

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 549
Thursday, October 19, 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
Bolzle Bradley Chappelle Fuller	White	Gardner Jones Moore	Jackere, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Wednesday, October 18, 1989, at 11:28 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **BOLZLE**, the Board voted 2-0-1 (Bolzle, Chappelle, "aye"; no "nays"; Bradley, "abstaining"; Fuller, White, "absent") to **APPROVE** the Minutes of September 28, 1989.

On **MOTION** of **CHAPPELLE**, the Board voted 2-0-1 (Bolzle, Chappelle, "aye"; no "nays"; Bradley, "abstaining"; Fuller, White "absent") to **APPROVE** the Minutes of October 5, 1989.

UNFINISHED BUSINESS

Case No. 15247

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request a variance of the required 5' sideyard to 1' to permit an existing carport, located 7504 East 6th Street.

Presentation:

The applicant, **Geraldine Alverson**, Route 2, Box 428-P, Ft. Smith, Arkansas, was not present.

Comments and Questions:

Mr. Jones explained that the plot plan for the existing carport was submitted at the previous hearing and the application was approved; however, it was discovered later that the applicant was also in need of a variance of the required side yard. He pointed out that, due

Case No. 15247 (continued)

to the fact the applicant lives in another state, she asked that the Board hear the additional request for the side yard relief without her presence. Mr. Jones noted that there were no protestants at the previous meeting. A plat of survey (Exhibit A-1) was submitted.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Bradley, Chappelle, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206) of the required 5' sideyard to 1' to permit an existing carport; per plat of survey submitted; on the following described property:

Lot 6, Block 10, Pamela Acres, City of Tulsa, Tulsa County, Oklahoma,

Case No. 15250

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the Residential District - Use Unit 1206 - Request a variance of the required 25' rear yard to 5' to permit an addition to an existing residence, located 7157 South Evanston.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma, requested by letter (Exhibit B-1) that Case No. 15250 be stricken from the agenda. Mr. Norman stated that the design plan for the addition has been revised and his client is no longer in need of the requested relief.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Bolzle, Bradley, Chappelle, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **STRIKE** Case No. 15250, as requested by the applicant.

Case No. 15269

Action Requested:

Variance - Section 1221.3 - General Use Conditions for Business Signs - Use Unit 1213 - Request a variance of the required 200' of spacing between an R zoned district and a flashing sign to 175', located 215 North Garnett Road.

Presentation:

The applicant, **Joe Westervelt**, was not present.

Case No. 15269 (continued)

Comments and Questions:

Mr. Jones explained that the Board has previously made the determination that the changing gasoline price signs, as used by the QuikTrip stores (on three seconds and off one full second), are not flashing signs and do not require relief from this Board.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE, the Board voted 3-0-0 (Bolzie, Bradley, Chappelle, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to STRIKE Case No. 15269.

Case No. 15271

Action Requested:

Variance - Section 240.2(E) - Permitted Yard Obstruction - Use Unit 1206 - Request a variance to permit a detached accessory building in the side yard, located 5434 East 115th Street South.

Presentation:

The applicant, James D. Kelly, was not present.

Comments and Questions:

Mr. Jones explained that this case was previously heard by the Board on October 5, 1989 and the plot plan was reviewed; however, a portion of the request was inadvertently omitted on that agenda. It was noted that a part of a proposed garage will extend into the side yard, which requires Board approval.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to APPROVE a Variance (Section 240.2(E) - Permitted Yard Obstruction - Use Unit 1206) to permit a detached accessory building in the side yard; finding that only a portion of the proposed garage extends into the side yard; and that the granting of the request will not be detrimental to the area, or violate the spirit, purposes or intent of the Code; on the following described property:

Part of the SE/4, NW/4, beginning 384.26' west of the SE/c, NW/4, thence north 476.72', southwest 154.83', northwest 49.5', northwest 155.49', southwest 50', southeast 170.24', southwest 139.25, southwest 259.92', south 140', east 472.66 to the Point of Beginning, Section 34, T-18-N, R-13-E, 4.36 acres, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15273

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request a minor variance of the required setbacks from abutting streets, located 8505 East 12th Street.

