

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 516
Thursday, June 2, 1988, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Chappelle, Chairman Quarles Smith White		Gardner 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, May 31, 1988, at 2:30 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **WHITE**, the Board voted 3-0-1 (Bradley, Chappelle, White, "aye"; no "nays"; Quarles, "abstaining"; Smith, "absent") to **APPROVE** the Minutes of May 19, 1988.

UNFINISHED BUSINESS

Case No. 14783

Action Requested:

Variance - Section 750 - Location of Sexually Oriented Businesses - Use Unit 1213 - Request a variance of spacing to allow for the continued operation of an adult nightclub, located 4404-C South Peoria Avenue.

Presentation:

The applicant, Thomas Salisbury, 201 West 5th Street, Tulsa, Oklahoma, stated that the application concerns the request for continued operation of the Stables Lounge, which has been in existence approximately 23 years. He pointed out that a similar application for a 19 year old sexually oriented business, the Red Dog Saloon, was approved by the Oklahoma City Board of Adjustment. Mr. Salisbury informed that it was the finding of that Board that the saloon would be considered to be a historical landmark. Mr. Salisbury stated that the Stables is the longest running continuously operating cabaret in the State of Oklahoma. It was noted that the Oklahoma Supreme Court, in a 1976 case, found that an aggrieved property owner may ask for a variance when the

Case No. 14783 (continued)

Zoning Code regulations, if literally enforced, would cause unnecessary hardship or create substantial harm or loss to the property owner. Mr. Salisbury suggested that the Board can look at unnecessary hardship or substantial harm or loss to the property owner. Mr. Salisbury informed that the Stables Lounge is unique in the way it is built, the furnishings, stages, sound system and square footage. It was noted by the applicant that the nightclub in question is unique in that it is neither a small neighborhood bar, nor an extremely large club, but is somewhere between the two extremes. Mr. Salisbury stated that the business cannot survive financially without the variance requested. The applicant pointed out that the bar is not detrimental to the area and has the lowest number of police calls. He submitted approximately 4000 post cards (Exhibit A-1) signed by clients of the nightclub who support the application.

Comments and Questions:

Mr. Quarles stated that there have been changes in the ordinances governing sexually oriented businesses, and asked the applicant to address the phase out period for the club in question.

Mr. Salisbury stated that in 1980 sexually oriented zoning was adopted, with a provision for nonconforming uses to have a period of 5 years to comply with the Code or relocate. He informed that in 1985 litigation was started by some adult bookstores, attacking the validity of the ordinances, so the operation in question was allowed to remain open while the law suit was pending. Mr. Salisbury stated that when the litigation was dismissed, the adult nightclub was served with a notice of being in violation of the Code. He stated that his client then filed an application for a variance.

Mr. Chappelle asked Mr. Jackere to comment on the issue of substantial loss to the property owner, and he replied that the courts have considered substantial loss as long as the other criteria have been met.

Ms. White asked if the operator of the Stables has attempted to find another location, and the applicant replied that an attempt has been made to find a suitable location for several years. He informed that suitable locations are either out of the expected price range for purchase, or the owners will not lease to this type of operation.

In response to Ms. Bradley's inquiry as to why the property is unique, Mr. Salisbury replied that the building is too small for a large entertainment business and too large for a small neighborhood operation.

Mr. Quarles pointed out that Mr. Salisbury has limited comments to either a neighborhood bar or a large cabaret, but the property is zoned for a lot of commercial uses that has nothing to do with the bar business.

Case No. 14783 (continued)

Ms. Bradley remarked that she does not find that the property in question is unique, and that it could be used for other businesses.

Mr. Jackere stated that he would like to clarify the question of whether or not the courts consider economic loss in their decisions. He pointed out that no case such as this, with an ordinance which outlaws a use after a particular time, has come before a court in Oklahoma. He explained that the courts have considered the question of substantial loss when there is something peculiar or unique about a property which leaves it with little or no value to the owner for a permitted use.

Mr. Salisbury stated that the property could be used for other purposes, but the club that has been at the present location for 23 years is the highest and best use for the property.

