

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 539
Thursday, May 18, 1989, 1:00 p.m.
Aaronson Auditorium, Central Library
400 Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Smith, Acting Chairman White	Chappelle 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, May 16, 1989, at 1:10 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Acting Chairman Smith called the meeting to order at 1:06 p.m.

MINUTES:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bradley, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, Quarles, "absent") to **CONTINUE** action on the Minutes of May 4, 1989 to June 1, 1989, due to the absence of Ms. Bradley and Ms. White at the May 4th meeting.

UNFINISHED BUSINESS

Case No. 15135

Action Requested:

Appeal - Section 1650 - Appeal From The Building Inspector - Use Unit 1212 - Request an appeal from the decision of the Building Inspector in not permitting a beer tavern in an RS-3 zoned district, located 1340-46 North Yale Avenue.

Presentation:

The applicant, **Robert E. Kittrell**, was represented by **Elaine Meek**, 3010 South Harvard, Tulsa, Oklahoma, who submitted a packet (Exhibit A-1) containing a history of the property, photographs, and a letter of support. She informed that her client has been a tenant in the existing building for approximately 15 years, and has previously operated a convenience store at this location, with a beer tavern being in existence during the past eight years. Ms. Meek stated that a secondhand store is located in the remainder of the building. It was noted that the land was apparently zoned residential in the 1950's, prior to city wide zoning, with the property in question being designated for business use; however, the subject tract had been used for business purposes since the 1940's.

Case No. 15135 (continued)

She informed that the property was purchased by Mr. Helmstetter in 1955 and a convenience store was operated at this location. Ms. Meek explained that Mr. Helmstetter is now deceased and his widow, who resides in a nursing home, is legal owner of the property. She pointed out that the building is not suitable for a residence, and has been continuously used for business purposes since its construction.

Comments and Questions:

Ms. Bradley asked Ms. Meek what type of business was continuously operated on the property, and she replied that the building has been used for a cleaners, drug store, music store, grocery store and a lounge.

Ms. White asked if the business employs exotic dancers, and Ms. Meek stated that women wearing cut-offs and T-shirts dance on the stage.

In response to Mr. Smith's inquiry concerning documentation of the fact that the property has been used for continuous business use since the 1940's, the applicant replied that she has proof of previous tenants.

Mr. Taylor informed that at the time the plat was filed in the 1940's the lots in question were specified for commercial use; however, the property has always been zoned residential.

Mr. Jackere informed that an entire acreage may be currently platted, with the corner lots being designated for nonresidential uses.

Robert Kittrell, 1528 South College, Tulsa, Oklahoma, stated that he began to operate a business at the present location in 1974, with Fast Eddie's Convenience Store being the previous occupant. He informed that he began operation as a convenience store, then added a game room and acquired a beer license. Mr. Kittrell stated that he has never had a complaint from anyone that lives in the nearby residences.

Mr. Jackere asked Mr. Kittrell if he began to operate a business on the subject property in 1974, and he answered in the affirmative. Mr. Jackere inquired as to the time the game room was added and the beer license acquired, and he replied that these all occurred in 1974.

Mr. Gardner pointed out that the property in question has always been zoned residential, but has been used for commercial purposes.

Ms. Hubbard informed that the City annexed the subject property in 1948.

Case No. 15135 (continued)

Interested Parties:

L. S. Kennedy, 1336 North Yale, Tulsa, Oklahoma, stated that he owns property next door to the subject property and is not opposed to the lounge. He informed that the building is not suitable for residential use and asked the Board to allow the business to remain.

Additional Comments:

Ms. Bradley asked if the entire building is under application at this time, and Mr. Taylor informed that the legal description submitted to Staff includes the entire building.

Mr. Jackere advised that the issue before the Board is to determine if the tavern is a nonconforming use, and if the use has changed from the original use of the property.

