

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 570  
Thursday, September 6, 1990, 1:00 p.m.  
City Council Room, Plaza Level  
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Wednesday September 5, 1990, at 9:13 a.m., as well as in the Reception Area of the INCOG offices.

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

**MINUTES:**

On **MOTION** of FULLER, the Board voted 3-0-1 (Bradley, Chappelle, Fuller, "aye"; no "nays"; White, "abstaining"; Bolzle, "absent") to **APPROVE** the Minutes of August 16, 1990.

**MINOR VARIANCES AND EXCEPTIONS**

**Case No. 15517**

**Action Requested:**

Minor Variance of the side yard requirements from 5' to 4.9' to permit existing construction and clear title to property - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6, located 8707 South Indianapolis Avenue.**

**Presentation:**

The applicant, **Adrian Smith**, 5157 East 51st Street, Tulsa, Oklahoma, submitted a plat of survey (Exhibit A-1) and stated that he is representing the owners of the property in question. He explained that the home has been sold and this action is required to clear the title, as the east corner of the house was constructed approximately 2" over the required setback boundary.

**Protestants:** None.

**Board Action:**

On **MOTION** of CHAPPELLE, the Board voted 4-0-0 (Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Minor Variance** of the side yard requirements from 5' to 4.9' to permit existing construction and clear title to property - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6; per survey submitted; finding that the house was initially constructed approximately 2" over the required setback; on the following described property:**

Case No. 15517 (continued)

Lot 8, Block 3, Harvard Pointe Addition, City of Tulsa, Tulsa County, Oklahoma.

**NEW APPLICATIONS**

**Case No. 15510**

**Action Requested:**

Special Exception to permit a Tulsa Head Start Program facility -  
**Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** -  
Use Unit 5, located SW/c 41st Street and Union Avenue.

**Comments and Questions:**

Mr. Richards stated that the applicant has requested that Case No. 15510 be withdrawn.

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; Chappelle, "abstaining"; Bolzie, "absent") to **WITHDRAW** Case No. 15510, as requested by the applicant.

**Case No. 15511**

**Action Requested:**

Special Exception to permit a Tulsa Head Start Program facility -  
**Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** -  
Use Unit 5, located 5400 North Madison.

**Comments and Questions:**

Ms. White informed that Mr. Chappelle will abstain from hearing Case No. 15510.

**Presentation:**

The applicant, Tulsa County Head Start Program, was represented by Sylvia Wilson, 3348 North Garrison, Tulsa Oklahoma, who informed that a preschool program is proposed at the above stated location.

**Additional Comments:**

Ms. Bradley asked if the Tulsa Public School facility is open, and the applicant stated that the school is closed. Ms. Wilson informed that a head start program was located in the school approximately four years ago.

**Protestants:** None.

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; Chappelle, "abstentions"; Bolzie, "absent") to **APPROVE** a Special Exception to permit a Tulsa Head Start Program facility - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5; finding the preschool to be compatible with the surrounding area; on the following described property:

Case No. 15511 (continued)

Beginning at a point on the north line of the NE/4 of Section 12, T-20-N, R-12-E, said point being 610.0' west of the northeast corner thereof; thence due south parallel to the east line of Section 12 a distance of 226.0' to a point; thence north 89° 42.5' east parallel to the north line of Section 12 a distance of 160.0' to a point; thence due south parallel to the east line of Section 12 a distance of 656.0' to a point; thence south 89° 42.5' west parallel to the north line of Section 12 a distance of 150.0' to a point; thence due south parallel to the east line of Section 12 a distance of 260.7' to a point; thence south 89° 46.5' west a distance of 1130.38' to a point on the easterly R/W line of the Midland Valley Railroad; thence north 18° 47.45833' along said R/W line a distance of 1208.94' to a point on the north line of Section 12; thence east along said north line a distance of 25.25' to a point; thence south 18° 47.45833' west parallel to the east line of said RR R/W a distance of 541.84' to a point; thence north 89° 42.5' east a distance of 577.5' to a point; thence due north parallel to the east line of Section 12 a distance of 511.0' to a point on the north line of Section 12; thence north 89° 42.5' along said north line a distance of 303.0' to the POB, in the City of Tulsa, County of Tulsa, State of Oklahoma.

**Case No. 15521**

**Action Requested:**

Special Exception to permit a Tulsa Head Start Program facility - Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5, located 2426 South Phoenix.

**Presentation:**

The applicant, Tulsa Head Start, was represented by Sylvia Wilson, 3348 North Garrison, Tulsa, Oklahoma, who requested permission to conduct a preschool at the above stated location.

**Comments and Questions:**

There was a question concerning a request to withdraw the case, along with several other Head Start Programs and, after viewing a withdrawal letter (Exhibit B-2), Ms. Wilson stated that the requested was made in error.

Staff stated that the application has been properly advertised and can be heard by the Board.

Ms. Bradley asked if there are two dwellings located on the property, and Ms. Wilson replied that there is only one dwelling on the lot.

In response to Ms. Bradley, Ms. Wilson stated that the Department of Human Services determines the number of children taught at any given location. She informed that there will be no more than 17 children at this facility.

Case No. 15521 (continued)

Protestants:

**Glennella Doss**, 720 East Marshall, Tulsa, Oklahoma, submitted photographs (Exhibit B-3) and stated that she is representing the property owner at 2408 South Phoenix. She pointed out that there are generally two Head Start sessions per day, and the single-family residences will be adversely affected by the additional traffic generated by the day care facility. Ms. Doss further noted that there is not sufficient parking for the use.

In response to Ms. Bradley, Ms. Doss stated that the detached garage located on the property may appear to be a second house when viewed on the aerial photograph.

Ms. Bradley asked Ms. Doss if there is a driveway on the property, and she replied that the driveway has been removed and there is no parking available on the lot.