Mr. Quarles noted that the club has existed at the present location for a long period of time and, due to the absence of protestants, seems to be accepted in the neighborhood.

Ms. White informed that she has a problem justifying the variance, due to a lack of hardship as defined by the Code. She stated that she has viewed the property and it appears that the residences in the area are predominately rental units, and that the lack of protestants is little indication as to how the property fits in the land use pattern.

Mr. Smith stated that the business has had ample time to relocate and that he cannot support the application.

Mr. Chappelle remarked that this is a unique situation and, although a case such as this has not been dealt with in the courts, he is supportive of the application.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-2-0 (Bradley, Smith, White, "aye"; Chappelle, Quarles, "nay"; no "abstentions"; none "absent") to **DENY** a **Variance** (Section 750 - Location of Sexually Oriented Businesses - Use Unit 1213) of spacing to allow for the continued operation of an adult nightclub; finding that a hardship was not demonstrated by the applicant which would warrant the granting of the variance request; finding that numerous other commercial uses are allowed to operate on the subject property; and finding that the adult nightclub is not compatible with the area and that the operator of the business in question has had more than a five-year period to relocate in another commercial area that meets the spacing requirements of the ordinance; on the following described property:

Case No. 14783 (continued)

All that part of the E/2, SE/4, NE/4, of Section 25, T-19-N, R-12-E of the Indian Base and Meridian, Tulsa, County, Oklahoma, according to the US Government Survey thereof, more particularly described as follows, to-wit: Commencing at the NE/c of said E/2, SE/4, NE/4; thence due south along the east boundary of said E/2, SE/4, NE/4, a distance of 345.63'; thence S 89°49'28" W a distance of 337.06' to the Point of Beginning, said point of beginning being 15.0' south of the south line of Pasadena, an addition to the City of Tulsa, Tulsa County, Oklahoma; thence S 0°12'36" E a distance of 100.05' to a point; thence N 89°49'14" E a distance of 30.0' to a point; thence N 89°49'14" E a distance 30' to a point; thence N 0°12'36" W a distance of 100.057' to a point; thence S 89°49'28" W a distance of 30.0' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14810

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 Vancouver Avenue from 50' to 35' to allow for an addition to an existing dwelling, located 1805 West Easton Street.

Presentation:

The applicant, Stephen Olsen, was not present.

Comments and Questions:

Ms. Hubbard advised that the applicant had made application for a building permit and was not sure if relief was needed. She informed that, upon review of the plans, she found that Mr. Olsen was not in need of the relief requested.

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to STRIKE Case No. 14810; finding that the applicant is no longer in need of the variance request.

Case No. 14829

Action Requested:

Variance - Section 420.2 - a(3) - Accessory Use Conditions - Use Unit 1206 - Request a variance of setback from 3' to 0' from the interior lot line to allow for a detached building, located 1340 East 19th Street.

Presentation:

The applicant, Fredrick Stowell, 1340 East 19th Street, Tulsa, Oklahoma, stated that this case was continued from a previous meeting, and since that time he has met with the property owner to the south. Mr. Stowell stated that he has agreed to erect a 6'

Case No. 14829 (continued)

solid wood privacy fence (6' high from top of stem wall or 8' high from grade of Boyd property and 30' long in east-west direction from steel post to steel post), with steel posts being removed and new posts being located against stem wall, with loose soil and rubble being removed and french drains installed to remove water flow away from the Boyd property; to enclose the visible ceiling area with quality treated natural 1" by 4" vertical boards; to enclose electrical conduit in a solid wood box matching other natural wood materials; to maintain gazebo and fence in a conscientious manner, with a 24 hour notice for permission to access the Boyd property for any maintenance to the gazebo; and to finance all above mentioned work, which will be completed by July 16, 1988. A list of above stated conditions signed by Mr. Stowell and Ms. Boyd were submitted (Exhibit B-1).