Presentation:

The applicant, Bill Smith, 8505 East 12th Street, Tulsa, Oklahoma, submitted a plat of survey (Exhibit C-1), and stated that he is proposing to sell the building in question. He explained that the structure was constructed in about 1948, and extends approximately 4' into the current building setback.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to APPROVE a Variance (Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206) of the required setbacks from abutting streets; per plat of survey submitted; finding that the building was constructed approximately 40 years ago, with numerous structures in the area having similar setbacks; on the following described property:

Lot 9, Block 1, Forest Acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15283

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1204 - Request a minor variance of the required 50' setback from the centerline of Easton to 44' to permit a screened front porch, located 4932 East Easton.

Presentation:

The applicant, Clifford Louis, 4932 East Easton, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1) for a screened front porch, and informed that the proposed addition will not extend further toward the street than the existing structure.

Comments and Questions:

Ms. Bradley asked if the porch is already in place, and the applicant replied that he has not started the project, but pointed out that it will align with the existing structure.

Protestants: None.

Case No. 15283 (continued)

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1204) of the required 50' setback from the centerline of Easton to 44' to permit a screened front porch; per plot plan; finding that the proposed construction will not extend closer to the street than the existing structure; and the granting of the request will not be detrimental to the neighborhood; on the following described property:

Lot 4, Block 2, Yale Crest Extended, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15243

Action Requested:

Special Exception - Section 310 - Permitted Uses in the Agriculture District - Use Unit 1208 - Request a special exception to permit a community group home for the elderly in an AG zoned district, located 3707 East 101st Street South.

Comments and Questions:

Mr. Jones informed that Staff received a letter (Exhibit E-1) from the newly elected District 26 Chairman, Douglas Vincent. He informed that Mr. Vincent requested that Case No. 15243 be continued to allow the surrounding property owners sufficient time to call a neighborhood meeting and discuss the group home.

Douglas Vincent, District 26 Chairman, stated that the residents of the area have limited information concerning the proposal, and requested additional time to research the application. He pointed out that the concerned homeowners are not necessarily opposed to the request, but they would like to find out more about the group home, and determine what impact it will have on the neighborhood.

Presentation:

The applicant, **Pamela Williams**, 630 East Oklahoma, Tulsa, Oklahoma, stated that their work process will be delayed approximately six weeks if the application is continued. She stated that the area residents have been contacted concerning the group home and that she has encountered no opposition to the application.

Comments and Questions:

Mr. Chappelle remarked that it is the general policy of the Board to grant one continuance to either the applicant or interested parties if requested.

Case No. 15243 (continued)

It was the general consensus of the Board that the application should be continued to allow the neighborhood sufficient time to seek information concerning the operation of the community group home.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **CONTINUE** Case No. 15243 to November 2, 1989, as requested by the District 26 Chairman.

Case No. 15270

Action Requested:

Special Exception - Section 910 - Permitted Uses in the Industrial Districts - Use Unit 1209 - Request a special exception to permit a mobile home in an IL zoned district, located north of NW/c 35th Street and Santa Fe.

Presentation:

The applicant, **Brian Williamson**, 3332 South Santa Fe, Tulsa, Oklahoma, requested permission to install a mobile home on a vacant lot next to his business. He informed that the mobile home will be used for security purposes, and noted that there is a mobile home already in place on abutting property.

Comments and Questions:

Ms. Bradley asked where the mobile home will be located, and Mr. Williamson stated that the lot is deep and it will be located on the back portion.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Special Exception** (Section 910 - Permitted Uses in the Industrial Districts - Use Unit 1209) to permit a mobile home for security purposes in an IL zoned district; finding that there are other mobile homes in the near vicinity, and the granting of the request will not violate the spirit and intent of the Code; on the following described property:

Lot 7, Block 4, Fuller-Walter Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15272

Action Requested:

Special Exception - Section 420 - Accessory Uses In Residential Districts - Use Unit 1206 - Request a special exception to allow a home occupation in a RS-3 zoned district, located 3511 East 15th Street.

Presentation:

The applicant, **Stephen Voorhies**, 3511 East 15th Street, Tulsa, Oklahoma, requested permission to continue the operation of a home occupation in his residence. He informed that he rents the property and has been binding books at this location for two years, with no complaints from his neighbors. Mr. Voorhies explained that his business consists of punching holes in small booklets and inserting a spiral binder, and that one room in his home is reserved for this operation. He stated that the binding business is only part-time work, but is presently his only means of support.

Comments and Questions:

Ms. Bradley asked if customers bring material to the home for binding, and the applicant replied that he picks up approximately 90% of the work, but there are a few customers that visit the home.

Mr. Jackere inquired as to the approximate number of customers that might visit the home during a one-week period, and Mr. Voorhies replied that he might have two customers per week.