Mr. Fuller asked Ms. Doss if the buildings behind the subject property are vacant, and she replied that she did not observe those commercial buildings very closely and is not sure if they are occupied.

**Conrad Carson**, 3105 East Skelly Drive, Tulsa, Oklahoma, stated that he is representing **Josephine Snyder**, 2415 South Phoenix, who resides across the street from the subject property. He informed that HUD has informed him that they have not made this application, and have not given anyone permission to act on their behalf. Mr. Carson stated that it is his understanding that a day care center in a residential area is limited to five children. He further noted that there is not sufficient parking for the use at this location, and a plot plan has not been submitted for the project.

Mr. Gardner informed that a day nursery is allowed in a residential neighborhood by special exception, and this is not to be confused with a day care home, which allows a resident to care for a maximum of five children in the home. Mr. Gardner further noted that, in reviewing these types of applications, proposed day care centers in the interior portion of the block present a problem for the Board in making their decisions.

**Melissa Randolph**, 2442 South Phoenix, Tulsa, Oklahoma, stated that she lives in the neighborhood, and is representing the majority of the homeowners. She informed that the neighborhood is quiet, and is comprised of dwellings occupied by older citizens. Ms. Randolph stated that the residents of the area are concerned with the additional traffic that will be generated by the day care operation. She pointed out that the property has been poorly maintained, and the existing barn is infested with rodents and is barely standing. Ms. Randolph stated that the bank behind the property, which was previously referred to, is closed and the Otasco building is a part of Tulsa Regional Medical Center.

Case No. 15521 (continued)

**Applicant's Rebuttal:**

Ms. Wilson stated that Head Start Programs have previously been located in schools, churches, and various other structures around the City. She stated that the proposed center will not have two teaching sessions per day, as the children arrive at 8:00 a.m. and leave at 1:30 p.m. Ms. Wilson further noted that the house will be renovated and will be an asset to the neighborhood. In regard to parking, Ms. Wilson stated that the bank president has contacted the director of the Head Start Program and offered the use of the bank's parking lot if additional parking is required.

**Additional Comments:**

Ms. White asked if the Head Start Program has a written parking agreement with the bank, and Ms. Wilson stated that she is not aware of a written agreement.

Ms. Bradley remarked that the bank could reopen and the parking would no longer be available to the center.

Ms. White stated that the Board's major concern is the fact that the additional traffic would have a negative impact on the residential area, as the center would be accessible only by one street.

In response to Ms. Wilson, Ms. Bradley assured her that the Board is supportive of the Head Start Program; however, the location of the property in the middle of the residential block, and the fact that permanent parking is not available, is definitely a concern.

**Board Action:**

On **MOTION** of BRADLEY, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; Chappelle, "abstentions"; Bolzie, "absent") to **DENY** a Special Exception to permit a Tulsa Head Start Program facility - Section 401. **PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5; finding that the proposed location of the Tulsa Head Start preschool is not compatible with the area; as the property is located in the interior of the neighborhood, with limited street access, and no permanent parking available; on the following described property:**

Lots 13, 14 and 15, Block 46, West Tulsa Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15522**

**Action Requested:**

Special Exception to permit a Tulsa Head Start Program facility -  
**Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -**  
Use Unit 5, located 920 North Osage.

**Presentation:**

Ms. Wilson Informed that the school at this location has been closed for approximately two years, and requested permission to begin a Head Start Program in the existing building.

**Protestants:** None.

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 3-0-1 (Bradley, Fuller, White, "aye"; no "nays"; Chappelle, "abstaining"; Bolzie, "absent") to **APPROVE** a Special Exception to permit a Tulsa Head Start Program facility - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -** Use Unit 5; finding the use to be compatible with the surrounding area; on the following described property:

A tract of land in the NE/4 of SE/4 of NE/4 of Section 34, T-20-N, R-12-E, more particularly described as beginning at a point 60.0' west and 1410.3' south of the northeast corner of SE/4, NE/4, Section 34, T-20-N, R-12-E, thence west a distance of 334.2' to a point 1413.2' south of the north boundary of said Section 34; thence south a distance of 525.5' to a point; thence east a distance of 334.2' to a point 60.0' west of the east boundary of said Section 34; thence north a distance of 527.25' to the POB, in the City of Tulsa, County of Osage, State of Oklahoma.

**Case No. 15533**

**Action Requested:**

Special Exception to permit a Tulsa Head Start Program facility -  
**Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -**  
Use Unit 5, located 136 South 108th East Avenue.

**Comments and Questions:**

Mr. Richards Informed that the applicant, Sylvia Wilson, has requested that Case No. 15533 be withdrawn.

**Board Action:**

On **MOTION** of **FULLER**, the Board voted 3-0-1 (Bradley, Fuller, White, "aye"; no "nays"; Chappelle, "abstaining"; Bolzie, "absent") to withdraw Case No. 15533, as requested by the applicant.

**Case No. 15506**

**Action Requested:**

Variance of the required 20' rear yard to 2' and of the 4000 sq ft livability space requirement to 3144 sq ft - **Section 403. BULK AND AREA REQUIREMENT IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1638 East 17th Place.

**Presentation:**

The applicant, Resco, Inc., was represented by Ralph Smith, 2844 East 26th Place, Tulsa, Oklahoma, who informed that his client lives in the Swan Lake area, and is proposing to add a garage to an existing residence. Mr. Smith submitted a plot plan (Exhibit C-1), and pointed out that many of the homes in the area have small back yards, and the residence to the south and east is within 12" of the property line. He informed that the Board approved a variance in 1978 to convert the existing garage to a bedroom.

**Comments and Questions:**

Ms. Bradley pointed out that she has viewed the property and the space for construction is very small.