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 420.2 - a(3) - Accessory Use Conditions - Use Unit 1206) of setback from 3' to 0' from the interior lot line to allow for a detached building; per previously stated conditions agreed upon by the applicant and Ms. Boyd, the property owner to the south, and dated May 31, 1988 (Exhibit B-1); finding that the building in question is compatible with the neighborhood, per conditions; on the following described property:

The west 60' of Lot 3, Russell and Sills Resubdivision of Lots 15 and 16, Block 28, Park Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14831

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1205 - Request a special exception to allow for the expansion of the existing use (adolescent residential treatment center) and requests a special exception to allow for school uses as an accessory use to the existing facility, located 1819 and 1825 East 15th Street.

Comments and Questions:

Mr. Chappelle informed that Ms. White and Mr. Smith will abstain.

Presentation:

The applicant, Charles Norman, Suite 909, Kennedy Building, Tulsa, Oklahoma, stated that he represents Dillon Family Youth Services, which has been in existence on East 15th Street since 1973. He pointed out that the offices, clinic and classrooms have been located in two small houses across the street to the south. Mr. Norman informed that children between the ages of five and thirteen years are treated at this location, and it has been necessary to

Case No. 14831 (continued)

escort the children across the street to receive therapy and to attend classes. He noted that a previous Board of Adjustment ruling permitted a maximum of twelve children to be housed in the west building and asked that this Board allow that number to be increased to sixteen, with living space being added for the additional children. Mr. Norman informed that classes will be conducted in the east building. He stated that the two garages to the rear of each house will be removed, and parking and playgrounds will be located in that area. It was noted that the addition to the west building will be painted brick, with the east building being painted in a complimentary color. Elevations, a plot plan (Exhibit C-1) and photographs (Exhibit C-2) were submitted.

Comments and Questions:

Mr. Chappelle asked the applicant if the two lots will be tied together, and Mr. Norman informed that they will remain separate.

Ms. Bradley inquired if there are classrooms at another location, and Mr. Norman replied that classes which have been held in the buildings on the south side of the street are being moved to the new location (north side of 15th Street), and the houses to the south are being vacated.

Mr. Jackere asked if the classes will be limited to the 16 children that will be living on the premises, and Mr. Norman answered in the affirmative.

Protestants: None.

Board Action:

*CLARIFICATION
OF MINUTES
10/6/88*

On **MOTION** of BRADLEY, the Board voted 3-0-2 (Bradley, Chappelle, Quarles, "aye"; no "nays"; Smith, White, "abstaining"; none "absent") to **APPROVE** a **Special Exception** (Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1205) to allow for the expansion of the existing use (adolescent residential treatment center) and requests a special exception to allow for school uses as an accessory use to the existing facility; per plans submitted; subject to a maximum of 16 residents, with classes being limited to residents only; and subject to building colors being compatible with the surrounding area; on the following described property:

Tract I

The south 194' of the east 50' of Lot 17, and the south 194' of the west 50' of Lot 18, Block 5, Terrace Drive Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, 1819 East 15th Street.

TRACT II

The south 194' of the east 100', Lot 18, Block 5, Terrace Drive Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, 1825 East 15th Street.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14837

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 25' in an RS-2 zoned district, located 3403 East 74th Street South.

Comments and Questions:

Ms. Bradley pointed out that the map location for the subject property is incorrect, and the lot in question is located on the curve to the north.

Presentation:

The applicant, Chauncey Duncan, 10727 South 70th East Avenue, Tulsa, Oklahoma, informed that a drainage easement is located on the back portion of the lot, and asked for a 5' variance on the front yard setback. Mr. Duncan stated that he would like to have sufficient space to install a covered patio. A plat of survey (Exhibit D-2) was submitted.