In response to Ms. Bradley, the applicant stated that there are no big trucks used in the business, but all materials are transported by a pickup or van.

Mr. Jackere inquired as to the number of deliveries per month, and the extent of the business. Mr. Voorhies replied that there are approximately two deliveries per month, and the only work that he does in the home is the punching and binding of small booklets (Exhibit F-1).

Ms. Bradley remarked that she has viewed the property and the house is located further from the street than other residences in the area.

Mr. Chappelle asked the applicant why he is before the Board at this time, and he replied that someone turned him in to the City. He further stated that he has had no problem with the neighbors, and believes that he was reported by a competitor.

Protestants:

The resident at 1431 South Jamestown, who stated that he has recently purchased property adjacent to Mr. Voorhies' residence, pointed out that a business at this location would destroy the residential character of the neighborhood. He stated that he owns other property in the area and is opposed to the home occupation.

Case No. 15272 (continued)

Cleo Mace, 1512 South Jamestown, Tulsa, Oklahoma, stated that he does not live on 15th Street, but is concerned that permission to operate a home occupation on the subject property would set a precedent in the neighborhood for the approval of other such requests. He asked the Board to deny the application.

Interested Parties:

Bruce Combest, 1213 South Delaware Place, Tulsa, Oklahoma, owner of the subject property, informed the Board that Mr. Voorhies has been an ideal renter, and that there is not a sign on the property, or any other evidence that a business is being operated at this location.

Mr. Fuller asked if the binding process creates any noise, and Mr. Combest replied that the operation cannot be heard outside the house.

Applicant's Rebuttal:

Mr. Voorhies stated that there is no outside evidence that would suggest that he is conducting a business at this location, and invited the neighbors to visit his residence and examine the binding process.

Mr. Bolzle asked Mr. Mace if the possibility of setting a precedent in the area is his primary reason for opposing the application, and he answered in the affirmative.

In response to Mr. Bolzle, the resident at 1431 South Jamestown stated that he has not heard any noise, but has not lived at this location long enough to monitor the business and determine if it would cause a noise problem.

Additional Comments:

Mr. Gardner stated that both sides of 15th Street in this area has RS-3 zoning and is planned to remain residential. He pointed out that the principal use of the property in this application would remain residential if the application is approved, and must be occupied as a residence. Mr. Gardner pointed out that, if the Board is inclined to approve the request as presented, it would in no way effect any zoning change that might be requested now, or in the future. He informed that the approval of a home occupation would not be a basis for changing the zoning.

Mr. Bolzle asked if the exhibited booklet and spiral binder (8 1/2" by 6") will be the only type of binding produced at this location, and Mr. Voorhies answered in the affirmative. He further noted that he will move to a business location if the volume of business should increase.

Case No. 15272 (continued)

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Special Exception** (Section 420 - Accessory Uses In Residential Districts - Use Unit 1206) to allow a home occupation for spiral book binding in a RS-3 zoned district; subject to a time limit of two years only; subject to no expansion of the business, and existing traffic flow being maintained (2 deliveries per week); finding that the business has been in operation for two years without detection; and finding that the home occupation, as presented, will not be detrimental to the neighborhood; on the following described property:

Lot 3, Block 5, Summit Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15274

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request a variance of the required 10' setback from property line to 6' to permit an addition to line up with an existing dwelling, 2432 East 8th Street.

Presentation:

The applicant, **John Noveskey**, 1216 South 139th East Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit G-1) for an addition to the east side of an existing dwelling. It was noted that the addition will not extend further into the required setback, but will align with the remainder of the house.

Comments and Questions:

Ms. Hubbard explained that the neighborhood has developed single family residential and the new addition will align with an existing encroachment. She informed that the required setback for RM-2 is 10', but only 5' is required for single family residential.

In response to Ms. Bradley, the applicant informed that the house was a multi-family facility, but that he is proposing to add a room and change it to a single family residence.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206) of the required 10' setback from the property line to 6' to permit an addition to line up with an existing dwelling; per plot plan submitted; finding that the proposed expansion will align with the existing dwelling which has been constructed over the zoning setback line; and finding that the area has developed predominately single family residential, which requires only a 5' side yard setback; on the following described property:

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Case No. 15274 (continued)

East 1/2 of Lot 4, Block 3, Highlands Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 15275

Action Requested:

Special Exception - Section 710 - Permitted Uses In the Commercial Districts- Use Unit 1217 - Request a special exception to permit automobile sales, service and accessory body shop in a CS zoned district, located 40 South Garnett.

