

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 571
Thursday, September 20, 1990, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bolzle Chappelle Fuller White, Chairman	Bradley	Gardner Jones Moore	Jackere, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, September 19, 1990, at 10:40 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 **CHAPPELLE**, the Board voted 3-0-1 (Chappelle, Fuller, White, "aye"; no "nays"; Bolzle, "abstaining"; Bradley, "absent") to **APPROVE** the Minutes of September 6, 1990.

UNFINISHED BUSINESS

Case No. 15486

Action Requested:

Variances of the lot width, lot area, land area per dwelling unit, livability space per dwelling unit, front yard, rear yard and side yard requirements - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6.**

Comments and Questions:

Mr. Gardner informed that the applicant met with Staff and proposed an alternative to the previously submitted request.

Presentation:

The applicant, **Roy Johnson**, 324 Main Mall, Tulsa, Oklahoma, stated that the property is comprised of portions of two lots, and the northern portion of these lots was carved off as a result of the creek and floodplain area. He informed that his clients purchased the property with the understanding that there were two separate nonconforming lots, on which they could construct two dwellings. However, it was discovered that numerous variances would be required for the two structures, and the area residents were opposed to the construction of two houses on the property. Mr. Johnson stated that his clients are now proposing to combine the two parcels to make one lot, and build only one dwelling. He explained that the property

Case No. 15486 (continued)

has not been sold, and there are no floor plans at this time; however, he asked the Board to approve an envelope (Exhibit A-1) for future construction. In regard to the garage, Mr. Johnsen stated that it could be necessary to construct the garage over the existing lot line of the two lots. He pointed out that the original plat places the front setback at 25'; however, the current zoning requirement is 35'. Mr. Johnsen stated the lots are shallow from north to south, but there is open space to the north, due to the floodplain. He asked the Board to allow a 15' rear yard setback on the north boundary, and 25' setback on the front. Mr. Johnsen further noted that a major storm sewer is in place across the property, and the house will probably be constructed on one side of the sewer and the garage on the other side, with a breezeway connecting the two structures. A drawing (Exhibit A-2) was submitted.

Comments and Questions:

Ms. White suggested that, if inclined to approve the application, the Board could require that the owner build across the lot line or tie the two lots together. She pointed out that this would prevent two houses from being constructed on the property in the future.

Protestants: None.

Board Action:

On **MOTION** of FULLER, the Board voted 4-0-0 (Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **APPROVE** a **Variance** to allow construction across the interior lot line of the two lots; a variance of the required front yard building setback from 35' to 25'; and a variance of the required rear yard setback from 25' to 15' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per building envelope submitted; subject to the execution of a tie contract on the two lots; finding that other homes in the area have 25' front yard setbacks; and finding a hardship imposed on the applicant by the shallowness of the lot, and bisecting sewer easements; on the following described property:

A portion of Lot 7, Block 5, Avalon Place Addition to the City of Tulsa, Tulsa County, Oklahoma according to the recorded plat thereof, and more particularly described as follows: Beginning at the SE/c of Lot 7; thence N 5°18'05" W along the east line of Lot 7 a distance of 113.45'; thence S 63°00'31" W a distance of 73.87'; thence S 86°59'28" W a distance of 20.00' to a point on the west line of Lot 7; thence S 13°59'50" E along the west line of Lot 7 a distance of 94.20' to the SW/c of Lot 7; thence easterly along the south line of Lot 7 on a curve to the right having a radius of 221.0' a distance of 75.00' to the POB.

And, a portion of Lot 8 in Block 5, Avalon Place Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the

Case No. 15486 (continued)

recorded plat thereof, and more particularly described as follows: Beginning at a point on the southerly line of Lot 8 which is a distance of 50' west of the SE/c of Lot 8, measured along the southerly line thereof; thence northwesterly along a straight line for a distance of 122.0' to a point (which line - when extended to the east - intersecting the east line of Lot 8 at a point 95.0' north of the SE/c thereof and the same line - when extended to the west intersecting the west line of Lot 8 at a point which is 138.0' north of the SW/c thereof); thence easterly on a straight line a distance of 73.42' to a point on the east line of Lot 8, said point being 95' north of the SE/c thereof; thence southerly along the east line of Lot 8 a distance of 95' to the SE/c of Lot 8; thence in a westerly direction along the southerly line of Lot 8 a distance of 50' to the POB, City of Tulsa, 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 this case was continued to allow Staff to site check his property. He stated that he is caring for eight dogs at the present time.

Comments and Questions:

Mr. Fuller asked the applicant how many dogs he plans to keep at this location, and Mr. Ravits requested that he be allowed to care for a maximum of ten dogs until he is able to find permanent homes for them.

In response to Mr. Jackere, the applicant stated that all female dogs have been spayed, and have been checked by the veterinarian. He further noted that the area is predominately commercial and there have been no protests concerning the animals. Mr. Ravits pointed out that several neighbors signed a petition of support, which was submitted at the previous meeting.

