

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 530
Thursday, January 5, 1989, 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 Smith White	Quarles	Gardner Moore Taylor	Jackere, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, January 3, 1989, at 12:52 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:

Ms. Bradley pointed out that the motion paragraph for Case No. 15009 which was heard on December 15th contains an error, and the vote should read 3-0-0, instead of 2-1-0, as stated in the minutes.

On **MOTION** of **BRADLEY**, the Board voted 2-0-1 (Bradley, Chappelle, "aye"; no "nays"; White, "abstaining"; Quarles, Smith, "absent") to **APPROVE** the Minutes of December 15, 1988, as corrected.

UNFINISHED BUSINESS

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.

Presentation:

The applicant, **Wayne Wright**, was not present.

Comments and Questions:

Mr. Taylor explained that the applicant moved his business to a new location and is requesting a sign to direct customers to the new address. He noted that Mr. Wright has requested one previous continuance and stated that he had planned to be out of town for the January 5th meeting.

Case No. 14994 (continued)

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-1-0 (Bradley, Chappelle, White "aye"; Smith "nay"; no "abstentions"; Quarles "absent") to **DENY**, without prejudice, a **Variance** (Section 1221 - Use Conditions for Business Signs - Use Unit 1221) to allow for an existing off-site directional sign; finding that the applicant has failed to appear at two consecutive meetings; on the following described property:

Lot 24, Block 19, Alsuma Addition, 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**, requested by letter (Exhibit A-1) that Case No. 15009 be continued to February 2, 1989 to allow sufficient time to readvertise for additional relief on the subject property.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Chappelle, White "aye"; no "nays"; no "abstentions"; Quarles, Smith, "absent") to **CONTINUE** Case No. 15009 to February 2, 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.

Presentation:

The applicant, **Terry Young, 2311 North Elwood, Tulsa, Oklahoma**, who submitted photographs (Exhibit B-2) and a parking layout (Exhibit B-2), stated that Tulsa Apartments Group One is the owner of the Arlington Apartments, which contains 22 units. He informed that the building will be renovated and, upon completion, will contain one three-bedroom unit, nine two-bedroom units and 12 one-bedroom units. Mr. Young stated that parking for the apartments is limited, with approximately eight off-street spaces provided.

Case No. 15010 (continued)

It was noted that 38 parking spaces would be required by the Code, and the tract of land to the east has been acquired to provide additional parking. He informed that an underground lot can accommodate four compact cars, or two regular sized cars, and the remainder of the existing parking is behind the building. Mr. Young stated that a total of 33 parking spaces will be provided for the apartment complex when the project is complete.

Comments and Questions:

Ms. White asked the applicant if his client will execute a tie contract on the two pieces of property, and he replied that the owner is not opposed to a tie contract.

Mr. Jackere remarked that the parking is not required parking, as the use is non-conforming.

Ms. White stated that there is traffic congestion in the area and suggested that, if approved, a tie contract should be a condition of approval.

Protestants: None.

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 **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1210) to allow for off-street parking for an existing apartment complex separate from the principal use, in an RM-2 zoned district; per parking layout submitted; subject to the execution of a tie contract on the property containing the apartment building and the lot to the east; finding that the apartments were constructed many years ago and the parking provided at that time does not supply today's needs; and finding that the proposed parking lot will relieve some street parking and will not be detrimental to the area; on the following described property:

Lots 23 and 24, Block 12, Forrest Park Reamended, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15026

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Street - Use Unit 1221 - Request a variance of setback from the centerline of 51st Street from 50' to 40' to allow for the replacement of an existing ground sign, located 8335 East 51st Street.

Case No. 15026 (continued)

Action Requested:

The applicant, **Derek Briggs, 9133 East 46th Street, Tulsa, Oklahoma**, stated that a 10' by 6' sign was removed and replaced by a ground sign. He informed that the distance from the centerline of the street to the edge of the sign is 40', or 44' to the back of the sign. A sign plan (Exhibit C-2) was submitted.

Comments and Questions:

Mr. Chappelle inquired as to the location of the previous sign, and the applicant replied that the front of the sign was approximately 36' from the centerline of 51st Street. He pointed out that the existing sign is further from the street than the one that was replaced.