Presentation:

The applicant, **Frank Moskowitz**, requested by letter (Exhibit H-1) that Case No. 15275 be continued to November 2, 1989.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Bolzie, Bradley, Chappelle, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **CONTINUE** Case No. 15275 to November 2, 1989, as requested by the applicant.

Case No. 15276

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted In the Industrial Districts - Use Unit 1213 - Request a special exception to permit a bakery thrift shop in an IL zoned district, located 11507 East 58th Street.

Presentation:

The applicant, **Roy Cruzen**, 11507 East 58th Street, Tulsa, Oklahoma, informed that a transport truck terminal is presently located at this location, and requested permission to operate a bakery sales business in one room of the large building.

Comments and Questions:

Ms. Bradley asked if customer parking is available, and the applicant replied that parking spaces are located in front of the building.

In response to Mr. Bolzie, the applicant stated that 10 parking spaces are available for customers; however, there are ordinarily no more than 3 to 4 people in the store at one time. He informed that employee parking is located on the rear portion of the lot.

Mr. Bolzie inquired as to the days and hours of operation, and Mr. Cruzen stated that the store will be open from 8:00 a.m. to 6 p.m., Monday through Saturday.

Case No. 15276 (continued)

Mr. Jackere asked how much of the building will be used for the bakery sales, and the applicant replied that approximately 1200 sq ft will be used for retail purposes.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Bradley, Chappelle, "aye"; no "nays"; Fuller, "abstaining"; White, "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted in the Industrial Districts - Use Unit 1213) to permit a bakery thrift shop in an IL zoned district; subject to no more than 1500 sq ft of the building being utilized for retail bakery sales; and subject to days and hours of operation being Monday through Saturday, 8:00 a.m. to 6 p.m.; finding the use to be compatible with the surrounding industrial area; on the following described property:

Lot 7, Block 1, 5800 South Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15277

Action Requested:

Variance - Section 420.2(A2)- Accessory Use Conditions - Use Unit 1206 - Request a variance of the required 25' front yard setback to 6' to permit a carport in a RS-3 zoned district, located 4420 East 23rd Street.

Presentation:

The applicant, **Matthew Suddock, Jr.**, 4420 East 23rd Street, Tulsa, Oklahoma, submitted a plat of survey (Exhibit J-1), and requested permission to construct a carport on the front of an existing house.

Comments and Questions:

Ms. Bradley commented that there are no carports on East 23rd Street from Yale to Pittsburg.

Mr. Suddock stated that there are no carports on 23rd Street, but there are several located on adjacent streets, one of which is on Toledo, approximately 350' from his residence.

Ms. Bradley reiterated that there are no carports, or buildings, in the area that are as close to the street as the proposed carport. She pointed out that the map on the case report, which depicts the location of the applicant's property, is incorrect.

Mr. Jackere advised that, if the application is approved, the Code would allow an abutting property owner to build a structure that encroaches into the front yard (15 1/2' from right-of-way) by averaging the required setback and the existing encroachment.

Case No. 15277 (continued)

Mr. Gardner pointed out that the setback for a building on one side of an encroaching building is determined by averaging. He pointed out that the Zoning Code does not allow the same setback as the existing building, but does allow one less than the standard building setback.

Mr. Bolzie asked if the carports in the area near Mr. Suddock's property are illegal, and Mr. Jones stated that Staff does not have documentation confirming their legality.

Mr. Suddock pointed out that his carport will be far superior to those in the surrounding area, and Mr. Bolzie replied that his main concern is the amount of encroachment, and not the quality of the carport.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-1-0 (Bolzie, Bradley, Chappelle, "aye"; Fuller, "nay"; no "abstentions"; White, "absent") to **DENY** a **Variance** (Section 420.2(A2)- Accessory Use Conditions - Use Unit 1206) of the required 25' front yard setback to 6' to permit a carport in a RS-3 zoned district; finding that there are no carports in the immediate vicinity, and a hardship was not presented by the applicant; and finding that the granting of the variance request would cause substantial detriment to the neighborhood, and would violate the spirit, purposes and intent of the Code; on the following described property:

Lot 9, Block 8, Mayo Meadow, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15278

Action Requested:

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

Variance - Section 440.6 - Special Exception Uses in Residential Districts Requirements - Request a variance of the one year time limitation to permanently, located 3651 South Maybelle.

