

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 510
Thursday, March 3, 1988, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Chappelle, Chairman Smith White	Quarles	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, March 1, 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 1:02 p.m.

MINUTES:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Chappelle, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **APPROVE** the Minutes of February 18, 1988.

Comments:

Mr. Smith stated that, due to a possible conflict of interest, he will abstain from hearing the case of John Boyd (No. 14761).

Mr. Jones advised that a representative of Mr. Boyd's office notified Staff that he had recently discovered that additional relief will be required for the property. He stated that a continuance may be requested.

Robert Glass, 2945 Woodward Boulevard, Tulsa, Oklahoma, stated that Mr. Boyd will present this case as it appears on the agenda, but may need to advertise for additional relief in the future.

UNFINISHED BUSINESS

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 8,500 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.

Case No. 14690 (continued)

Presentation:

The applicant, Rick Dodson, requested by letter (Exhibit A-1) that Case No. 14690 be continued until April 21, 1988 to allow sufficient time to revise the configuration of the lots (Lot split No. 16966) and readvertise the application.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Chappelle, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **CONTINUE** Case No. 14690 to April 21, 1988, as requested by the applicant.

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, submitted a site plan (Exhibit B-1) and photographs (Exhibit B-3), and explained that he bought the house in question from a gentleman that had owned the property since 1932. He informed that it was determined by survey that the house encroaches over the building line approximately 1'. Mr. Brackett stated that the architect suggested the relocation of the entry from the back of the house to the side, with the driveway being on Owasso. He informed that the existing garage is 20' wide and will be extended to accommodate their personal cars, as well as two company cars, with the driveway being installed at an angle in order to screen the garage doors from the street.

Comments and Questions:

Mr. Smith inquired if a corner of the garage will be on the abutting lot, as shown on the survey submitted, and Mr. Brackett informed that he did not submit the correct survey. He explained that he obtained some land from his neighbor because the proposed wall encroached on that property. A current survey (Exhibit B-2) and a drawing (Exhibit B-4) were submitted.

Ms. Bradley asked if Stormwater Management is involved in the proposed construction, and the applicant replied that there is not a water problem in the area. He informed that an 8' storm sewer has recently been installed on Owasso.

Case No. 14729 (continued)

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Chappelle, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of front yard setback from 30' to 27' to allow for an existing dwelling unit; and to **APPROVE** a **Variance** (Section 240.2 - Permitted Yard Obstructions - Use Unit 1206) of the size of an accessory building from 750 sq. ft. to 1600 sq. ft.; per plot plan submitted; finding a hardship demonstrated by the corner lot location and the irregular shape of the lot; and finding that the older homes in the surrounding area are very large and require comparable garage space; on the following described property:

That part of Lot 11, Block 2, SUNSET TERRACE ADDITION to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, described as follows, to-wit: Beginning at the NW/c of said lot; thence easterly along the north line of said lot 84.36' to a point on the north line of said lot; thence southerly and parallel to the east line of said lot to a point on the south line of said lot, 17.97' from the SE/c of said lot; thence westerly along the south line of said lot, 135' to the SW/c of said lot; thence northerly along the west line of said lot, 134.95' to point of beginning, 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.

Presentation:

The applicant, Lola Dowdy, 18420 East Admiral Place, Catoosa, Oklahoma, was represented by Joe Adams, who submitted photographs (Exhibit C-1) and asked the Board to allow automobile bumper storage on the lot in question. He pointed out that Tulsa Chrome has been in business in the area for approximately 35 years and has recently purchased the abutting lot. Mr. Adams informed that the owners are making some improvements to the Tulsa Chrome property and are temporarily storing bumpers on the subject property until the work is completed. He explained that ponds on the Dowdy property are being filled and progression of the work depends on the weather, but will be completed as soon as possible. Mr. Adams stated that the area is in transition, being zoned RS-1, but having industrial and commercial uses. He pointed out that the addition nearby is an older one and that there have been no homes built in the area for approximately 10 years.

