

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 522
Thursday, September 1, 1988, 1:00 p.m.
Francis F. Campbell Commission Room
Plaza Level of City Hall, 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, August 30, 1988, at 12:20 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 **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** the Minutes of July 21, 1988.

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

On **MOTION** of **BRADLEY**, the Board voted 3-0-1 (Bradley, Chappelle, Smith, "aye"; no "nays"; White, "abstaining"; Quarles, "absent") to **APPROVE** the **Minutes** of August 18, 1988.

UNFINISHED BUSINESS

Case No. 14486

Action Requested:

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

Presentation:

The applicant, Steve Williams, was not present.

Case No. 14486 (continued)

Comments and Questions:

Mr. Jones informed that Staff has had no contact with the applicant, but that this case was continued from last year due to the fact that the Zoning Code regarding canopy signs is in the process of being amended.

Ms Bradley asked if that amending process has been completed, and Mr. Jones replied that it has not been finalized at this time.

Mr. Jones suggested a continuance of the case for two weeks to allow Staff sufficient time to contact the applicant.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **CONTINUE** Case No. 14486 to September 15, 1988, to allow Staff sufficient time to contact the applicant, Steve Williams.

Case No. 14575

Action Requested:

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

Interpretation - Section 1660 - Interpretation - Use Unit 1221 - Request Interpretation of the term "non-illuminated background" as it appears in the term "display surface area", located 3727 South Memorial Drive.

Presentation:

The applicant, Michael Hackett, was not present.

Comments and Questions:

Mr. Jones informed that Staff has had no contact with the applicant, but that this case was continued from last year due to the fact that the Zoning Code regarding back lit signage is in the process of being amended.

Ms Bradley asked if that amending process has been completed, and Mr. Jones replied that it has not been finalized at this time.

Mr. Jones suggested a continuance of the case for two weeks to allow Staff sufficient time to contact the applicant.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **CONTINUE** Case No. 14575 to September 15, 1988, to allow Staff sufficient time to contact the applicant, Michael Hackett.

Case No. 14892

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of lot width from 60' to 46.5', lot area from 6900 sq. ft. to 6277.5 sq. ft. and land area from 8400 sq. ft. to to 7672.5 sq. ft. In order to allow for a lot split, located 2424 North Quincy Avenue.

Presentation:

The applicant, Waldo Jones, II, PO Box 48600, Tulsa, Oklahoma, stated that the buyers of the property in question discovered, through a recent survey, that the neighbor's fence encroached on the lot approximately 3 1/2'. Mr. Jones stated that the buyers of the lot have deeded the owner of the adjoining property 3 1/2', which necessitates the lot split (LS No. 17066). A plot plan (Exhibit A-1) was submitted.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "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 lot width from 60' to 46.5', lot area from 6900 sq. ft. to 6277.5 sq. ft. and land area from 8400 sq. ft. to to 7672.5 sq. ft. In order to allow for a lot split; per plot plan submitted; finding that a fence between the subject property and the abutting lot had previously been constructed 3 1/2' across the lot line; and finding that a lot split was necessary to clear the title; and finding that the removal of the narrow portion of land from the subject property will allow the abutting property owner to retain the established fence line, but will reduce the width, lot area and land area of the subject lot; on the following described property:

Lot 8, Block 3, Carver Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14923

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a minor variance of setback from the centerline of Harvard Avenue from 50' to 42' and from the centerline of 15th Street from 50' to 37' to allow for a sign, located SW/c 15th Street and South Harvard Avenue.

Case No. 14923 (continued)

Presentation:

The applicant Craig Neon, was represented by James Adair, 1783 South Canton, Tulsa, Oklahoma, who submitted a sign plan (Exhibit B-1) and photographs (Exhibit B-2). He explained that approximately two years ago the owner, Mr. Reeves, removed the building which was close to the street, along with all existing signage, and constructed a new building on the property with only wall lettering. Mr. Adair stated that it is now the feeling of the owners that they do not have sufficient signage. He informed that a 300 sq. ft. sign is permitted by the Code. Mr. Adair requested permission to construct a sign on his client's property in front of the building, and pointed out that many of the buildings in the area are close to the street and there are approximately 22 signs in the immediate vicinity that are encroaching into the setback.

Comments and Questions:

Mr. Gardner asked the applicant the size of the Sunoco sign on the southeast corner, and he replied that the sign contains approximately 180 sq. ft. of sign space and stands 30' feet high.

Mr. Chappelle inquired as to the type of lighting for the sign, and the applicant replied that there is a constant light, with no flash.

Ms. White asked if the requested sign will replace the existing wall sign, and Mr. Adair stated that the wall sign was installed at a cost of \$4500 and the owner would like to retain that sign if possible.