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 Street - Use Unit 1221) of setback from the centerline of 51st Street from 50' to 40' to allow for the replacement of an existing ground sign; per plot plan submitted; subject to the execution of a removal contract; finding that the sign in question is actually further from the centerline of 51st Street than the previous sign, and that the approval of the request will not be detrimental to the area; on the following described property:

W/2, Lot 8, Block 1, Resubdivision 2nd Research and Development Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15045

Action Requested:

Variance - Section 430.1 - Bulk & Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of setback from the centerline of East 55th Street from 50' to 48' to allow for an existing dwelling in order to clear the title, located 5505 East 67th East Avenue.

Presentation:

The applicant, **Jeanne McNamara**, was represented by **Jan Hollifield, 5505 South 67th East Avenue, Tulsa, Oklahoma**, who submitted a plat of survey (Exhibit D-1), and explained that the house in question was constructed 1.8' over the setback line approximately 25 years ago. Ms. Hollifield stated that she is before the Board in order to clear the title to the subject property.

Protestants: None.

Case No. 15045 (continued)

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 & Area Requirements In Residential Districts - Use Unit 1206) of setback from the centerline of East 55th Street from 50' to 48' to allow for an existing dwelling in order to clear the title; per survey submitted; on the following described property:

Lot 28, Block 1, Sungate Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15047

Action Requested:

Variance - Section 430.1 - Bulk & Area Requirements In Residential Districts - Use Unit 1206 - Request a minor variance of setback from the centerline of 30th Street from 60' to 48', located 1778 East 30th Street.

Presentation:

The applicant, **Bryan McCracken**, requested by letter (Exhibit E-1) that Case No. 15047 be withdrawn.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles "absent") to **WITHDRAW** Case No. 15047, as requested by the applicant.

NEW APPLICATIONS

Case No. 15020

Action Requested:

Special Exception - Section 420 - Accessory Uses In Residential Districts - Use Unit 1215 - Request a special exception to allow a home occupation (plastering company) in an RS-1 zoned district, located 1915 South 85th East Avenue.

Presentation:

The applicant, **Erwin Phillips, PO Box 278, Sand Springs, Oklahoma**, submitted a petition of support (Exhibit F-1), and stated that he is representing Jerry Brown, owner of the subject property and operator of the plastering business. He explained that there are large lots in the area and many of the homes have large accessory buildings. It was noted by Mr. Phillips that the area has multiple zoning classifications and uses. He stated that the Building Inspector has visited his clients property and requested that he make application for a home occupation to operate the plastering business in the residential neighborhood. He informed that there are no signs and no employees coming to the location.

Case No. 15020 (continued)

Comments and Questions:

Ms. White asked what prompted the Building Inspector to review the site, and the applicant replied that there was evidently a protest from someone in the neighborhood.

Ms. Hubbard informed that the Inspector was probably from Code Enforcement and not from the Building Inspector's office.

Ms. Bradley asked the applicant to explain the plastering operation.

Jerry Brown, owner of the property, stated that he bids on jobs and goes to the job site to complete the work, with only bookkeeping being done in his home.

Ms. Bradley inquired as to equipment storage, and Mr. Brown informed that all equipment is stored in a warehouse located on the subject property.

Mr. Jackere asked what type of equipment is stored on the lot, and Mr. Brown replied that he stores mixers and scaffolds in the warehouse.

Ms. White noted that she reviewed the site and that equipment is being stored outside the building. She asked if employees ever come to the residence, and Mr. Brown stated that they only come to his home to pick up their check or load the truck.

Ms. White asked the number of employees involved in the business, and if they make a trip to the house each day. Mr. Brown explained that his four employees only come to his home before each job to pick up materials and equipment, and do not return until another job is scheduled.

Protestants:

Ray Cosby, cochairman for District No. 5, submitted a petition of opposition (Exhibit F-1) and a packet (Exhibit F-2) containing photos, property history and citizen complaints. He informed that the huge building houses a business that exceeds the limits of a true home occupation, and that the other large buildings in the area were constructed without permits. Mr. Cosby stated that a zoning violation has continued to exist on the property for many years, with yellow page ads supporting this fact. He asked the Board to deny the application.

E. A. Waterfield, 8820 East 16th Street, Tulsa, Oklahoma, remarked that there has been an effort to circumvent the zoning laws on the subject property.

Case No. 15020 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles "absent") to **DENY** a **Special Exception** (Section 420 - Accessory Uses In Residential Districts - Use Unit 1215) to allow a home occupation (plastering company) in an RS-1 zoned district; finding that the plastering company is not compatible with the residential neighborhood, 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:

The north 146.5' of the south 439.5' of the east 305', Block 10, O'Connor Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15021

Action Requested:

Variance - Section 430.1 - Bulk & Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of front setback (Columbia Place) from 25' to 10' to allow for an existing carport in order to clear the title, located 1732 South Columbia Place.