Mr. Bolzie remarked that the yard appears to be very small, and Mr. Ravits stated that it is approximately 12' by 50'.

Protestants: None.

Case No. 15508 (continued)

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **APPROVE** a **Special Exception** to permit eight dogs for a period of one year, with no commercial activity - **Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 15; subject to no replacement of dogs that are removed from the premises until the total number is reduced to and remains at three; finding that the temporary use will not be detrimental to the area; on the following described property:

Lot 1, Ozarka Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15523

Action Requested:

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**, located at 2136 South 87th East Avenue.

Presentation:

The applicant, **Charles B. Curtis**, 1772 South 79th East Avenue, Tulsa, Oklahoma, was represented by **Terry Simons**, who informed that the applicant is proposing to install approximately 150' of screening, and has posted a \$500 removal bond to accommodate any future improvements made on 87th East Avenue. He informed that the application was continued from the last meeting to allow a determination to be made as to the distance from the mobile office to the centerline of the street. A location map (Exhibit B-2) and plot plan (Exhibit B-1) were submitted.

Comments and Questions:

Mr. Jackere asked Mr. Simons if other buildings are proposed for the property, and he replied that there are no plans for additional structures.

Protestants:

Ray Cosby, 8705 East 21st Street, Tulsa, Oklahoma, District 5 cochairman, submitted photographs (Exhibit B-4) and a petition of opposition (Exhibit B-3). He stated that the protesting property owners that were present at the previous meeting were unable to attend today. Mr. Cosby requested that the use be rolled back to the original nonconforming area, and a 6' solid screening fence be required around the entire perimeter of the pipe storage area. A packet (Exhibit B-5) containing a location map and history of the property was submitted.

Case No. 15523 (continued)

Mr. Bolzie inquired as to the location of the Cox property, and Mr. Cosby stated that Mr. Cox owns the property on the southwest corner of 85th East Avenue and 21st Street.

Interested Parties:

Pauline Colson, 2137 South 85th East Avenue, Tulsa, Oklahoma, stated that she owns property adjoining the Curtis property and has found Mr. Curtis to be a good neighbor. She further noted that the site is well maintained and that she is supportive of the application.

Additional Comments:

Mr. Gardner advised that the portable building is located 25' from the property line, and according to the City Atlas 30' of right-of-way was taken from the property to the east, but none from the subject property to the west. He pointed out that a variance of 10' is needed to allow the temporary building at this location for one year. Mr. Gardner suggested that the western half of the northern lot be excluded from the legal description, which would allow the property to be developed only for light office. He pointed out that the owner of the retirement home is opposed to the open storage area being permitted to move closer to his property. Mr. Gardner pointed out that screening could be required along the north and west boundaries and the major portion of the storage area would not be visible from 21st Street or 85th East Avenue.

Mr. Gardner explained that the applicant is requesting expansion of the open storage area west of the northern building. He stated that, if this request is granted, conditions can be imposed to restrict storage, except rolling stock, to the area east of the northern building and screen fence the open storage area west of the building.

The applicant stated that there are two businesses operating on the property, and pointed out that his tenant has his own equipment and storage on the east side of the northern building.

Mr. Jackere inquired as to the nature of the other business at this location, and Mr. Curtis stated that Robert's Supply, a wholesale distribution company, is also in operation on the property.

Mr. Gardner advised that Robert's Supply is considered to be the nonconforming use; however, if this owner is leasing to other businesses, additional screening should be required.

Ms. White stated that she is not convinced that all uses on the subject tract are nonconforming.

Case No. 15523 (continued)

Board Action:

On MOTION of FULLER, the Board voted 4-0-0 (Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **APPROVE** a Variance for the expansion of pipe storage - Section 1401. **NONCONFORMING USES OF UNIMPROVED LAND - Use Unit 23;** to **APPROVE** a Special Exception for the expansion of pipe storage - Section 1402.F **NONCONFORMING USE OF BUILDINGS AND LAND IN COMBINATION - Use Unit 23;** and to **APPROVE** a Variance to permit an office 40' from the centerline of 87th East Avenue for a period of one year - Section 603. - **BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS;** subject to the W/2 of the north lot being excluded from the application; and subject to a solid screening fence being installed along the north and west boundaries of the balance of the application; finding that the pipe storage business has been at this location for a long period of time; and the granting of the requests, as presented, with the required screening fences, will not be detrimental to the area; on the following described property:

The east 323.5' of the north 152.9' of the south 305.8' of the NW/4 of the NE/4 of the NW/4 and the east 323.5' of the north 76.45' of the south 152.9' of the NW/4 of the NE/4 of the NW/4, Section 13, T-19-N, R-13-E, containing 1.192 acres more or less, in the City of Tulsa, County of Tulsa, State of Oklahoma, and being located in an OL zoned district.