Protestants:

Mr. Chappelle informed that the Board has received a letter (Exhibit D-1) from Denwood Estates Homeowner's Association which requested that Board approval of the application not affect the rights or obligations of any person regarding setbacks as established pursuant to the duly filed plat or the restrictive covenants of the addition.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "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 front yard setback from 30' to 25' in an RS-2 zoned district; per plat of survey submitted; finding that actions of the Board of Adjustment will in no way affect restrictive covenants of an addition; finding a hardship imposed by the easement to the rear of the property and the irregular shape of the lot; on the following described property:

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

Case No. 14841

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements for Residential Districts - Use Unit 1206 - Request a minor variance of front yard setback from 30' to 24' to allow for an existing dwelling in order to clear the title in an RS-2 zoned district, located 1210 East 27th Street.

Case No. 14841 (continued)

Presentation:

The applicant, Tom Tobias, 1319 East 35th Street, Tulsa, Oklahoma, submitted a plat of survey (Exhibit K-1) and explained to the Board that the existing house was constructed many years ago and aligns with the other houses on the block. He asked the Board to approve the setback request in order to clear the title.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements for Residential Districts - Use Unit 1206) of front yard setback from 30' to 24' to allow for an existing dwelling in order to clear the title in an RS-2 zoned district; per survey submitted; finding that the house was constructed many years ago and aligns with the other houses in the immediate area; on the following described property:

Lot 6, Block 16, Sunset Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14838

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of side yard setback from 10' to 5' to allow for a dwelling unit in an RS-2 zoned district, located north of the NE/c of Cincinnati and Owasso Avenues.

Presentation:

The applicant, Carole Deatherage, 2531 South Cincinnati, Tulsa, Oklahoma, was represented by Martin Brown, who informed that a single story addition was constructed on the side of the existing residence in 1975. Mr. Brown informed that early this year the addition was expanded to include a second story, per plan (Exhibit F-2), and in order to comply with the setback requirement the boundary line for the lot was moved out 5'. Mr. Brown stated that this was accomplished by obtaining a lot split. He explained that he is before the Board at this time to attempt to restore the original lot line and 5' setback that was in place in 1975.

Comments and Questions:

Ms. Bradley asked if the previously required tie contract was executed, and Mr. Brown replied that he is not aware of a tie contract.

Mr. Gardner stated that the splitting off of a portion of one lot, and the addition of that portion to another, requires a lot split, and the lot split with the redefined boundaries has been filed.

06.02.88:516(8)

Case No. 14838 (continued)

Protestants:

Joe Farris, 1221 East 30th Place, Tulsa, Oklahoma, Attorney for the Mapleridge Association, stated that they have no opposition to the application, but it was assumed that there is a tie contract which tied the lot with the existing house to the vacant lot. He stated that he is opposed to the sale of the vacant property as a 40' lot, which would call for creative architecture that might not be compatible with the existing neighborhood.

Additional Comments:

Ms. Bradley asked Mr. Brown if the owner objects to a tie contract connecting the two lots, and he replied that she does not agree to a tie contract.

Mr. Gardner pointed out that a house could be designed and built on the vacant lot unless the Board of Adjustment previously tied the two lots together by a condition of approval.

Mr. Jackere stated that a variance was approved in 1975, subject to a tie contract, and the lot and the boundaries remained the same. He pointed out that a lot split was then acquired which adjusted the boundary line and alleviated the necessity for coming to the Board for a variance. He informed that the variance was not utilized, but rather the application was made for a lot split.

Mr. Jackere stated that he is not sure why the applicant is before the Board today.

Mr. Quarles asked Mr. Brown if he is requesting the variance in order that the lot lines can be changed, and Mr. Brown replied that his client is not before the Board for that reason. He informed that the reason for the variance is to have a 50' width on both lots.

Ms. Bradley asked Mr. Brown if the owner of the property is planning to sell the vacant lot, and he replied that she has no plans to sell the lot at this time, but might sell it in the future.

Mr. Quarles remarked that he is not inclined to support the application since the owner has no plans to dispose of the lot or put it to any particular use. He stated that he might support the relief requested if there was a reason for doing so.

In response to Ms. Bradley's request, Mr. Brown stated that the hardship is the fact that the lot is nonconforming and that the majority of the houses in the neighborhood have a 5' side yard setback.

