

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 573
Thursday, October 18, 1990, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Wednesday, October 17, 1990, at 12:31 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

Mr. Jones informed that the minutes for the October 4, 1990 meeting have not been mailed to the Board, but will be available for Board consideration on November 1, 1990.

UNFINISHED BUSINESS

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 NE/c West 37th Place South and South Maybelle.

Comments and Questions:

Mr. Jones informed that the applicant has failed to appear at two consecutive meetings, and was notified by certified letter of today's hearing date. He stated that Nathaniel McClary signed for the letter.

Presentation:

The applicant, Jean McClary, Route 1, Box 132-3D, Coweta, Oklahoma, was not present.

Case No. 15542 (continued)

Interested Parties:

Tim Nail, 3735 South Tacoma, Tulsa, Oklahoma, stated that he owns the property next door to the lot in question, and the applicant advised him that his wife would be presenting the application today. Mr. Nail informed that he is supportive of the request.

Comments and Questions:

Mr. Garner asked if the mobile home has been moved to the lot, and Mr. Nail explained that a burned out house was cleared from the lot and it is vacant at this time.

In response to Mr. Fuller, Mr. Nail stated that he has a mobile home on the lot next door to the lot in question.

Following Board discussion concerning previous approval of mobile home use on the subject property, Ms. Hubbard advised that the property in question has not been approved for mobile home use in the past.

Mr. Gardner informed that the subject property is located between two refineries and the long range plan for the area is industrial. He pointed out that there are numerous mobile homes and older frame homes in the area.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Special Exception** to permit a mobile home - **SECTION 401. PRINCIPAL USES IN RESIDENTIAL DISTRICTS - Use Unit 9;** and **DENY** a **Variance** of the one year time limit to permanent - **SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS - Use Unit 9;** subject to Building Permit and Health Department approval; finding that there are other mobile homes in the area, and that the granting of the variance request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lots 20 and 21, Block 7, Garden City Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15554

Action Requested:

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

Presentation:

The applicant, **Karmen Palmer**, was represented by **Velma Walker**, 11106 East Cameron, Tulsa, Oklahoma. Ms. Walker stated that her niece plans to have approximately 22 children enrolled at the day care center, which will be in operation from 6:30 a.m. to 6:30 p.m., Monday through Friday.

Case No. 15554 (continued)

Comments and Questions:

Mr. Bolzle inquired as to Staff's comment concerning a tie contract, and Mr. Jones explained that the subject tract is comprised of two lots, and it appears that the required off-street parking may be located on the lot adjoining the business. He pointed out that a tie contract would tie the two lots together and prevent the sale of the required parking area for the center.

Ms. Bradley asked if the applicant owns the property in question, and Ms. Walker stated that she is leasing the lots.

In response to Mr. Bolzle, Ms. Walker stated that the adjoining lot will be used for parking purposes only, as the playground area is located to the rear of the center.

Mr. Jackere advised that, if the application is approved, the approval should be made subject to both lots being used for a single day care center.

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Special Exception** to permit a day care center - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5**; subject to Department of Human Services approval; subject to days and hours of operation being Monday through Friday, 6:00 a.m. to 6:30 p.m.; and subject to only one day care center being operated on the two lots; finding that the day care center, as presented, will be compatible with the surrounding neighborhood; on the following described property:

Lots 10 and 11, Block 1, Chandler-Frutes Third Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15560

Action Requested:

Variance of the number of permitted ground signs on lot with 267' of frontage from two to three - **SECTION 1221.C.9. General Use Conditions for Business Signs - Use Unit 21**, located 10032 South Sheridan.

Comments and Questions:

Mr. Jones informed that Staff has received a letter (Exhibit A-1) from the applicant requesting that Case No. 15560 be withdrawn, as he is no longer in need of the relief requested.

Case No. 15560 (continued)

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **WITHDRAW** Case No. 15560, as requested by the applicant.

NEW APPLICATIONS

Case No. 15570

Action Requested:

Variance to expand a nonconforming use by adding signage to a cleaners - **SECTION 1405. STRUCTURAL NONCONFORMITIES** - Use Unit 15, located northwest corner of Pine and Kingston.

Presentation:

The applicant, **Ronald Daniels**, 111 West 5th Street, Suite 430, Tulsa, Oklahoma, submitted photographs (Exhibit B-1) and a sign plan (Exhibit B-4) for Mac's Cleaners. Mr. Daniels stated that he represents the owner of the business, and is requesting permission to erect two new wall signs for a non-conforming use. He explained that the owner of the property is proposing to add 2' by 12' signs on the east and west sides of the existing building. A copy of the application (Exhibit B-2) for a sign permit was submitted.