Case No. 15544

Action Requested:

Special Exception to permit a parking lot and landscaped area in an RM-1 zoned district - Section 401. **PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 10.**

Special Exception to amend a previously approved site plan - Section 404. **SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS - Use Unit 10,** located NW/c Cheyenne Avenue and Haskell Place.

Presentation:

The applicant, **Stephen Olsen**, 324 East 3rd Street, Tulsa, Oklahoma, stated that a parking lot is proposed to attempt to alleviate the street parking problem in the neighborhood.

Comments and Questions:

Ms. White asked if half of the lot in question will be used for parking, and Mr. Olsen answered in the affirmative.

In response to Mr. Fuller, the applicant stated that the existing parking lot for Catholic Charities is overcrowded and some of the people are forced to park on the street.

Case No. 15544 (continued)

Protestants:

Richard Davis, 915 North Denver, Tulsa, Oklahoma, represented the Brady Heights Neighborhood Association. Mr. Davis stated that, although the association is supportive of the parking lot, they do not support the plan as submitted. He pointed out that the plan indicates that the parking lot will be located on Cheyenne, with the landscaping being next to the alley. Mr. Davis stated that they could support a plan that had an entrance and parking adjacent to the alley, with landscaping facing Cheyenne.

Mr. Olsen explained that the plan seems to be reversed, as the landscaping and green space will be located on Cheyenne, with the entrance and parking lot located on the alley. Mr. Olsen corrected and initialed the plan.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Boizie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **APPROVE** a **Special Exception** to permit a parking lot and landscaped area in an RM-1 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 10; and to **APPROVE** a **Special Exception** to amend a previously approved site plan - **Section 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 10; per corrected plan submitted; finding that the access point and the parking area will be located to the west end of the lot next to the alley, and there are existing parking lots in the area; and finding that the granting of the special exception requests will not be detrimental to the neighborhood or violate the spirit and intent of the Code; on the following described property:

Lot 5, and the south 22' of Lot 4, Block 1, Brady Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15549

Action Requested:

Minor Variance of the required setback as measured from the centerline of East 15th Street from 50' to 34' to permit a ground sign - **Section 1221.C.6. GENERAL USE CONDITIONS FOR BUSINESS SIGNS** - Use Unit 21, located 2204 East 15th Street.

Comments and Questions:

Ms. White informed that she will abstain from hearing Case No. 15549.

Case No. 15549 (continued)

Presentation:

The applicant, **Kaveh Adib-Yazdi**, 2204 East 50th Street, Tulsa, Oklahoma, submitted photographs (Exhibit D-2) and requested permission for a sign to remain on the northeast corner of his property. He explained that the business has been at this address for approximately 11 years, and new customers have had difficulty locating the store. Mr. Yazdi stated that there are other signs in the area that are closer to the street than the sign in question. A letter of support (Exhibit D-1) was submitted.

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 3-0-1 (Bolzie, Chappelle, Fuller, "aye"; no "nays"; White, "abstaining"; Bradley, "absent") to **APPROVE** a **Minor Variance** of the required setback as measured from the centerline of East 15th Street from 50' to 34' to permit a ground sign - **Section 1221.C.6. GENERAL USE CONDITIONS FOR BUSINESS SIGNS - Use Unit 21**; per photographs submitted; finding that there are signs in the area that are closer to the street than the sign in question, and the granting of the request will not be detrimental to surrounding properties or violate the spirit, purposes or intent of the Code; on the following described property:

Lots 1 and 2, less the south 13.4' of Lot 2, Block 2, Hopping Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15552

Action Requested:

Minor Variance of the required front yard from 30' to 24.7' to permit an existing residence - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6**, located 10402 South Kingston Avenue.

Presentation:

The applicant, **Fred Lemons**, 6034 East 106th Street, Tulsa, Oklahoma, stated that the property in question has been sold and the relief is requested to clear the title. A plat of survey (Exhibit E-1) was submitted.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **APPROVE** a **Minor Variance** of the required front yard from 30' to 24.7' to clear the title to an existing residence - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6**; per survey submitted; finding a hardship demonstrated by the curvature of the street and the irregular shape of the lot; on the following described property:

Lot 12, Block 1, Forest Park South 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15501

Action Requested:

Special Exception to permit an accessory use of parking an RV (recreational vehicle) on an abutting lot under common ownership to the principal residential use - **SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS - Use Unit 6.**

Presentation:

The applicant, **Floyd Casey**, 1412 East 20th Street, Tulsa, Oklahoma, requested permission to park his RV on a leased lot adjoining his property. He explained that the property in question was acquired by the City of Tulsa for installation of an under ground storm sewer, and he is proposing to screen one-half of the lot and install a pad for parking the RV. Mr. Casey informed that the screening fence will be down the middle of the lot, as his neighbor, Mr. Roach, is leasing the remaining half of the lot for his use. He stated that shrubs and trees will be planted to enhance the appearance of the lot.