Protestants:

Howard Tanner, stated that he owns property at 1343 North Winston, Tulsa, Oklahoma, and that the building was accepted into the City in 1948. Mr. Tanner referred to protective covenants, and Mr. Smith pointed out that the Board cannot consider these private covenants in their consideration of the case. Mr. Tanner submitted a copy of Mr. Helmstetter's will (Exhibit A-5) which, he pointed out, supports the fact that his widow is not in need of the revenue from the building in question. He informed that all manner of immoral activities are conducted behind the lounge and in view of the residents of the area.

A petition (Exhibit A-3) and letters of opposition (Exhibit A-4) were submitted.

Mr. Jackere asked Mr. Tanner if he remembers when the Short Stop began to operate, and he replied that he moved away for a period of time and does not remember.

Alyce Standifer, 1347 North Winston, Tulsa, Oklahoma, stated that she resides approximately 300' from the building in question, and that Fast Eddie's moved to the location that was previously operating as a grocery store. She stated that her husband informed her that she should not go to the store, and that she is not sure what type of business was carried on in the building. It was noted that she has viewed various indecent activities going on behind the bar.

Mr. Jackere asked Ms. Standifer how long it has been since her husband asked her to refrain from shopping at Fast Eddie's, and she replied that it was approximately 25 years ago.

The owner of the property at 1402 North Yale, stated that she visited the location in question in 1974, and the only grocery items for sale were a few loaves of bread, some cupcakes and cold beverages. She stated that there were a few game tables and some cots located toward the back of the building. Mr. Jackere asked what type of business was at this location prior to 1974, and she replied that there was a grocery store at this location.

Case No. 15135 (continued)

Counsel for the Owner

James Pinkerton, 1722 South Boston, Tulsa, Oklahoma, stated that he is representing Joan Moore, guardian of Ms. Helmstetter, who is the owner of the property in question. He submitted a page from the City telephone directory (Exhibit A-2) which lists a grocery store and drug store at this location in 1950. It was noted by Mr. Pinkerton that he is here to protect the interests of his client and her right to lease the building for commercial purposes. He informed that the Board decision impacts the other uses that might be in the building, and pointed out that the property was being used for commercial purposes prior to annexation to the City, therefore, this is a nonconforming use. It was noted that there was one kind of commercial zoning in 1948, with four use categories, and in 1974 a change was made concerning commercial uses. He stated that the property has been used in both Use Unit 12 and 13 since 1970. He asked the Board to allow the property in question to be used for commercial purposes, as it has been used during the past 40 years.

Additional Comments:

Mr. Jackere pointed out that in 1970 the Code was changed to separate different uses into different use units. He explained that convenience grocery stores and drug stores were classified in Use Unit 13 or 14, while taverns were in Use Unit 12. Mr. Jackere noted that, if a grocery store that is nonconforming changes to a tavern, this is a change in use units, which is not permissible. He pointed out that the issue before the Board is to determine if there has been a change from one use unit to another since 1970.

Mr. Pinkerton stated that the tavern began to operate in 1980, but the tavern replaced a delicatessen, which is in the same use unit. He noted that uses in both Use Unit 12 and 13 have been carried on at this location since 1970.

Ms. Bradley asked Mr. Pinkerton if he is saying that what is today a bar, was a delicatessen or restaurant in 1970, and he replied that food was served and consumed on the premises.

Mr. Jackere pointed out that food is served in a bowling alley, but it is not a restaurant.

Ms. Bradley asked the owner of the property at 1402 North Yale if there was a restaurant on the subject property in 1970, and she replied that there was a machine with sandwiches in 1970, but a restaurant was not in operation at this location.

There was discussion as to Fast Eddie's and the type of business that was conducted under that name.

Case No. 15135 (continued)

Mr. Kittrell informed that Fast Eddie's was a bankrupt business, and he took over the business and operated it under the name of Short Stop.

