

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 563  
Thursday, May 17, 1990, 1:00 p.m.  
City Commission Room, Plaza Level  
Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Bolzle Bradley Chappelle Fuller	White, Chairman	Gardner Moore Richards	Jackere, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Wednesday, May 16, 1990, at 9:40 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 4-0-0 (Bolzle, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** the Minutes of April 19, 1990 (No. 561).

**UNFINISHED BUSINESS**

**Case No. 15401**

**Action Requested:**

Variance to permit a detached accessory building in the side yard - **Section 420.2A2 ACCESSORY USE CONDITIONS** - Use Unit 6.

Variance of the required 45' setback from the centerline of South 31st West Avenue to 0' to permit the construction of a detached accessory building - **Section 430.1 BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located NE/c of West 38th Street South and South 31st West Avenue.

**Comments and Questions:**

Mr. Gardner advised that the application was continued from the last meeting to allow Ms. Harris to complete additional research. He pointed out that the plot plan submitted by the applicant depicted the building site as being partially located in the City right-of-way.

**Presentation:**

The applicant, **Delphine Harris**, 2923 West 38th Street, Tulsa, Oklahoma, informed that a portion of the proposed garage will extend into the City right-of-way. She stated that the plot plan previously submitted is correct.

Case No. 15401 (continued)

**Additional Comments:**

Mr. Gardner stated that, according to the plot plan, the building will encroach approximately 9' into the dedicated right-of-way, and Staff could not support construction in this area; however, if inclined to grant relief, the Board could allow construction to be within 40' of the centerline.

In response to the applicant's remark concerning structures in the area that are closer to the street than the proposed garage, Mr. Gardner pointed out that property owners that have constructed buildings on the City right-of-way have built on property that they do not own, and without the City's approval.

Mr. Fuller asked if the garage can be constructed on the east side of the existing dwelling, and Ms. Harris replied that there are trees located in that area and that she is not financially able to install a long driveway.

Mr. Bolzie suggested that the width of the garage could be reduced from 36', and the applicant stated that the garage will serve as a garage for her vehicle, as well as a storage facility for her janitorial equipment.

Mr. Jackere advised that an accessory storage building for equipment used in a business is prohibited in a Residential District. He informed Ms. Harris that this type of storage could be allowed if a Home Occupation is approved by the Board.

It was the consensus of the Board that the garage could be reduced in size and constructed without the requested relief.

**Protestants:** None.

**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** to permit a detached accessory building in the side yard - **Section 420.2A2 ACCESSORY USE CONDITIONS** - Use Unit 6; and to **DENY** a **Variance** of the required 45' setback from the centerline of South 31st West Avenue to 0' to permit the construction of a detached accessory building - **Section 430.1 BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; finding that there are other accessory buildings in the area that are located in the side yards; and finding that construction according to the plan submitted would cause the garage to encroach approximately 9' into City right-of-way; on the following described property:

Lot 4, Block 24, Red Fork Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15415**

**Action Requested:**

Variance of the one year time limit to permanent - **Section 440.6 a. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICT REQUIREMENTS**, located 428 South 38th West Avenue.

**Presentation:**

The applicant, **Ralph C. Sullivent**, Route 4, Box 730, Sand Springs, Oklahoma, informed that the Board previously granted permission to locate a mobile home on the subject property, and requested that the time limit of one year be varied to allow permanent use. He pointed out that the mobile is used by the church for placement of families that are without shelter.

**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** of the one year time limit to permanent - **Section 440.6 a. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICT REQUIREMENTS**; finding that the use is compatible with the surrounding area; on the following described property:

Lot 5, Sherwood Place Addition and Lot 8, Block 9, Parkview Place Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15424**

**Action Requested:**

Variance of the required building setback from abutting R zoned districts from 75' to 10' on the east boundary, and from 75' to 25' on the south boundary - **Section 930. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25, located 1504 West 37th Place.

**Presentation:**

The applicant, **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma, requested by letter (Exhibit X-1) that Case No. 15424 be continued to June 7, 1990, due to conflicting schedules.

**Board Action:**

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **CONTINUE** Case No. 15424 to June 7, 1990, as requested by the applicant.

