

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 529
Thursday, December 15, 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 Taylor Moore	Jackere, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Monday, December 12, 1988, at 1:08 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 **BRADLEY**, the Board voted 2-0-1 (Bradley, Chappelle, "aye"; no "nays"; Quarles, "abstaining"; Smith, White, "absent") to **APPROVE** the Minutes of December 1, 1988.

UNFINISHED BUSINESS

Case No. 14988

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow for a cultural center and church uses in an RM-2 zoned district, located SE/c 6th Street and Birmingham Avenue.

Presentation:

The applicant, **Muhammad Asad**, was not present.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White "absent") to **CONTINUE** Case No. 14988, to January 19, 1989.

Case No. 14994

Action Requested:

Variance - Section 1221 - Use Conditions for Business Signs - Use Unit 1221 - Request a variance to allow for an existing off-site directional sign, located NW/c 103rd East Avenue and 47th Place.

Comments and Questions:

Mr. Chappelle informed that the applicant had previously requested a continuance to the January 5, 1989 meeting, however, the case was erroneously placed on the December 15th agenda.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White "absent") to **CONTINUE** Case No. 14994 to January 5, 1989, as requested by the applicant.

Case No. 14995

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1215 - Request a special exception to allow for a Use Unit 15 (trade school) in a CS zoned district, located NE/c 31st Street and South Sheridan.

Presentation:

The applicant, **Paul Baker, Jr.**, 4815 South Harvard, Tulsa, Oklahoma, requested permission to operate a trade school in a shopping center at the above stated location. He informed that the school offers classes in carpentry, plumbing, electrical and HVAC (heating, ventilating, and air conditioning), and first began operation in Phoenix, Arizona in 1984, with schools in Tuscon, Colorado Springs, Denver and Albuquerque being added since that time. Mr. Baker informed that Tulsa has been chosen for the next site. He explained that there will be approximately 30 students in each of the four classes, with classroom hours being conducted on week days from 7:00 a.m. to 3:30 p.m., except for Friday, when students are dismissed at noon. It was noted that, although classroom instruction is completed by 3:30 p.m., it might be necessary for students to remain at the building to visit the library or engage in other out-of-the-classroom activities. Mr. Baker stated that 600 hours per trimester will be offered and approximately 12 instructors will be employed. A zoning map (Exhibit A-1) was submitted.

Comments and Questions:

Ms. Bradley asked how much floor space will be utilized for the trade school, and Mr. Baker replied that approximately 20,000 sq. ft. will be used. He informed that approximately half of the 10-acre center is zoned CH and half is zoned CS, with the dividing line of these two areas passing through the space proposed for the school.

Case No. 14995 (continued)

Protestants:

Ray McCollum, 3135 South 76th East Avenue, Tulsa, Oklahoma, stated that he is president of Whitney Homeowner's Association and the property in question abutts this neighborhood. He informed that he has spoken with a representative from the school and was told that the enrollment could reach a maximum of 240 students. Mr. McCollum pointed out that a large number of parking spaces will be required for the school and that this type of use is not compatible with the neighborhood. He informed that it is customary for the carpentry students to construct a building on the premises, which is later donated to charity. If the Board is inclined to approve the application, he asked that the number of students be limited, that no night classes be scheduled, and outside construction be prohibited. A petition of opposition (Exhibit A-2) was submitted.

Comments and Questions:

Mr. Gardner pointed out that the existing parking spaces would accommodate approximately 120 students.

Mr. Quarles asked Mr. Baker if he is in agreement with a maximum of 120 students, and the applicant replied that he would not like to restrict his client to a certain number. He pointed out that the shopping center has accommodated patrons for the Boman Twin Theater, Safeway and T G & Y stores which were previously located in the center, and that parking was not a problem then and should not be a problem now.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1215) to allow for a Use Unit 15 (trade school) in a CS zoned district; subject to days and hours of the operation being Monday through Friday, 7:00 a.m. to 7:00 p.m.; subject to actual classroom instruction being conducted between the hours of 7:00 a.m. and 3:30 p.m. only; and subject to a maximum enrollment of 120 students; and subject to all school activities being confined to the interior of the building; finding that the trade school, as presented, will be compatible with the area, and that the use is permitted by right in the CH zoned portion of the shopping center; on the following described property:

The East 135.2' of the west 492.95' of the north 225.2' of the south 479.27' of the SW/4 of the SW/4, Section 14, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15000

Action Requested:

Variance - Section 930 - Bulk and Area Requirements In Industrial Districts - Use Unit 1225 - Request a variance of setback from the property line on Marshall Street from 25' to 0' and from the rear property line (RM-1 zoning) from 75' to 0'.

Variance - Section 1225.3 - Use Conditions - Use Unit 1225 - Request a variance of the screening requirements on rear property line.

Variance - Section 1225.4 - Off-Street Parking Requirements - Use Unit 1225 - Request a variance of the required parking spaces from 14 to 12 and loading berths from 1 to 0, located 1535 East Marshall, City of Tulsa, Tulsa County, Oklahoma.

Comments and Questions:

Mr. Gardner asked the applicant if the north side of the building will be a solid wall with no windows, and thereby provide screening, and Mr. Phillips answered in the affirmative.

Presentation:

The applicant, Duane Phillips, 8128 East 63rd Street, Tulsa, Oklahoma, stated that a portion of the case was previously heard by the Board, but it was continued to allow sufficient time to advertise for a variance of the required parking spaces. He pointed out that the interested parties present at the earlier meeting were concerned with noise, but felt that they were not aware that there is a 10' alley between the building and the residential property to the north.

Additional Comments:

Ms. Bradley asked if trucks come to the property, and Mr. Phillips stated that the new construction will be used for warehouse space, therefore, reducing the amount of deliveries to the site. He informed that the existing overhead door will continue to be used for these deliveries.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White "absent") to **APPROVE** a **Variance** (Section 930 - Bulk and Area Requirements In Industrial Districts - Use Unit 1225) of setback from the property line on Marshall Street from 25' to 0' and from the rear property line (RM-1 zoning) from 75' to 0'; to **APPROVE** a **Variance** (Section 1225.3 - Use Conditions - Use Unit 1225) of the screening requirements on rear property line; and to **APPROVE** a **Variance** (Section 1225.4 - Off-Street Parking Requirements - Use Unit 1225) of the required parking spaces from 14 to 12 and loading berths from

Case No. 15000 (continued)

1 to 0; per plot plan submitted; finding that the new addition will actually be an extension of the existing building along the rear property line and will not encroach further into the setback than the existing structure; and finding that the building, which has no windows on the north, will serve as screening on that boundary line; and finding that the granting of the requests 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:

Lots 7, 8, and 9, Block 1, Elm Ridge Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15018

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a minor variance of rear yard setback from 25' to 20' to allow for a dwelling unit, located south of SE/c 25th Street and Columbia Avenue.

Presentation:

The applicant, **Jack Arnold**, was represented by Jim Sandlin, 3214 West 69th Court, Tulsa, Oklahoma, who submitted a site plan (Exhibit X-1) and stated that the structure in question encroaches approximately 3' 8" over the boundary line. He explained that the pie-shaped lot is located on a cul-de-sac and has a narrow street frontage, therefore, making it necessary to move the house toward the back of the lot.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of rear yard setback from 25' to 20' to allow for a dwelling unit; per plot plan submitted; finding a hardship imposed on the applicant by the configuration of the lot and the fact that the property is located on a cul-de-sac, with a narrow street frontage; on the following described property:

Lot 5, Block 1, New Bedford Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15004

Action Requested:

Variance - Section 620.2(d) - Accessory Use Conditions - Use Unit 1221 - Request a variance to allow for additional signage (16 sq. ft. awning sign) in an OL zoned district, located 3404 South Yale Avenue.

Presentation:

The applicant, **Jim Spoon**, 916 North Main Street, Sand Springs, Oklahoma, who submitted a packet (Exhibit B-2) containing photographs and awning designs, stated that he is owner of T. Roy Barnes Drugs and is proposing to install an awning sign for his business. He informed that the sign will be lettered toward 34th Street and Yale Avenue. A report (Exhibit B-1) from Jim Garriott, Building Inspector, was submitted.