Ms. Bradley asked if the sign will block motorist's view of the traffic light, and the applicant replied that it does not.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) of setback from the centerline of Harvard Avenue from 50' to 42' and from the centerline of 15th Street from 50' to 37' to allow for a sign, per sign plan submitted; subject to the execution of a removal contract and traffic engineer approval; finding that there are numerous signs along Harvard that are as close to the street as the proposed sign and that the granting of the request will not cause substantial detriment to the area; on the following described property:

Lots 1, 2, and 3, Block 1, Exposition Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14924

Action Requested:

Variance - Section 930 - Bulk and Area Requirements In Industrial Districts - Use Unit 1221 - Request a minor variance of lot width from 150' to 100' to allow for a lot split, located west of NW/c 61st Street and 116th East Avenue.

Comments and Questions:

Mr. Jones informed that the applicant has previously split lots in the area with 100' frontage on interior streets, however, the lot in question is located on a secondary arterial and requires 150' of frontage. He stated that the lot split has not been heard by the Planning Commission and the Board can either continue the case until the lot split is filed, or consider the variance at this time, subject to TMAPC approval. Mr. Jones stated that the applicant has a closing that is pending and stressed that time is of the essence.

Presentation:

The applicant, Gary Fleener, Box 35707, Tulsa, Oklahoma, stated that 7 1/2% financing is available for his client until February 28, 1989 and the contractor is attempting to begin work immediately in order to have the building completed in time to take advantage of the low interest rate. He pointed out that the reason for the 150' lot width is to limit the number of driveways on 61st Street, and stated that he plans to use a common access driveway for the two lots. Mr. Fleener stated that the driveways will be together and there will be a distance of 200' to the next access point. A plot plan (Exhibit C-1) was submitted.

Additional Comments:

Ms. Bradley stated that she is not inclined to support the application without first being heard by TMAPC.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-2-0 (Chappelle, Quarles, Smith, "aye"; Bradley, White, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 930 - Bulk and Area Requirements In Industrial Districts - Use Unit 1221) of lot width from 150' to 100' to allow for a lot split; subject to TMAPC approval; on the following described property:

The east 65' of Lot 5 and the west 35' of Lot 6, Block 1, Garnett Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14930

Action Requested:

Variance - Section 730 - Bulk and Area Requirements In Commercial Districts - Use Unit 1213 - Request a minor variance of lot width from 150' to 80' to allow for a lot split, located east of SE/c Riverside Parkway and 71st Street.

Presentation:

The applicant, Theodore Sack, 314 East 3rd Street, Tulsa, Oklahoma, stated that he is representing Anderson Development, owner of the property in question. He informed that the owner has a contract to sell the lot and explained that the tract is located between the existing Burger King and Shoney's Restaurant, but does not have access to either of these properties. Mr. Sack stated that there is an existing private drive on the property, with access to Quincy and Riverside Parkway. A plot plan (Exhibit D-1) was submitted.

Comments and Questions:

Mr. Gardner informed that TMAPC has heard and approved the lot split, subject to this Board's approval.

Ms. White asked the proposed use for the property, and Mr. Sack stated that he does not know the intended use, but it is in compliance with the existing zoning.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-1 (Bradley, Chappelle, White, "aye"; no "nays"; Smith, "abstaining"; Quarles, "absent") to **APPROVE** a **Variance** of lot width (Bulk and Area Requirements In Commercial Districts - Use Unit 1213) of lot width from 150' to 80' to allow for a lot split; per plot plan submitted; finding that the lot split will create one 80' wide lot on 71st Street; however, the only access is to a 25.31' wide access handle which also serves the remainder of the CS zoned tract to the south; on the following described property:

A tract of land, that is part of Lot 1, Block 1 of River Port, an addition to the City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: Beginning at a point on the most northerly line of said Lot 1, said point being 25.31' westerly of the NE/c of Lot 1; thence S 89°54'43" W along the northerly line of Lot 1 for 80.00'; thence S 01°07'23" E for 215.00'; thence N 89°54'43" E for 80.00'; thence N 01°07'23" W for 215.00' to the Point of Beginning of said tract of land, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14913

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of setback from the south property line from 25' to 15' to allow for a garage, located 2126 North 73rd Court East.

Presentation:

The applicant, Edwin Jones, 2126 North 73rd Court East, Tulsa, Oklahoma, was represented by his wife, who submitted a plot plan (Exhibit X-1) and stated that a garage addition is proposed, which will encroach into the required setback. She explained that the existing house encroaches 3' into the setback.

Comments and Questions:

Paula Hubbard informed that the required setback is 25' from the south property line.

Mr. Gardner asked if the house to the west of the subject property faces south, and the applicant replied that the house to the west is on another street and faces west.

Ms. Bradley asked if the garage will obstruct the view of motorists, and Ms. Jones stated that the garage will not hinder traffic because the house is on a corner and the garage will be located behind the house.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "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 south property line from 25' to 15' to allow for a garage; per plot plan submitted; finding that the house is located on a corner lot and that the proposed garage will align with the existing house, which was constructed over the setback line; on the following described property:

Lot 7, Block 7, Douglas Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14915

Action Requested:

Variance - Section 1213.3 - Use Conditions - Use Unit 1213 - Request a variance of the screening requirements, located 1617 South Harvard Avenue.