**Case No. 15431**

**Action Requested:**

Minor Variance of the front yard setback requirement measured from the centerline of South Atlanta Place from 60' to 59.1' - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6**, located 4316 South Atlanta Place.

**Presentation:**

The applicant, **Phillip E. Marshall**, Suite 2, 5424-B South Memorial Drive, Tulsa, Oklahoma, stated that he is a realtor and is representing the buyers of the property in question. He informed that, during the survey process, it was discovered that the garage has been constructed approximately .9' over the building setback line.

**Comments and Questions:**

Ms. Bradley asked the applicant if he is attempting to clear the title to the property, and he answered in the affirmative.

**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 **Minor Variance** of the front yard setback requirement measured from the centerline of South Atlanta Place from 60' to 59.1' - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6**; finding that the house was initially constructed over the lot line, and setback relief is required to clear the title.

Lot 103.7' of Lot 2, Block 1, Skyview Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15429**

**Action Requested:**

Variance of the required number of parking spaces to be provided from 42 to 25 - **Section 1214. SHOPPING GOODS AND SERVICES - Use Unit 14**, located 3601 East Admiral Place.

**Presentation:**

The applicant, **Gabriele**, 3601 East Admiral Place, Tulsa, Oklahoma, was not present.

**Comments and Questions:**

Mr. Richards stated that the applicant has advised Staff of her intent to purchase additional property for parking, and requested that Case No. 15429 be withdrawn.

**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 **WITHDRAW** Case No. 15429, as requested by the applicant.

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**Case No. 15430**

**Action Requested:**

Variance of the minimum front yard setback required from 55' to 25' measured from the centerline of 4th Street - **Section 930. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICT** - Use Unit 23.

Variance of the minimum side yard setback requirement from 55' to 30' measured from the centerline of Rockford Avenue - **Section 930. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 23, located 1501 East 4th Place.

**Presentation:**

The applicant, **Ted A. Larkin**, was not present.

**Board Action:**

On **MOTION** of **CHIAPPELLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **CONTINUE** Case No. 15430 to June 7, 1990, to allow Staff sufficient time to contact the applicant concerning his failure to appear.

**Case No. 15432**

**Action Requested:**

Special Exception to permit a nail salon as an accessory area - **Section 620. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 13.

Special Exception to permit a nail salon as an accessory use - **Section 640. SPECIAL EXCEPTION USES IN OFFICE DISTRICTS, REQUIREMENTS** - Use Unit 13, located 4528 South Sheridan.

**Presentation:**

The applicant, **Drew Schunk**, Suite 400, 7625 East 51st Street, Tulsa, Oklahoma, was represented by **Steve Dixon**, 3003 West 77th Street, Tulsa, Oklahoma, who informed that he is agent for the owner in this case. He requested permission to operate a nail salon on the subject property, as similar businesses have previously operated at this location.

**Comments and Questions:**

Ms. Bradley informed that she has viewed the property and the proposed use is compatible with the surrounding area.

**Protestants:** None.

Case No. 15432 (continued)

**Board Action:**

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Boizle, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a Special Exception to permit a nail salon as an accessory use - **Section 620. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 13; and to **APPROVE** a Special Exception to permit a nail salon as a principal use - **Section 640. SPECIAL EXCEPTION USES IN OFFICE DISTRICTS, REQUIREMENTS** - Use Unit 13; finding that the proposed nail salon is compatible with the surrounding uses, and the granting of the requests will not violate the spirit, purposes or intent of the Code; on the following described property:

Lot 1, Block 1, South Sheridan Plaza Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15433**

**Action Requested:**

Variance of the maximum square footage allowed for an accessory building from 750 sq ft to 900 sq ft. **Section 240 YARDS** - Use Unit 6.

Variance to permit the accessory building to be located in the side yard - **Section 420.2 Accessory Use Conditions** - Use Unit 6.

Variance of the rear yard setback requirement on the east side from 20' to 5' - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6.

Request for refund of Board of Adjustment filing fee - **Section 1640. FEES**, located 17 South Birmingham.

**Comments and Questions:**

Mr. Richards informed that the Board has previously denied a similar request by the applicant (Case No. 15349), finding that the storage of automobiles would be the principal use on the lot.