Comments and Questions:

Ms. Bradley asked Mr. Spoon if the sign is still in place by Yale Avenue, and he answered in the affirmative.

Mr. Quarles asked if all other signs could be removed if the awning sign is approved, and Mr. Spoon replied that he would prefer to retain the sign on Yale, but will remove it if necessary.

In response to Mr. Gardner's question concerning wall signs, the applicant informed that there are no signs on the north, as the existing sign was constructed at an angle. Mr. Gardner stated that the building has two street frontages and would be allowed two wall signs, or a combination of free-standing and wall signs.

Ms. Bradley asked the applicant if the total square footage of the new sign will be greater than the total of the existing signs, and he replied that the amount of signage will be approximately the same.

Interested Parties:

Denise Johnson, Craig Neon Sign Company, 1889 North 105th East Avenue, Tulsa, Oklahoma, asked if the awning will be illuminated (back lighted), and Mr. Spoon replied that the awning will not be back lighted, but will have lighting directed toward it.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White "absent") to **APPROVE** a **Variance** (Section 620.2(d) - Accessory Use Conditions - Use Unit 1221) to allow for a 16 sq. ft. awning sign in an OL zoned district; per sign plan submitted; subject to all existing signs being removed from the property; finding that the proposed awning sign will contain approximately the same square footage as the existing sign; and finding that the corner lot location with frontage on two streets would allow the business to have two wall signs by right; on the following described property:

12.15.88:529(6)

Case No. 15004 (continued)

Lots 1 and 2, Block 2, Conway Park II Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 15005

Action Requested:

Special Exception - Section 250.3 - Modification of Screening Wall or Fence Requirements - Use Unit 1210, 1213 and 1214 - Request a special exception to modify and/or remove the screening requirements along the south property line, located SW/c 21st Street and 145th East Avenue.

Presentation:

The applicant, **Charles Norman**, 909 Kennedy Building, Tulsa, Oklahoma, stated that he is representing Melvin Simon and Associates, owners of Eastland Shopping Center. He informed that this application deals with screening requirements on the southern boundary of the property (approximately 1700'). Mr. Norman asked the Board to grant a continuance of the application to allow additional time to negotiate with the owner of the apartment complex, which is located adjacent to the shopping center.

Comments and Questions:

Mr. Chappelle asked if modification of screening was approved in 1986, and Mr. Norman replied that landscaping was to be installed along the entire south boundary of the center. He explained that the landscaping was installed, but did not thrive on the interior, due to the slope of the land.

Interested Parties:

Jack Smith, 15 East 15th Street, Tulsa, Oklahoma, represented St. Louis County Federal Savings and Loan, owner of the Eastland Apartments. He stated that there is a need to review plans for the project and that he is agreeable to a continuance.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White "absent") to **CONTINUE** Case No. 15005 until February 2, 1989, as requested by the applicant.

Case No. 15006

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 5', rear yard setback from 20' to 5' and front yard setback from 25' to 8' to allow for an existing dwelling unit and a variance of front setback from 25' to 23' to allow for a detached accessory building.

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance to allow for a detached accessory building to located in the side yard, located 2215 East Archer Street.

Presentation:

The applicant, **Alice Goins**, 2215 East Archer, Tulsa, Oklahoma, submitted a plot plan (Exhibit C-1) and stated that she is planning to build a garage on the east portion of her lot. She pointed out that the house was constructed on the extreme west portion of the 150' lot and there is ample space for the proposed garage.