Presentation:

The applicant, **Carol Turner, 1732 South Columbia Place, Tulsa, Oklahoma**, submitted a plot plan (Exhibit G-1) for a carport that has been at the present location for two years. A letter of support (Exhibit G-2) was submitted.

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 & Area Requirements In Residential Districts - Use Unit 1206) of front setback (Columbia Place) from 25' to 10' to allow for an existing carport in order to clear the title; finding that the carport has been in place approximately two years; on the following described property:

Lot 7, Block 2, Wilson View 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15023

Action Requested:

Variance - Section 1221.7 - Use Conditions for Outdoor Advertising Signs - Use Unit 1221 - Request a variance of spacing between outdoor advertising signs from 1200' to 900' and a variance of setback from an R District from 150' to 13' to allow for said sign, located 2615 South Harvard Avenue.

Presentation:

The applicant, **David Tracy, 1701 South Boston, Tulsa, Oklahoma**, stated that he is representing Bob Spraker, owner of the property in question, and Bill Stokley, Stokley Outdoor Advertising.

Bill Stokley, 8921 South 70th East Avenue, Tulsa, Oklahoma, submitted photographs (Exhibit H-1), and a letter (Exhibit H-2) explaining the application. He informed that Donrey Advertising has supplied billboards for Spraker Volkswagen for a number of years, and Mr. Spraker is planning to improve the advertising for his business. Mr. Stokley stated that there are both on-premise and outdoor advertising signs in place, and his company will install a sign to reduce the advertising space by more than one-half (approximately 1000 sq ft), and reduce the sign faces from six to four. He pointed out that there is a distance of approximately 300' from the three-sided sign across the street, to the west of Harvard, to the nearest Spraker advertising sign. He informed that the State requires a 500' separation between signs, and the City requires 1200'. Mr. Stokley stated that the proposed sign will be installed approximately 900' from the nearest one across Harvard. A plot plan (Exhibit H-3) was submitted.

Comments and Questions:

Mr. Jackere asked if the westernmost sign will be an on-premise sign and if the easternmost sign will be a back-to-back single face sign, and Mr. Stokley answered in the affirmative.

Mr. Gardner asked if the two existing signs will be removed, and Mr. Stokley replied that both signs will be removed, with a new sign replacing the easternmost structure. Mr. Gardner asked if the size of the sign will be reduced from 500 sq ft to 400 sq ft, and Mr. Stokley answered in the affirmative.

Bob Spraker, 2615 South Harvard, Tulsa, Oklahoma, stated that the existing signs are not satisfactory and will be replaced. He pointed out that the new signs will be an improvement to his property and to the City as well.

Mr. Gardner asked Mr. Spraker when the easternmost sign was installed, and if the sign west of Harvard was in place at that time. Mr. Spraker replied that his advertising sign was installed approximately 15 years ago and the sign across Harvard has been constructed since that time.

Case No. 15023 (continued)

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles "absent") to **APPROVE** a **Variance** (Section 1221.7 - Use Conditions for Outdoor Advertising Signs - Use Unit 1221) of spacing between outdoor advertising signs from 1200' to 900' and a variance of setback from an R District from 150' to 13' to allow for said sign; per plot plan; subject to the two existing outdoor advertising sign structures being replaced with one sign; finding that the actual amount of signage will be reduced and the sign faces will be reduced from six to four; and finding that the spacing between signs will be increased from 300' to approximately 900'; on the following described property:

Lot 14, Block 6, Kirkmoore Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15025

Action Requested:

Variance - Section 430.1 - Bulk & Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of side yard setback from 5' to 2' to allow for an addition to an existing dwelling, 7701 South 80th East Avenue.

Presentation:

The applicant, **John Pierce, 7701 South 80th East Avenue, Tulsa, Oklahoma**, who submitted a letter (Exhibit J-1) and photographs (Exhibit J-3), stated that he has constructed a storage unit to house his boat. He explained that he initially poured the slab and built a cover for the boat, but due to damages sustained by vandals, decided to enclose the structure. Mr. Pierce informed that he completed the project and was unaware that a building permit was required. He stated that he is now attempting to sell his home and a real estate agent pointed out to him that the structure is exceptionally close to the lot line. He asked the Board to approve the variance request.