Case No. 14744 (continued)

Comments and Questions:

Ms. Bradley asked Mr. Jones if the entire tract is under application, and he replied that the legal description submitted was for the entire tract. He stated that aerials as far back as 1965 support the fact that the building was in place at that time, but the use cannot be determined.

Mr. Jackere suggested that the applicant has stated that he is before the Board today to seek permission for storage on the westernmost tract, and this should be set forth in the motion, if approval is granted.

Ms. White asked how long the temporary storage will be needed, and Mr. Adams replied that it will probably be a minimum of 90 days before the ponds will be filled.

Protestants:

Linda Sawvel, 46 South 184th Place, Tulsa, Oklahoma, stated that she has lived at the present location for 17 years and the owner of the property does not mow and keep the tract in good condition. She informed that junk cars have been stored on the lot and submitted a petition of opposition (Exhibit C-2) to the application.

Ms. Bradley stated that she has viewed the property and there is no screening in place between the residences and the business.

Ms. Sawvel informed that the ponds on the property in question overflow and the water runs through the yards in the housing addition. She voiced a concern that these ponds hold residue from the plating business which could contain toxic materials.

Ms. White suggested that this problem might be alleviated by the filling of the ponds, which is under way at this time.

Applicant's Rebuttal:

Mr. Adams explained that the applicant has spent over \$100,000 on a new water purification system and the ponds will be filled. He informed that screening will be installed along the lot line that abuts the residential area.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, White, Smith, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **DENY** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1223) to allow for the storage of automobile bumpers in an RS-1 zoned district; subject to all bumpers being removed from the property no later than 120 days from this date; on the following described property:

Case No. 14744 (continued)

Tract A

2.75 acres off the east end of Lot 6, Section 1, T-19-N, R-14-E, Tulsa County, Oklahoma, according to the US Government Survey thereof, particularly described as follows: Beginning at the NE/c of Lot 6, Section 1, T-19-N, R-14-E, thence 181.6' west; thence 660' south; thence 181.6' east; thence 660' north to the point of beginning.

Tract B

The west 175' of the east 370.68' of Lot 6, Section 1, T-19-N, R-14-E, of the Indian Base and Meridian, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14765

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 Elwood Avenue from 50' to 45' to allow for an addition to an existing dwelling, located 1601 North Elwood Avenue.

Presentation:

The applicant, Curtis Eckwood, 809 East 54th Street North, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-3) and stated that he is contractor for the project. Mr. Eckwood explained that an existing front porch is being extended a distance of 5' toward Elwood and enclosed to make a room for an elderly member of the family. He informed that there are other houses in the area that are closer to the street than the proposed room. A sketch (Exhibit D-2) and photographs (Exhibit D-1) were submitted.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, White, Smith, "aye"; no "nays"; no "abstentions"; 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 Elwood Avenue from 50' to 45' to allow for an addition to an existing dwelling; per plot plan submitted; finding that there are other structures in the area that are closer to the street than the proposed construction; 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:

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

NEW APPLICATIONS

Case No. 14753

Action Requested:

Special Exception - Section 420 - Accessory Uses In Residential Districts - Use Unit 1213 - Request a special exception to allow a home occupation for a beauty shop in an RS-3 zoned district, located 644 North 27th West Avenue.

Presentation:

The applicant, Eula McQuarters, 644 North 27th West Avenue, Tulsa, Oklahoma, submitted photographs (Exhibit E-1) and asked the Board to permit her to construct a 14' by 16' room on the rear portion of her home to use as a beauty shop. The applicant informed that she has recently graduated from beauty college and because of her children, would like to operate the business in the home. She pointed out that the addition will tie into the existing roof and will not be visible from the street. It was noted that the proposed addition could be used as a part of the home if the shop is no longer in use.

Comments and Questions:

Ms. Bradley inquired as to the number of customers that are expected at any given time and the hours of operation for the shop.

Ms. McQuarters replied that she will be the only operator for the shop and will have no more than two customers at a time, with hours of operation being 9:00 a.m. to 7 p.m. on Saturday and Monday through Wednesday evenings, 5:30 p.m. to 9:30 p.m.

Ms. White asked if the driveway can accommodate four cars, and the applicant answered in the affirmative.