Presentation:

The applicant, Robert Chambers, 211 South 120th East Avenue, Tulsa, Oklahoma, stated that he is representing Marj's Ceramic Shop and asked that the screening requirements be waived between the business and the residence to the east. He submitted a letter (Exhibit M-1) signed by the owner of the business and the abutting property owner, which stated that they do not want the screening fence.

Comments and Questions:

Ms. White asked why the business operator or the abutting property owner do not want the privacy fence, and the applicant replied that the lady to the east of the business has lived there many years and feels that the fence will cut off her view.

Mr. Gardner stated that there are no privacy fences for the existing businesses along Harvard, which were there prior to 1970, but a screening fence would be required for any new construction.

Ms. White and Ms. Bradley voiced a concern with waiving the screening requirement which would go with the land, since it is a Code requirement.

Mr. Chambers informed that a 4' chain link fence is already in place between the two properties.

Mr. Smith asked Mr. Chambers what prompted him to appear before the Board, and he replied that the Building Inspector inspected the property and advised him that the privacy fence or a waiver of that requirement is needed.

Mr. Quarles remarked that he would be inclined to support the application with a three year time limit, and Mr. Chappelle stated that he, too, is inclined to support the request, but feels that the time limit is not necessary if the two affected parties do not want the fence.

Ms. White stated that she feels the future owners of the property abutting the business should have the protection of the screening fence.

Ms. White asked Mr. Jackere if it is appropriate to grant this variance with a time limit as a condition.

Mr. Jackere replied that he is not sure such a requirement could be enforced. He noted that the policing of the conditions is usually handled on a complaint basis and if the fence is not installed at this time, the future owner could make that request and the business would have to comply with Code requirements.

Case No. 14915 (continued)

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-1-0 (Bradley, Quarles, Smith, White, "aye"; Chappelle, "nay"; no "abstentions"; none "absent") to **DENY** a **Variance** (Section 1213.3 - Use Conditions - Use Unit 1213) of the screening requirements; finding no hardship for the variance request; on the following described property:

Lot 4, Block 8, Sunrise Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14916

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1211 - Request a special exception to allow for office uses in an RM-2 zoned district, located 1342 - 1346 East 12th Street.

Presentation:

The applicant, Robert Selnes, 6506 South Lewis, Suite 163, Tulsa, Oklahoma, was represented by Bruce Smith, 1331 East 18th Street, Tulsa, Oklahoma, who asked the Board to allow him to move his offices into an apartment building. He stated that he is proposing to upgrade four apartments and keep the present tenants, with the remaining three units being used for business offices. Mr. Smith stated that he employs one secretary and three consultants.

Comments and Questions:

Ms. White stated that the parking seems to be limited in the area, and asked the applicant if the south property line is bounded by the retaining wall.

Mr. Smith stated that he believes the retaining wall is on the property line, but does not own the property and is not sure. He informed that he and a friend are proposing to buy the property if office use is approved.

Ms. Bradley stated that she has viewed the property and does not feel that office use is appropriate in the residential area.

Mr. Quarles asked the applicant to state the square footage of the office space, and he replied that he is not sure of the amount.

Mr. Quarles asked Mr. Gardner how many parking spaces would be required for the use, and he replied that 10 parking spaces would be required for 3000 sq. ft. of office space, plus eight more parking spaces for the remaining four apartment units.

Case No. 14916 (continued)

Protestants:

John Camden, 1207 South Quaker, Tulsa, Oklahoma, was present to represent the Homeowner's Association for the area, but did not speak.

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 **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1211) to allow for office uses in an RM-2 zoned district; finding that office use does not have sufficient parking and would not be compatible with the residential area; and that the granting of the special exception request would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 1, 2 and 3, Block 6, Orchard Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14917

Action Requested:

Special Exception - Section 420 - Permitted Accessory Uses - Use Unit 1213 - Request a special exception to allow a home occupation for a beauty shop in an RS-1 zoned district, located 8956 East 13th Street.

Presentation:

The applicant, Gail Kraft, 8915 East 13th Street, Tulsa, Oklahoma, submitted a photograph (Exhibit E-1), and requested permission to operate a beauty shop in her home at the above stated location.

Ms. Bradley asked Ms. Kraft if she is familiar with the Home Occupation Guidelines, and she answered in the affirmative. The applicant stated that she has previously operated a beauty shop in her home at another location.

Ms. Bradley inquired as to the number of styling chairs in the salon, and the applicant replied that she has only one chair.

The applicant informed that she has provided additional customer parking beside the driveway.

Ms. Bradley inquired as to the days and hours of operation for the business, and the applicant replied that her shop will be open 8:30 a.m. to 6:00 p.m., Tuesday through Saturday.

In response to Mr. Chappelle's inquiry, Ms. Kraft informed that she will have no more than three customers in the shop at one time.