Protestants:

Larry Jones and Janet Jones, 7707 South 80th East Avenue, Tulsa, Oklahoma, who submitted a letter and survey (Exhibit J-2), stated that they live to the south of the subject property. It was noted that the front of the addition is 12 1/2" from the boundary line and the rear of the addition is 11 1/2" from the boundary, which is not sufficient space to access the back yard or to maintain the property. Mr. Jones stated that he has lived at the present location for 10 years and feels that it is offensive to have the addition so close to his home.

Case No. 15025 (continued)

Comments and Questions:

Ms. White asked Mr. Jones if he recognized this as a problem while the addition was under construction, and he replied that initially Mr. Pierce only poured a pad, and later made a carport, both of which were not too much of a problem. He stated that the addition was completely enclosed about two months ago.

Applicant's Rebuttal:

Mr. Pierce pointed out that he discussed the proposed construction with Mr. Jones before the work began, and he stated that Mr. Jones was not opposed to the addition at that time.

Additional Comments:

Ms. Bradley asked Mr. Pierce if he agrees that the distance between the addition and the Jones' property line is 11 1/2" to 12 1/2", and he answered in the affirmative.

Mr. Gardner advised that the reason for having minimum setbacks between structures is to provide, light, air, safety from fire, etc., and the pouring of the pad does not decrease that space, however, an enclosed building eliminates the open space. He pointed out that maintenance on the addition would not be possible if the owner to the south constructed a fence on his property line.

Mr. Smith stated that, due to the fact that the addition has a lean-to roof and is not an overly substantial structure, it should be removed and the house restored to its original state.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles "absent") to **DENY** a **Variance** (Section 430.1 - Bulk & Area Requirements in Residential Districts - Use Unit 1206) of side yard setback from 5' to 2' to allow for an addition to an existing dwelling; finding that the addition is actually only 1' from the property line and does not allow sufficient space for maintenance; and finding that the granting of the variance request would cause substantial detriment to the neighborhood and would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 13, Block 1, Sweetbriar East Extended Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15027

Action Requested:

Special Exception - Section 420 - Accessory Uses Permitted In Residential District - Use Unit 1217 - Request a special exception for a home occupation to allow for automobile repair, 2647 East 28th Street North.

Presentation:

The applicant, **Robert B. Flagg, 2647 East 28th Street North, Tulsa, Oklahoma**, submitted a letter (Exhibit K-1) explaining the application, and stated that he has owned the subject property for approximately 20 years. He informed that a previous application for automobile repair at this location was denied. Mr. Flagg explained that he lived at another address at the time the previous case was heard, but now resides on the property in question and plans to operate his business as a home occupation. The applicant stated that he has spoken with the surrounding property owners and they are supportive of the application.

Comments and Questions:

Ms. Bradley asked the applicant if the house is served with City utilities, and he answered in the affirmative. He explained that the house is connected to the City water line, but due to a water line break, there is no water in the house at this time. He informed that all other utilities are hooked up.

In response to Mr. Smith's question, the applicant informed that the house is served by a sanitary sewer.

Mr. Smith inquired as to the type of auto repair business that will be conducted on the property, and Mr. Flagg replied that he plans to do oil changes and small engine repair, with no body work or painting. He noted that the used oil will be stored in drums and properly disposed of.

Ms. White asked Mr. Flagg if he is currently living on the subject property, and he answered in the affirmative.

Mr. Smith asked the applicant if he is living in the house without water and sewer, and he reiterated that he is currently living on the property in question.

Ms. Bradley noted that she has viewed the site and that there is a great deal of rubbish and outside storage on the lot. Mr. Flagg stated that he is planning to clear the debris from the lot and improve the property.

There was discussion as to the number of automobiles that will be stored on the property, and the applicant stated that there will never be more than four vehicles on the lot at any given time.

Case No. 15027 (continued)

Protestants:

George Harris, 2643 East 27th Street North, Tulsa, Oklahoma, stated that he lives to the south of the subject tract, and that there are junk cars on the lot at this time. He stated that the property is located on a dead end street and all traffic will enter and exit in front of his home. He asked the Board to deny the application.

Applicant's Rebuttal:

Mr. Flagg stated that he plans to remove the trash from the property and clean up the lot.