In response to Ms. Bradley's inquiry as to the number of family cars, the applicant informed that the family has two cars which are parked in the garage.

Mr. Chappelle stated that he is somewhat concerned with permitting the business in the residential area, but would consider approval for a limited time to determine the affect on the neighborhood.

Mr. Smith stated that he is in agreement with Mr. Chappelle, and would also prefer that the business have a time limitation.

Protestants:

Mr. Chappelle informed that the Board has received a letter of protest (Exhibit E-2) from Loretta Lightfoot, a property owner in the area.

Case No. 14753 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, White, Smith, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 420 - Accessory Uses in Residential Districts - Use Unit 1213) to allow a home occupation for a beauty shop in an RS-3 zoned district; subject to a time limitation of one year only; subject to one chair only, with hours of operation being 5:30 p.m. to 9:00 p.m., Monday through Wednesday, and 9:00 a.m. to 7:00 p.m. on Saturday; finding that the time limitation will allow the Board to review the case at the end of one year and determine if the business has had an adverse affect on the neighborhood; on the following described property:

Lot 3, less the north 10', Block 5, Skyline Ridge 6th Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14742

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required street frontage from 30' to 0', located 2034 East 38th Street.

Presentation:

The applicant, Stephen A. Schuller, 610 South Main, Suite 300, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-1) and stated that he is representing the owners of the subject lot. He explained that the property in question is the rear portion of Lot 6, Royal Oak Heights, which was split off approximately 32 years ago. Mr. Schuller informed that the lot has two access easements, one on the northwest corner and one on the north. He stated that the owners are proposing to construct an addition to the existing residence and it was discovered that a variance of the required street frontage was not obtained for the subject property. It was pointed out by Mr. Schuller that other nearby rear lots have received similar relief.

Protestants: None.

Comments and Questions:

Mr. Smith asked if an access easement has been granted to the lot in question, and the applicant answered in the affirmative.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, White, Smith, "aye"; no "nays"; no "abstentions"; Quarles, "absent")

Case No. 14742 (continued)

to **APPROVE** a **Variance** (Section 207 - Street Frontage Required - Use Unit 1206) of the required street frontage from 30' to 0'; per site plan submitted; finding a hardship demonstrated by the fact that the house was constructed approximately 32 years ago and the public street has been vacated since that time; 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 north 165' of Lot 6, Royal Oak Heights, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14754

Action Requested:

Appeal - Section 1650.2 - Appeals from the Building Inspector - Use Unit 1213 - Request an appeal from the decision of the Building Inspector in denying the issuance of a zoning clearance permit for a bookstore, located 814 South Sheridan Road.

Presentation:

The applicant, Thomas Salisbury, 201 West 5th Street, Suite 460, Tulsa, Oklahoma, requested by letter (Exhibit R-1) that Case No. 14754 be continued to April 7, 1988.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Chappelle, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **CONTINUE** Case No. 14754 to April 7, 1988, as requested by the applicant.

Case No. 14755

Action Requested:

Appeal - Section 1650.2 - Appeals from the Building Inspector - Use Unit 1213 - Request an appeal from the decision of the Building Inspector in denying the issuance of a zoning clearance permit for a bookstore, located 1 North Lewis Avenue.

Presentation:

The applicant, Thomas Salisbury, 201 West 5th Street, Suite 460, Tulsa, Oklahoma, requested by letter (Exhibit X-1) that Case No. 14755 be continued to April 7, 1988.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Chappelle, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **CONTINUE** Case No. 14755 to April 7, 1988, as requested by the applicant.

Case No. 14756

Action Requested:

Appeal - Section 1650.2 - Appeals from the Building Inspector - Use Unit 1205 - Request an appeal from the decision of the Building Inspector in the issuing of a zoning clearance permit for a convalescent home, located 4861 South 71st East Avenue.

Presentation:

The applicant, Stewart Field, 5918 East 31st Street, Tulsa, Oklahoma, requested by letter (Exhibit Z-1) that Case No. 14756 be withdrawn.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Chappelle, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **WITHDRAW** Case No. 14756, as requested by the applicant.