Case No. 14917 (continued)

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 420 - Permitted Accessory Uses - Use Unit 1213) to allow a home occupation for a beauty shop in an RS-1 zoned district; per Home Occupation Guidelines; subject to days and hours of operation being Tuesday through Saturday, 8:30 a.m. to 6:00 p.m.; and subject to no street parking for customers; on the following described property:

A part of the NE/4, SW/4, NE/4, Section 12, T-19-N, R-13-E, Tulsa County, Oklahoma, east of the IBM more particularly described as follows: Beginning at a point 1346.7' south and 660' east of the NW/c of the NW/4, NE/4, of said Section 12 to the point of beginning, thence south 305.43', thence east 100', thence north 305.43', thence west 100' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14918

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1210 - Request a special exception to allow for a parking lot in an RM-2 zoned district, located 1626 East Admiral Place.

Presentation:

The applicant, Ted Robertson, 1611 East Admiral Boulevard, Tulsa, Oklahoma, was represented by Ron Detherow, 10811 East 109th Place North, Owasso, Oklahoma. Mr. Detherow stated that Robertson Tire Company is in need of additional parking to accommodate their 20 employees, and asked the Board to allow parking on the subject tract. He pointed out that there is sufficient customer parking on Admiral Boulevard for the business. Photographs (Exhibit F-2) were submitted.

Comments and Questions:

Mr. Jackere asked if there will be access from the residential street or Admiral Boulevard, and Mr. Detherow replied that there will be an access on Admiral Place and the alley.

Mr. Smith asked the use of the properties on either side of the subject tract, and Mr. Detherow replied that it is residential.

Case No. 14918 (continued)

Ms. Bradley stated that she is opposed to a parking lot in the residential neighborhood.

Mr. Detherow stated that this is a deteriorated neighborhood and that the parking lot would not be detrimental to the area.

Ms. Bradley asked what the District Plan is for this area, and Mr. Gardner replied that the Plan calls for industrial use. He pointed out that apartments with parking lots could exist in the area by right.

Protestants:

Marty Jacks, 1625 East Admiral Place, Tulsa, Oklahoma, stated that he lives in the area and agrees that this is deteriorated neighborhood. He explained that there is already a lot of lighting from Quik-Trip and asked that, if the application is approved, the lighting be directed inward and the parking lot be fenced. He pointed out that there are children in the area that need the protection of the fence.

Ms. White asked Mr. Jacks if he would prefer a chain link fence around the parking lot in lieu of a wood fence, and he answered in the affirmative.

Mr. Quarles stated that the neighborhood seems to be in transition to industrial uses and that he is inclined to be supportive of the application.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-1-0 (Chappelle, Quarles, Smith, White, "aye"; Bradley, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1210) to allow for a parking lot in an RM-2 zoned district; subject to the installation of a chain link fence on the east and west boundaries; finding that the granting of the 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:

Lot 6, Block 8, Lynch-Forsythe Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14921

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205 - Request a special exception to allow for children's youth activities associated with the YWCA in an RS-3 zoned district, located 2731 East 20th Street.

Presentation:

The applicant, Mary Espey, 3714 East 51st Street, Tulsa, Oklahoma, who submitted photographs (Exhibit G-1), explained that the property in question is between two other properties that are owned by the YWCA and will house a day care operation.

Comments and Questions:

Ms. White asked how the property will be accessed, and the applicant replied that the check in point for the program is located around the corner at the main YWCA office.

Ms. White inquired as to the days and hours of operation for the day care program, and Ms. Espey replied that approximately 20 children are cared for from 7:00 a.m. to 6:00 p.m., Monday through Friday. She informed that a license is not required, as each child will be cared for less than five hours per day.

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 **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205) to allow for children's youth activities associated with the YWCA in an RS-3 zoned district; finding that the property on either side of the subject property is owned and used by the YWCA and that the use will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 18, Block 7, Woodward Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14925

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1225 - Request a special exception to allow Light Manufacturing and Industry (Use Unit 25) in a CBD zoned district, located SE/c East 12th Street and South Main Street.

Presentation:

The applicant, Anne Brackett, 1203 East 25th Street, Tulsa, Oklahoma, was represented by her husband, Jim Brackett, of the same address. He explained that the building in question has been used for several car dealerships in the past, with the last business being an office furniture and warehouse operation. Mr. Brackett stated that his wife's business, W.L. Walker Company, is located near the subject property and the move is proposed to gain additional space to serve national and international oil producers. He explained that Ms. Brackett's business manufactures scientific instruments related to the oil measurement business, and the manufacturing process does not produce hazardous waste and is a clean operation. Mr. Brackett informed that approximately 20% of the building will be used for manufacturing and 30% for inventory and supplies. A packet (Exhibit H-2) containing a drawing, location map, history of the business and a letter to Blue Cross, was submitted. The applicant informed that the building in question is bounded on the south by parking, a Blue Cross property across the street and apartments to the east. Photographs (Exhibit H-1) were submitted.

Ann Brackett stated that her grandfather founded the business approximately 50 years ago, and displayed some of the devices that are manufactured at the present location. She informed that the building in question will be refurbished and the business will move to that location if this application is approved. Ms. Brackett explained that the second floor will be used for office space. It was noted that the manufacturing process is quiet and only one shift will be scheduled.