Board Action:

On MOTION of BRADLEY, the Board voted 3-0-1 (Bradley, Smith, White "aye"; no "nays"; Chappelle, "abstaining"; Quarles "absent") to **DENY** a **Special Exception** (Section 420 - Accessory Uses Permitted In Residential District - Use Unit 1217) for a home occupation to allow for automobile repair; finding that an automobile repair business is not compatible with the area; and the granting of the special request would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 24, Block 2, Ben C. Franklin Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15028

Action Requested:

Variance - Section 620.2(d) - Accessory Use Conditions - Use Unit 1221 - Request a variance to allow for CS signage standards to apply in an OM zoned district; a variance of signage to allow for a 266 sq ft sign (remodeling existing sign) and a variance to allow for more than one sign per street frontage in an OM zoned district, located 4311 East 31st Street.

Presentation:

The applicant, Ace Hardware, was represented by Susan Little, 4311 East 31st Street, Tulsa, Oklahoma, who stated that the property in question was granted an exception for CS use in December of 1977. She informed that the requested variance would allow for more than one sign per street frontage, and enable the installation of a 3' by 14' projection sign, in addition to the use of an existing sign.

Comments and Questions:

Mr. Gardner explained that an Industrial use was in operation on the subject property prior to Board approval for a commercial shopping center in 1976. He noted that two signs would be allowed by right if the property was zoned CS.

Ms. Little stated that the existing pole sign contains approximately 270 sq ft of area and that she plans to lower the sign and reduce the size to 266 sq ft.

Case No. 15028 (continued)

Mr. Jackere asked the applicant if she represents the shopping center, and she replied that she does not represent the center. He asked if the entire sign will be devoted to advertising her business only, and she replied that the shopping center has agreed to let her business have use of the sign and to make the sign according to her specifications.

Mr. Taylor informed that a second application for shopping center signage will be presented to the Board on January 19th.

Interested Parties:

Dickson Gunn, 4119 East 30th Street, Tulsa, Oklahoma, stated that he is concerned that all signage be kept in harmony with the City Code. He stated that he is in support of the proposed improvement to the existing sign, but is concerned with sign control in the area.

Mr. Gardner advised that the Board could allow the sign in question, without allowing all CS signage standards.

Jim Shofner stated that he operates a business adjacent to the shopping center and requested a clarification of the application. He asked if the smaller boxes will be made into one large sign, and Ms. Little answered in the affirmative. He suggested that, if both signs are approved, the applicant may have more signage than the other businesses in the center.

Mr. Smith suggested that the application be continued and both signs for the center be considered at the same time.

Mr. Jackere advised that the owner of the property be made aware of the fact that, if this application is approved, the total signage allowed for the center will be used up by one or two tenants.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-1 (Chappelle, Smith, White "aye"; no "nays"; Bradley, "abstaining"; Quarles "absent") to **CONTINUE** Case No. 15028 to January 19, 1989, to allow owner notification, and to allow the Board to act on all requested signage for the subject property on the same date.

Case No. 15029

Action Requested:

Variance - Section 1221.4(c) - CS District Use Conditions For Business Signs - Use Unit 1221 - Request a variance of display surface area from 165 sq ft to 320 sq ft (total).

Variance - Section 1221.3(a) - General Use Conditions For Business Signs - Use Unit 1221 - Request a variance of setback from an R District from 40' to 22', located 1016 North Garnett Road.

Case No. 15029 (continued)

Presentation:

The applicant, **Barry Moydell, 1221 Charles Page Boulevard, Tulsa, Oklahoma**, who submitted a sign plan (Exhibit L-1) and photographs (Exhibit L-2), stated that ownership of the property in question has changed from Econo Lodge to Days Inn, which necessitates a sign change. He pointed out that the total proposed signage is less than that which was previously on the property.

Comments and Questions:

Mr. Gardner stated that the applicant is allowed one 330 sq ft sign for the business, but he is requesting two signs with a total of 320 sq ft. Mr. Gardner pointed out that the allowable footage for more than one sign was cut in half to discourage multiple structures; however, two large signs already exist on the lot.

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 1221.4(c) - CS District Use Conditions For Business Signs - Use Unit 1221) of display surface area from 165 sq ft to 320 sq ft (total); and to **APPROVE** a **Variance** (Section 1221.3(a) - General Use Conditions For Business Signs - Use Unit 1221) of setback from an R District from 40' to 22'; per plot plan submitted; finding that the face of two existing signs will be changed to show the name of the new business; and that the total square footage of the two proposed signs will be smaller than those previously on the tract; on the following described property:

Lot 1, Block 1, Econo Lodge Motel Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15030

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 17 - Request a special exception to allow automotive and allied activities (Use Unit 17) in a CS zoned district.