Ms. Bradley inquired as to the difference between the previous case and the current case, and Mr. Richards informed that the accessory building was the principal use in the previous application and an accessory use in the current application.

Mr. Gardner remarked that the Planning Commission has approved a proposed amendment to the Zoning Code, which would deal with detached accessory buildings in nonrequired side yards. He informed that under the amendment, the maximum square footage for an accessory building will remain at 750 sq ft, or a total square footage of all accessory buildings being no more than 40% of the principal structure.

Case No. 15433 (continued)

Ms. Bradley asked the applicant to state the total square footage of the house, and Mr. Horner replied that it contains approximately 800 sq ft.

In response to Mr. Gardner, the applicant stated that the garage will be accessed from Birmingham Avenue.

Mr. Bolzle stated that he is not convinced that the accessory building located in the side yard is appropriate in the residential neighborhood.

**Presentation:**

The applicant, **Charles Horner**, 2536 East 1st Street, Tulsa, Oklahoma, who submitted a plat of survey (Exhibit C-1) and photographs (Exhibit C-2), stated that he now lives on the subject property. He informed that the lot is narrow and there is a garage located directly behind his home, as the fence along the property line is only 4' from his walkway. Mr. Horner pointed out that his house is located on the extreme north portion of the lot, with the bulk of his property being to the south. He remarked that the storage facility will align with the existing houses on the street, and that the neighbors are supportive of the proposed construction.

**Additional Comments:**

Mr. Bolzle asked the applicant if the building will resemble a large residential garage, as depicted in the photograph, and he answered in the affirmative. After discussion and viewing of the photograph (Exhibit C-2, No.1), Mr. Bolzle stated that some of his concerns have been satisfied.

In reference to Ms. Bradley's inquiry as to a hardship for this case, the applicant stated that the older home is located on the extreme north portion of a long narrow corner lot.

**Board Action:**

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **DENY** a **Variance** of the maximum square footage allowed for an accessory building from 750 sq ft to 900 sq ft. **Section 240 YARDS - Use Unit 6; to APPROVE a Variance** to permit the accessory building to be located in the side yard - **Section 420.2 Accessory Use Conditions - Use Unit 6; to APPROVE a Variance** of the rear yard setback requirement on the east side from 20' to 5' - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6; and to DENY a Request** for refund of Board of Adjustment filing fee as required - **Section 1640. FEES;** subject to the building containing a maximum of 750 sq ft; and subject to the garage conforming to the structure depicted in the submitted photograph (Exhibit C-2, No. 1); finding a hardship demonstrated by the long narrow shape of the property, the placement of the house on the lot and the corner lot location; on the following described property:

Lot 13, Block 7, East Highland Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15434

Action Requested:

Variance of the front yard setback requirement from 50' to 35' to permit construction of an addition to an existing building - **Section 930. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 11, located 901 North Mingo.

Presentation:

The applicant, **QuikTrip Corporation**, was represented by **Joe Westervelt**, 901 North Mingo Road, Tulsa, Oklahoma, who submitted a site plan (Exhibit D-1) for a proposed expansion project. He explained that the outside of the building will be refaced, and the building expansion will extend approximately 13' into the 50' required setback. Mr. Westervelt pointed out that there are numerous structures along Mingo that are closer to the centerline than the proposed construction.

Comments and Questions:

Mr. Gardner asked if only a small portion of the building will encroach into the required setback, and the applicant stated that only 21' of the 600' building will extend into the 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** of the front yard setback requirement from 50' to 35' to permit construction of an addition to an existing building - **Section 930. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 11; per plot plan submitted; finding that only a small portion of the structure will encroach into the required setback, and that there are other buildings along Mingo Road that are as close to the centerline as the proposed construction, and that the granting of the variance request will not violate the spirit, purposes or intent of the Code; on the following described property:

Part of Block 1, beginning 203.16 northeast and 698.58' north SW/c Lot 5, Block 2, Expressway Village Center, thence east 90', north 684.94, west 290, south 40', east 200', south 644.94 to the Point of Beginning, Van Estates No. 1 Amended. Part of Block 1 beginning 679.27' north of SW/c of Lot 5, Block 2, Expressway Village Center, thence east 200', north 55', west 200', south 55' to the Point of Beginning, Van Estates No. 1 Amended. Lot 1, Block 1, Expressway Village Center Resubdivision, part of west 200' of Van Estates No. 1 Amended, Lot 3, Block 1, Expressway Village Center, a resubdivision of part of west 200' Van Estates No. 1 Amended. Lot 3, Block 1, Expressway Village Center, a resubdivision of part of west 200' of Van Estates No. 1 Amended. S/2 of Lot 2, Block 1, Expressway Village Center, part of the west 200' Van Estates No. 1 Amended. N/2 of Lot 2, Block 1, Expressway Village Center, resubdivision of part of west 200' Van Estates No. 1 Amended, City of Tulsa, Tulsa County, Oklahoma.



**Case No. 15435**

**Action Requested:**

Variance of the required 10' and 5' side yard setback requirements to 5' and 5' - Section 430. **BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 2515 South Cincinnati Avenue.

**Presentation:**

The applicant, **Douglas M. Gaither**, was not present.

**Comments and Questions:**

After phone contact with the applicant, Mr. Gardner advised that the architect presenting the case has been detained and asked that his case be heard at the end of the agenda.

**Protestants:**

**Robert Tipps**, 2519 South Cincinnati, Tulsa, Oklahoma, represented Suzanne Tipps, who lives next door to the subject property, and asked that the application be denied. He pointed out that the applicant has the responsibility to be present, and that a delay in the hearing would greatly inconvenience him, as he has a previously scheduled engagement. He urged the Board to deny the application.

**Kevin Kelly**, 2511 South Cincinnati, Tulsa, Oklahoma, stated that he is representing James T. Kelly, property owner at 2511 South Cincinnati, and is opposed to the delay. He informed that he has a scheduled court appearance, which would prevent him from attending the remainder of this meeting.

**Additional Comments:**

Mr. Bolzle asked the protestants if they would prefer a continuance rather than having the case moved to the end of the agenda, and they answered in the affirmative.

**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. 15435 to June 7, 1990.

**Case No. 15436**

**Action Requested:**

Variance to permit a detached accessory building in a side yard - **Section 420.2. Accessory Use Conditions** - Use Unit 6, located west of the NW/c of 33rd Street and South Florence Avenue.

**Presentation:**

The applicant, **R. A. Clark**, 4342 South Trenton, Tulsa, Oklahoma, requested that Case No. 15436 be withdrawn.

**Board Action:**

On **MOTION** of **BOLZIE**, the Board voted 3-0-0 (Bolzie, Bradley, Chappelle, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **WITHDRAW** Case No. 15436, as requested by the applicant.

**Case No. 15437**

**Action Requested:**

Special Exception to allow a change in use to permit operation of a public park and recreation facilities, including golf course maintenance - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, located north of NE/c Mohawk Boulevard and North Yale.

**Presentation:**

The applicant, **City of Tulsa**, was represented by **Randy Nicholson**, 707 South Houston, Tulsa, Oklahoma, who submitted a location map and site plan (Exhibit E-1) for a new maintenance facility to accommodate the Mohawk Golf Course. He informed that the 1987 Park Bond Issue was passed and funds have recently been made available for the project.

**Comments and Questions:**

Ms. Bradley inquired as to the size of the proposed building, and Mr. Nicholson replied that the facility will contain approximately 6000 sq ft of floor space. He informed that surrounding property owners have been contacted and are supportive of the project.