Interested Parties:

Clifford London, 7531 East 54th Street South, Tulsa, Oklahoma, represented the Second Presbyterian Church located at 76 North Zuni. After viewing the site plan, Mr. London stated that the church would not be opposed to the application.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White "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 5', rear yard setback from 20' to 5' and front yard setback from 25' to 8' to allow for an existing dwelling unit and a variance of front setback from 25' to 23' to allow for a detached accessory building; and to **APPROVE** a **Variance** (Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206) to allow for a detached accessory building to located in the side yard; per plot plan submitted; finding that the house was constructed many years ago and does not meet the present setback requirements; and finding that there are numerous detached garages in the older area, and the rear wall of the proposed garage will align with the rear wall of the existing house; and finding that the granting of the variance requests will not cause substantial detriment to the neighborhood, or impair the spirit, purposes and intent of the Code or the Comprehensive Plan; on the following described property:

Lot 8, Block 16, Cherokee Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15007

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of setback from South Victor Avenue from 35' to 24', located 1805 East 32nd Place.

Presentation:

The applicant, **Sam Daniel III**, 1924 South Utica, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1) for an addition to an existing dwelling at the above stated location. He explained that he is representing a client whose house and proposed addition will be located on a curve, as 32nd Place curves into Victor Avenue. He stated that there is a question as to the setback requirement on Victor, and since the addition is extensive, he is requesting a determination from the Board before construction begins.

Comments and Questions:

Mr. Gardner advised that the addition will actually encroach on the building setback line that is on the face of the plat, and technically does not need the relief requested, but needs some official record to show that it has the right to be there.

Ms. Hubbard stated that, if Victor was shown on the Major Street Plan, the applicant would need to be before the Board. She informed that the street is not shown on the Major Street Plan, but has more right of way than a standard residential street, and the applicant does not need zoning relief.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of setback from South Victor Avenue from 35' to 24'; finding that the building setback depicted on the plat is greater than the actual required zoning setback from the centerline of Victor; on the following described property:

Lots 2 and 15, Block 5, Resubdivision of Lots 12, 13, 14 and 15, Block 5, Bren-Rose Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15008

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required street frontage from 30' to 17.84', located NE/c 83rd Place and South 76th East Avenue.

Presentation:

The applicant, Phil Smith, 5157 East 51st Street, Tulsa, Oklahoma, was not present. A plat (Exhibit M-1) was previously submitted.

Comments and Questions:

Mr. Gardner informed that the tract has been divided into three lots and due to the cul-de-sac location and the irregular shape, the southernmost lot does not have the required 30' of street frontage.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White "absent") to **APPROVE** a **Variance** (Section 207 - Street Frontage Required - Use Unit 1206) of the required street frontage from 30' to 17.84'; finding a hardship demonstrated by the cul-de-sac location and the irregular shape of the lot; on the following described property:

A part of the NE/4 of Section 14, T-18-N, R-13-E, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit:

Commencing at the SE/c of Lot 10, Block 1, Southfield Estates 2nd, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; thence S 23°26'42" E, along the west line of Creekwood, an addition to the City of Tulsa, a distance of 185.62' to the Point of Beginning; thence continuing S 23°26'42" E, a distance of 80.00' to a point; thence S 66°33'18" W, a distance of 130.00' to a point on the east line of South 76th East Avenue; thence N 23°26'42" W along the east line of South 76th East Avenue a distance of 80.00' to a point; thence N 66°33'18" E a distance of 130.00' to the Point of Beginning, and containing 10,400 sq. ft., more or less, City of Tulsa, Tulsa County, Oklahoma.

AND

A part of the NE/4 of Section 14, T-18-N, R-13-E, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit:

Case No. 15008 (continued)

Commencing at the SE/c of Lot 10, Block 1, Southfield Estates 2nd, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; thence S 23°26'42" E, along the west line of Creekwood, an addition to the City of Tulsa, a distance of 265.62' to the Point of Beginning; thence continuing S 23°26'42" E a distance of 130.00' to a point; thence N 88°44'33" W a distance of 110.07' to a point; thence N 44°00'04" W a distance of 42.72' to a point; thence S 66°33'18" W a distance of 15.00' to a point on the east right-of-way line of South 76th East Avenue; thence N 23°26'42" W, along the east right-of-way line of South 76th East Avenue a distance of 44.00' to a point; thence N 66°33'18" E a distance of 130.00' to the Point of Beginning, and containing 12,320.00 sq. ft.