Mr. Jackere asked Mr. Kittrell if he has been inside a Fast Eddie's store at another location, and he replied that he has visited their stores and they are similar to Circle K stores. Mr. Jackere asked if there was a delicatessen or restaurant inside, and he replied that there was not.

Mr. Pinkerton remarked that Joan Moore stated that she and her children ate ice cream at a soda fountain at this location during the 1960's.

Mr. Jackere informed that an ice cream store was under Use Unit 13 in 1970.

Joan Moore, 6622 South Zuni, Apartment 311, Tulsa, Oklahoma, stated that there was a soda fountain, with tables and chairs, at this location in the 1960's.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, Quarles, "absent") to **DENY** an **Appeal** (Section 1650 - Appeal From The Building Inspector - Use Unit 1212) and **UPHOLD** the **Decision** of the Building Inspector in not permitting a beer tavern in an RS-3 zoned district; finding the tavern to be the principal use; and finding that the property was not utilized for any of the uses designated in Use Unit 12 prior to 1970; on the following described property:

Lots 1, 2, and 3, Block 1, Morgan Homes Addition, City of Tulsa, Tulsa County, Oklahoma.

Ms. Meek asked why the variance and special exception she applied for were not addressed, and Ms. Bradley replied that there is no variance or special exception request on the agenda.

Mr. Smith suggested that Ms. Meek confer with Mr. Jackere, legal counsel from the City Attorney's office.

Case No. 15141

Action Requested:

Variance - Section 1211.3 - Use Conditions - Use Unit 1211 - Request a variance of the required 6' screening fence along the west property line.

Variance - Section 1211.4 - Off-Street Parking Requirements - Use Unit 1211 - Request a variance of the required number of parking spaces from 15 to 3, located 1524 South Denver Avenue.

Case No. 15141 (continued)

Presentation:

The applicant, **Carmelita Skeeter**, 5538 South Atlanta, Tulsa, Oklahoma, stated that she appeared before the Board at a previous meeting and requested a variance of the required parking spaces. She submitted a plot plan (Exhibit B-2) and a letter (Exhibit B-1) explaining a parking contract with surrounding businesses for additional parking spaces.

Comments and Questions:

Mr. Hubbard pointed out that the parking has to be provided on the lot of use, or the application will have to be readvertised.

There was discussion concerning the fact that the Board had previously requested a parking plan, and Ms. Skeeter stated that she was not aware that she was to have a parking plan draw on paper.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bradley, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, Quarles, "absent") to **CONTINUE** Case No. 15141 to June 1, 1989, to allow the applicant sufficient time to acquire a parking layout of the required parking spaces on the lot of use.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15151

Action Requested:

Variance - Section 330 - Bulk & Area Requirements in Agriculture Districts - Use Unit 1206 - Request a variance of land area from 2 acres to 1.25 acres, and a variance of the lot frontage from 200' to 166' to allow for a lot split in an AG zoned district, located 11001 South Louisville Avenue.

Presentation:

The applicant, **Tom Taylor**, 1534 East 97th Street, Tulsa, Oklahoma, submitted a plat of survey (Exhibit C-1), and requested permission to split a tract of land in order to allow construction of an additional house on the property. He informed that there are other lots in the area that are similar in size to the lot in question.

Comments and Questions:

Mr. Gardner informed that the TMAPC approved the lot split subject to a 30' right-of-way from the centerline of 111th Street and South Louisville, Health Department approval, required utility extensions and/or easements and approval by the Department of Stormwater Management. He pointed out that there is residential zoning to the east and west, and the size of the lot is consistent with those in the area.

Case No. 15151 (continued)

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bradley, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, Quarles, "absent") to **APPROVE** a **Variance** (Section 330 - Bulk & Area Requirements In Agriculture Districts - Use Unit 1206) of land area from 2 acres to 1.25 acres, and a variance of the lot frontage from 200' to 166' to allow for a lot split in an AG zoned district; per plat of survey, and subject to TMAPC requirements; finding the lot in question to be consistent in size with other lots in the area; on the following described property:

The south 196.0' of the W/2, SW/4, SE/4, SW/4, Section 28, T-18-N, R-13-E, Tulsa County, Oklahoma.