Comments and Questions:

Mr. Jackere asked the applicant if he has spoken to the City concerning the installation of the screening fence, and he replied that the City is in agreement with his proposal.

In response to Mr. Bolzie, the applicant stated that the fence will be solid across the front, with a driveway down the side of the lot.

Ms. White asked if the screening fence will align with the existing house, and Mr. Casey answered in the affirmative.

Interested Parties:

Russ Roach, 1404 East 20th Street, Tulsa, Oklahoma, stated that he lives to the east of the applicant, and is leasing the remaining half of the lot in question. He informed that he and Mr. Casey will have joint ownership of the screening fence in the center of the property, and that he is supportive of the application.

Patricia Dickey, 1404 East 20th Street, Tulsa, Oklahoma, stated that she is representing the Swan Lake Neighborhood Association, which is supportive of the application with the following conditions:

1. The parking pad for the RV will be no larger than a single-car garage, with no front driveway and only one RV or tow trailer.
2. The parking pad for the RV will be located to the rear of the lot, with appropriate screening.
3. The variance request will be tied to the term of the lease.

Ms. Dickey stated that she has lived in the area for approximately five years and is supportive of the idea that the property owners on either side of the sewer be allowed to lease the property acquired by the City.

Case No. 15501 (continued)

Additional Comments:

Mr. Jackere stated that he is concerned with driving across the lawn to get to the parking pad, and would interpret the Code as requiring a hard surface driveway to the pad.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **APPROVE** a **Special Exception** to permit an accessory use of parking an RV (recreational vehicle) on an abutting lot under common ownership to the principal residential use - **SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; subject to a permanent hard surface parking pad (without a driveway) for one recreational vehicle or trailer; subject to the parking pad being no larger than a single-car garage, and placed to the rear of the lot; subject to the approval of the special exception being no longer than the term of the lease; and subject to a 6' screening fence being installed parallel to the street and extending no closer to the street than the existing house; finding that the use is compatible with the residential area, and will not violate the spirit and intent of the Code; on the following described property:

W/2 Lot 3, Block 2, Halsey's Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15524

Action Requested:

Special Exception to permit storage and sales of automobiles (inside storage and sales only) in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located at 9436 East 51st Street South, Tulsa, Oklahoma.

Presentation:

The applicant, **Richard Sevenoaks**, 9648 East 51st Street, Tulsa, Oklahoma, submitted a location map (Exhibit G-1) and stated that his company has an antique and classic car auction approximately twice each year at Expo-Square. He informed that in order to conduct the sale a used car dealers license is required, and the business office must be located on property that is properly zoned for the use. He stated that their new office and warehouse will allow the storage of approximately six cars. The applicant stated that there will not be a sales operation at this location and no outside storage of vehicles. He informed that the cars are taken by truck to the various auctions.

Comments and Questions:

Mr. Bolzle asked if trucks will be parked at this location, and the applicant replied that the business only has one truck, which is parked inside the building.

Case No. 15524 (continued)

Protestants: None.

Board Action:

On ~~MOTION~~ of FULLER, the Board voted 4-0-0 (Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to APPROVE a Special Exception to permit storage and sales of automobiles (inside storage and sales only) in a CS zoned district - SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 17; subject to no outside storage of parts or automobiles; finding the use to be compatible with the surrounding area, as there are other nearby automobile related uses; on the following described property:

Lots 1 and 2, Block 1, 51st and Mingo Commercial Center Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15539

Action Requested:

Special exception to permit a manufactured home dwelling - SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 9.

Variance to permit more than one single-family dwelling on a lot of record - SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD - Use Unit 9.

Variance of the time restriction on mobile homes from one year to permanent approval - SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS - Use Unit 9, located 5015 East Virgin Street.

Comments and Questions:

Mr. Jones explained to the Board that the case map reflects that two mobile homes are on the lot at this time; however, there is only one mobile on the lot in question, and one on the lot to the east. He pointed out that both mobile homes have been previously approved for permanent use, but since the time of approval, Stormwater Management has made the determination that the easternmost lot is in the floodplain. Mr. Jones stated that the eastern mobile home will require an approximate 5' to 6' elevation, and the applicant has requested that he be allowed to move the unit out of the floodplain and install it on the west lot.

Presentation:

The applicant, Gabriel Lucero, 3355 South Jamestown, Tulsa, Oklahoma, requested permission to remove his mobile home from the floodplain area and place it on the lot to the west of the present location.

Case No. 15539 (continued)

Additional Comments:

Mr. Jackere asked Mr. Lucero if he is willing to relinquish his right to have a mobile home on the east lot, and he answered in the affirmative. Mr. Jackere advised that, if the Board is inclined to approve the application, the stipulation should be made that the easternmost lot remain vacant.