Case No. 14757

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow for a car leasing business in a CS zoned district, located 6920 South 66th East Avenue.

Presentation:

The applicant, Dave Jackson, 8455 South College, Tulsa, Oklahoma, submitted a packet (Exhibit G-1) containing photographs, a location map, and a list of surrounding properties. Mr. Jackson informed that he is representing the owner of the property. He asked the Board to permit the operation of a car leasing business in a building that has previously been used as a warehouse. He stated that the building is screened from the residential areas by other structures. Mr. Jackson informed that there is a real estate office to the north, office buildings located to the east and McCartney's to the west. He informed that the building in question will be used for offices and there will be sufficient space for parking 22 vehicles on the lot.

Comments and Questions:

Ms. Bradley inquired as to the number of employees, and Mr. Jackson replied that he is not sure of the number.

Ms. Bradley asked how many cars for lease will be parked on the lot, and the applicant replied that the lease cars and cars belonging to the employees will be parked in the 22 available spaces.

Ms. White remarked that she would be supportive of the application if the employees are provided with parking spaces on the lot, but would object to street parking in the area.

Mr. Jones informed that five onsite parking spaces would be required for the 3000 sq. ft. building.

Case No. 14757 (continued)

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, White, Smith, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1217) to allow for a car leasing business in a CS zoned district; subject to a maximum of 17 lease cars being parked on the lot; finding that the granting of the request for a car leasing business will not be detrimental to the area; on the following described property:

A part of Plaza Village Subdivision of the City of Tulsa, Oklahoma, Lot 3, Beginning at the NE/c of Lot 3, thence west 144.71', south 95.01', east 181.81', thence on a curve in a northwesterly direction 102.15' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14759

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1211 - Request a special exception to allow for professional office uses in a RM-2 zoned district, located 1414 South Galveston.

Comments and Questions:

Mr. Jackere stated that he is submitting a copy (Exhibit H-4) of previous district court action on the property in question.

Presentation:

The applicant, Leola Farmer, 4564 South Harvard, Tulsa, Oklahoma, was represented by Joe McGraw, who informed that permission was previously granted by the Board to permit law office use in the residential structure. He asked that an additional use to include professional offices be approved, with the lower level and second floor having the continued use by the attorneys. Mr. McGraw advised that Dr. W. R. Spence is purchasing the property and will use one floor of the house for a medical editing research company, with a small office staff. He stated that it is not anticipated that any additional traffic will be generated by the research company. Mr. McGraw informed that the property will remain on the National Historical Register. A site plan (Exhibit H-5), brochure and photographs (Exhibit H-1) and uses for the property (Exhibit H-2) were submitted.

Case No. 14759 (continued)

Comments and Questions:

Mr. Jackere asked if Dr. Spence writes books, and Mr. McGraw replied that he writes medical research papers and has sold inventions in the past.

Ms. Bradley inquired as to the size of the staff, and Mr. McGraw replied that four or five people will be employed by the doctor, and the attorneys that office in the house will remain.

Ms. White asked if the Dr. Spence referred to in this application was granted a zoning for this type of office use at another location in the City, and he replied that he was granted the zoning change, but decided against that location.

Ms. White informed that she is concerned that the 15 existing parking spaces will not be sufficient for the attorneys and the medical editing research company. Mr. McGraw pointed out that approximately 6 parking spaces in front of the house are not being used at this time.

Mr. Smith remarked that the judgment in the previous case concerning the property stated that the house could be used for law offices only and did not leave that decision to the Board.

Mr. Jackere advised that the matter was appealed from this Board, which limited the use to law offices, to the District Court; however, the court does not maintain continuing jurisdiction over such cases and the applicant always has the opportunity to seek further relief from the Board.

Protestants:

Norma Turnbo, 1822 South Cheyenne, Tulsa, Oklahoma, Planning Chairman for District 7, stated that the neighborhood is opposed to general office use on the subject property. She suggested that the Board require that the use "medical research editing" be more fully explained. Ms. Turnbo stated that Dr. Spence owns a business, and requested that a wholesale operation not be allowed on the tract.