Variance - Section 1217.3 - Use Conditions - Use Unit 1217 - Request a variance to allow for the open air storage of merchandise within 300' of an R District, located 6100 Charles Page Boulevard.

Presentation:

The applicant, **Oscar Kilian, 6100 Charles Page Boulevard, Tulsa, Oklahoma**, stated that he has been operating an automobile repair business on the subject tract for approximately two years and that he would like to add used car sales to his operation. He informed that there are numerous garages in the area and another used car lot nearby.

Case No. 15030 (continued)

Comments and Questions:

Ms. White inquired as to existing screening, and the applicant explained that there is a cyclone fence around the entire business, but not solid screening. He informed that none of the businesses in the area have screening in place.

Mr. Smith asked the applicant if there is an open alley behind his business, and he answered in the affirmative.

Mr. Jackere asked how long cars have been repaired at this location, and Mr. Killian replied that cars have been repaired and sold at this location for approximately 25 years.

In response to Ms. Bradley's question, the applicant stated that all repair work is completed inside the building.

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 **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 17) to allow automotive repair and automotive sales (Use Unit 17) in a CS zoned district; and to **APPROVE** a **Variance** (Section 1217.3 - Use Conditions - Use Unit 1217) to allow for the open air storage of merchandise within 300' of an R District; finding that automotive repair and used car sales have been conducted on the property for approximately 25 years; and that the granting of the requests will not be detrimental to the area; on the following described property:

Lots 1 and 2, Block 2, Lawnwood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15031

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Requests a special exception to allow for a church and related uses in an RS-1 zoned district, located east of NE/c 71st Street and South Lewis Avenue.

Presentation:

The applicant, **James Smith, 2925 West 56th Street, Tulsa, Oklahoma**, submitted a plot plan (Exhibit M-3) and explained that the house will be converted to a church which will seat approximately 40 people. It was noted by the applicant that there are no plans for a day care or church school, but will only use the building for church services on Sunday and one evening during the week. He stated that the property will be screened as required by the Code and will be hooked up to the City sewer. Photographs (Exhibit M-1) were submitted.

Case No. 15031 (continued)

Comments and Questions:

Ms. White asked Mr. Smith if the parking lot will be paved, and he answered in the affirmative.

Protestants:

Terry Kelley, 2538 East 69th Street, Tulsa, Oklahoma, remarked that his property abuts the subject tract on the north and that he is opposed to the application. He stated that his main concern is the covering of the yard with an impervious material, since the property is located between two drainage areas. He pointed out that any widening of 71st Street would make entry to the property difficult.

Mr. Kelley stated the possibility of growth could create a problem, and that he is not opposed to the church, but is opposed to the church at this location.

Ardis Manning, 2529 East 70th Street, Tulsa, Oklahoma, submitted a petition of opposition and photographs (Exhibit M-2), and stated that her back patio overlooks the subject tract. She explained that a nearby natural waterway draining approximately 40 acres runs into a ravine and storm sewer near her home, and any change in the subject property would affect the ability of the storm sewer to carry the additional water. She stated that the yards in the area are not fenced and the unattended church would increase the possibility of theft and vandalism.

Stan Bolding, Department of Stormwater Management, informed that the northwest corner of the property is located in the flood plain and there is an inadequate storm sewer system downstream. He pointed out that on-site stormwater detention is required and a permit is also required before any grading operation is started on the property. Mr. Bolding stated that the applicant would be required to supply his office with an engineer study which would substantiate the fact that any activity on the subject tract would not adversely impact the property downstream.

Ms. Bradley asked who will monitor activity on the property, and Mr. Bolding replied that it will be the responsibility of the owner to maintain the property, or the City will complete the necessary maintenance and charge the services to the owner.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles "absent") to **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow for a church and related uses in an RS-1 zoned district: finding that the granting of the special exception request would be detrimental to the area, and would violate the spirit and intent of the Code and the Comprehensive; on the following described property:

A tract of land beginning at the SE/c of the SE/4, SW/4, SW/4 of Section 5, T-18-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the US Government

Case No. 15031 (continued)

Survey thereof; thence north on the east boundary of said SW/4, SW/4, 396' to a point; thence west 150.58' to a point; thence south 396' to a point on the south boundary of said Section 5; thence east 150.65' to a Point of Beginning, except the south 30' of said tract for public roadway easement, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15032

Action Requested:

Variance - Section 240.2 - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the size of a detached accessory building from 750 sq ft to 1440 sq ft.