Presentation:

The applicant, **Tim Nail**, 3735 South Tacoma, Tulsa, Oklahoma, submitted photographs (Exhibit K-1), and requested permission to permanently locate a mobile home at the above stated address. Mr. Nail informed that he does not live in the mobile home. A plat of survey (Exhibit K-2) was submitted.

Comments and Questions:

Ms. Bradley inquired as to the length of time the mobile home has been at this location, and the applicant replied that the mobile has been on the property for approximately four years.

Case No. 15278 (continued)

Mr. Gardner stated that the area is unique because of its location between two large industrial districts. He pointed out that the long range plan for the area is industrial use, and numerous mobile homes are located in the area.

In response to Mr. Bolzle, Mr. Jones clarified that, if the Board approves an application for mobile home use, they customarily approve the application for one year only. He pointed out that, if the mobile homes prove to be compatible with the area, the applicant is often given permanent approval after the lapse of one year. Mr. Jones stated that a policy has recently been adopted to notify the applicant by mail when their approval time has expired.

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1209) to permit an existing mobile home in a RS-3 District; and to **APPROVE** a **Variance** (Section 440.6 - Special Exception Uses in Residential Districts Requirements) of the one year time limitation to permanently; per plat of survey; finding that the mobile home has been at this location for approximately four years and has proved to be compatible with the surrounding neighborhood; and finding that there are numerous mobiles in the area; on the following described property:

Lot 22, Block 7, Garden City Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15279

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request a variance of the required 20' rear yard to 14' in an RS-3 Zoned district to permit an addition to an existing dwelling, located 5616 South 91st East Avenue.

Presentation:

The applicant, **A. G. Eber**, 5616 South 91st East Avenue, Tulsa, Oklahoma, submitted a plat (Exhibit L-1) and a plot plan (Exhibit L-2), and requested permission to construct an addition to the existing dwelling. Mr. Eber explained that the 12 1/2' addition will extend across the back of the house, and one corner will extend into the setback.

Protestants: None.

Case No. 15279 (continued)

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in the residential Districts - Use Unit 1206) of the required 20' rear yard to 14' in an RS-3 Zoned district to permit an addition to an existing dwelling; per plan submitted; finding a hardship imposed on the applicant by the placement of the existing house and the irregular shape of the lot; on the following described property:

Lot 6, Block 3, Woodland View Park III, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15280

Action Requested:

Variance - Section 420.2 - Accessory Use Conditions - Use Unit 1206 - Request a variance of the required 25' front setback to 15' and of the required 5' side yard to 3' to permit an existing carport in a RS-3 zoned district, located 1424 North Kingston Place.

Presentation:

The applicant, **Georgia White**, 1424 North Kingston Place, Tulsa, Oklahoma, who submitted a plat of survey (Exhibit M-1) and photographs (Exhibit M-2), requested permission to reconstruct an old carport and change the porch to face the north.

Comments and Questions:

Ms. Bradley asked when the existing carport was constructed, and the applicant replied that it was built in 1971, and the new carport will be the same size.

Mr. Fuller asked Ms. White if there are other carports near her home, and she stated that there are three in the near vicinity, one of which is next door.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Variance** (Section 420.2 - Accessory Use Conditions - Use Unit 1206) of the required 25' front setback to 15' and of the required 5' side yard to 3' to permit an existing carport in a RS-3 zoned district; per plat submitted; finding that a carport has been in place at this location for many years, and that there are numerous carports in the immediate area; and finding that approval of the request will not cause substantial detriment to the neighborhood, or impair the spirit, purposes and intent of the Code; on the following described property:

Lot 8, Block 12, Maplewood Addition Amended, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15281

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the Residential District - Request a variance of the required 30' front yard setback to 25' for a proposed subdivision, located 6111 East 91st Street South.

Comments and Questions:

Ms. Bradley asked if RS-3 zoning was approved by the Planning Commission, and Mr. Jones informed that RS-2 zoning was approved.

Presentation:

The applicant, **Ted Sack**, 110 South Hartford, Suite 131, Tulsa, Oklahoma, submitted a sketch plat (Exhibit N-2), and stated that he is appearing on behalf of the property owner, **John Ellison**. He pointed out that the subject property is 280' wide, and after a 50' public street is installed down the middle, the lots will be only 115' deep. Mr. Sack stated that RS-3 zoning was requested, but the neighborhood was concerned about the possible development of a smaller lot. He pointed out that the requested variance of the front yard setback would allow 5' of additional building room. One letter of support (Exhibit N-1) was submitted.