Mr. Jackere asked if a building permit was granted when the addition was constructed, and he replied that it was granted only if the setback was extended to 10', so a lot split was acquired. He stated that the owner now wants to return the boundary line to its original 5' setback.

Case No. 14838 (continued)

Mr. Quarles made a motion for denial of the application.

Mr. Gardner pointed out that if the applicant goes to the Planning Commission requesting a lot split to return the 5' which was split off, that Commission could determine that the adjoining lot will be more suitable for development with the extra footage. He informed that, if the Planning Commission did make that determination, their approval of the lot split would be subject to this Board's approval.

Mr. Quarles stated that it is his understanding that if the lot split was approved, the original Board of Adjustment requirement for a tie contract would be in effect.

Mr. Chappelle noted that the previously approved variance was never utilized and the Board is now looking at a new case.

Mr. Jackere pointed out that Mr. Chappelle is correct, and if the Planning Commission should approve a lot split to restore the lot line to its previous location, the Board would have to determine if they would approve the application, and if a tie contract would be required.

Mr. Quarles stated that, due to the comments from Staff, he will withdraw his motion for denial of the application.

Mr. Smith's motion for approval of the application died for lack of a second.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 14838 to July 7, 1988 to allow sufficient time for the applicant to appear before the Planning Commission.

Case No. 14840

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of side yard setback from 5' to 10' to 7.5' and 7.5', respectively, and a variance of the front setback from 30' to 25', located north side of 91st Street at Kingston Avenue.

Comments and Questions:

Mr. Chappelle informed that Mr. Quarles will abstain.

Presentation:

The applicant, L. E. C., Limited, was represented by Jack Cox, 2217 East Skelly Drive, Tulsa, Oklahoma, who stated that the entire

Case No. 14840 (continued)

tract is 330' by 1293', and asked the Board to allow the side yards to be 7 1/2' each and the front and side yards of two corner lots in the addition to be reduced. A plat of survey (Exhibit G-1) was submitted.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-1 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; Quarles, "abstaining"; none "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of side yard setback from 5' to 10' to 7.5' and 7.5', and a variance of the front setback from 30' to 25' on Lots 1 and 24, Block 1; finding a hardship imposed on the applicant by the corner lot location, with major setbacks on two streets; on the following described property:

The W/2, E/2, SW/4, SE/4, less the north 25.75' thereof, Section 15, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma (Woodhill Addition pending).

Case No. 14842

Action Requested:

Use Variance - Section 410 - Principal Uses In Residential Districts - Use Unit 1206 - Request a use variance to allow a swimming pool as a principal use on a lot.

Variance - Section 240.2 - Permitted Yard Obstructions - Use Unit 1206 - Requests a variance of the 750 sq. ft. of a detached accessory building (swimming pool cabana) and a variance to allow the detached accessory building to locate in the side yard, located 4505 East 100th Street South.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, stated that the lots in question are adjoining and under one ownership. He explained that his client purchased a home in Brighton Oaks Addition and later bought an adjoining lot and built a swimming pool. Mr. Johnsen informed that this was done due to Planned Unit Development provisions which allowed lots to be joined together, a declaration of record filed, and the outer boundary be considered the lot line. He stated that his client recently made application for a building permit to construct a cabana, and the request was approved by the Planning Commission. Mr. Johnsen stated that it is Mr. Jackere's position that the ordinance does not have a specific provision to allow a detached accessory building to be located in a side yard, and there was some question as to the accessory building exceeding 750 square feet, and some question as to whether or not the swimming pool on the adjoining lot would become the principal use. Mr. Johnsen stated that he does not agree with Mr. Jackere and does not think all of the relief is necessary, but has filed a variance to