Board Action:

On MOTION of FULLER, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to APPROVE a Special Exception to permit a manufactured home dwelling - SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 9; to APPROVE a Variance to permit more than one single-family dwelling on a lot of record - SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD - Use Unit 9; and to APPROVE a Variance of the time restriction on mobile homes from one year to permanent approval - SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS - Use Unit 9; subject to the east lot remaining vacant, and the approval of the special exception permitting permanent mobile home use on the east lot being revoked; finding that the east portion of the property is in the regulatory floodplain, and the elevation requirements by Stormwater Management make the lot undesirable for residential use; on the following described property

The west 75' of the east 150' of the west 730.5' of Lot 13, Block 1, S. R. Lewis Addition and a tract of land beginning at a point located directly on the north boundary line a distance of 375' west of the northeast corner of Lot 13, Block 1, S. R. Lewis Addition; thence from said point running in a westerly direction along said north boundary line of said Lot a distance of 50' to a point; thence running in a southerly direction parallel to the western boundary of said Lot a distance of 172.5' to a point; thence running in a easterly direction parallel to the southerly line a distance of 50' to a point; thence running in a northerly direction parallel to the eastern boundary line of said Lot a distance of 172.5' to the point of beginning; and Lot 13 Block 1 of the S. R. Lewis Addition beginning 430' from the northwest corner, extending east 100'; thence south 172'; thence west 100'; thence north 172' to the starting point, all the above properties being in the S. R. Lewis Addition to the Town of Dawson, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15541

Action Requested:

Special exception to permit a church parking lot - SECTION 401 - PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 10. .

Variance of the requirement that off-street parking spaces be located on the lot containing the principal use - SECTION 1301.D. GENERAL REQUIREMENTS - OFF-STREET PARKING AND OFF-STREET LOADING - Use Unit 10, located at 3323 South Jamestown.

Case No. 15541 (continued)

Comments and Questions:

Mr. Jones informed that the legal description submitted by the applicant and advertised to the public is not correct. He suggested that Case No. 15539 be continued to allow the applicant to supply a corrected legal for readvertising.

Presentation:

The applicant, **Greg Guerrero**, 3355 South Jamestown, Tulsa, Oklahoma, stated that time is of the essence, and asked the Board if it would be possible to hear the application at this time.

Additional Comments:

Mr. Gardner pointed out that a parking lot already exists on the property described in the legal description submitted with the application; therefore, the legal is obviously incorrect.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **CONTINUE** Case No. 15541 to October 4, 1990, to allow sufficient time to readvertise the correct legal description.

Case No. 15542

Action Requested:

Special Exception to permit a mobile home - **Section 401. PRINCIPAL USES IN RESIDENTIAL DISTRICTS** - Use Unit 9.

Variance of the one year time limit to permanent - **Section 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9, located north of the northeast corner of West 37th Place South and South Maybelle.

Presentation:

The applicant, **Jean McClary**, was not present.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzie, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **CONTINUE** Case No. 15542 to October 4, 1990.

Case No. 15543

Action Requested:

Variance of the minimum side yard requirement from 10' to 1' to permit existing carport and additions - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use unit 6, located 2115 East Second Street.

Case No. 15543 (continued)

Presentation:

The applicant, **John Taylor**, 2115 East 2nd Street, Tulsa, Oklahoma, was represented by **Sharon Taylor**, who submitted a plot plan (Exhibit J-1) for the proposed construction. She explained that there is an existing carport on the property and they are planning to extend the carport to the garage apartment to the rear of the lot. Ms. Taylor stated that the older neighborhood obviously did not have the 10' setback when the buildings were constructed.

Comments and Questions:

Mr. Gardner stated that the area was blanket zoned for apartments many years ago, but has developed predominately single-family residences. He pointed out that the side yard setback would be 5' if properly zoned for the single-family use.

Mr. Bolzle asked the applicant why she is before the Board, and she stated that they had begun construction of the carport extension when they were cited by the City Inspector. She stated that they then made application for a building permit, and Ms. Hubbard advised them of the required setback. She stated that an old patio cover by the apartment will be replaced and the patio cover and the existing carport will be connected.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **APPROVE** a **Variance** of the minimum side yard requirement from 10' to 1' to permit existing carport and additions - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6; per plan submitted; finding that the construction actually connects to existing nonconforming structures which were constructed 1' from the lot line many years ago; and finding that the construction will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:**

Lot 10, Block 3, Wakefield Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15545

Action Requested:

An appeal from the decision of the Building Inspector in regard to the 187 required parking spaces - **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL - Use Unit 12.**

Variance of the required number of parking spaces from 187 to 42 - **SECTION 1212.D OFF-STREET PARKING AND LOADING REQUIREMENTS - Use Unit 12.**

Case No. 15545 (continued)

Variance to permit the required off-street parking spaces to be located on a lot other than the lot containing the principal use - SECTION 1301.D - GENERAL REQUIREMENTS - Use Unit 12, located 3601 East Admiral Place.