Case No. 15153

Action Requested:

Variance - Section 430.1 - Bulk & Area Requirements In Residential Districts - Use Unit 1206 - Request a minor variance of rear yard setback from 20' to 17' to allow for an addition to an existing dwelling, located at 10632 East 30th Street.

Presentation:

The applicant, **Philip Hatley**, 10632 East 30th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-3) and explained that he is proposing to construct an addition to an existing dwelling, which is located on an irregular shaped lot. It was noted that the addition will extend approximately 3' into the 20' rear yard setback.

Comments and Questions:

Ms. Bradley asked if the addition will extend 3' into the easement, and the applicant replied that there is a 15' easement and the addition will be 2' outside the easement boundary.

Mr. Smith asked if the roof will overhang into the easement, and Mr. Hatley replied that the 2' overhang will extend to the easement.

A Department of Stormwater Management Review (Exhibit D-2) was submitted to the Board.

Protestants:

A. J. Hamlett, Engineering Division, informed that the Tulsa Water and Sewer Department (Exhibit D-1) has a 24" sanitary sewer in the 15' easement along the rear of the subject property. He informed that this sewer is approximately 14' deep and is located 12.5' north of the south property line, or 2.5' south of the easement line. Mr. Hamlett pointed out that the house will be approximately 5' from the center of the sanitary sewer, and recommended that the setback be held at 20' in order to permit necessary line excavation without damaging the dwelling.

Case No. 15153 (continued)

After a lengthy discussion outside the auditorium, Mr. Hatley and Mr. Hamlett returned to the meeting and advised that they have agreed that the addition will be supported by piers to prevent damage to the house in case of future sewer excavation. Mr. Hamlett stated that he is withdrawing his protest, due to Mr. Hatley's plan to pier the addition.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bradley, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, Quarles, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk & Area Requirements in Residential Districts - Use Unit 1206) of rear yard setback from 20' to 17' to allow for an addition to an existing dwelling; subject to the new addition being supported by piers to prevent damage in case of sewer excavation; finding a hardship imposed on the applicant by the existing dwelling and easements, and the irregular shape of the lot; on the following described property:

Lot 19, Block 4, Valley Glen III Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15142

Action Requested:

Special Exception - Section 410 - Permitted Uses in the Residential Districts - Use Unit 1209 - Request a special exception to allow continued use of a mobile home in an RS-3 zoned district.

Variance - Section 440 - Special Exception Uses in Residential Districts - Request a variance of the one year time limitation to permanent, 2221 North Atlanta Avenue.

Presentation:

The applicant, **Jerry Parsons**, 2221 North Atlanta Avenue, Tulsa, Oklahoma, was represented by his wife, who requested that the existing mobile home be allowed as a permanent residence. She informed that the mobile home has been at the present location for several years.

Comments and Questions:

Ms. Bradley informed that she has viewed the property and that the mobile home and surrounding grounds are in good condition.

Protestants: None.

Case No. 15142 (continued)

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Permitted Uses In the Residential Districts - Use Unit 1209) to allow continued use of a mobile home in an RS-3 zoned district; and to **APPROVE** a **Variance** (Section 440 - Special Exception Uses In Residential Districts) of the one year time limitation to permanent; finding that the mobile home has been at the present location for several years and has proved to be compatible with the surrounding neighborhood; on the following described property:

Lot 120, Block 11, Tulsa Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15143

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1201 - Request a special exception to allow for an off-street parking lot in an RM-2 zoned district, 1432 South Rockford Avenue.