Case No. 14842 (continued)

allow the pool as the principal use on the lot and to allow the cabana, which is 850 square feet, to be located in the side yard. He informed the cabana set back from the interior street is 90', the side yard setback is 60' and the rear yard setback from Yale Avenue is 125'. A site plan (Exhibit H-1) was submitted.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Use Variance** (Section 410 - Principal Uses in Residential Districts - Use Unit 1206) to allow a swimming pool as a principal use on a lot; and to **APPROVE** a **Variance** (Section 240.2 - Permitted Yard Obstructions - Use Unit 1206) of the 750 sq. ft. size of a detached accessory building (swimming pool cabana) to 850 sq. ft. and a **Variance** to allow the detached accessory building to locate in the side yard; per plan submitted; finding that the swimming pool is located on a lot that serves as a side yard for the residence; and finding a hardship demonstrated by the large size of the tract, which can easily accommodate the oversized accessory building, or cabana; and finding that the granting of the requests will not be detrimental to the neighborhood 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, Brighton Oaks Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14843

Action Requested:

Variance - Section 1221.3 - General Use Conditions for Business Signs - Use Unit 1221 - Request a variance to allow for two flashing signs less than 200' from an R District; a flashing sign less than 20' from the driving surface of Admiral Place; a flashing sign less than 50' from the driving surface of a signalized intersection and a sign to be located within 40' of an R District all in a CS zoned district, located NW/c Delaware Avenue and Admiral Place.

Presentation:

The applicant, David Grooms, 901 North Mingo, Tulsa, Oklahoma, submitted a plot plan (Exhibit R-1) and stated that the two signs in question are changing gasoline price signs for a Quik Trip store. He informed that additional land has been purchased and a new store is being constructed, which will replace an existing store at the above stated location. Mr. Grooms stated that one of the signs is an Interstate sign, which will be too tall for viewing from the street level, and the second sign can be viewed from the street. He pointed out that the letters on the side of the building are less than 40' from the residential area to the north. Mr. Grooms informed that a screening fence will separate the Quik Trip property from the residences. He informed that land has been leased on Delaware for parking.

Case No. 14843 (continued)

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 1221.3 - General Use Conditions for Business Signs - Use Unit 1221) to allow for two flashing signs less than 200' from an R District; a flashing sign less than 20' from the driving surface of Admiral Place; a flashing sign less than 50' from the driving surface of a signalized intersection and a sign to be located within 40' of an R District all in a CS zoned district; per plot plan submitted; subject to one full second, or longer, between price changes (oscillation of the price change mechanism); finding that the sign is unique and is similar in operation to a time and temperature sign; and finding that the sign which is located within 40' of an R District is actually lettering which is attached to the side of the building; on the following described property:

Lots 22, 23, 24, 25 and 26, Ozarka Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14844

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of side yard setback from 10' to 2.5' to allow for an existing porch in an RM-2 zoned district, located 1510 South Elwood Avenue.

Presentation:

The applicant, Mark Rasco, 1510 South Elwood Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit J-1) and explained that he is proposing to replace the deteriorated roof of an existing porch which encroaches into the side yard setback.

Comments and Questions:

Mr. Chappelle asked the applicant if the porch will be expanded, and he replied that there will be no expansion.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "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 side yard setback from 10' to 2.5' to allow for an existing porch in an RM-2 zoned district; per plan submitted; finding that the house and porch have been at the present location for many years; on the following described property:

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

OTHER BUSINESS

Case No. 14826

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1212 - Request a use variance to allow for a beauty shop/salon to locate in a travel trailer, as an accessory use, in an RS-2 zoned district.

Variance - Section 140.2(e) - Permitted Yard Obstructions - Use Unit 1212 - Request a variance to allow for said trailer to locate in the side yard, located 6633 South Rockford Avenue.

Presentation:

The applicant, Paul Bonham, 6633 South Rockford, Tulsa, Oklahoma, previously requested a withdrawal of Case No. 14826, and is requesting a refund of application fees (Exhibit E-1).

Comments and Questions:

Mr. Jones explained that the application has been fully processed, except for the public hearing portion, and suggested that fees in the amount of \$25.00 be refunded.

Board Action:

On **MOTION** of **SMITH**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a Refund of fees, in the amount of \$25.00, for the public hearing portion of Case No. 14826.

There being no further business, the meeting was adjourned at 2:45 p.m.

Date Approved 6-16-88

Carl J. Bradley
Chairman