Comments and Questions:

Ms. Bradley asked if the devices will be manufactured in the building, and the applicant replied that 20% of the building will be dedicated to manufacturing.

Mr. Quarles asked how many employees will work in the business, and Ms. Brackett replied that there will be 20 employees.

In response to Mr. Quarles question as to assembly of the products, Ms. Brackett informed that basically the business consists of assembly.

Mr. Quarles asked if the business has trucks to transport materials, and Ms. Brackett stated that most materials are delivered by UPS, with a only a few freight trucks coming to the building. She informed that the largest device that is assembled weighs approximately 65 pounds.

Case No. 14925 (continued)

Protestants:

Nik Jones, 502 West 6th Street, Tulsa, Oklahoma, represented Blue Cross and Blue Shield, which has a parking garage across from the subject tract. He stated that his client is concerned with the introduction of manufacturing into the area and feels the business will have a detrimental affect on the future growth of the area.

Ms. White asked Mr. Jones if his client has viewed the plans, and he replied that Ms. Brackett did supply plans to his client.

Interested Parties:

Floyd Baird, First National Bank, stated that the property in question is owned by the Roberts Children's Trust and was most recently occupied by a tenant that was engaged in the purchase and sale of used office equipment. He stated that the business was a casualty of the recent recession and could no longer stay in operation. Mr. Baird stated that he is attempting to sell the building to the Bracketts and asked the Board to approve the application. He pointed out that the proposed operation will have little impact on Blue Cross and Blue Shield, since their entrance is on Boulder.

Applicant's Rebuttal:

Ms. Brackett pointed out that the business has been in operation within two blocks of the Blue Cross building for approximately 50 years. She stated that she attempted to schedule a meeting with a representative of Blue Cross, but was unable to get a response from them. The applicant pointed out that she is interested in the growth of Tulsa and feels the business is appropriate for the area.

Additional Comments:

Ms. Hubbard stated that she is not sure this use is under Use Unit 25. She stated that she has looked at Use Unit 15 and feels that this use is no more detrimental than those listed there.

Mr. Gardner informed that the applicant does not need relief from this Board if the business is comparable to those uses in Use Unit 15. He noted that storage and warehousing is also a permitted use in the district.

Mr. Quarles stated that he finds the business to be more of a design and assembly operation, with a limited amount of manufacturing.

Mr. Jackere stated that the Board can determine if the business is under Use Unit 15 or 25, and if found to be Use Unit 25, the operation can be limited to this particular business, but if found to be under Use Unit 15, the case is moot.

Mr. Smith stated that he feels the use is appropriate for the area.

Case No. 14925 (continued)

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 **DETERMINE** that the use as presented in Case No. 14925 is not classified under Use Unit 25, but is similar to those uses listed under Use Unit 15, which include incidental fabrication, processing and repair, and is allowed by right in the CBD zoned district, with no relief required from this Board.

Case No. 14926

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of front setback from 25' to 13' and side yard setback from 5' to 2' to allow for a carport, located 624 East 54th Place North.

Presentation:

The applicant, Willie McHenry, 6439 North Wheeling Avenue, Tulsa, Oklahoma, was represented by Lawrence Harris, 624 East 54th Place North, Tulsa, Oklahoma, owner of the property in question, who submitted photographs and the location of similar projects (Exhibit J-1). He stated that the carport that is under construction is not closed in and will not obstruct the view of residents along 54th Place. A letter of support (Exhibit J-2) was submitted.

Protestants: None.

Comments and Questions:

Mr. Smith asked the applicant why he is before the Board at this time, and Ms. Hubbard informed that Mr. Harris applied for a building permit.

Mr. Harris stated that he was not aware that a building permit was required for the construction of a carport, and the carport is partially built.

Ms. Hubbard stated that the site plan shows that there is 3' from the property line to the post of the carport and a 1' eave overhang.

Mr. Quarles stated that the carport is well designed and that the absence of protestants seems to indicate the neighborhood is not opposed to the application.

Board Action:

Mr. Quarles motion for approval of the application died for lack of a second.

There was Board discussion as to the type of materials used in the construction of the carport and if the carport will be attached to the roof of the house.

Case No. 14926 (continued)

Ms. Bradley stated that the carports she viewed in the area have been constructed as a permanent part of the houses.

Mr. Smith advised that he has not viewed the structure and suggested a continuance of the case to allow him to do so.

On **MOTION** of **SMITH**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 14926 to September 15, in order that all Board members will have an opportunity to view the property.

Case No. 14927

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of rear yard setback from 20' to 5' to allow for an addition to an existing dwelling, located 2320 North Boston Place.

Presentation:

The applicant, Beauford Jenkins, 2320 North Boston Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit K-1) for a two car detached garage. He stated that the property is accessed from Young Street and that he was not aware of the 20' setback.

Comments and Questions:

Ms. White remarked that all structures on Young Street appear to be approximately 5' from the property line.