AND

A part of the NE/4 of Section 14, T-18-N, R-13-E, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit:

Commencing at the SE/c of Lot 10, Block 1, Southfield Estates 2nd, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; thence S 23°26'42" E, along the west line of Creekwood, an addition to the City of Tulsa, a distance of 395.62' to the Point of Beginning; thence continuing S 23°26'42" E a distance of 84.98' to a point on the northerly line of Lot 7, Block 24, Chimney Hills South, Blocks 18-31; thence S 65°31'46" W, along the northerly line of Block 24, a distance of 129.62' to the SE/c of Lot 1, Block 9, Southfield Estates; thence N 24°28'14" W a distance of 0.00' to a point; thence along the east line of said Lot 1, Block 9, on a curve to the right, with a central angle of 1°01'32" and a radius of 2475.00' a distance of 44.30' to a point; thence N 23°26'42" E along the east line of said Lot 1, Block 9, a distance of 111.16' to the NE/c of said Lot 1, Block 9; thence continuing N 23°26'42" E along the easterly right-of-way line of South 76th East Avenue, a distance of 17.84' to a point; thence N 66°33'18" E a distance of 15.00' to a point; thence S 44°00'04" E a distance of 42.72' to a point; thence S 88°44'33" E a distance of 110.17' to the Point of Beginning, and containing 15,722.81 sq. ft. more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15009

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205 - Request a special exception to allow for church use (off-street parking) in an RM-1 zoned district, located NE/c Denver Avenue and Fairview Street.

Presentation:

The applicant, **Terry Young**, 2311 North Elwood, Tulsa, Oklahoma, represented the Centenary Methodist Church. He informed that this application stems from a prior 1987 application concerning parking for the Fairview apartment building, which is located adjacent to the subject property. Mr. Young stated that, at the time of the 1987 meeting, it was determined that the Fairview Apartments were in need of nine additional parking spaces to satisfy Code parking requirements. He pointed out that a reciprocal parking agreement was executed which would allow Fairview Apartments to use the church parking lot. Mr. Young stated that the church has recently purchased a portion of RM-1 property to the south and requested permission to use it for off-street parking.

Comments and Questions:

Ms. Bradley advised that the Code states that special exceptions for parking in RM-1 zoned districts are not allowed, and that this use has been approved, on occasion, by a use variance, which the law no longer allows.

Mr. Jackere stated that parking is an accessory use for the church, with the principal use being the place where worship takes place, however, parking located on a separate lot is the principal use of that lot. Mr. Jackere asked Mr. Young if the church would ever conduct services on the lot, and he replied that he has no knowledge of such services. Mr. Jackere advised that, as a legal matter, the Board does not have jurisdiction to grant the use.

Mr. Young stated that, if necessary, the church could hold a tent revival in the future and use this parking lot for that purpose.

Mr. Quarles asked Mr. Jackere if the execution of a tie contract between the church and the parking lot would be of some benefit in this case, and he replied that a tie contract would be beneficial if the Board is inclined to approve the application.

Interested Parties:

Dora Rodriguez, 211 West Fairview, Tulsa, Oklahoma, asked if the properties beside the apartment building will be affected by this application, and Mr. Quarles assured her that the surrounding houses will not be affected.

Case No. 15009 (continued)

Additional Comments:

Mr. Quarles asked the applicant if the church would be agreeable to the execution of a tie contract on the two properties, and he answered in the affirmative.

Mr. Gardner pointed out that, if the property was replatted, the applicant would not need the relief requested.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 2-1-0 (Chappelle, Quarles, "aye"; Bradley, "nay"; no "abstentions"; Smith, White "absent") to **APPROVE*** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205) to allow for church use (off-street parking) in an RM-1 zoned district.

*The motion failed for lack of three affirmative votes.

Additional Comments:

Mr. Young noted that there are only three Board members present and requested a rehearing of this case at the next scheduled meeting.

There was Board discussion concerning the rehearing, with Mr. Quarles voicing some concern with voting on rehearing, while Mr. Chappelle pointed out that this has been done in the past.