Mr. Jackere asked if the upstairs portion of the garage will be used as living quarters, and the applicant answered in the affirmative. In response to Mr. Jackere, the applicant stated that the house has approximately 3000 sq ft of living space, which is comparable to the other homes in the area. He pointed out that one corner of the existing house is closer to the lot line than the proposed garage addition.

Ms. Bradley inquired as to roof drainage, and the applicant stated that the adjoining lot will not receive drainage from the proposed structure, as a retaining wall diverts all water away from that property.

**Protestants:** None.

**Board Action:**

On **MOTION** of FULLER, the Board voted 3-1-0 (Chappelle, Fuller, White, "aye"; Bradley, "nay"; no "abstentions"; Bolzie, "absent") to **APPROVE** a **Variance** of the required 20' rear yard to 2' and of the 4000 sq ft livability space requirement to 3144 sq ft - **Section 403. BULK AND AREA REQUIREMENT IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding a hardship imposed by the irregular shape of the lot; finding that the existing house is closer to the lot line than the proposed garage, and that there are other structures in the area with similar setbacks and reduced livability space; on the following described property:

**Case No. 15506 (continued)**

That part of Lots 12 and 13, Block 1, Swan Park Addition to the City of Tulsa, State of Oklahoma, being more particularly described as follows: Beginning at the northwest corner of said Lot 12; thence southerly on the westerly line 80.0'; thence north 75°12' east 76.2'; thence north 48°57' east, 36.0'; thence north 0°23' west, 37.0' to a point on the northerly line of said Block 1; thence westerly along the northerly line of said Block 1, 100.0' to the northwest corner of said Lot 12, the POB, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15507**

**Action Requested:**

Special Exception for a trash hauling business in a CG zoned district - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 23.

Variance of the required 6' screening fence along the north and east property lines - **Section 1223.C - WAREHOUSING AND WHOLESALING** - Use Unit 23.

Variance of the required all-weather material for off-street parking and access - **Section 1303.D - DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 23, located 25 North 89th East Avenue.

**Presentation:**

The applicant, **Clay Hibbard**, was represented by **Loretta Hibbard**, 2808 East 1st Street, Tulsa, Oklahoma, who submitted a plot plan, photographs and a letter from a protestant (Exhibit D-3). She informed that all offices are located at other locations and the trash hauling trucks will be stored on the subject property only when not in use. A map (Exhibit D-1) of uses in the area was submitted.

**Comments and Questions:**

Mr. Fuller asked if trash will be transported to this property, and Ms. Hibbard stated that trash will not be brought to this location.

Mr. Jackere asked if the trucks are clean when they are brought to the property, and Ms. Hibbard stated they are not washed when brought to the property, and are not washed at this location.

**Clay Hibbard** stated that the trucks are cleaned periodically, but not at this location.

In response to Ms. Bradley, Ms. Hibbard stated that three working trucks will be parked in the storage building, which is closed on three sides (open on the south side). She informed that all residences are located to the north of the subject property.

Mr. Jackere asked if the trucks will return to this location several times during the day, and Ms. Hibbard stated that the trucks only operate four days a week, leaving the storage facility in the morning and returning in the afternoon.



Case No. 15507 (continued)

**Protestants:**

**Bess Hamlin**, 3117 Northwest 34th Street, Oklahoma City, Oklahoma, stated that she owns the vacant property that abuts the subject tract to the east, as well as other property in the area, and is supported of the application.

**James Sweeney**, owner and operator of the motel at 8833 East Admiral Place, Tulsa, Oklahoma, stated that traffic congestion is a major problem at this location. He pointed out that the noise created early in the morning by the departure of the trucks would be a disturbance to his customers.

**Pat Clark**, 4005 South Ironwood, Broken Arrow, Oklahoma, informed that he and his wife own 50% interest in the residential project at 9 North 89th East Avenue, which is to the north of the subject property. He voiced an objection to a variance of the all-weather parking, and further stated that garbage trucks have an offensive odor and should not be allowed to park on property abutting a residential area. Mr. Clark pointed out that rental or sale of his property would be difficult if the application is approved.

**Jack Morse**, 9718 South Hudson, Tulsa, Oklahoma, stated that he owns the property to the south of the proposed parking facility for the garbage trucks. He informed that the individual renting his property operates a grocery store and has complained about an objectionable odor since the garbage trucks have been parked on the lot.

The property owner at 9 North 89th East Avenue, stated that he lives to the north of the subject property, and the odor from the trucks is a problem for the residents of the area. He informed that Mr. Hibbard removed his fence when he moved to the property, resulting in his registered dogs escaping into the neighborhood. He pointed out that Mr. Hibbard installed another fence, which did not extend to the ground, and also allowed the dogs to leave the yard. It was noted that one older truck, that does not seem to be in use, is stored on the property. He asked the Board to deny the application.

**Bridgette Powers**, 67 North 89th East Avenue, Tulsa, Oklahoma, requested denial of the application, as Mr. Hibbard's trash hauling business will decrease property values in the residential neighborhood.

**Applicant's Rebuttal:**

Ms. Hibbard stated that the old truck will be placed inside when the storage facility is completed. She explained that the trucks do not have an undesirable odor, and at a former location, the trucks were parked approximately 30' from her home.

Ms. White asked the applicant to state the time the trucks leave to begin their routes, and she replied that they leave the premises at 5:00 or 5:30 a.m.

Case No. 15507 (continued)

In response to Mr. Fuller's question, Ms. Hibbard stated that the trucks have been parked at this location since August 6, 1990.

**Board Action:**

On **MOTION** of FULLER, the Board voted 4-0-0 (Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **DENY** a **Special Exception** for a trash hauling business in a CG zoned district - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 23; to **DENY** a **Variance** of the required 6' screening fence along the north and east property lines - **Section 1223.C - WAREHOUSING AND WHOLESALING** - Use Unit 23; and to **DENY** a **Variance** of the required all-weather material for off-street parking and access - **Section 1303.D - DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 23; finding that the applicant failed to demonstrate a hardship that would warrant the granting of the requests; and finding that the storage of trash trucks at this location would be detrimental to the area and violate the spirit, purposes and intent of the Code: on the following described property:

Lot 5, Block 2, Moses Subdivision, Tulsa County, Oklahoma.