Hobart Dickson, 1311 South Evanston, Tulsa, Oklahoma, stated that he lives in the Olympia Townhomes and is opposed to the application. He suggested that Dr. Spence could remove the attorneys and devote the entire structure to his business activities. He asked the Board to allow the residential neighborhood to remain in its present state.

Mr. Jackere advised that the Board is required to deal with the current application for professional office use and are not required to speculate as to what may happen in the future.

Case No. 14759 (continued)

Applicant's Rebuttal:

Mr. McGraw informed that he has relatives that live in the neighborhood and would not want to do anything that would be detrimental to the area. He stated that he does not agree with limiting the medical research editing to the first floor of the residence, but would be agreeable to limiting the use to law offices and medical editing.

Additional Comments:

Ms. Bradley remarked that Mr. McGraw first requested that only one floor of the structure be approved for medical editing, but is not agreeable to limiting the use to one floor.

Ms. White stated that the property that Mr. Spence previously considered for his business was zoned OL and it seems highly likely that he would want the subject property for the same use.

Mr. McGraw requested that his client be allowed to use the property for law offices and medical research editing only, but that these uses not be confined to specific floors of the building.

Ms. Bradley asked Mr. McGraw to give a specific definition of "medical research editing", and he replied that his client is going to do just that, medical research editing.

Mr. Jackere stated that research is a broad field and asked Mr. McGraw to inform the Board as to the type of research that will take place on the premises, and he replied that there is a possibility that the research could be all encompassing.

Mr. Jackere inquired as to the size of the building in question, and Mr. McGraw replied that it contains approximately 12,000 sq. ft. of floor space. Mr. Jackere stated that he can envision an enormous amount of research in a building of that size.

Ms. White asked if the staff can be limited to five people, and he replied that he would be agreeable to limiting the number of people on the first floor to five.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, White, Smith, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211) to allow for professional office uses in an RM-2 zoned district; finding that the use is not compatible with the neighborhood; and finding that the granting of the special exception would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Block 12, less Lots 1 and 21, and the north 20' of Lot 20, Childer's Heights Addition and Blocks 1, 9, 10 and 14, Norvell Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14760

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209 - Request a special exception to allow for 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 1 year to permanently, located 16916 East 14th Street.

Presentation:

The applicant, James Kelley, 17102 East 14th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit J-2) and asked the Board to allow the installation of a mobile home in the Lynn Lane States Addition. He pointed out that there are 10 mobile homes in the addition at this time. A Health Department approval (Exhibit J-1) was submitted.

Comments and Questions:

Ms. White inquired as to the reason for the variance request from one year to permanently, and the applicant stated that he is planning to make the mobile a permanent home for his family.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Quarles, Smith, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for a mobile home in an RS-1 zoned district; and to **APPROVE** a **Variance** (Section 440.6(e) - Special Exception Requirements - Use Unit 1209) of the time restriction from one year to three years; subject to mobile being skirted; and subject to Health Department approval; finding that there are numerous mobile homes in the area and the granting of the requests will not be detrimental to the area; on the following described property:

East half, Lot 1, Block 9, Lynn Lane Estates, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14761

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of setback from 30' to 20' on Owasso Place to allow for a dwelling unit, located northeast corner 24th Street and Owasso Place.

Case No. 14761 (continued)

Presentation:

The applicant, John Boyd, 111 West 5th Street, Suite 800, Tulsa, Oklahoma, stated that he is representing the owner of the subject property. He informed that his client has received approval of a lot split from TMAPC and the vacant lot has been sold. Mr. Boyd explained that the new owners are proposing the construction of a 3000 sq. ft. home on the property. He informed that the setback requirement on Owasso Place is 30' and asked that the Board allow that setback to be reduced to 20'. It was noted by the applicant that additional relief will also be required on the side and back lot lines, which will be applied for at a later date.

Comments and Questions:

Ms. White asked if there are other houses on Owasso Place that are as close to the street as the proposed dwelling, and Mr. Boyd answered in the affirmative.