Presentation:

The applicant, Gabriele, 3601 East Admiral Place, Tulsa, Oklahoma, stated that she is proposing to move her club to the subject property, as there is insufficient parking at the present location. The applicant explained that she is requesting an appeal from the decision of the Building Inspector because the total number of parking spaces required for her club is the amount that would be required for the entire building. She pointed out that the club only occupies a portion of the building, and the remaining portion is empty. Photographs (Exhibit K-1) were submitted.

Comments and Questions:

In response to Mr. Jackere, Gabriele stated that she is not sure what use will be in the remainder of the building.

Mr. Jackere inquired as to the size of the building and the amount of space the club will occupy, and the applicant replied that the total square footage of the building is 14,000 sq ft, with 3400 sq ft being reserved for the club.

Mr. Jackere asked how many parking spaces are provided for the building, and Gabriele stated that 46 parking spaces are provided. She added that the lot next door to the building was purchased to provide the 44 spaces.

Mr. Jackere asked where parking would be acquired for additional uses that might be added in the future, and she stated that customers could park in front of the building, as well as on the west.

In response to Mr. Bolzie's inquiry as to the use of the vacant lot shown on the plot plan, the applicant stated that it will remain vacant at this time.

Mr. Jackere pointed out that there will be no parking for the remainder of the building, which must remain vacant until the parking requirement is satisfied. He further noted that parking on the right-of-way is prohibited, unless permission is granted by the City.

Ms. Hubbard stated that there are several access points from the bar to the remainder of the building, and since the applicant did not agree to close these and separate the bar, she had no other alternative than to figure the parking on the entire building.

Mr. Jackere advised that the Board should be concerned with the bar meeting the parking requirements, and any additional uses in the building meeting the parking requirements, as locked interior doors can be opened and the uses expanded.

Case No. 15545 (continued)

Ms. Hubbard stated that she informed Gabriele's contractor that she had the option to seal off the interior doors, but he did not agree to do so.

Gabriele stated that she could use the remainder of the building for storage.

Protestants:

Connie Shilling, 3523 East Admiral Court, Tulsa, Oklahoma, submitted a petition of opposition (Exhibit K-2) to the application, and stated that she is representing the Sequoyah Homeowners Association. She informed that Gabriele attended one of the homeowners meetings and told them that she is proposing to have a 3500 to 4000 sq ft bar and is proposing to open a 2000 sq ft seafood restaurant in the future. Ms. Shilling stated that the applicant also stated that she is proposing to lease a portion of the building to other businesses, and hold Dart Association competition at this location. She pointed out that this type of competition generates a lot of traffic and requested that the application be denied.

Ken Holloway, stated that he owns the property located at 17 North Louisville, which is across the street from the subject property. He pointed out that Louisville does not have curbs, and insufficient parking for businesses at this location would encourage street parking in the neighborhood.

Ms. Hubbard advised that it is possible that the remainder of the building can only be used for storage under Use Unit 23 and meet the parking requirements.

Virgil Lovelace, 3300 Block of East King Street, stated that he is supportive of the decision of the Building Inspector, and requested that the parking requirements be met before the business is allowed at this location.

Esther Sturm, 35 North Louisville, Tulsa, Oklahoma, stated that the neighborhood is comprised of senior citizens and she is opposed to any business at this location which would cause additional noise and parking problems.

Applicant's Rebuttal:

Dan Smith, 203 South 71st East Avenue, Tulsa, Oklahoma, stated that he is the contractor for the project, and that approximately two-thirds of the square footage allotted to the club is used for the office, walk-in coolers and dance floor.

Mr. Jackere pointed out that the parking requirement is based on the entire square footage of the building.

Gabriele stated that the janitor area is located behind one of the doors, and if it is blocked off it would have to be accessed from outside the building.

Case No. 15545 (continued)

Additional Comments:

There was Board discussion as to the feasibility of locking or sealing off the interior doors, and of using only one of the two floors for the bar and proposed restaurant. It was the consensus of the Board that the case should be continued for further review of the available parking and the intended use of the building.

Board Action:

On **MOTION** of FULLER, the Board voted 3-0-0 (Bolzie, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **CONTINUE** Case No. 15545 to October 4, 1990, to allow the Board to site check the subject property.

Case No. 15548

Action Requested:

Special Exception to permit the assembly of trophies and jewelry items, including parts and rubber molding, light metal casting on site and buffing of parts manufactured off-site - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 15, located 107 1/2 East 11th Street.

Presentation:

The applicant, Richard Cleverdon, 111 West 5th Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit L-1), a petition of support (Exhibit L-2) and photographs (Exhibit L-3), stated that he is representing the operator of the business in question. He informed that activities will be conducted inside the building and the area is enclosed by a 6' privacy fence. Mr. Cleverdon noted that the previous use was more intense and did have outside storage of materials, but the new business will remove all debris from the grassy area and will have no materials outside. He stated that an apartment building is the closest residential facility, and the owner is supportive of the application. Mr. Cleverdon informed that there will be no retail sales at this location.