Additional Comments:

In response to Ms. Bradley, Mr. Gardner stated that TMAPC preferred that the variance be granted and RS-2 zoning be approved, rather than allow RS-3 zoning, which would allow the development of a smaller lot.

Mr. Jones pointed out that all lots are internal and will have the same setback.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Boizie, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in the Residential District) of the required 30' front yard setback to 25' for a proposed subdivision; per sketch plat submitted; finding a hardship demonstrated by the narrow shape of the tract; on the following described property:

Beginning at a point 1038 1/2' west of the SE/c of Section 15, T-18-N, R-13-E, of the Indian Base and Meridian, according to the US Survey thereof, thence west 281 1/2', thence north 1320', thence east 281 1/2', thence south 1320' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15282

Action Requested:

Variance - Section 1420(a) - Nonconforming Use of Buildings or Buildings and Land in Combination - Use Unit 1205 - Request a variance to permit expansion of an existing nonconforming church in a RS-1 zoned district, 418 South 193rd East Avenue.

Presentation:

The applicant, **Lewis Pringle**, 418 South 193rd East Avenue, Tulsa, Oklahoma, submitted a plat of survey (Exhibit P-1), and requested permission to expand an existing church building. He stated that the structure was built in 1960 and additional classrooms are proposed.

Comments and Questions:

Ms. Bradley asked if the church will conduct a school during the week, and Mr. Pringle replied that the classrooms will be for church use only.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Variance** (Section 1420 (a) - Nonconforming Use of Buildings or Buildings and Land in Combination - Use Unit 1205) to permit expansion of an existing nonconforming church in a RS-1 zoned district; per plat of survey; subject to the proposed classrooms being used for church use only; finding that the church has been at this location for many years and is compatible with the area; on the following described property:

A tract in the NE/4, Section 1, T-19-N, R-14-E, Tulsa County, Oklahoma, according to the US Government Survey, more particularly described as: Beginning at the SE/c of the NE/4 of Section 1; thence due north and along the east line of said Section 1, a distance of 470'; thence S 69° 11.1695' W, a distance of 379.78'; thence S 77° 53.5883' W, a distance of 383.53; thence S 40° 35.7497' W, a distance of 341.16'; thence easterly and along the south line of the NE/4 of said Section 1, a distance of 952.01' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15284

Action Requested:

Variance - Section 1211.3 - Use conditions - Use Unit 1211 - Request a variance of the required screening when abutting an "R" zoned district.

Case No. 15284 (continued)

Variance - Section 1211.4 - Off-Street parking and Loading Requirements - Use Unit 1211 - Request a variance of the previously approved 10 parking spaces to 4, located 1228 South Trenton Avenue.

Action Requested:

The applicant, **Elise Brennan**, was represented by **Kevin Coutant**, 1000 Atlas Life Building, Tulsa, Oklahoma, who submitted a site plan (Exhibit R-1) and photographs (Exhibit R-1), stated that the property in question, owned by the Tulsa Psychiatric Center, has previously been considered by the Board. He explained that one of the conditions of the previous approval was that 38 parking spaces be provided for the building, and that 10 of the required number be located behind the building. Mr. Coutant stated that, after the plans were finalized, it was discovered that the handicapped access displaced several parking spaces and only four spaces remain on the back portion of the lot. He further noted that the previous approval also required the execution of a tie contract on the lot of principal use and a nearby parking lot owned by the Tulsa Psychiatric Center, which has been done. Mr. Coutant asked that the the previously approved 38 parking spaces be reduced to 32 (28 spaces on one lot and 4 spaces behind the building).

Comments and Questions:

Ms. Bradley asked if the 28 parking spaces will be specifically assigned to the building, and he replied that the parking lot containing the 28 spaces is tied specifically to the property at 1228 South Trenton.

Mr. Coutant informed that the property to the north is owned by the Center and a fence is in place between the two properties; however, the property to the south is a single-family dwelling and is occupied. He pointed out that the southerly boundary line is fenced and the back two-thirds of the property is heavily screened by trees. Mr. Coutant noted that the area is part of the Hillcrest Medical Special District, and is slowly developing into a medical related service area.

Interested Parties:

Virginia Mauzey, 1524 East 13th Street, Tulsa, Oklahoma, stated that she is not in opposition to the application, but is concerned about the reduction of the existing parking spaces behind the building.

Mr. Jackere pointed out that a ramp for the disabled is being constructed, which will eliminate six of the existing parking spaces.