**Case No. 15508**

**Action Requested:**

Special Exception to permit a kennel to allow more than 3 dogs as a home occupation with no commercial activity - **Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 15, located 52 North Delaware.

**Presentation:**

The applicant, Richard Ravits, 52 North Delaware, Tulsa, Oklahoma, stated that he is attempting to find homes for several stray dogs that have been left in the neighborhood. Mr. Ravits explained that he is keeping the yard area clean and the dogs will be removed from the premises as soon as suitable homes have been found.

**Comments and Questions:**

Ms. Bradley inquired as to the number of dogs being kept at this time, and Mr. Ravits stated that he has eight dogs. She stated that she has viewed the property and found that the yard space is not adequate for eight dogs. She suggested that the application be continued to allow the Board members sufficient time to site check the location.

**Protestants:** None.

**Board Action:**

On **MOTION** of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **CONTINUE** Case No. 15508 to September 20, 1990, to allow the Board adequate time to view the property in question.

**Case No. 15509**

**Action Requested:**

Special Exception to permit residential accessory uses and structures on abutting R zoned lots under common ownership to allow construction of a new detached garage - **Section 1608. SPECIAL EXCEPTION - Use Unit 6, located 1312 South 75th East Avenue.**

**Presentation:**

The applicant, **David Stevens**, 1312 South 75th East Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-1) for a proposed two-car garage. He explained that he owns three lots and the garage will extend over the lot line.

**Comments and Questions:**

Ms. White asked the applicant if he would be opposed to the execution of a tie contract on the lots, which would prevent the sale of one or more lots without the others, and Mr. Stevens stated he would not be opposed to tying the lots together.

Mr. Fuller asked if the old garage will be removed from the property, and the applicant answered in the affirmative.

**Protestants:** None.

**Board Action:**

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Special Exception** to permit residential accessory uses and structures on abutting R zoned lots under common ownership to allow construction of a new detached garage - **Section 1608. SPECIAL EXCEPTION - Use Unit 6; per plot plan submitted; subject to the execution of a tie contract on the three lots and the removal of the existing garage; on the following described property:**

Lots 3, 4 and 5, Block 11, Eastmoor Park Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15512**

**Action Requested:**

Variance of the side yard setback requirement from 5' to 7" to permit a patio cover - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6, located 4420 East 23rd Street.**

**Presentation:**

The applicant, **Matthew M. Suddock, Jr.**, 4420 East 23rd Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit G-2), and requested permission to construct a patio cover extending from the block wall to the existing house. A plat of survey (Exhibit G-1) was submitted.

Case No. 15512 (continued)

**Comments and Questions:**

Ms. Bradley inquired as to the direction of the water run-off, and Mr. Suddock informed that he has devised a guttering system to prevent the water from running onto his neighbor's property.

Mr. Jackere asked the applicant what the patio will cover, and Mr. Suddock stated that only concrete is below the patio cover.

In response to Mr. Jackere, the applicant stated that he will not park cars under the patio.

Mr. Fuller asked if the patio has already been constructed, and Mr. Suddock stated that the structure is partially complete.

**Protestants:**

Judy Jackson, 4414 East 23rd Street, Tulsa, Oklahoma, stated that her lot abuts the subject property and, although she is not directly opposed to the application, is somewhat concerned with drainage. She informed that her air conditioner is across the fence from the proposed patio. Ms. Jackson pointed out that it would be difficult to contain a fire with the buildings being located so close together.

**Additional Comments:**

Ms. Bradley asked the applicant to state the hardship for the variance request, and he replied that he is susceptible to skin cancer and the patio would provide shade. A letter (Exhibit G-3) was submitted from Mr. Suddock's dermatologist.

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzie, "absent") to **DENY** a **Variance** of the side yard setback requirement from 5' to 7' to permit a patio cover - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6**; finding that the applicant failed to present a hardship that would warrant the granting of the the variance request; on the following described property:

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

**Case No. 15513**

**Action Requested:**

Variance of the required front yard as measured from the centerline of East 26th Court from 50' to 28' to permit an existing carport - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6**, located 6620 East 26th Court.

Case No. 15513 (continued)

Presentation:

The applicant, Elizabeth DeNoya, 6620 East 26th Court, Tulsa, Oklahoma, submitted a plot plan (Exhibit H-1) for an existing carport, and asked the Board to allow it to remain. She explained that she was not aware that the carport was in violation of the Code until the day after it was installed. Ms. DeNoya stated that her friend is living with her at this time, and there is not sufficient space to park his car in the garage. Photographs (Exhibit H-2) were submitted.

Comments and Questions:

Ms. Fuller asked when the carport was installed, and the applicant stated that it was constructed approximately one month ago.

Brian Leonard, 7030 South Joplin, Apartment 512, Tulsa, Oklahoma, stated that he is the district sales manager for Standard Builders Supply, Inc. He informed that he is in charge of siding and window installation, and sold Ms. DeNoya the carport while helping out in another department. Mr. Leonard pointed out that he was in error when making the 25' setback measurement from the centerline of the street instead of the curb. He further noted that there are numerous carports in the area that are as close to the street as the one in question.

Ms. White asked Mr. Leonard if he applied for a building permit, and he replied that he did not.

Ms. Hubbard asked Mr. Leonard if his company applies for building permits when installing carports, and he answered in the affirmative. She suggested that he remind the company that a building permit is required for all carports.

Ms. Bradley and Ms. White stated that they have site checked the neighborhood and there are no carports on the street where Ms. DeNoya lives.