Mr. Jackere informed that the Board can vote to reconsider the motion.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 2-1-0 (Chappelle, Quarles, "aye"; Bradley, "nay"; no "abstentions"; Smith, White "absent") to **RECONSIDER*** Case No. 15009.

*A majority vote is required for reconsideration of a previously heard case.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White "absent") to **CONTINUE** Case No. 15009 to January 5, 1989.

Case No. 15010

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1210 - Requests a special exception to allow for off-street parking for an existing apartment complex separate from the principal use, in an RM-2 zoned district, located south of SW/c of 14th Street and Trenton Avenue.

Comments and Questions:

Mr. Quarles stated that he must abstain to avoid a conflict of interest.

Board Action:

On MOTION of BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White "absent") to CONTINUE Case No. 15010 to January 5, 1989.

Case No. 15011

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required frontage on a public street from 30' to 0', located 1732 South Sheridan Road.

Presentation:

The applicant, Kirk Davis, 7916 South 88th East Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit N-1) and explained that he owns an interior 3-acre tract that is surrounded by agricultural land and is without street frontage. He stated that he was denied a building permit because the property does not have access to a public street.

Comments and Questions:

Mr. Gardner asked the applicant how long he has owned the tract, and he replied that he purchased the property approximately 15 years ago.

Board Action:

On MOTION of QUARLES, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White "absent") to APPROVE a Variance (Section 207 - Street Frontage Required - Use Unit 1206) of the required frontage on a public street from 30' to 0'; finding a hardship demonstrated by the large size of the lot and the fact that the tract is landlocked; on the following described property:

Part of the NE/4, SE/4, beginning at the NW/c, E/2, SW/4, NE/4, SE/4, thence east 335.61', south 289.01', southeast 44.59', south 123.1', northwest 392.28', north 304.25' to the Point of Beginning, Section 34, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15013

Action Requested:

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance to allow a detached accessory building to locate in the side yard, located 3207 South Braden Avenue.

Presentation:

The applicant, **Joan Payne**, 3207 South Braden, Tulsa, Oklahoma, submitted a plat of survey (Exhibit P-1), and requested permission to move a 20' by 35' building from her former home to her property at the above stated location. She explained that the building is to be used for a workshop and will be located on the lot beside the existing dwelling.

Comments and Questions:

Ms. Bradley asked the applicant if her property line extends to the fence on the south, and she answered in the affirmative.

Ms. Bradley asked Ms. Payne if there are other accessory buildings on the lot, and she replied that there is a 10' by 12' storage building located on the east portion of the lot. The applicant stated that she would like to retain both structures, but would prefer to have the 20' by 35' workshop if only one is allowed.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White "absent") to **APPROVE** a **Variance** (Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206) to allow a detached accessory building (20' by 35') to locate in the side yard; per plat submitted; subject to the removal of an existing 10' by 20' accessory building; and subject to the execution of a tie contract; finding a hardship demonstrated by the large size of the lot; and finding that the number of accessory buildings will not be increased; on the following described property:

The north 35' of Lot 6, and a tract lying in a part of Lot 7 of the resubdivision of Lot 1, Block 3, Yorkshire Estates, and a part of Lot 3, Twin Acres, addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, being more particularly described as follows: Beginning at the SE/c of Lot 7; thence west along the south line of Lot 7 for 140.0'; thence north for 66.01'; thence N 78°27'52" E for 0.00'; thence on a curve to the left with a radius of 50.0' and a center angle of 38°27'52" a distance of 33.57'; thence S 50° E a distance of 27.79'; thence E 90.41'; thence E 90.41' to a point on the east line of Lot 7; thence south 65.0' to the Point of Beginning, and known as 3205 and 3207 South Braden Avenue, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15014

Action Requested:

Special Exception - Section 1680.1(g) - Special Exception - Use Unit 1210 - Request a special exception to allow for off-street parking in an RS-3 zoned district.

Variance - Section 1340.(d) - Design Standards for Off-Street Parking - Use Unit 1210 - Request a variance to allow for gravel parking, located SE/c 11th and Harvard/Indianapolis Avenues.