Protestants: None.

Case No. 15284 (continued)

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Variance** (Section 1211.3 - Use Conditions - Use Unit 1211) of the required screening when abutting an "R" zoned district; and to **APPROVE** a **Variance** (Section 1211.4 - Off-Street Parking and Loading Requirements - Use Unit 1211) of the previously approved 10 parking spaces to 4; subject to a tie contract on the two parking lots; finding that the area is in transition and is developing into a medical related service area; finding that the subject property and the property to the north are owned by the Tulsa Psychiatric Center and a heavy growth of trees forms a natural screen on the remaining boundary; on the following described property:

Lot 7, Block 6, and Lots 1 and 2, Block 9, Forest Park Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 15291

Action Requested:

Waiver of filing fee for DVIS.

Comments and Questions:

Mr. Jones informed that the application was filed by **Terry Young**, who represented Domestic Violence Intervention Service. He requested by letter (Exhibit S-1) that the filing fees be waived, since this is a community service type organization which receives funding from the United Way, and possibly some funding from the City.

Presentation:

The applicant, **Terry Young**, was not present.

Additional Comments:

Ms. Bradley asked Staff if this Board action would set a precedent for the waiving of fees for all non-profit agencies, and Mr. Jones replied that it is customary to waive fees for any application connected with the city, state or federal government.

Mr. Chappelle stated that the organization in question is not connected to the City of Tulsa, except for the funds it receives, and is a private non-profit organization.

Mr. Gardner stated that this type of organization is different from a church, as they provide a city service.

Case No. 15291 (continued)

Mr. Jackere advised that fees are usually waived for organizations that are supported in whole, or in part, by city, state, or federal funds. Ms. Bradley pointed out that the organization does receive contributions from the City of Tulsa.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-1 (Bolzle, Bradley, Fuller, "aye"; no "nays"; Chappelle, "abstaining"; White, "absent") to **APPROVE** a **Waiver** of the filing fee for DVIS (Domestic Violence Intervention Service); finding that filing fees are customarily waived for organizations that receive funding from the city, state or federal governments.

Case No. 11658

Action Requested:

Amended site plan approval.

Comments and Questions:

Mr. Gardner stated that the application was previously approved, per the submitted site plan, and the applicant is requesting an amendment to the plan. He pointed out that the change could be minimal; however, the Board will be required to hear the case and determine if the change is significant enough to warrant advertising.

Presentation:

The applicant, **Redeemer Covenant Church**, was represented by **Dusty Rhodes**, 8411 South College, Tulsa, Oklahoma. Mr. Rhodes stated that he is chairman for the building committee, and asked permission to place a 10' by 16' storage facility on the parking lot. He informed that playground equipment and lawn mowers will be stored in the building. An amended site plan (Exhibit X-3), a copy of the zoning clearance application (Exhibit X-2) and photographs (Exhibit X-1) were submitted for Board review.

Additional Comments:

Mr. Fuller asked who lives next door to the church, and the applicant replied that the nearest residence is 100 yards to the northeast.

Ms. Hubbard informed that all requirements have been met except the storage building, which did not appear on the original site plan.

In response to Ms. Bradley, Mr. Rhodes informed that the storage facility will be located on the east side of the building.

Protestants: None.

Case No. 11658 (continued)

Board Action:

On **MOTION** of **FULLER**, the Board voted 3-0-0 (Bolzie, Bradley, Fuller, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **APPROVE** an **Amendment** to the previously approved site plan to allow a 10' by 16' storage building to be located on the parking lot to the east of the building.

Case No. 15221 - 15253

Action Requested:

Consider rehearing Board of Adjustment Case No. 15221 as a new application, or approve compromise of the appeal of the same.

Request by **Ray Greene**, Director Protective Inspections and Facility Maintenance, to consider rehearing Board of Adjustment Case No. 15253.

Presentation:

Mr. Jackere stated that the Board can consider Items 15221 and 15253 together. In reviewing the sign applications for Spraker Volkswagen, he pointed out that there were two Donrey signs located on the property, which abutted the Broken Arrow Expressway. Mr. Jackere stated that the signs were spaced too close to each other and to the right-of-way. He noted that Mr. Stokely negotiated with the owner of the property to install two new signs. He stated that Mr. Stokely filed a request for a variance of the spacing, and the application was heard by the Board and approved. During that hearing the applicant stated that he would replace the existing signs with new signs, and the Board approved one outdoor advertising sign, and one on-premise sign with the name of the company. Mr. Jackere informed that the applicant then returned to the Board for further spacing relief, since there was an error in Mr. Stokely's calculation regarding the distance between the two signs. He pointed out that the Board approved the second application; however, up to this point, the issue of the distance of the signs from the expressway had not been discussed. It was noted that a provision in the Code states that all signs are required to be set back 10' from the right-of-way. After this was pointed out to Mr. Stokely, he returned to the Board for a variance of the required 10' setback; however, a deficiency in the advertising only allowed the Board to hear the variance of the outdoor advertising sign, which was denied.