**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 **Special Exception** to allow a change in use to permit operation of a public park and recreation facilities, including golf course maintenance - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5; per plot plan submitted; finding that the maintenance facility will be used for the storage of maintenance supplies for the golf course and will be compatible with the area; on the following described property:

The SE/4 of the NE/4 of Section 16, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15440**

**Action Requested:**

Special Exception and an amendment to the site plan to permit the construction, use and occupancy of two additional buildings - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS ; Section 610. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS - Use Unit 12, located SE/c East 28th Street and South Sheridan.**

**Presentation:**

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma, represented the University of Oklahoma College of Medicine. He submitted a site plan (Exhibit F-1) and photographs (Exhibit F-2) and asked that the previously approved plan be amended to include two additional buildings (24' by 80' and 24' by 70') on the north portion of the property. Mr. Norman informed that the college has approximately 50 students and 100 residents at this location, and 100,000 patients per year visit the medical offices. It was noted that, due to a recent review for accreditation, surgical facilities were required to be added to the clinic. Mr. Norman stated that the two buildings to the north will be used for this purpose. It was noted by the applicant, that the University of Oklahoma has acquired numerous properties in the area for expansion, and long range plans call for the removal of the two buildings in question and the construction of a larger facility. A landscape plan (Exhibit F-4) was submitted.

**Comments and Questions:**

Mr. Bolzle asked why the north location on 28th Street was chosen for the location of the buildings, and Mr. Norman replied that they were placed as close to the clinic as possible.

Ms. Bradley informed that a letter (Exhibit F-3) from the Whitney Homeowners Association states a concern with the sanitary sewer line serving the neighborhood and the OU campus.

Mr. Norman advised that he has met with the association, and is in agreement with them concerning the need for sewer improvements and traffic signals in the area. He informed that the addition of the two units will not add to the existing load on the sanitary sewer.

**Protestants:**

**Mrs. J. Cross**, 6541 East 28th Street, Tulsa, Oklahoma, stated that she is pleased that the medical college is in the area, but is concerned with the appearance of the two mobile units that have been moved to the property. She further noted that the installation of the buildings have increased the amount of trash blowing into the residential area. Ms. Cross stated that she has contacted the college about the problem, but the trash continues to accumulate. She pointed out that 28th Street is not wide enough to accommodate the traffic generated by the medical facility, and street parking is a problem in the area.

Case No. 15440 (continued)

**Interested Parties:**

Ray McCollum, 3135 South 76th East Avenue, Tulsa, Oklahoma, stated that he is president of the Whitney Homeowners Association, and that the area residents have met with representatives of the college. He informed that concerns of the neighborhood have been discussed and are being worked out. Mr. McCollum stated that the association is supportive of the medical facility, but will continue to monitor the expansion.

**Applicant's Rebuttal:**

In reference to the trash problem, Mr. Norman stated that he does not believe the clinic is responsible for the trash in the neighborhood, as a maintenance man picks up trash daily.

Ms. Cross stated that the trash picked up in her yard has Johnson and Johnson labels.

**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** and an amendment to the site plan to permit the construction, use and occupancy of two additional buildings - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS ; Section 610. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 12; per plot plan submitted; finding that the addition of the two units for medical use is compatible with the area, and will not violate the spirit and intent of the Code; on the following described property:

Reserve "A" Boman Acres Third Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof, and that part of the SW/4, SW/4, Section 14, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the US Government Survey thereof, being more particularly described as follows, to-wit:

Beginning 648.30' east of the NW/c of the SW/4, SW/4, of said Section 14; thence S 89°-57.4138' E and along the north line of the said SW/4, SW/4 a distance of 2.23'; thence S 0°-1.2757' E a distance of 58'; thence S 89°-.4138' E a distance of 11.74'; thence south 235'; thence westerly and parallel to the north line of said SW/4, SW/4, a distance of 14.30'; thence northerly and parallel to the west line of said Section 14, a distance of 343' to the Point of Beginning; AND

The north 343' of the west 648.3' of the SW/4, SW/4, Section 14, T-19-N, R-13-E, of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the US Government Survey thereof, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15443**

**Action Requested:**

Special Exception and amendment to the site plan to permit the construction, use and occupancy of an addition to the existing building on property approved by the Board of Adjustment on August 11, 1983, BOA Case No. 12746, located 3606 North Cincinnati.

**Presentation:**

The applicant, **Dennis Curtis**, Box 3465, Tulsa, Oklahoma, was not present.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 3-0-1 (Bolzle, Bradley, Fuller, "aye"; no "nays"; Chappelle, "abstaining"; White, "absent") to **CONTINUE** Case No. 15443 to June 7, 1990.