Presentation:

The applicant, **Michael Hackett**, 2642 East 21st Street, Tulsa, Oklahoma, submitted a parking layout (Exhibit E-1), and stated that the parking lot in question has been used for this purpose for approximately 12 years. He explained that Moguin's Gym currently provides 10 off-street parking spaces, Nation Check Cashers has five spaces and the proposed lot will accommodate 21 additional vehicles for the two businesses. It was noted that only 13 additional spaces are required by the Code.

Comments and Questions:

Ms. Bradley asked Mr. Hackett if the lot in question will be paved, and he replied that the owner has agreed to pave the lot and the variance request for gravel parking will be withdrawn.

Protestants:

The resident at 1120 South Indianapolis stated that she has previously complained about the parking lot and the owner has constructed a privacy fence between the lot and her property, but due to the fact that her property is at a higher elevation, her house is still visible from the lot. She remarked that her driveway is eroding due to the erection of the fence, and that there is drinking and loitering on the parking lot. Photographs (Exhibit E-2) were submitted.

Ms. Bradley asked the protestant to state the height of the fence, and she replied that it is 5' on the parking lot, but is only 4' tall on her side of the fence.

Mr. Quarles asked the protestant if there was a cut in the grade or if dirt was moved during the erection of the fence, and she replied that there was no dirt moved.

Stanley Sumner asked the Board if he would be allowed to deposit dirt against the fence and what the consequences would be if the fence was damaged as a result of the fill-in. Mr. Jackere suggested that he consult with his attorney for the answer to this question.

A letter of protest (Exhibit E-3) was received from William and Loretta Hobson.

Case No. 15014 (continued)

Applicant's Rebuttal:

Mr. Hackett noted that the grade of the land was not altered during the installation of the fence. He pointed out that the business locations were commercially zoned during the 1930's and parking provided at that time is not sufficient for the current businesses. He asked the Board to withdraw the variance to allow for a gravel parking lot and approve the request for off-street parking.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White "absent") to **APPROVE** a **Special Exception** (Section 1680.1(g) - Special Exception - Use Unit 1210) to allow for off-street parking in an RS-3 zoned district; and to **WITHDRAW** a **Variance** (Section 1340.(d) - Design Standards for Off-Street Parking - Use Unit 1210) to allow for gravel parking; finding that the vacant lot abutts commercial property on two sides and has been used as a parking lot for several years; and finding that the granting of the special exception request will not be detrimental to the area; on the following described property:

Lot 35, Block 2, Harvard Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15015

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in Industrial Districts - Use Unit 1223 - Request a variance of lot frontage from 50' to 20' (on a non-arterial street) in an IL zoned district, to permit a lot split, located 4500 Block of South 93rd East Avenue.

Presentation:

The applicant, **Blane Henshaw**, 2700 North Hemlock Court, Broken Arrow, Oklahoma, stated that he is proposing to split Lot 8 into two tracts, one of which will have a 20' access handle to South 93rd East Avenue. He informed that the remaining tract meets frontage requirements. Mr. Henshaw stated that a railroad spur divides the lot and the southeast portion does not have street frontage and is in need of the handle for street access.

Protestants: None.

Case No. 15015 (continued)

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White "absent") to **APPROVE** a **Variance** (Section 930 - Bulk and Area Requirements In Industrial Districts - Use Unit 1223) of lot frontage from 50' to 20' (on a non-arterial street) in an IL zoned district, to permit a lot split; finding that the tract is already divided by a railroad spur and the southeast portion is in need of the 20' handle to access the street; on the following described property:

Lot 8, Block 3, Alexander Trust Amended Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15016

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential District - Use Unit 1205 - Request a special exception to allow for the modifications of approval for an existing day care center in an RM-1 zoned district, located 3008 North Quaker Avenue.