Presentation:

The applicant, **Ronald Watkins**, 1312 South Troost, Tulsa, Oklahoma, stated that he appeared before the Board in April concerning the lot in question. He explained that he is now applying for a special exception to allow off-street parking on the subject tract. Mr. Watkins stated that one of the merchants in the area will use the lot to provide additional parking spaces, and noted that a parking lot adjoins the subject lot on the south. A parking layout (Exhibit E-2) and a letter (Exhibit E-1) from Chimi's Restaurant, the prospective renter, was submitted.

Comments and Questions:

Ms. Bradley asked if only one merchant will use the lot, and Mr. Watkins answered in the affirmative. She pointed out that the special exception request is in compliance with the Cherry Street Plan.

A Department of Stormwater Management Case Review (Exhibit E-3) was submitted to the Board.

Interested Parties:

Nelson Dean, 1728 South Erie, Tulsa, Oklahoma, asked if the parking lot will be covered with a hard surface material and, after receiving an affirmative answer from Ms. Bradley, stated that he is in support of the application. He pointed out that the Joe West parking lot, which is located in the immediate vicinity, is not covered with a dust-free material.

Case No. 15143 (continued)

Protestants:

Steve Walter, 1428 South Rockford, Tulsa, Oklahoma, stated that he lives near the property in question and feels that the 250' encroachment into the neighborhood with the proposed parking lot is excessive. He pointed out that the lot will generate additional traffic, noise and litter, as well as reduce property values and cause additional water run-off into the residential area.

Ford Bell, 1785 East 31st Street, Tulsa, Oklahoma, stated that he is with Joe West Company, which is located nearby. He stated that the area between 15th Street and Utica Avenue has a sufficient amount of parking lots, and pointed out that a parking lot at the proposed location will cause an increased amount of traffic at the corner of 15th Street and Rockford Avenue. Mr. Bell stated that the lot will cause an increase in trash in the area and will depreciate the value of surrounding properties.

Elsa Fortner, 1412 South Rockford, Tulsa, Oklahoma, noted that the traffic in the area is already a problem and asked that the residential character of the neighborhood be preserved.

Ms. J. H. Sterling, 1427 South Rockford, Tulsa, Oklahoma, stated that her greatest dread is that the lot will not be surfaced immediately and that the dust will be a problem for the neighborhood. She pointed out that they pick up litter every morning and do not want the amount of trash increased.

Additional Comments:

Ms. White stated that it appears that the installation of a parking lot at the proposed location would alleviate some of the street parking in the neighborhood.

Ms. Bradley pointed out that a screening fence would keep some of the trash from blowing into the residential area.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1201) to allow for an off-street parking lot in an RM-2 zoned district; subject to the installation of a 6' solid wood screening fence, all lighting being directed inward and away from the residential area, a hard-surface covering being installed before occupancy and subject to Stormwater Management approval; finding that there are other parking lots in the immediate vicinity; and that the granting of the special exception request will not be detrimental to the neighborhood and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 8 and 9, Block 6, Bellview Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15144

Action Requested:

Variance - Section 1130.2 - Accessory Uses - Use Unit 1221 - Request a variance of the display surface area of an existing sign from 2 sq ft per lineal footage of building wall to approximately 2.8 sq ft per lineal footage of building wall, located at 8202 East 71st Street.

Presentation:

The applicant, **Denise Johnson**, was represented by **John Owen**, 1889 North 105th East Avenue, Tulsa, Oklahoma, who explained that the Mid-America Savings and Loan Association was purchased by Local America, and the new owner determined that additional coverings were needed for the drive-in windows. He stated that it was suggested that illuminated awnings would be beneficial to the customers, and the fact that they will be lighted requires Board of Adjustment approval. A sign plan (Exhibit F-1) and location map (Exhibit F-2) were submitted.

Comments and Questions:

Mr. Jackere asked Mr. Owen if there is writing on the awnings, and he answered in the affirmative.