Ms. Bradley stated that the applicant has not presented a hardship for this case.

In reply to Mr. Leonard's statement that many of the existing carports probably do not have variances, Mr. Jackere pointed out that some existing carports may be legal nonconforming uses and some may be illegal. He stated that City Code Enforcement is the agency that deals with this issue. Mr. Jackere explained that a hardship is something unique or unusual about a particular property that would cause the literal enforcement of the Code to result in an unnecessary restriction.

Case No. 15513 (continued)

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **DENY** a **Variance** of the required front yard as measured from the centerline of East 26th Court from 50' to 28' to permit an existing carport - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; finding that there are no other carports in the immediate area; and finding that the applicant failed to demonstrate a hardship for the variance request; on the following described property:

Lot 7, Block 10, Boman Acres 3rd Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15514**

**Action Requested:**

Special Exception to waive the required 6' screening fence along property lines abutting a Residential District - **Section 212. SCREENING WALL OR FENCE** - Use Unit 17.

Special Exception to waive the required 6' screening fence along property line abutting a Residential District - **Section 1217. AUTOMOTIVE AND ALLIED ACTIVITIES** - Use Unit 17, located SW/c Admiral Place and Memorial Drive.

**Presentation:**

The applicant, **Robert S. Chafee**, 13601 Preston Road, Dallas, Texas, stated that he is representing the Pep Boys auto retail servicing store and the owner of the property in question. He requested a waiver of the required screening fence between the building and the residential neighborhood to the south and west. He pointed out that a portion of the required fence would be 10' away from a 30' block wall. Mr. Chafee stated that a sound study has been completed, and it has been determined that the service bay area will not generate any more noise than is normally created by household appliances. He further noted that a fence would block the view of policemen patrolling the area. An aerial photograph (Exhibit J-1) was submitted.

**Comments and Questions:**

Mr. Fuller asked if the store in question will be located on the west end of the shopping center, and the applicant answered in the affirmative.

Mr. Gardner informed that the shopping center was built when there were no screening requirements and the residences are across the street to the south and west. He stated that the activity in question is taking place on the west end of the shopping center, and will be approximately 200' from the nearest residences.

Case No. 15514 (continued)

**Interested Parties:**

Robert Justice, 7824 East 1st Street, Tulsa, Oklahoma, stated that he lives across the street to the south from the proposed business, and is representing the neighborhood. Mr. Justice requested that the screening requirement be waived, as the nearby residents feel that a fence will provide a hiding place for vandals and individuals involved in other crime related activities.

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Special Exception** to waive the required 6' screening fence along property lines abutting a Residential District - **Section 212. SCREENING WALL OR FENCE** - Use Unit 17; and to **APPROVE** a **Special Exception** to waive the required 6' screening fence along property line abutting a Residential District - **Section 1217. AUTOMOTIVE AND ALLIED ACTIVITIES** - Use Unit 17; finding that the granting of the special exception requests will not be detrimental to the area, as a fence would actually be screening a block wall on the south, and the service bays to the west are located approximately 200' from the residences across the street; on the following described property:

Lot 2, Block 1, Resubdivision of Block One, Tommy-Lee an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof. LESS AND EXCEPT The North 140' of the West 140' of Lot 2, Block 1, Resubdivision of Block 1, Tommy-Lee, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

**Case No. 15515**

**Action Requested:**

Variance to increase the allowable square footage of signage on the lot from 150 sq ft to 380 sq ft - **Section 602. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 21, located 8181 South Lewis.

**Comments and Questions:**

Mr. Richards informed that the applicant, **Claude Neon Federal**, has requested by letter (Exhibit K-1) that Case No. 15515 be withdrawn.

**Board Action:**

On **MOTION** of **CHAFFELLE**, the Board voted 4-0-0 (Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **WITHDRAW** Case No. 15515, as requested by the applicant.

Case No. 15516

Action Requested:

Variance of the required front yard from 35' to 29.4' to permit an existing porte cochere, a variance of the required side yard abutting an arterial street from 35' to 19' to permit an existing dwelling and a variance of the side yard abutting an arterial street from 35' to 11' to permit an existing detached accessory building - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6.**

Variance of the permitted location of a detached accessory building to permit an existing portable metal building in the side yard - **Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS - Use Unit 6,** located 2410 East 32nd Street.

Presentation:

The applicant, **Thomas W. Bingham**, 5 West 22nd Street, Tulsa, Oklahoma, submitted a plat of survey (Exhibit L-1) and informed that the house in question was constructed in 1973, with no substantial changes since that time. He stated that the utility building has been at this location for approximately 11 years, and the variances have been requested to clear the title to the property.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Variance** of the required front yard from 35' to 29.4' to permit an existing porte cochere, a variance of the required side yard abutting an arterial street from 35' to 19' to permit an existing dwelling and a variance of the side yard abutting an arterial street from 35' to 11' to permit an existing detached accessory building - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6;** per survey submitted, to clear the title to the property: finding that there have been no structural changes since construction, and the required side yard setback was 15' at that time: on the following described property:

Lot 12, Block 1, Forest Estates, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15523

Variance for the expansion of pipe storage - **Section 1401. NONCONFORMING USES OF UNIMPROVED LAND - Use Unit 23.**

Special exception for the expansion of pipe storage - **Section 1402.F NONCONFORMING USE OF BUILDINGS AND LAND IN COMBINATION - Use Unit 23.**

Variance to permit an office less than 50' from the centerline of 87th East Avenue - **Section 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS - Use Unit 23,** located 2136 South 87th East Avenue.



Case No. 15523 (continued)

**Presentation:**

The applicant, **Charles B. Curtis**, 1772 South 79th East Avenue, Tulsa, Oklahoma, was represented by **Terry Simons**, who informed that the utility building has been removed from the property and the mobile home does not need a variance, as it is set back more than 50' from the centerline of 87th East Avenue.