**MINOR VARIANCES AND EXCEPTIONS**

**Case No. 15441**

**Action Requested:**

Variance of the minimum frontage requirement from 150' to 150' and 139.20' respectively to permit a lot-split - **Section 730. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located 6500 South Peoria.

**Presentation:**

The applicant, **William M. Young**, 3130 East 85th Place, Tulsa, Oklahoma, was represented by **George Logan**, Moskowitz Realtors. He informed that a lot split is proposed, and a change of access points has been previously approved. Mr. Logan stated that there are numerous lots along Peoria that are similar in size to the lots in question. He informed that an existing building is located on the 150' lot. A site plan (Exhibit G-1) and proposed lot split (Exhibit G-2) were submitted.

**Comments and Questions:**

Mr. Gardner pointed out that many lots in the area were developed prior to the adoption of the 1970 ordinance requiring a minimum of 150' lot frontage.

**Protestants:** None.

Case No. 15441 (continued)

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 3-0-i (Bolzle, Bradley, Chappelle, "aye"; no "nays"; Fuller, "abstaining"; White, "absent") to **APPROVE** a **Variance** of the minimum frontage requirement from 150' to 150' and 139.20' respectively to permit a lot split - **Section 730. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; subject to Stormwater Management, and Water and Sewer Department approval; finding that there are numerous lots in the older area that are similar in size, or smaller, than the lots in question; on the following described property:

Lot 1, Block 1, Young Center, SE/4, NE/4, Section 1, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15438**

**Action Requested:**

Special Exception to permit boat sales in a CS zoned district - **Section 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 1206 South Memorial.

**Presentation:**

The applicant, **Michelle Atkins**, was represented by **Allen Atkins**, 3733 South 144th East Place, Tulsa, Oklahoma, who requested permission to operate a marine dealership at the above stated location.

**Comments and Questions:**

In response to Ms. Bradley, the applicant stated that approximately 40 boats will be stored on the lot.

Mr. Gardner asked if the majority of the boats will be new, and Mr. Atkins replied that he will have some trade-ins, but the bulk of the inventory will consist of new boats.

Mr. Bolzle asked what type of privacy fence is in place between the subject property and the abutting RS property, and the applicant replied that the privacy fence is wood.

In response to Mr. Bolzle's question concerning articles that will be stored in the area to the rear, the applicant stated that only boats will be stored in the fenced area behind the building.

Ms. Bradley asked if the lot is paved, and Mr. Atkins replied that the back portion is covered with gravel.

Ms. Hubbard advised that all areas where parking occurs must be covered with a hard surface material.

Mr. Gardner advised that numerous Use Unit 17 uses have been approved in the area, and the boat sales business, as presented, would be compatible with these existing uses.

Case No. 15438 (continued)

Protestants: None.

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** to permit boat sales in a CS zoned district - **Section 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; per plot plan submitted; finding that there are similar uses in the area, and the granting of the special exception request will not be detrimental to the surrounding area, or violate the spirit and intent of the Code; on the following described property:

Legal description being: E/2, N/2, N/2, SE/4, NE/4, NE/4, less west 125.19' thereof, and less beginning 33' west of NE/c, E/2, N/2, N/2, SE/4, NE/4, NE/4, thence south 85', northwesterly 85.02', east 189' to the Point of Beginning, Section 11, T-19-N, R-13-E, Tulsa County, Oklahoma, and west 125.19' E/2, N/2, N/2, SE/4, NE/4, NE/4, Section 11, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15439

Action Requested:

Special Exception to permit Christmas tree sales, retail plant and garden supply sales - **Section 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 14 and Use Unit 2, located 4161 South Memorial.

Presentation:

The applicant, **Charles Kays**, Route 3, Box 129, Cleveland, Oklahoma, requested permission to operate a retail sales business on a vacant lot in an Industrial District. Mr. Kays explained that he is proposing to sell tropical plants during the spring, and Christmas trees during the Christmas season. He stated that proceeds from the tree sales will be directed to Children's Medical Center.

Comments and Questions:

Ms. Bradley asked if the property will be in use approximately six months, and Mr. Kays replied that he plans to utilize the lot approximately four months out of the year.

In response to Ms. Bradley, the applicant stated that he is leasing the property in question.