Comments and Questions:

Mr. Gardner asked Mr. Cleverdon if his client is proposing to remove all materials stored outside the building, and use only the CS zoned portion of the tract for the business, with no outside storage, and he answered in the affirmative.

Board Action:

On **MOTION** of FULLER, the Board voted 3-0-0 (Bolzie, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **APPROVE** a **Special Exception** to permit the assembly of trophies and jewelry items, including parts and rubber molding, light metal casting on site and buffing of parts manufactured off-site - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 15; subject to the use being limited to the CS zoned portion of the tract, with the balance of the site being cleared of all materials by January 1, 1991; subject to no outside storage; and subject to the required screening being provided; finding the use to be compatible with the surrounding area, and less intense than the previous use; on the following described property:

9.20.90:571(17)

Case No. 15548 (continued)

The south 30' of the north 350.8' of Lot 10, and the south 142.2' of the north 450.8' of Lot 11, Block 2, East Eleventh Park Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15551

Action Requested:

Variance of the required setback from the centerline of Madison Avenue from 40.5' (average required setback) to 31' - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25, located 1006 East Independence.

Presentation:

The applicant, **Richard M. Morgan**, was represented by **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma, who submitted a plot plan (Exhibit M-1) for proposed construction. He explained that his client made application for construction at this location approximately three years ago, which resulted in the extension of the existing building toward the south along Madison, with a 31' setback. Mr. Johnsen stated that this application is to seek an additional extension of the building 42' to the south, with the same setback. He stated that the alley between Haskell and Independence has been vacated and the applicant is now permitted to construct improvements across the previous alley right-of-way. Mr. Johnsen advised that future expansion to the south is noted on the plot plan, and requested that the Board also approve this project, as it will also align with the existing building, and will be 31' from the centerline of Madison Avenue.

Comments and Questions:

Ms. White asked if the entire parcel was advertised for this hearing, and Mr. Johnsen answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of Madison Avenue from 40.5' (average required setback) to 31' - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25; per plan submitted; with future expansion of the building being 31' from Madison Avenue and in compliance with all other setback requirements; finding that the addition will align with the existing building, and any future expansion along Madison will be 31' from the centerline of the street; on the following described property:

Lots 18 - 28, Block 2, Frisco Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15553

Action Requested:

Special Exception to permit a dry cleaning business - SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 15, located west of the NW/c of East 51st Street South and South Yale Avenue.

Presentation:

The applicant, Todd L. Sanders, 1809 Town and Country, Sand Springs, Oklahoma, submitted a plot plan (Exhibit N-1) and stated that he is the owner of Comet Cleaners of Tulsa. He explained that he is currently operating three other cleaners in the Tulsa area, and is proposing to open a fourth facility at the above stated location.

Comments and Questions:

In response to Mr. Gardner, the applicant stated that a TCBY Yogurt and medical office will also be operating at this location. Mr. Gardner advised that Staff would be concerned that the ceiling be dropped to prevent cleaning odor to escape into the other businesses. He pointed out that cleaning business are only allowed by special exception to allow the Board to review each case and impose any conditions that are appropriate.

Mr. Sanders stated that all of his stores are identical, and the walls are sealed to the roof to prevent the escape of odors to the adjoining businesses.

Protestants: None.

Board Action:

On MOTION of FULLER, the Board voted 3-0-0 (Bolzie, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to APPROVE a Special Exception to permit a dry cleaning business - SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 15; per plot plan submitted, and subject to Health Department approval; finding that the business will not be detrimental to the surrounding uses, as the walls are sealed to the roof to prevent seeping of cleaning solvents to other businesses; on the following described property:

Tract C of Lot 8, Block 1, Interstate Central Extended Addition, City of Tulsa, Tulsa County.

Case No. 15554

Action Requested:

Special Exception to permit a day care center SECTION 401. PRINCIPAL USES IN RESIDENTIAL DISTRICTS - Use Unit 5, located 3709 North Hartford.

Comments and Questions:

Mr. Jones informed that the applicant, Karen Palmer, submitted an incorrect legal description for the property in question, and suggested that Case No. 15554 be continued to the October 4th meeting.

Board Action:

On MOTION of FULLER, the Board voted 4-0-0 (Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to CONTINUE Case No. 15554 to October 4, 1990.

Case No. 15555

Action Requested:

Variances of the required setbacks from an R District on the north, measured from the centerline of the alley from 75' to 27.8', and on the east measured from the property line from 75' to 57'; a variance of the required setback from the centerline of Second Street from 80' to 54' - SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS - Use Unit 15.

Variance of the screening requirement along the north, east and south property lines (except at access points) abutting R Districts - SECTION 1215.C USE CONDITIONS - Use Unit 15, located 123 South Peoria Avenue.