**Comments and Questions:**

Mr. Gardner advised that the existing building appears to be approximately 50' from the centerline of the street, and the mobile home is located to the east of the building. Mr. Gardner stated that the building was moved in without a building permit, therefore, the setbacks were not measured.

Mr. Simons stated that there appears to be a dispute in measurement, as he measured the distance from the center of the street to the mobile home and found it to be over 56'. He stated that Mr. Jackere advised him that a mobile home for office use is allowed by right at this location.

**Board Action:**

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **CONTINUE** Case No. 15523 to September 20, 1990, to allow the Board to site check the property in question.

**Case No. 15525**

**Action Requested:**

Special Exception to permit construction of a detached garage on an abutting residentially zoned lot - **Section 1608. SPECIAL EXCEPTIONS** - Use Unit 6, located 4101 South Owasso.

**Presentation:**

The applicant, **Mark Fore**, 2435 East 55th Court, Tulsa, Oklahoma, submitted a plat of survey (Exhibit N-1) and stated that he is representing the owner of the property, who is proposing to construct a garage.

**Comments and Questions:**

Ms. Bradley stated that there is an existing garage and accessory building on the property, and Mr. Fore explained that the building formerly used as a garage is now used for storage, and the other building is an office.

Mr. Gardner stated that the ordinance has recently been amended to permit the total square footage of accessory buildings on one lot to be 40% of the principal building.

In response to Ms. Bradley, the applicant stated that the new building will be a three-car garage (24' by 30').

**Case No. 15525 (continued)**

Mr. Gardner advised that, if the Board is supportive of a three-car garage on the property, a tie contract could be required, and the total square footage of all accessory buildings should be limited to 40% of the principal residential structure, or no more than 750 sq ft, whichever is larger.

**Protestants:**

Curtis Parks stated that he is the attorney for Linda Mitchell, the property owner to the east of the subject tract. He informed that they are currently in litigation with the property owner over the driveway. He stated that if they are proposing to have ingress and egress from another street and no longer use Ms. Mitchell's driveway, he is supportive of the application.

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzie, "absent") to **APPROVE** a **Special Exception** to permit construction of a detached garage on an abutting residentially zoned lot - **Section 1608. SPECIAL EXCEPTIONS** - Use Unit 6; subject to access being from Owasso Avenue; subject to the total square footage of the accessory buildings being no greater than 40% of the principal structure, or 750 sq ft; and subject to the execution of a tie contract; finding that the combined lots will be large enough to accommodate the structure; and finding that there are other accessory buildings in the area; on the following described property:

The west 102' of Lots 1 and 2, Block 4, Alta-Deena Place Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15526**

**Action Requested:**

Special Exception to permit a beauty shop/styling salon as an accessory use and home occupation - **Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, located at 1343 South College.

**Presentation:**

The applicant, Pamela Turner, 1343 South College, Tulsa, Oklahoma, submitted a plot plan (Exhibit P-1), and requested permission to operate a beauty salon in a detached accessory building on her property.

**Comments and Questions:**

Ms. White asked the applicant if she will have employees, and Ms. Turner stated that she will be the only operator in the shop.

In response to Ms. White, the applicant stated that the hours of operation for the business will be Monday through Thursday from 10:00 a.m. to 5:00 p.m., and some Saturdays.

Ms. White asked Ms. Turner if she has read the Home Occupation Guidelines, and she answered in the affirmative. She informed that she will remove the sign from the property, as she was not previously aware that a sign was not allowed.

Case No. 15526 (continued)

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Special Exception** to permit a beauty shop/styling salon as a home occupation in an existing accessory building - **Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS - Use Unit 6;** per plot plan submitted and Home Occupation Guidelines; subject to hours of operation being Monday through Saturday, 10:00 p.m. to 7:00 p.m.; on the following described property:

Lots 27 and 28, Block 1, Rosemont Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15534

Action Requested:

Variance of the required 50' setback from the centerline of South Harvard to 38' to permit a sign to be mounted on an existing pole, with an overall height of 25' - **Section 215. STRUCTURE AND SETBACK FROM ABUTTING STREETS - Use Unit 21,** located 1916 South Harvard.

Presentation:

The applicant, **Oklahoma Security Design, Inc.**, was represented by **Terry Howard**, Oklahoma Neon Sign Company, 1423 South 128th East Avenue. He submitted a sign plan (Exhibit R-1) and photographs (Exhibit R-2), and explained that the new sign will be installed on an existing pole structure, which has been cut down to 25'.

**John Van Horn**, Oklahoma Security Design, stated that the new sign will be lower than the one that will be replaced. He informed that the existing pole was set 43' from the centerline of Harvard.

Mr. Fuller inquired as to the size of the new sign, and the applicant replied that the proposed sign will be 5'5" by 8'.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Variance** of the required 50' setback from the centerline of South Harvard to 38' to permit a sign to be mounted on an existing pole, with an overall height of 25' - **Section 215. STRUCTURE AND SETBACK FROM ABUTTING STREETS - Use Unit 21;** per sign plan submitted; finding that the sign will be installed on an existing pole, and will be compatible with the surrounding area; on the following described property:

Lot 9, Block 1, Florence Park Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15535**

**Action Requested:**

Special Exception to permit furniture sales/rental in an IL zoned district - Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS, located at 6845 East 41st Street.

**Presentation:**

The applicant, Phillip B. Allen, requested that Case No. 15535 be withdrawn.

**Board Action:**

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzie, "absent") to WITHDRAW Case No.15535, as requested by the applicant.

**Case No. 15536**

**Action Requested:**

Special Exception to permit an auto salvage use in an IM District - Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS - Use Unit 27, located 1030 East Mohawk Boulevard.