Mr. Owen informed that the awnings are permitted without lights, but the fact that the awnings are illuminated causes them to exceed the PUD sign limitations. Photographs from the PUD 179-C-6 file were submitted for Board review.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bradley, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, Quarles, "absent") to **APPROVE** a **Variance** (Section 1130.2 - Accessory Uses - Use Unit 1221) of the display surface area of an existing sign from 2 sq ft per lineal footage of building wall to approximately 2.8 sq ft per lineal footage of building wall; per plot plan submitted; finding a hardship demonstrated by the size and location of the awning sign, and the limited amount of illumination; on the following described property:

The west 210' of the north 210' of Lot 3, Block 1, El Paseo Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15145

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow for an existing mobile home in an RS-3 zoned district.

Variance - Section 440 - Special Exception Requirements - Use Unit 1209 - Request a variance of the time restriction from one year to permanently, 425 South 39th West Avenue.

Case No. 15145 (continued)

Presentation:

The applicant, **William L. Record**, 3212 South Winston, Tulsa, Oklahoma, asked the Board to approve the permanent location of a mobile home at the above stated address. He informed that his mother lives in the mobile and asked that she be continue to use the unit as long as she is in need of a dwelling. Mr. Record stated that there are two mobile homes in the near vicinity.

Comments and Questions:

Ms. Bradley asked how long the mobile home has been at this location, and Mr. Record replied that it was installed in 1983.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bradley, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for an existing mobile home in an RS-3 zoned district; and to **APPROVE** a **Variance** (Section 440 - Special Exception Requirements - Use Unit 1209) of the time restriction from one year to permanently; finding that the mobile unit was installed in 1983 and has had continuous use as a dwelling since that time; and finding that the mobile home has proved to be compatible with the surrounding neighborhood; on the following described property:

Lot 7, Block 1, Park View Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15146

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213 - Request a variance of lot frontage from 150' to 80' in a CS zoned district, west of NW/c 51st Street and Yale Avenue.

Presentation:

The applicant, **Dewayne Williams**, was represented by **Ted Sack**, Sisemore, Sack, Sisemore and Associates, Inc., submitted a plot plan (Exhibit G-1), and stated that the lot in question has an 80' frontage. He informed that the Technical Advisory Board has approved the request subject to Board of Adjustment approval of the 80' frontage, all access points being approved by Traffic Engineering, and grading and drainage being approved by the Department of Stormwater Management (Exhibit G-2).

Comments and Questions:

Ms. Bradley inquired as to the proposed use of the property in question, and Mr. Sack stated that there is no specific use for the property at this time.

Case No. 15146 (continued)

In response to Ms. Bradley's question concerning access points, Mr. Sack informed that there will be one access point for the 80' frontage.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bradley, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, Quarles, "absent") to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213) of lot frontage from 150' to 80' in a CS zoned district; subject to Traffic Engineering and the Department of Stormwater Management requirements; on the following described property:

Beginning at the SW/c of Lot 10 Interstate Central Extended, an addition in the city and county of Tulsa, Oklahoma, according to the recorded plat thereof: Thence along the south line of said Lot 10 bearing S 89°51'01" E a distance of 150' to the true Point of Beginning; Thence due north a distance of 187.5' to a point, thence S 89°51'01" E a distance of 80' to a point, thence due south a distance of 187.5' to a point on the south line of said Lot 10, thence N 89°51'01" W a distance of 80' to the Point of Beginning; containing 15,000 sq ft more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15147

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1205 - (1208 alternatively) - Request a special exception to allow for a facility which provides housing for families of patients which require extended hospitalization, SW/c of 61st Street and South Hudson Avenue.

Presentation:

The applicant, **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma, requested by letter (Exhibit H-1) that Case No. 15147 be continued to June 15, 1989 to allow sufficient time to discuss the application with the surrounding property owners.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, Quarles, "absent") to **CONTINUE** Case No. 15147 to June 15, 1989, as requested by the applicant.