Ms. Hubbard pointed out that the sale of Christmas trees has been previously approved at this location.

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions";

Case No. 15439 (continued)

White, "absent") to **APPROVE** a **Special Exception** to permit Christmas tree sales, retail plant and garden supply sales - **Section 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 14 and Use Unit 2; finding that the proposed use is compatible with the surrounding area, and that the temporary sale of Christmas trees has previously been approved at this location; on the following described property:

Beginning 50' southwesterly of centerline of MK&T Railroad right-of-way and 33' east of the west line of the NW/4, thence southeast along railroad right-of-way 846.70', southwest 208' to point, 200' southwesterly along railroad right-of-way, northwest 325.93', west 376.44' to point 33' east of the west line of section; thence north 336.54' to the Point of Beginning, Section 25, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15442**

**Action Requested:**

Variance of the front yard setback requirement from 35' to 19', and a variance of the side yard setback requirement from 5' to 1' 6" to permit the construction of a new garage - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1807 East 31st Street.

**Presentation:**

The applicant, **Charles K. Harmon**, requested by letter (Exhibit J-1) that Case No. 15442 be withdrawn.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **WITHDRAW** Case No. 15442, as requested by the applicant.

**Case No. 15444**

**Action Requested:**

Special Exception to permit a children's nursery - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, located 7409 East 31st Street.

**Presentation:**

The applicant, **Lottie Friese**, requested by letter (Exhibit K-1) that Case No. 15444 be withdrawn. Ms. Friese stated that she could not gain the support of the neighborhood for the children's nursery.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **WITHDRAW** Case No. 15444, as requested by the applicant.



**Case No. 15445**

**Action Requested:**

Special Exception to permit operation of a dog grooming business as a home occupation - **Section 420. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 13, located 3720 South 110th East Avenue.

**Presentation:**

The applicant, **Norma Patterson**, 3720 South 110th East Avenue, Tulsa, Oklahoma, requested permission to groom dogs in her home. A photograph (Exhibit C-2) and petition of support (Exhibit L-1) were submitted.

**Comments and Questions:**

Mr. Fuller inquired as to the number of dogs that will be groomed per day, and the applicant replied that she can groom a maximum of five. She explained that some customers bring as many as four dogs at one time.

Ms. Bradley asked Ms. Patterson if she has read the Home Occupation Guidelines, and she answered in the affirmative.

In response to Mr. Bolzle, the applicant stated that she will conduct her business from 7:00 a.m. to 5:00 p.m., Tuesday, Wednesday and Thursday, and that she does not offer overnight care.

**Protestants:**

D. E. Berry, 10833 East 26th Street, Tulsa, Oklahoma, stated that he owns property in the area, and a business in the neighborhood would have an adverse affect on property values. Mr. Berry pointed out that, although the grooming business is not an intense use, he feels that a precedent would be set if the application is approved.

**Additional Comments:**

Ms. Bradley asked Mr. Berry if his property is used for rental purposes, and he answered in the affirmative.

Mr. Bolzle inquired as to the length of time a grooming business has been in operation at this location, and the applicant replied that she has been grooming dogs during the 14 years she has lived at this address.

In response to Ms. Bradley's question, the applicant informed that she filed the special exception request because she received a notice from the City stating that the grooming business is operating in violation of the Code.

Case No. 15445 (continued)

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Special Exception** to permit operation of a dog grooming business as a home occupation - **Section 420. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 13; subject to a maximum of five dogs being groomed per day; subject to days and hours of operation being Monday through Friday, 7:00 a.m. to 5:00 p.m.; subject to no overnight boarding of dogs; and subject to all dogs being kept inside the home; finding that the applicant has been grooming dogs at this location for approximately 14 years, and that the home occupation, as presented, is compatible with the residential area; on the following described property:

Lot 32, Block 14, Shannon Park Sixth Addition, City of Tulsa, Tulsa, Oklahoma.

**Case No. 15446**

**Action Requested:**

Variance of the rear yard setback requirement from 25' to 3' to permit construction of an attached garage - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 2152 East 26th Place.