Interested Parties:

Jim Brackett, 1251 Hazel Boulevard, Tulsa, Oklahoma, stated that the Mapleridge Association could support the application if there are no angles jutting out toward the street, if landscaping is compatible with the area and the pending Historic Preservation Guidelines are adhered to.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-1 (Bradley, Chappelle, White, "aye"; no "nays"; Smith, "abstaining"; Quarles, "absent") to **CONTINUE** Case No. 14761 to April 7, 1988, to allow the applicant sufficient time to advertise for additional relief.

Case No. 14762

Action Requested:

Variance - Section 730 - Bulk and Area Requirements In Commercial Districts - Use Unit 1214 - Request a variance of setback from 37th Street from 50' to 36' to allow for an addition to an existing building and a variance of the floor area ratio to allow for a 13,962 sq. ft. building.

Variance - Section 1214.2 - Off-Street Parking Requirements - Use Unit 1214 - Request a variance of parking spaces from 54 to 39, located 3649 South Peoria Avenue.

Presentation:

The applicant, William H. Elliott, 1424 South Utica, Tulsa, Oklahoma, submitted a plot plan (Exhibit K-1) and stated that he is representing the owners of the hardware store at the above stated location. He informed that an addition to the building is proposed, which will align with the existing structure. Mr. Elliott stated that the new portion will be used to expand store inventory and sales area.

Case No. 14762 (continued)

Comments and Questions:

Ms. Bradley informed that there seems to be some confusion as to the required number of parking spaces, and Ms. Hubbard explained that one parking space for every 225 sq. ft. of floor area is required for a warehouse.

Leroy Welburn, 2532 South Owasso, Tulsa, Oklahoma, stated that the addition will be used for a sales area, with the entire first level being used for sales and the upper level used for a warehouse.

Mr. Jones informed that the property is in a PUD and will need an amended site plan approval by TMAPC.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, White, Smith, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1214) of setback from 37th Street from 50' to 36' to allow for an addition to an existing building and a variance of the floor area ratio to allow for a 13,962 sq. ft. building; and to **APPROVE** a **Variance** (Section 1214.2 - Off-Street Parking Requirements - Use Unit 1214) of parking spaces from 54 to 39; per plan submitted; subject to the upper floor of the building being reserved for storage; finding that the fact that one floor is used for storage will reduce the need for additional parking spaces; and finding that the new construction will align with the existing building and other structures along Peoria; on the following described property:

Lot 6, Block 1, Lee-Dell Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14763

Action Requested:

Variance - Section 1214.2 - Off-Street Parking Requirements - Use Unit 1214 - Request a variance of the off-street parking requirements, located 5970 East 31st Street.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, stated that he is representing the owners of Mall 31, who are proposing to replace the Will Rogers Store with a 7 screen cinema. He informed that Mall 31 is family owned, but divided into two tracts, with parking permitted over lot lines. Mr. Johnsen informed that the theater parking requirement set out in the Code is one parking space per four cinema seats. It was noted by the applicant that the proposed seating capacity will be 1305, or a required 326 parking spaces for the cinema, with a total of 527 spaces for the center. He informed that there are presently 318 parking spaces. Mr. Johnsen informed that most zoning codes are based on gross leasing,

Case No. 14763 (continued)

while the City Code is based on gross floor area, and in some instances the parking requirements become too restrictive, with the case in question being one of those instances. He stated that the Urban Land Institute, a non-profit corporation dealing with real estate matters, has published a study of parking requirements for shopping centers. Mr. Johnsen informed that this study stated that "peak parking demands and free standing or attached cinemas incorporated within shopping centers do not coincide either seasonally or by time of day with overall design hour shopping center demands. Cinema patrons at shopping centers can make dual use of parking spaces provided primarily to serve retail patrons, but available during nonpeak hour retail periods. In addition, one vehicle may serve three to four cinema patrons, while typically one vehicle would serve only 1 1/2 to 2 1/2 shoppers." Mr. Johnsen pointed out that by restriping and providing compacts, a total of 375 to 400 parking spaces can be provided on the lot, which is more than adequate for the cinema. He noted that, because of different peak period times, the uses in the mall have an opportunity for dual use of the parking spaces. A tenant list (Exhibit L-1) was submitted.