**Presentation:**

The applicant, Charles Mays, 1512 North Boston, Tulsa, Oklahoma, stated that he is operating a garage on the subject property; however, the City has requested that a salvage license be obtained for the business. A plat of survey (Exhibit S-1) was submitted.

**Comments and Questions:**

Ms. White asked Mr. Mays if he stores a large number of inoperable vehicles on the property, and he answered in the affirmative.

In response to Ms. Bradley, the applicant stated that his property is not fenced.

Mr. Gardner informed that screening would be required if the business was located on a state highway.

**Protestants:**

Paul Freeman, 1109 Warren Road, Henryetta, Oklahoma, submitted photographs (Exhibit S-2), and stated that he owns property to the east of the subject property and a subdivision across the street to the north. Mr. Freeman stated that he is opposed to a salvage operation next to his building, as his property value will be decreased. He pointed out that his property had not flooded until Mr. Mays' cars washed into the creek during high water.

**Comments and Questions:**

In response to Ms. Bradley, Mr. Freeman informed that a church is meeting in his building at this time.

Case No. 15536 (continued)

Ms. Bradley asked Mr. Freeman to estimate the number of cars parked on the property, and he stated that there are approximately 60 vehicles on the lot at this time. He further noted that the condition of the property makes it extremely difficult to rent his building, and his property across the road is also adversely affected by the business. Mr. Freeman stated that the applicant's cars are stored on the City right-of-way.

Mr. Gardner asked Mr. Gardner where a salvage yard can locate by right, and he replied that they are allowed in IH zoning districts. He informed that prior to 1970 salvage operations were permitted in IM Districts.

**Applicant's Rebuttal:**

Mr. Fuller asked Mr. Mays how long the business in question has been at this location, and he replied that he began operation after the flood in 1984.

Mr. Mays informed that the area is definitely a flood area; however, his cars had nothing to do with the flooding of Mr. Freeman's property. He further noted that his cars are parked on the right-of-way because the abutting landowner asked him to move his cars there to prevent dumping on the rear of the property.

Mr. Gardner asked Mr. Mays if there is a salvage yard in operation behind his property, and he answered in the affirmative. He further noted that there is one in operation approximately three blocks to the northeast.

In regard to screening, Mr. Freeman stated that the elevation of the property would make screening very difficult along Mohawk Boulevard.

Mr. Mays stated that he would agree to screen his property from the church if the application is approved.

**Board Action:**

On **MOTION** of FULLER, the Board voted 4-0-0 (Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Boizie, "absent") to **APPROVE** a Special Exception to permit an auto salvage use in an IM District - Section 901. **PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 27; subject to a solid screening fence being installed on the east property line; subject to all vehicles being removed from the street right-of-way; and subject to Stormwater Management approval; finding that there are similar salvage operations in the immediate area, and the use will be compatible with the existing businesses; on the following described property:

Lots 5 and 6, Block 3, Jack Hawkins Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15537**

**Action Requested:**

Variance of the minimum setback from expressway (US 75) from 10' to 0.2', a variance of the minimum setback from an abutting R District from 75' to 21.37' and a variance of the minimum setback from a nonarterial street from 25' to 21.4' - **Section 903. BULK AND AREA REQUIREMENTS IN INDUSTRIAL DISTRICTS - Use Unit 25.**

Special Exception to waive the requirement for a screening fence along the southerly property line abutting an RS-3 District - **Section 212. SCREENING WALL OR FENCE - Use Unit 25, located at 3000 North Mohawk Boulevard.**

**Comments and Questions:**

Mr. Gardner informed that the subject property has been rezoned, and the property to the south of the subject tract has recently been recommended for IL zoning by the Planning Commission, pending Council approval.

**Presentation:**

The applicant, **Louis Reynolds**, 2727 East 21st Street, Tulsa, Oklahoma, stated that he is representing the Federal Deposit Insurance Corporation, owner of the property. He explained that the property was acquired by foreclosure and existed as a nonconforming industrial use in an RS-3 District; however, the property has remained vacant for approximately three years and the nonconforming status lapsed. Mr. Reynolds stated that an application was filed in May of 1990 to rezone the property to IL, which was approved by the Planning Commission and the City Commission. Mr. Reynolds stated that the property owners in the area are supportive of the application. A plat of survey (Exhibit T-1) was submitted.

**Comments and Questions:**

Ms. Bradley asked if this application pertains to an existing building, and Mr. Reynolds answered in the affirmative.

**Protestants:** None.

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzie, "absent") to **APPROVE** a **Variance** of the minimum setback from expressway (US 75) from 10' to 0.2', a variance of the minimum setback from an abutting R District from 75' to 21.37' and a variance of the minimum setback from a nonarterial street from 25' to 21.4' - **Section 903. BULK AND AREA REQUIREMENTS IN INDUSTRIAL DISTRICTS - Use Unit 25; per survey submitted; finding that the building has been at this location for several years and is bounded by streets and vacant land on three sides; on the following described property:**

**Case No. 15537 (continued)**

A tract of land in the SE/4 of the NW/4 of the SE/4 of Section 17, T-20-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows: BEGINNING at the southeast corner of said SE/4 NW/4 SE/4; thence west on the south line of said SE/4 NW/4 SE/4 a distance of 161.9'; thence N 10°30' E on the east R/W of U.S. Highway 75, a distance of 224.5'; thence N 60°51' E on the southerly R/W of said Highway a distance of 131.5' to a point on the east line of said SE/4 NW/4 SE/4; thence south on the east line of said SE/4 NW/4 SE/4 a distance of 281.5' to the POB and; A tract of land in the E/2 of the E/2 of the SW/4 of the SE/4 of Section 17, T-20-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows: COMMENCING at the northeast corner of said E/2 E/2 SW/4 SE/4; thence north 89°55'12" W on the north line of said E/2 E/2 SW/4 SE/4 a distance of 58.42' to the POB; thence N 89°55'12" W on the north line of said E/2 E/2 SW/4 SE/4 a distance of 103' more or less, to the east R/W of U.S. Highway 75; thence southwesterly on the east line of said R/W a distance of 39', more or less; thence S 89°55'12" E a distance of 27', more or less; thence N 62°06'03" E parallel to and 0.6' southeasterly from existing metal building a distance of 88.35' to the POB, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15538**