Case No. 15148

Action Requested:

Special Exception - Section 420 - Accessory Uses In Residential Districts - Use Unit 1206 - Request a special exception for a home occupation to allow for a TV/VCR repair business in an RM-2 zoned district, located 1153 South Quaker Avenue.

Presentation:

The applicant, **Donald Michael**, 1153 South Quaker, Tulsa, Oklahoma, requested permission to operate a repair business in a building to the rear of his property. Mr. Michael stated that the structure (Exhibit J-1) has previously been used as an apartment, and the interior or exterior of the building will not be altered.

Comments and Questions:

Ms. Bradley asked if the access to the building will be on Quaker or 12th Street, and the applicant replied that the primary access will be on 12th Street.

In response to Ms. Bradley's inquiry, Mr. Michael stated that all repair is completed inside the building and all junk items will be disposed of properly. He assured the Board that he will not allow discarded parts to accumulate on the grounds around the shop.

Mr. Jackere asked the applicant if he buys TV's to repair and sell at garage sales, and Mr. Michael replied that he only does repairs for others, but occasionally a TV is sold that is not picked up by the owner.

Mr. Jackere asked the applicant if he has several garage sales during the year to sell units that have not been picked up, and he replied that he does not dispose of the units in this manner.

Ms. White inquired as to the hours of operation for the business, and the applicant replied that he will operate 8:00 a.m. to 5:00 p.m., Monday through Friday, and 8:00 a.m. to noon on Saturday.

In response to Ms. Bradley, Mr. Michael stated that he is familiar with the Home Occupation Guidelines. He informed that an area to the front of the lot is available for parking.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, Quarles, "absent") to **APPROVE** a **Special Exception** (Section 420 - Accessory Uses In Residential Districts - Use Unit 1206) for a home occupation to allow for a TV/VCR repair business in an RM-2 zoned district; subject to no outside storage of materials; hours of operation being 8:00 a.m. to 5:00 p.m., Monday through Friday and 8:00 a.m. to 1:00 p.m. on Saturday; and subject to the Home Occupation Guidelines; on the following described property:

Lots 27 and 28, Block 3, Orchard Addition, City of Tulsa,
Tulsa County, Oklahoma.

5.18.89:539(14)

Case No. 15149

Action Requested:

Variance - Section 430.1 - Bulk & Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of the rear yard setback from 25' to 18', 2526 South Columbia Avenue, south side 25th Street at Columbia Avenue.

Presentation:

The applicant, The Brook Company, was represented by **Allen Madewell**, 6600 South Yale, Tulsa, Oklahoma, who stated that he is the architect for the project. He submitted a site plan (Exhibit K-2) and explained that he has previously obtained permission to construct a garage which extends into the setback. It was noted that the surveyor used an incorrect pen when surveying the property, and the house is now further into the setback than previously approved. A plat of survey (Exhibit K-1) was submitted.

Comments and Questions:

Mr. Gardner pointed out that the garage is connected to the house by a breezeway. He explained that, if the garage was detached from the house, it would be allowed within 3' of the property line, and only the corner would encroach into the setback.

Interested Parties:

Bruce Torkelson, 2528 South Columbia, Tulsa, Oklahoma, stated that he lives in the area, and is concerned that the five additional homes that are to be constructed on smaller lots will not be built according to the site plans. There was discussion as to the persons responsible for errors of this type, and what methods could be employed to prevent them.

Mr. Jackere pointed out that, although the applicant has been to the Board twice concerning this house, they should determine if the additional setback would have been granted if it had been requested in the first application.

Applicant's Rebuttal:

Mr. Madewell stated that the mistake was made by the surveyor and the error was beyond the builders control.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bradley, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, Quarles, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk & Area Requirements In Residential Districts - Use Unit 1206) of the rear yard setback from 25' to 18'; finding a hardship demonstrated by the irregular shape of the lot; on the following described property:

Lot 7, Block 1, New Bedford Addition, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:20 p.m.

Date Approved 6-1-89


Chairman
acting