Variance - Section 420.2 - Accessory Use Conditions - Use Unit 1206 - Request a variance to allow said accessory building to locate in the side yard, located 7134 South Quincy Avenue.

Presentation:

The applicant, **Paul Louvier, 1134 South Quincy, Tulsa, Oklahoma**, stated that he has recently retired and proposed to construct a new garage in place of the old one that was removed from the property. He stated that, when application was made for a building permit, it was discovered that the proposed garage was not allowed in the side yard and was oversized for the lot. He stated that the garage will be used for his cars and tractor. Mr. Louvier submitted a plot plan (Exhibit N-1) for the proposed construction.

Comments and Questions:

Ms. White asked if the carport will be removed, and the applicant answered in the affirmative.

Interested Parties:

Mr. Chappelle informed that the Board has received one letter (Exhibit N-2) in support of the application.

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 240.2 - Permitted Yard Obstructions - Use Unit 1206) of the size of a detached accessory building from 750 sq ft to 1440 sq ft; and to **APPROVE** a **Variance** (Section 420.2 - Accessory Use Conditions - Use Unit 1206) to allow said accessory building to locate in the side yard; per plot plan submitted; finding that the garage will be constructed at the same location as a previous structure which has been removed; and finding a hardship demonstrated by the large size of the lot; on the following described property:

Lot 3, Block 2, River Grove Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15033

Action Requested:

Special Exception - Section 240.2 - Permitted Yard Obstructions - Use Unit 1206 - Request a special exception to vary the fence height in the front yard from 4' to 6' for an existing fence, located 1019 East 39th Place.

Presentation:

The applicant, **Jerry Smith**, was represented by **Joan Wiley, 1019 East 37th Street, Tulsa, Oklahoma**. She informed that she rents a house from Mr. Smith and has been annoyed by the on-going garage sales conducted by Mr. Peevy, her neighbor to the west. She informed that Code Enforcement has been notified of the problem and they suggested the erection of a screening fence between the two properties. Ms. Wiley stated that a 6' cedar fence was constructed along the west property line by Discount Fence Company. A letter (Exhibit P-1) to Code Enforcement and photographs (Exhibit P-2) were submitted by the applicant.

Comments and Questions:

Ms. Bradley asked how long the fence has been in place, and Ms. Wiley replied that it was constructed in September of 1988.

Ms. White stated that she has visited the property and does not have a problem with the fence if it does not obstruct the neighbors' view when backing into the street. Ms. Wiley stated that the fence slopes to 4' and is set back the required distance from the street.

There was discussion concerning excessive garage sales, and the solution Code Enforcement suggested to the applicant.

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 **Special Exception** (Section 240.2 - Permitted Yard Obstructions - Use Unit 1206) to vary the fence height in the front yard from 4' to 6' for an existing fence; finding that the 6' fence slopes to a height of 4' toward the front of the lot; and that the granting of the request will not be detrimental to the neighborhood; on the following described property:

Lot 11, Block 1, Riverlawn Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15035

Action Requested:

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1206 - Request a variance to allow for two dwelling units on one lot of record, 8403 East 19th Street.

Presentation:

The applicant, **Lane Caves, Jim Walter Homes, PO Box 581027, Tulsa, Oklahoma**, submitted a plot plan (Exhibit R-1) and brochure (Exhibit R-2), and stated that he is representing the owner of the subject property. He explained that there is an existing day care center on the tract and that his client is proposing to build an additional dwelling in order to live closer to her business.

Comments and Questions:

Ms. Bradley remarked that there are other existing structures on the lot, and the applicant informed that these buildings are used for storage purposes and are not permanent structures.

Mr. Gardner advised that the previous application concerning this property was a request to place a mobile home on the lot. He asked the applicant if anyone resides in the house where the day care center is in operation, and he replied that it is only used for day care. Mr. Gardner pointed out that, if this application is approved, the tract will have two residential structures, one of which is used for a day care business.

Protestants:

John Tracy, 5715 East 23rd Street, Tulsa, Oklahoma, stated that he owns the property to the east of the day care center, and that he is opposed to the application. He remarked that two dwellings on the lot will lower property values in the area.