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 rear yard setback from 20' to 5' to allow for an addition to an existing dwelling; per plot plan submitted; subject to all portable buildings being removed upon the completion of the garage; finding that the garage will align with other structures on Young Street and the granting of the variance request will not be detrimental to the neighborhood; on the following described property:

Lot 1, Block 8, Oak Cliff Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14928

Action Requested:

Appeal - Section 1650 - Appeals from Code Enforcement - Use Unit 1211 - Request an appeal from the decision of the Code Enforcement Supervisor that a business is being conducted in a residence.

Special Exception - Section 420 - Accessory Uses Permitted - Use Unit 1211 - Request a special exception for a home occupation to allow a photographer's office in an RS-3 zoned district, located 1427 East 21st Street.

Presentation:

The applicant, John Moody, 7666 East 61st Street, Tulsa, Oklahoma, who submitted a location map (Exhibit K-3), a copy of City Permits and photographs (Exhibit K-2), stated that he is representing Joe and Carol Gates, owners of the subject property. He informed that his client is a photographer and has been engaged in the photography business since 1973, with the most recent business location being near 51st and Yale Avenue. Mr. Moody stated that his client discovered that only about 3% of his business was actually conducted in his studio, so decided that it would be more convenient to live near the Philbrook and Woodward Park area where the major portion of his photography was done. He informed that the subject property was purchased for his residence in February of 1988 and the remodeling process began. It was noted by Mr. Moody that Mr. Gates will not have a studio at this location, but occasionally proofs will be viewed in his home and clients may meet at his home and walk across the street to Woodward Park. He pointed out that Mr. Gates will answer the phone, make appointments and show proofs in his home, but would expect to have no more than three clients per day. Mr. Moody informed that there are no signs on the property and no studio in the house, and asked the Board to determine if these previously mentioned activities would actually constitute a business operation.

Comments and Questions:

Mr. Chappelle asked if a business is advertised at this address in the yellow pages, and Mr. Moody stated that the previous studio is listed in the yellow pages (Exhibit K-6). In answer to Mr. Chappelle's inquiry as to the listing of the new address, Mr. Moody asked that his client be allowed yellow page advertising at the new location. He stated that his client has marked several photographers on the yellow page exhibit that conduct a business from their home.

Mr. Quarles asked if there is anything in the remodeling process that would suggest that the home is being designed for anything other than a residence, and Mr. Moody replied that the circular drive and the parking are the only such indications.

Ms. White questioned the purpose of the red pylons in the front yard, and Mr. Moody stated that the pylons are in place to prevent motorists from using his clients driveway to turn around.

Case No. 14928 (continued)

Joe Gates, 1427 East 21st Street, Tulsa, Oklahoma, stated that the pylons are to discourage the use of the driveway to turn around. He noted that left turns are prohibited at 21st Street and Peoria and motorists circle in his driveway to make a turn.

Ms. White asked if the pylons will remain, and Mr. Gates replied that he plans to replace them with some type of flower arrangements.

Ms. White asked if Stormwater Management was consulted before the front yard was paved, and Mr. Moody replied that he has not checked with that agency concerning the paving.

Mr. Quarles stated that it is obvious that a business is being conducted at this location since Mr. Moody's client has a photography business and does not have another studio location.

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 **UPHOLD** the **Decision** of the Code Enforcement Supervisor that a business is being conducted in a residence; finding that appointments are made, proofs viewed and clients meet for sittings at the residence.

Mr. Chappelle explained to the interested parties in this case that the Board has voted to uphold the decision of Code Enforcement and make the determination that a business is being conducted on the premises. He stated that the Board will now hear the applicant's request for a special exception to allow a photographer's office as a home occupation to be located on the subject property.

Action Requested:

Mr. Moody pointed out that there are approximately seven blocks that are used for single family residence between Riverside Drive and Lewis Avenue, with the remainder of the properties having other uses. He stated that on the north side of 21st Street 33.8% of the property is used for single family residences, with 66.2% being apartment, office or commercial uses. It was noted that on the south side of the street, including Woodward Park, 42.8% is used for residential purposes, and 57.2% for other uses. Mr. Moody pointed out that there is more nonresidential use than residential on 21st Street, which is an arterial street.

Comments and Questions:

Mr. Chappelle inquired if there are any other home occupations on the north side of 21st Street between Peoria and St. Louis, and Mr. Moody stated that he is not aware of any in that area.

Mr. Moody informed that there are 18 homes in the area that have circular drives similar to the one installed by Mr. Gates, and that the home occupation will not be detrimental to the neighborhood and will be in harmony with the spirit and intent of the Code.

Case No. 14928 (continued)

Protestants:

Patricia Neal represented the homeowner to the east of the Gates' property, and pointed out that her client has spent over \$160,000 to construct a new residence on her property. She stated that her client is concerned that the Gates will not live on the property and that the house will be vacant at night, producing a security hazard for the neighborhood.