At this point Mr. Chappelle asked Mr. Jackere if the previously existing Donrey signs were inside the 10' setback from the expressway right-of-way, and he replied that they were inside the 10' setback and nonconforming.

Mr. Jackere further noted that Mr. Stokely appealed the Board decision to District Court and it is pending, with trial being set for November. He pointed out that Mr. Stokely then made application for a variance of the 10' setback for the sign that advertises

Case No. 15221 - 15253 (continued)

Spraker Volkswagen, and the Board approved the variance. Mr. Jackere pointed out that, within approximately one month, the Board approved one sign within the 10' setback and denied the other. He stated that, in his opinion, the decisions are inconsistent and, as a result of the action taken on the business sign, the Protective Inspections Department attempted to appeal that decision to the District Court, and the City Commission would not allow the appeal to be filed. Mr. Jackere asked the Board to approve a request to allow the legal department to attempt to settle the case pending in District Court.

Comments and Questions:

Mr. Fuller asked if there was "bad faith" on the part of the applicant, in that the new signs were closer to the right-of-way than Mr. Stokely had indicated, and Mr. Jackere stated that the 10' setback was on the sign application.

Ed Rice, Sign Inspection Department, who represented **Ray Greene**, stated that, after the spacing between the signs was resolved, Mr. Stokely made application for both signs at the same time and the 10' setback requirement appeared on the application. Mr. Rice stated that Mr. Stokely then installed the signs less than 2' from the right-of-way and, when he was informed that a survey was ordered, stated that there was no reason to survey the property because he could have told him that the signs were closer than 10'. Mr. Rice stated that he was at the first setback hearing, but the second meeting was attended by one of the inspectors, who was unable to hear because of the faulty speaker system, and did not know when to address the Board. He requested that the Board rehear Case No. 15221 in order that the Sign Inspection Department can be heard. A letter (Exhibit T-1) from Ray Greene, Director Protective Inspections and Facilities Maintenance, was submitted.

Mr. Chappelle noted that Mr. Rice is requesting that the Board rehear a case that the City Commission has denied permission to be appealed to District Court. Mr. Chappelle stated that the Board was probably confused by the number of times the applicant returned with requests concerning the same two signs, but pointed out that the Board would probably have granted Donrey permission to upgrade the existing signs.

Mr. Jackere stated that the case cannot be reheard unless there is a change in circumstances or newly discovered facts.

Mr. Gardner stated that Mr. Stokely appeared before the Board with a request to remove two existing outdoor advertising signs and replace them with one outdoor advertising sign and one business sign; however, a permit was not required to install a business sign, so all of Mr. Stokely's discussion about the business sign was unnecessary, and probably confused the Board. Mr. Gardner stated that the Board was led to believe that the signs at this location would be smaller, with a reduction from six sign faces to four; however, the end result was at least the same amount of signage, or more.

Case No. 15221 - 15253 (continued)

Mr. Bolzie stated that he had asked Mr. Jackere if a condition of removal in 1995 could be placed on the approval of the business sign, and he replied that it could not. Mr. Bolzie referred to 1430.2 of the Zoning Code, which stated that business signs will be removed, or made to conform on or before January 1, 1996. He pointed out that if there is a rehearing, he would like to rehear and approve both sign requests, subject to removal dates being imposed.

Mr. Jackere pointed out that Mr. Stokely probably will not agree to a reconsideration of the approval.

Mr. Rice stated that the signs that previously existed at this location should not be considered, and once the old signs are removed, the new signs should conform to the Code.

There was lengthy discussion on the subject of rehearing the applications, and it was the general consensus of the Board to allow legal counsel to negotiate a settlement of Case No. 15221.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Request** from legal counsel to negotiate a settlement of the appeal of Case No. 15221.

There being no further business, the meeting was adjourned at 3:50 p.m.

Date Approved

Nov. 2, 1989

Harry White
Chairman