**Presentation:**

The applicant, **Tom Atkinson**, 2152 East 26th Place, Tulsa, Oklahoma, submitted a site plan (Exhibit M-1) and stated that he is proposing to construct a garage on the back portion of his residence, which abuts two lots on the south. He pointed out that a two-story garage has been constructed near the property line on the lot abutting his back yard. Mr. Atkinson stated that one of the houses to the south of his property has been vacant for approximately six years, and the remaining two residents affected by the application have been notified and support the proposed construction. Letters of support (Exhibit M-2) from surrounding property owners were submitted.

**Comments and Questions:**

Mr. Gardner advised that the applicant would not need the requested relief if the garage was not attached to the house.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Variance** of the rear yard setback requirement from 25' to 3' to permit construction of an attached garage - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that there are other structures in the area that are as close to the lot line as the proposed garage; and finding that a detached garage could be constructed 3' from the property by right; on the following described property:

Case No. 15446 (continued)

The part of Lots 3 and 4, Block 4, Forest Hills, an addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows, to-wit: Beginning at a point on the north line of said Lot 4, 65' westerly from the NE/c of said Lot 4; thence southerly on a straight line to a point on the south line of said Lot 4, 69' westerly from the SE/c of said Lot 4; thence easterly along the south lines of said Lots 4 and 3 a distance of 165.27' to a point on the south line of said Lot 3, 96.27' easterly from the SW/c of said Lot 3; thence northerly on a straight line to a point on the north line of said Lot 3, 90' easterly from the NW/c of said Lot 3; thence westerly along the north lines of said Lots 3 and 4 a distance of 155' to a point on the north line of said Lot 4, 65' westerly from the NE/c of said Lot 4 and the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15447

Action Requested:

Special Exception to permit a tent revival from June 4, 1990 to June 30, 1990, located West of NW/c 36th Street North and North Peoria Avenue.

Presentation:

The applicant, **New Testament Revival Center**, was represented by **Anthony Smith**, 714 East 36th Street North, Tulsa, Oklahoma, who requested permission to conduct a tent revival at the above stated location. A site plan (Exhibit N-1) was submitted.

Comments and Questions:

Mr. Gardner asked if the proposed location is near a residential area, and Mr. Smith stated that there are only commercial uses in the area.

In response to Mr. Bolzle, the applicant explained that a shopping mall is located to the west, and the owner has agreed to allow the revival visitors to use the sanitary facilities in the mall.

Mr. Bolzle asked if the lot is paved, and Mr. Smith answered in the affirmative.

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** to permit a tent revival from June 4, 1990 to June 30, 1990; per plot plan submitted; subject to days and hours of operation being June 4, 1990 to June 23, 1990, 10:30 a.m. to 1:00 p.m., and 7:30 p.m. to 10:30 p.m. daily; finding that there are multiple zoning classifications in the area, and the granting of the request will not be detrimental to the existing uses; on the following described property:

Case No. 15447 (continued)  
Lot 2, Block 1, Market Addition, City of Tulsa, Tulsa County,  
Oklahoma.

OTHER BUSINESS

Case No. 15459

Action Requested:

Refund of filing fees.

Presentation:

The applicant, **Rosalie Hanson**, 3159 South Atlanta, Tulsa, Oklahoma,  
requested a refund of filing fees in the amount of \$150.00.

Comments and Questions:

Mr. Richards informed that the applicant requested withdrawal of the  
application before processing had begun, and suggested a full refund  
of \$150.00.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Boizle, Bradley,  
Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White,  
"absent") to **APPROVE** a Refund of fees, in the amount of \$150.00, for  
Case No. 15459; finding that the application was withdrawn prior to  
processing.

There being no further business, the meeting was adjourned at 3:38 p.m.

Date Approved June 7, 1990

Sherry White  
Chairman

**CITY BOARD OF ADJUSTMENT**

**MINUTES of Meeting No. 562**

**Thursday, May 3, 1990, 1:00 p.m.**

**City Commission Room, Plaza Level**

**Tulsa Civic Center**

**Chairman White** called the meeting to order at 1:00 p.m., and informed that all items listed on the May 3, 1990 agenda will be continued to May 17, 1990, due to lack of quorum. The meeting was adjourned at 1:03 p.m.