Presentation:

The applicant, **Helen Ward**, 415 East Independence, Tulsa, Oklahoma, Tulsa Housing Authority, stated that the day care center in question was previously granted permission to operate a center which did not include the care of infants, and asked the Board to modify the conditions to include care for children from birth to 12 years of age.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential District - Use Unit 1205) to allow for the modifications of approval for an existing day care center in an RM-1 zoned district; subject to a maximum of 14 children, with ages ranging from birth to 12 years; finding that the day care operation has been in existence for several months and has proved to be compatible with the area; on the following described property:

Block 2, Comanche Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15017

Action Requested:

Special Exception - Section 420 - Accessory Uses In Residential Districts - Use Unit 1211 - Request a special exception to allow for a life insurance/brokerage office as a home occupation in an RS-3 zoned district, located 6680 South Oxford Avenue.

Presentation:

The applicant, **Bob Nichols**, 111 West 5th Street, Tulsa, Oklahoma, requested by letter (Exhibit F-1) that Case No. 15017 be continued to January 19, 1989.

Protestants:

W. C. Johnson, 6115 East 67th Court, Tulsa, Oklahoma, stated that there are a number of protestants that have left their work places to attend the meeting, and asked that the case be heard in its regular order.

Mr. Chappelle explained that it is the practice of the Board to grant one continuance to either the applicant or protestant, if the request is received in a timely manner.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White "absent") to **CONTINUE** Case No. 15017 to January 19, 1989, as requested by the applicant.

Case No. 15019

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements In Residential districts - Use Unit 1206 - Request a variance of front yard setback from 25' to 0' to allow for a carport, located 1032 North Vandalla Avenue.

Presentation:

The applicant, **Vern Kidd**, 1032 North Vandalla, Tulsa, Oklahoma, submitted a plot plan (Exhibit G-1), and asked the Board to approve the construction of a carport on his property, at the above stated address.

Comments and Questions:

Ms. Bradley asked if there are other carports in the area, and Mr. Kidd replied that there are three or four carports in the immediate vicinity.

In response to Mr. Quarles' inquiry, the applicant informed that the carport will be located 8' from the curb.

Case No. 15019 (continued)

Mr. Gardner asked the applicant if his residence fronts on Vandalla and the carport on Latimer Street, and he answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential districts - Use Unit 1206) of front yard setback from 25' to 0' to allow for a carport fronting Latimer Street; per plot plan submitted; finding a hardship demonstrated by the corner lot location of the property, with setbacks on two streets; and finding that there are numerous carports in the area and the granting of the variance request will not cause substantial detriment to the public good or impair the spirit, purposes or intent of the Code or the Comprehensive Plan; on the following described property:

Lot 1, Block 9, Modern Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15022

Action Requested:

Variance - Section 1130.2(b) - Accessory Uses - Use Unit 1221 - Request a variance of the size of an awning sign from 2 sq. ft. per street frontage to 3 sq. ft. per street frontage (54 sq. ft.) sign in an RS-3/PUD zoned district, located 8518-C East 71st Street.

Presentation:

The applicant, Craig Neon Sign, 1889 North 105th East Avenue, Tulsa, Oklahoma, was represented by **Ralph Sigler**, who submitted a sign plan (Exhibit H-1) and photographs (Exhibit H-2) of other signs in the area. He explained that the sign for Klass Act Kleeners will be 3' by 18' and will be comparable in size to others in the immediate vicinity.

Comments and Questions:

Mr. Gardner pointed out that sign requirements in the Planned Unit Development are more restrictive than those in a regular commercial district.

Protestants: None.

Case No. 15022 (continued)

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Chappelle, Quarles, "aye"; no "nays"; no "abstentions"; Smith, White "absent") to **APPROVE** a **Variance** (Section 1130.2(b) - Accessory Uses - Use Unit 1221) of the size of an awning sign from 2 sq. ft. per building frontage to 3 sq. ft. per building frontage (54 sq. ft. sign) in an RS-3/PUD zoned district; per sign plan submitted; subject to TMAPC approval; finding that the sign in question is comparable in size to surrounding signs, and that the granting of the request will not be detrimental to the area; on the following described property:

The east 226' of Lot 8, Block 2, El Paseo Addition, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:58 p.m.

Date Approved

1-5-89

Cowley

Chairman