Comments and Questions:

Ms. Bradley asked if the parking is located to the north, south and west of the proposed cinema, and Mr. Johnsen answered in the affirmative. He informed that the Mall 31 parking lot is contiguous with the parking lot to the east, and although it is not a part of the property in question, is available for parking.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, White, Smith, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 1214.2 - Off-Street Parking Requirements - Use Unit 1214) of the off-street parking requirements; subject to a minimum of 375 available parking spaces for the cinema; finding that the cinema and the retail stores in the mall have different peak periods, which allows dual use of the parking spaces; on the following described property:

Three contiguous tracts of land in the NE/4 of Section 22, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, Oklahoma, said tracts being a part of the City of Tulsa and being described as follows, to-wit:

Tract 1: A tract of land in Lots 2 and 3, Block 1, Sheridan Circle, Tulsa, County, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows, to-wit: BEGINNING at a point 500' west of the NE/c of Block 1, Sheridan Circle Subdivision of the City of Tulsa, Tulsa County, Oklahoma; thence due west 303.37'; thence S 0°13'41" W a distance of 405'; thence due east 304.76'; thence N 0°1'51" E a distance of 405' to the point of beginning;

Case No. 14763 (continued)

Tract 2: A rectangular tract of land that measures 225' east and west by 320' north and south in the NE/4 of the NE/4, Section 22, T-19-N, R-13-E, Tulsa County, Oklahoma, said tract being a part of Block 1, Lorraine Heights Subdivision and also a part of Block 1 of Sheridan Circle Subdivision, and said tract being described as follows, to-wit: BEGINNING at a point on the northerly line of Lot 3 of said Block 1 of Lorraine Heights Subdivision, said point being 10' westerly of the NE/c of said Lot 3; thence easterly along the northerly line of said Lot 3 and along the northerly lines of Lot 1 and Lot 2 of said Block 1, Lorraine Heights Subdivision, and along the northerly line of Lot 2, Block 1, Sheridan Circle Subdivision for 225' to a point that is 65' easterly of a northwesterly corner of said Lot 2, Block 1, Sheridan Circle Subdivision; thence southerly along a line in said Lot 2, Block 1, Sheridan Circle Subdivision for 320'; thence westerly and parallel to the northerly lines of said Block 1, Sheridan Circle Subdivision and said Block 1, Lorraine Heights for 225' to a point 10' westerly of the SE/c, Lot 21, Block 1, Lorraine Heights; thence northerly through Lot 21 and Lot 3, Lorraine Heights Subdivision for 320' to the point of beginning of said tract of land according to the recorded plats thereof:

Tract 3: A tract of land in Tulsa County, Oklahoma, that measures 225' easterly and westerly by 85' northerly and southerly, that is part of Lots 2, 3 and 4, Block 1, Sheridan Circle Subdivision and that is also part of Lot 1, Block 7, Lorraine Heights Subdivision, and that is also part of the vacated portion of East 32nd Street, and said tract of land being more particularly described as follows, to-wit: STARTING at a northwesterly corner of said Lot 2, Block 1, Sheridan Circle Subdivision, said corner also being the northeasterly corner of Block 1, Lorraine Heights Subdivision, thence easterly along the northerly line of Block 1 of Sheridan Circle Subdivision for 65' to a point, said point being 653.37' westerly of the NW/c of Lot 1, Block 1, Sheridan Circle Subdivision; thence southerly and parallel to the westerly lines of said Lot 2, Block 1, Sheridan Circle Subdivision, for 320' to the point of beginning of said 225' by 85' tract of land; thence westerly and parallel to the northerly lines of said Block 1, for 225' to a point that is 15' westerly of the westerly line of said Lot 2, Block 1, Sheridan Circle Subdivision, said point also being 10' westerly of the SE/c of Lot 21, Block 1 of Lorraine Heights Subdivision; thence southerly and parallel to the westerly lines of Block 1, Sheridan Circle Subdivision, for 85' to a point that is 25' southerly of the NW/c of Lot 1, Block 7, Lorraine Heights Subdivision; thence easterly for 225' to a point that is 25' southerly of the northerly line of Lot 3, Block 1, Sheridan Circle Subdivision; thence northerly for 85' to the point of beginning of said 225' by 85' tract of land, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14764

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 10' to 0' to allow for an existing carport, located 2330 South Olympia Avenue.