**Action Requested:**

Requests an appeal from the decision of the City of Tulsa Sign Inspector in not permitting the replacement of a nonconforming sign - **Section 1403. NONCONFORMING SIGNS - Use Unit 21.**

Variance to allow an outdoor advertising sign to be located outside a freeway corridor and within 150' of an R District - **Section 1221.G. Use Conditions for Outdoor Advertising Signs - Use Unit 21.**

Minor Variance of the required setback measured from the centerline of East 23rd Street from 25' to 23' - **Section 1221.C. General Use Conditions for Business Signs - Use Unit 21, located NE/c 23rd Street and Garnett Road.**

**Comments and Questions:**

Mr. Gardner stated that the sign in question is on commercial property which is located in front of the apartment complex. He pointed out that the fact that the sign is off premise and is considered an outdoor advertising sign is the reason for this application.

Case No. 15538 (continued)

**Presentation:**

The applicant, **Tooman Collins Associates**, was represented by **Barbara Longwith**, who stated that she is appearing on behalf of **Village East Apartments**, 11327 East 23rd Street, Tulsa, Oklahoma. After submitting a plat (Exhibit W-2) and photographs (Exhibit W-1), she explained that the property was developed 17 years ago and the sign was installed at that time; however, the nonconforming sign was damaged by a windstorm in April and was removed for repairs. She stated that the sign was tagged by Protective Inspections, who told her that the sign had lost its nonconforming status because it had 50% damage. Ms. Longwith pointed out that the copy on the sign was not damaged, and repair to the legs did not amount to 50% of the cost (Exhibit W-3). A location map (Exhibit W-4) was submitted. The applicant stated that the u-shaped tract does not have access to any other road except Garnett; however, the apartment complex is not visible from the street.

**Additional Comments:**

Ms. Hubbard stated that the Sign Inspector informed her that the sign was removed for a period of a few weeks and was then put back in place. She pointed out that the removal caused the sign to lose its nonconforming status.

**Board Action:**

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzie, "absent") to **UPHOLD** the **Decision** of the City of Tulsa Sign Inspector in not permitting the replacement of a nonconforming sign - **Section 1403. NONCONFORMING SIGNS - Use Unit 21**; to **APPROVE** a **Variance** to allow an outdoor advertising sign to be located outside a freeway corridor and within 150' of an R District - **Section 1221.G. Use Conditions for Outdoor Advertising Signs - Use Unit 21**; and to **APPROVE** a **Minor Variance** of the required setback measured from the centerline of East 23rd Street from 25' to 23' - **Section 1221.C. General Use Conditions for Business Signs - Use Unit 21**, located NE/c 23rd Street and Garnett Road; per plan submitted; finding that the nonconforming sign was temporarily removed to repair wind damage to the base of the structure, and reinstalled at the same location after repairs were completed; on the following described property:

Lot 2, Block 4, Burris Square Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15540**

**Action Requested:**

Variance of the minimum side yard requirements from 25' to 23' on the east side, and from 25' to 16' on the west side to permit an addition to the existing building - **Section 404.G. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS - Use Unit 5.**

Variance to reduce the number of spaces below the three spaces required **Section 1205. OFF-STREET PARKING AND LOADING REQUIREMENTS - Use Unit 5**, located 1322 East 55th Street South.



Case No. 15540 (continued)

**Presentation:**

The applicant, **Ron Kelley**, 7551 South Urbana, Tulsa, Oklahoma, submitted a site plan (Exhibit X-1), and stated that the church is proposing to change an L-shaped house into a square building which will not move over existing building lines. He pointed out that a parking lot has been constructed on the lot next to the church, and there is ample parking on that lot.

**Comments and Questions:**

Ms. Hubbard informed that the previously approved site plan is being altered and Board approval is required.

Ms. White asked the applicant if the church would object to a tie contract, which would tie the parking lot to the lot containing the house, and Mr. Kelley replied that the church is not opposed to tying the two lots together.

**Protestants:** None.

**Board Action:**

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzie, "absent") to **APPROVE** a **Variance** of the minimum side yard requirements from 25' to 23' on the east side, and from 25' to 16' on the west side to permit an addition to the existing building - **Section 404.G. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS - Use Unit 5; and to APPROVE a Variance to reduce the number of spaces below the three spaces required - Section 1205. OFF-STREET PARKING AND LOADING REQUIREMENTS - Use Unit 5; per plot plan submitted; subject to the execution of a tie contract between the parking lot and the lot containing the house; finding that remodeled building will not move closer to the boundary line than the existing structure; and finding that the adjoining parking lot will supply adequate parking for the facility; on the following described property:**

Lot 3, Block 6, J. E. Nichols Addition, City of Tulsa, Tulsa County, Oklahoma.

**OTHER BUSINESS**

**Consider adoption of Revised City Board of Adjustment Statement of Policy on Minor Variances and Exceptions.**

Mr. Gardner stated that the Board has received copies of the revised Statement of Policy on Minor Variances and Exceptions for review, and the revision can either be approved at this time, or at a later date if additional time is needed to study the revisions.

Revision BOA (continued)

**Board Action:**

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Boizle, "absent") to **APPROVE** the **adoption** of revised City Board of Adjustment Statement of Policy on Minor Variances and Exceptions as presented.

There being no further business, the meeting was adjourned at 4:12 p.m.

Date Approved Sept. 20, 1940

Harry White  
Chairman