Lonnie Davis, 1503 East 21st Street, Tulsa, Oklahoma, submitted photographs (Exhibit K-4) and stated that he lives two houses to the east of the subject property. He pointed out that the residences surrounding the Gates' property are well kept homes and the concrete front yard of the subject lot makes it evident that a business will be operating there. Mr. Davis remarked that there is sufficient parking for the family located to the rear of the house. He stated that people ring his door bell in search of Mr. Gates studio, and asked the Board to deny the special exception request.

Patricia Dickey, 1404 East 20th Street, Tulsa, Oklahoma, stated that State Representative, Russ Roach, lives in the area and, due to a special session of the Legislature, was unable to attend this meeting. She informed that the subject property is directly behind the Roach property and he has requested that she read a letter (Exhibit K-1) containing his objections to the special exception request. Ms. Dickey also submitted letters of protests (Exhibit K-1) from Bruce and Mary Simons, property owners at 1411 East 20th Street, Tulsa, Oklahoma.

Barbara Day, 1521 South Quaker, Tulsa, Oklahoma, stated that she is representing the Board of Directors of the Swan Lake Neighborhood Association and read a letter of opposition (Exhibit K-1) from that organization. She pointed out that Mr. Gates does not meet the requirement for a home occupation since he does not reside on the premises and requested denial of the application. Ms. Day stated that the property lies in a floodplain and a permit from Stormwater Management is also required. A petition of opposition (Exhibit K-5) to the application was submitted.

Helen Mullenax, 1507 East 21st Street, Tulsa, Oklahoma, stated that it has become evident as the remodeling progressed that Mr. Gates is not going to reside in the home. She pointed out that the yard is concrete and the Gates are not there at night. Ms. Mullenax stated that a business in the middle of the residential area will lower property values.

Case No. 14928 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-1-0 (Bradley, Chappelle, Smith, White, "aye"; Quarles, "nay"; no "abstentions"; none "absent") to **DENY** a **Special Exception** (Section 420 - Accessory Uses Permitted - Use Unit 1211) for a home occupation to allow a photographer's office in an RS-3 zoned district; finding that the business is not compatible with the neighborhood and that the granting of the request would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 8, Burns Subdivision of Lots 5 and 6, Block 28, Park Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Additional Comments:

Mr. Smith asked Mr. Chappelle if the Board can request that the Building Inspector conduct a survey to determine if the lot meets the required livability space.

Ms. Hubbard explained that legally the owner is required to obtain a zoning clearance permit in order to pave the front yard. She stated that an application for this permit was not made. Ms. Hubbard pointed out that the entire yard could be paved and still meet the livability space, but the paving cannot be used for parking or access to parking. She stated that the photographs submitted have indicated that the yard is being used for parking, so the applicant will be required to obtain a zoning clearance permit, at which time the determination will be made on livability space, and the application will then be routed to Stormwater Management for their review.

Mr. Moody requested that the record reflect the fact that he was not given an opportunity for rebuttal.

Case No. 14929

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1211 - Requests a special exception to allow for a drive-in banking facility in an OL District.

Variance - Section 630 - Bulk and Area Requirements in Office Districts - Use Unit 1211 - Request a variance of setback from Gary Place from 25' to 10', located NE/c 14th Street and Gary Place.

Case No. 14929 (continued)

Presentation:

The applicant, F & M Bank and Trust, was represented by Bill Stoskopf, Stoskopf Architects, 1717 South Boulder, Tulsa, Oklahoma, who submitted a site plan (Exhibit L-2) for the proposed construction. He stated that F & M Bank is planning to demolish an existing six lane drive-in facility and build a new eight lane drive-in near the corner of 14th and Gary Place. He explained that the west portion of the property and the location of the new facility is zoned OL, while the existing drive-in is zoned CH and the use is allowed by right. Mr. Stoskopf noted that the existing drive-in has three east bound lanes, with access from Gary Place, and three west bound, accessed from Harvard. He stated that traffic backs up on Gary, as well as Harvard, during peak banking days. It was noted that the new proposal will alleviate some of the problems, in that all traffic will enter from 14th Street or Harvard, with no new curb cuts. He stated that the south curb cut on Gary will be closed. Mr. Stoskopf noted that the one story teller building will not be taller than the surrounding residences and will be detailed to blend with the residential neighborhood.

Comments and Questions:

Mr. Quarles inquired as to the reason for the setback from 25' to 10', and Mr. Stoskopf replied that the request for 10' was needed to allow as much driveway length from Harvard as possible.

Ms. Bradley asked if there will only be egress on Gary, and the applicant answered in the affirmative.

Protestants:

Don Revells, 1344 South Gary Place, Tulsa, Oklahoma, submitted a petition of opposition (Exhibit L-1) signed by neighborhood residents, and stated that he lives directly across the street from the existing drive-in windows. He explained that he had attempted to acquire a drawing from Mr. Stoskopf, but he was unable to do so.

Mr. Quarles remarked that one curb cut is to be closed on Gary Place which should lessen the impact on the street.