Presentation:

The applicant Maxine West, PO Box 995, Henryetta, Oklahoma, who submitted letters of support (Exhibit M-2) and photographs (Exhibit M-1), stated that she is owner of the property in question. She informed that approximately three years ago a carport was attached to the existing dwelling by her ex-husband. Ms. West stated that it has been pointed out to her that a building permit was not obtained for the construction. It was noted that a patio was also built in front of the house for use as a play area for the children. The applicant informed that she was not financially able to continue to live in the residence and has rented it to her brother.

Comments and Questions:

Ms. White asked the applicant if there was a complaint filed by someone in the neighborhood prior to this time, and she replied that there has been no complaint until now. She informed that there is a carport across the street from her house and others in the area.

Ms. White asked if guttering has been installed to keep rain water from draining toward the neighbor next door, and the applicant replied that there is no guttering.

Protestants:

Mr. Chappelle informed that a letter of protest (Exhibit M-3) has been received from Ms. Pittman, a resident of the area.

Richard Strout, 2326 South Olympia, Tulsa, Oklahoma, stated that he lives in the property next door to Ms. West. He stated that Ms. West's husband told him at the time work on the carport began that he would not get a permit. Mr. Strout stated that he then wrote the City in protest of the construction of the carport on the lot line, but received no response. He informed that the structure is 5' from his home, but that he decided not to pursue the matter after Mr. West moved out. Mr. Strout stated that a neighbor informed him that Ms. West's brother was moving out of the house and decided that the time was right to again protest the location of the carport. He remarked that he has since found out that they are not moving. Mr. Strout stated that electrical wires are dangling from the carport and he is concerned that his home would burn if a fire should occur on the subject property. Mr. Strout requested that the structure be moved back 10' from the property line.

Case No. 14764 (continued)

Interested Parties:

Robert Withrow, 2332 South Olympia, Tulsa, Oklahoma, stated that the house in question is one of the nicest houses on the block.

Wanda Grayson, 2338 South Olympia, Tulsa, Oklahoma, stated that the carport has been professionally constructed and looks nice.

Ken Wright informed that he is the brother of the applicant and lives on the property. He stated that most of the residents in the area consider the carport to be an improvement to the appearance of the home.

Ms. Bradley asked Mr. Wright why the wiring is hanging from the carport, and he replied that he roofed the carport and failed to reconnect the electrical box.

Ms. Bradley asked if the water from the carport runs into the yard next door, and Mr. Wright replied that it runs off on the fence line, but that he is not opposed to installing guttering if this is a problem.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Quarles, Smith, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the side yard setback from 10' to 0' to allow for an existing carport; subject to all electrical wiring conforming to the Code requirements; subject to guttering being installed to direct all water flow away from the abutting properties and onto the subject tract; finding a hardship imposed on the applicant by the narrow frontage and long narrow shape of the lot; on the following described property:

North 20' of Lot 16, all of Lot 15, and the south 10.05' of Lot 14, Block 44, Amended Plat of West Tulsa Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 14756

Action Requested:

Stewart Field, 5918 East 31st Street, Tulsa, Oklahoma, requested by letter (Exhibit Z-1) that filing fees be refunded for Case No. 14756.

Case No. 14756 (continued)

Comments and Questions:

Mr. Jones informed that the application has been fully processed and suggested that the hearing portion of the fee, in the amount of \$25.00, be refunded to the applicant.

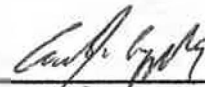
Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Quarles, Smith, "absent") to **REFUND** a portion of the filing fee in the amount of \$25.00; finding that the application has been fully processed except for the public hearing.

There being no further business, the meeting was adjourned at 3:35 p.m.

Date Approved _____

4-7-88



Chairman