that the application was approved subject to removal of some of the accessory buildings, and the applicant has returned to ask the Board to designate which buildings will be allowed to remain on the property.

William Davis, who operates a business on the subject property, submitted photographs (Exhibit M-1) and asked the Board to permit him to demolish the old existing barn and leave two accessory buildings on the tract. He informed that three buildings will be removed from the property.

Case No. 14721 (continued)

Mr. Jones pointed out that the previous minutes state that all but two of the accessory buildings are to be removed from the lot, and it was Staff's understanding that the most recent units would be removed, with the two oldest accessory buildings remaining.

Mr. Davis asked the Board to allow him to remove the barn and utilize two storage buildings until the business is closed at the end of 18 months. He stated that he will remove all other accessory buildings from the tract.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-2 (Chappelle, White, Smith, "aye"; no "nays"; Bradley, Quarles, "abstaining"; none "absent") to **CLARIFY** the approval for Case No. 14721 of the February 4, 1988 minutes, to allow two (2) accessory buildings to remain on the property; finding that the two buildings allowed to remain on the tract will be those designated in submitted photographs (Exhibit M-1), with all other accessory buildings being removed.

There being no further business, the meeting was adjourned at 2:15 p.m.

Date Approved 3-3-88



Chairman