Mr. Revells pointed out that the proposed building will be only 10' from the sidewalk, will be 38' wide and 25' high and directly in front of his home. He stated that any building this close to the street would pose a traffic hazard and cause an unsafe situation for the elderly and the children walking in the neighborhood. Mr. Revells pointed out that the drive-in teller will be left open 24 hours a day and cars will be using the facility at all hours.

Mr. Chappelle asked Mr. Revells if his concerns would be satisfied if the south curb cut on Gary Place was closed, and he replied that the building would still detract from the residential character of the area. He pointed out that he is protesting the new location of the drive-in facility, which will practically be in his front yard.

Case No. 14929 (continued)

To clarify, Mr. Gardner pointed out that at the present time Mr. Revells' front door is approximately 215' from the nearest bank building, while the distance from his front door to the new building will be 85', or over 100' closer. He informed that the area was first zoned 3A for off-street parking until the Zoning Code change in 1970 when there was no longer a parking classification. Mr. Gardner stated that the property was then designated as OL, which was the nearest zoning category to the previous 3A classification.

Ms. White remarked that the bank does have another large drive-in facility across the street to the northeast.

Jerry Vanhooser, 1340 South Gary Place, Tulsa, Oklahoma, stated that he does not have a problem with the bank, but has a problem with the proposed construction. He stated that lights from cars using the night depository will be annoying for those directly across the street from the facility, and the litter from the bank patrons discarding excess paper would be a problem for the neighborhood.

Rosemary Revells, 1344 South Gary Place, Tulsa, Oklahoma, stated that she is concerned with the traffic hazard that will be caused by the new construction. She stated that the children's safety will be endangered and property values will be adversely affected by the new facility.

Leonard Sutterfield, 1335 South Gary Avenue, Tulsa, Oklahoma, stated that all houses in the neighborhood have a 25' setback and the proposed building will be out of alignment with the existing homes. He asked the Board to deny the application.

Board Action:

Ms. White's motion for denial of the application was withdrawn to allow the applicant's rebuttal.

Applicant's Rebuttal:

Lucy Mullin, 2836 South 86th East Avenue, Tulsa, Oklahoma, Vice-President of Operations, stated that the night depository will be used for commercial deposits or envelope deposits for customers that are unable to visit the bank during regular hours. She stated that a depository is now in place at the east end of the existing facility.

Ms. Bradley asked Ms. Mullin if the plans were discussed with the neighborhood, and she replied that the facility has been in the planning process for three years, but there was no discussion with the neighborhood.

Mr. Quarles asked Ms. Mullin if the plans can be altered to satisfy some of the concerns of the residents of the area, and Mr. Stoskopf stated that the building can be moved back, but the bank was attempting to get as many cars stacked off the street as possible.

Case No. 14929 (continued)

Mr. Gardner asked how many cars can be stacked on all lanes with the present plan, and Mr. Stoskopf replied that 54 cars can be accommodated. Mr. Gardner pointed out that, if the building was moved back to the required setback, only the length of one car in each lane, or eight fewer cars could be stacked on the bank property.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-1-0 (Bradley, Chappelle, Quarles, "aye"; White, "nay"; no "abstentions"; Smith, "absent") to **APPROVE** a **Special Exception** (Section 610 - Principal Uses Permitted In Office Districts - Use Unit 1211) to allow for a drive-in banking facility in an OL District; and to **DENY** a **Variance** (Section 630 - Bulk and Area Requirements In Office Districts - Use Unit 1211) of setback from Gary Place from 25' to 10'; per architectural drawing submitted; subject to the facility (design and building materials) blending architecturally with the existing bank structures and the neighborhood; on the following described property:

Lots 13, 14 and 15, Block 6, Eastlawn Addition, City of Tulsa, Tulsa County, Oklahoma.

Additional Comments from the Protestant:

Mr. Revells stated that he does not want to look at a 25' commercial building from his home. He informed that he does business with the bank and has nothing personal against the banking business, but is concerned with the traffic congestion in the neighborhood.

Case No. 14933

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted In Industrial Districts - Use Unit 1213 - Request a special exception to allow a retail (seafood) market in an IL zoned district, located 14 West Brady.

Presentation:

The applicant, John K. Laur, 1716 South Phoenix, Suite 102, Tulsa, Oklahoma, was not present.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **CONTINUE** Case No. 14933 to September 15, 1988 to allow Staff to contact the applicant.

OTHER BUSINESS

Case No. 14900

Action Requested:

The applicant, Deborah Wallace, requested a refund of fees.

Comments and Questions:

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

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **REFUND** a portion of the filing fee, in the amount of \$25.00; finding that the case has been fully processed, except for the public hearing portion of the application.

Case No. 14902

Action Requested:

The applicant, Ronald Cantwell, requested a refund of filing fees.

Comments and Questions:

Mr. Jones stated that the applicant was not in need of the relief requested and suggested that the entire filing fee of \$125.00 be refunded.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **REFUND** the entire amount of the filing fee, in the amount of \$125.00; finding that the applicant was not in need of the relief requested.

There being no further business, the meeting was adjourned at 4:45 p.m.

Date Approved

9-15-88



Chairman