Presentation:

The applicant, Bill Robison, 4808 South Elwood, Tulsa, Oklahoma, submitted a plot plan (Exhibit P-1), and stated that he is the contractor for the owner of the property, Victor Welding Company. He informed that the existing structure will be extended 50' to the east, and the new addition will align with the existing building. Mr. Robison requested that the screening requirement be waived along the alley to the north, the east property line and Second Street. He pointed out that the fence abutting RM zoned property to east is approximately 4' from an existing fence on the property line. The applicant stated that there is outside storage of large machinery which could be damaged by vandals, and the police department has advised them that it is easier to patrol the area if the screening fences are not in place.

Comments and Questions:

Mr. Gardner stated that the eastern two lots that appear on the case map as apartments have been approved for IL zoning, however, the ordinance has not been published. He further noted that the entire area is planned for industrial uses.

Protestants: None.

Case No. 15555 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **APPROVE** Variances of the required setbacks from an R District on the north, measured from the centerline of the alley from 75' to 27.8', and on the east measured from the property line from 75' to 57'; a variance of the required setback from the centerline of Second Street from 80' to 54' - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 15; and to **APPROVE** a Variance of the screening requirement along the north, east and south property lines (except at access points) abutting R Districts - **SECTION 1215.C USE CONDITIONS** - Use Unit 15; per plot plan submitted; finding that the addition will align with the existing building; and finding that the entire area is planned for Industrial in the future; on the following described property:

Lots 11 - 15 (Inclusive), Block 13, Lynch and Forsythe's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15556

Action Requested:

Special exception to permit a mobile home - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9.

Variance of the one year time limit to permanent approval - **SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9.

Variance of the required setback from 50' to 48' measured from the centerline of Tecumseh - **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 9, located 1904 North Birmingham Place.

Presentation:

The applicant, **Warren Long**, 1911 North Birmingham Place, Tulsa, Oklahoma, stated that he has purchased the lot across the street and is proposing to move his mobile home to that location. A plot plan (Exhibit R-1) was submitted.

Comments and Questions:

Mr. Jones informed that the Board approved the current location of the mobile home in 1984.

There was discussion concerning the burned out house located on the lot, and the applicant stated that he could convert the remainder of the house into a garage, or remove it from the property within 90 days.

Case No. 15556 (continued)

Interested Parties:

Diane Wright, 1930 North Birmingham Place, Tulsa, Oklahoma, stated she lives in the area, and that the Long's property is well maintained.

Board Action:

On MOTION of FULLER, the Board voted 3-0-0 (Boizie, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to APPROVE a Special Exception to permit a mobile home - SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 9; to APPROVE a Variance of the one year time limit to permanent approval - SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS - Use Unit 9; and to APPROVE a Variance of the required setback from 50' to 48' measured from the centerline of Tecumseh - SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 9; per plot plan submitted; subject to removal of the burned out house, or conversion of the remainder of the burned house to a garage within 90 days from the date of this hearing; and subject to skirting and Health Department approval; finding that the mobile home has been located in the area for several years and has proved to be compatible with the neighborhood; on the following described property:

E/2 Lot 1, Block 2, Martin Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15557

Action Requested:

Special exception to permit educational purposes (classrooms and offices) - SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5.

Variance to permit the required parking spaces to be located on a lot other than the lot containing the principal use - SECTION 1301. GENERAL REQUIREMENTS. OFF-STREET PARKING AND OFF-STREET LOADING - Use Unit 5.

Variance of the required floor area, lot size, lot frontage and setbacks - SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS - Use Unit 5, located 539 South Gary Place.

Presentation:

The applicant, Franklin D. Hettinger, 600 South College, Tulsa, Oklahoma, represented Tulsa University, and submitted a plot plan (Exhibit S-1) for a school for gifted children. He pointed out that the conversion of the structure to a school will not require exterior changes; however, the inside will be converted to classrooms and offices.

Case No. 15557 (continued)

Comments and Questions:

Mr. Fuller asked the applicant if there is sufficient off-site parking for the school, and he replied that the major portion of the block is parking area.

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 3-0-0 (Boizle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **APPROVE** a **Special Exception** to permit educational purposes (classrooms and offices) - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5; to **APPROVE** a **Variance** to permit the required parking spaces to be located on a lot other than the lot containing the principal use - **SECTION 1301. GENERAL REQUIREMENTS. OFF-STREET PARKING AND OFF-STREET LOADING** - Use Unit 5; and to **APPROVE** a **Variance** of the required floor area, lot size, lot frontage and setbacks - **SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 5; per plan submitted; finding that Tulsa University has sufficient parking on the campus to accommodate all school uses, except the the nonconforming football stadium; and that the granting of the variance requests will not violate the spirit, purposes and intent of the Code or the Comprehensive; on the following described property:

Lot 24, Block 15, College Addition, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 4:02 p.m.

Date Approved

Oct. 4, 1990

Sherry White
Chairman