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 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1206) to allow for two dwelling units on one lot of record; per plan submitted; finding a hardship demonstrated by the large size of the tract; and finding that the granting of the request will not cause substantial detriment to the public good or impair the spirit, purposes and intent of the Code or the Comprehensive Plan; on the following described property:

That part of the E/2 of Block 8, O'Connor Park, an addition in Tulsa County, State of Oklahoma, according to the recorded plat thereof, described as follows, to-wit: Beginning at the SW/c of the E/2 of said Block 8; thence east 172 1/2'; thence north 305'; thence west 172 1/2'; thence south 305' to the Point of Beginning; City of Tulsa, Tulsa County, Oklahoma.

Case No. 15036

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, located north side of 51st Place, east of Marlon Place.

Presentation:

The applicant, **Joyce Wacht**, was represented by **Rick Callis**, administrator of Springer Clinic who submitted a plot plan and location map (Exhibit S-1) for the subject tract. He explained that Springer Clinic is proposing to purchase the property and operate a branch office, with a staff of six family physicians. He noted that parking on the lot is inadequate and asked the Board to allow off-street parking on the lot to the rear. Mr. Callis pointed out that the property is in disrepair and approximately \$700,000 will be spent to renovate the building which has been vacant for approximately two years. It was noted by the applicant that fencing and landscaping will be added and the overall appearance of the property improved.

Comments and Questions:

Ms. Bradley asked if the property extends to 51st Place, and Mr. Callis replied that the property does go through to 51st Place, but will not have ingress and egress on that street.

Protestants:

Burl Burnett, 5133 South Marlon Place, Tulsa, Oklahoma, stated that the property in question adversely affects the entire neighborhood. He informed that a previous request for parking on the lot has been denied. Mr. Burnett stated that there have been various activities on the lot that have been annoying to the nearby residents. He informed that there is also a water run-off problem in the area, and asked the Board to deny the application.

David Lonnerhen, stated that he owns the property on 51st Place, and agrees that the property is in bad repair, but pointed out that the existing building covers the entire width of the lot and is concerned that an entrance will be opened on 51st Place.

Mr. Gardner informed that the building is oversized for the lot and parking has never met Code requirements. He stated that former tenants have parked on the lot without approval, but off-street parking was denied by the Board in 1981.

Applicant's Rebuttal:

Mr. Callis advised that the area will be enhanced by the removal of the eyesore, and the improved property will have security to prevent any activities that will be offensive to the nearby residents. He stated that a storm sewer runs under the lot and additional intakes will be installed to alleviate water problems. Mr. Callis assured the Board that there is sufficient space on both sides of the building for ingress and egress.

Case No. 15036 (continued)

Additional Comments:

Ms. Bradley and Ms. White agreed that the property on 51st Place could be used for single family residential, and Mr. Callis stated that it is not probable that this will happen, due to the poor condition of the office to the north.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-1-0 (Bradley, Smith, White "aye"; Chappelle, "nay"; no "abstentions"; Quarles "absent") to **DENY** a **Special Exception** (Section 1680.1(g) - Special Exception - Use Unit 1210) to allow for off-street parking in an RS-3 zoned district; finding that the parking lot is not compatible with the residential neighborhood; and finding that the granting of the 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 1, Woodland Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15037

Action Requested:

Variance - Section 208 - One Single-Family Dwelling on one Lot of Record - Use Unit 1206 - Request a variance to allow for two dwelling units to locate on one lot of record in an RS-3 zoned district, 3607 and 3615 South Lawton Avenue.

Presentation:

The applicant, **Steven Curtis, 3619 South Lawton Avenue, Tulsa, Oklahoma**, informed that his property is large enough that it could be split into two separate lots if the City sewer was available. He stated that all residences are on septic systems at the present time, but a sewer extension is planned in the future. A plot plan (Exhibit T-1) was submitted.

Comments and Questions:

Ms. Bradley asked if each dwelling will have a separate septic system, and the applicant answered in the affirmative.

Mr. Gardner informed that, if the lot is split, there is not sufficient area available to meet the State requirements for a septic system, but two systems would be allowed if the land is left in one parcel. Mr. Curtis remarked that the State Health Department requires 22,500 sq ft of area for each lot.

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 208 - One Single-Family Dwelling on one Lot of Record - Use Unit 1206) to allow for two dwelling units

Case No. 15037 (continued)

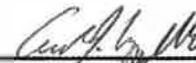
to locate on one lot of record in an RS-3 zoned district; per plot plan submitted; finding a hardship imposed on the applicant by the large size of the tract, and the fact that the property could be split into two individual lots if a sanitary sewer was available; on the following described property:

Lot 26, Block 6, Garden City Addition, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 4:15 p.m.

Date Approved

1-19-89



Chairman