Comments and Questions:

In response to Ms. Bradley, the applicant replied that the neon sign on the front of the building is non-conforming and is not under consideration at this time.

Mr. Jones informed that, according to Staff research, this use has existed at the present location since 1950.

Mr. Bolzie asked if the cleaners was cited after the signs were installed, and Mr. Daniels answered in the affirmative.

There was discussion as to the size of the signs, and Mr. Daniels reiterated that the two proposed signs will be 2' by 12'.

Mr. Bolzie asked if the laundry accommodates only the surrounding area, and Mr. Daniels informed that the business does wholesale laundry for the entire City.

Mr. Bolzie pointed out that the business has been at the present location for many years, and stated that he is curious as to the need for additional signage. Mr. Daniels explained that the front of the building has been improved, and the signs are a part of the improvement project.

Mr. Jackere asked if the signs will be neon, and the applicant stated that they will be fluorescent, with a plastic cover.

Case No. 15570 (continued)

In response to Mr. Jackere, the applicant stated that the signs will be turned on during the nighttime hours.

Pam Fray, 7909 North 156th East Avenue, Owasso, Oklahoma, manager of Mac's Cleaners, pointed out that the signs will help to light that area of the parking lot near the building.

Mr. Bolzie asked the use of the property to the west, and Ms. Fray replied that there is a type of alley to the immediate west, and a residential area abuts the alley. She stated that the neighborhood is supportive of the application. A petition of support (Exhibit B-3) was submitted. Mr. Bolzie stated that he is concerned with the all-night lighting, as the cleaners is surrounded by a very nicely kept neighborhood.

Ms. Fray reiterated that the application has the support of the neighborhood, as well as others living in the general area.

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Variance** to expand a nonconforming use by adding signage to a cleaners - **SECTION 1405. STRUCTURAL NONCONFORMITIES** - Use Unit 15; per plan submitted; subject to the two wall signs (east and west side of building) being 2' by 12'; finding that there numerous businesses along Pine with similar lighting; and that the granting of the request, as presented, will not be detrimental to the area, or violate the spirit, purposes and intent of the Code; on the following described property:

Lots 14 and 15, Block 6, Losey's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15572

Action Requested:

Special Exception to remove the screening requirement along South 85th East Avenue, which is adjacent to an R District **SECTION 212.C. Modification of the Screening Wall or Fence Requirements** - Use Unit 8; located 2154 South 85th East Avenue.

Presentation:

The applicant, Hamra Construction Company, was represented by Royce Ellis, 3723 East 64th Place, Tulsa, Oklahoma, who submitted a site plan (Exhibit C-1), and explained that the nursing home in question has 350' of frontage on South 85th East Avenue, with screening required on the south 100'. Mr. Ellis pointed out that, if installed, the 6' screening fence would result in a safety hazard for motorists attempting to enter 85th East Avenue at this location. An aerial photograph (Exhibit C-2) was submitted.

Case No. 15572 (continued)

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Special Exception** to remove the screening requirement along South 85th East Avenue, which is adjacent to an R District - **SECTION 212.C. Modification of the Screening Wall or Fence Requirements** - Use Unit 8; finding that only 1/3 of the 350' of street frontage requires screening, and that the installation of fencing at this location would create a safety hazard for motorists entering 85th East Avenue; and finding that the granting of the request will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

East 352' of Tract 2, O'Connor Park 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15573

Action Requested:

Variance of the minimum lot width on Lot 2 from 60' to 45'; the minimum lot area on Lot 2 from 6900 sq ft to 6471 sq ft, more or less; and the minimum land area per dwelling unit on Lot 2 from 8400 sq ft to 7721 sq ft, more or less - **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1608 South Gary Place.

Presentation:

The applicant, **Philip Marshall**, 5424-B South Memorial, Suite 2, Tulsa, Oklahoma, submitted a plat of survey (Exhibit D-2), and explained that he is proposing to split the property into two separate lots and add the portion of Lot 2 that contains a part of the existing garage to Lot 1. He stated that a single family dwelling will then be constructed on Lot 2. An aerial photograph (Exhibit D-1) was submitted.

Comments and Questions:

Ms. Bradley pointed out that the Plat of Survey depicts the two lots as being 50' wide.

Ms. Hubbard remarked that Mr. Marshall has an application for a building permit on file in her office, and asked if the building permit is for construction on Lot 2, and he replied that the permit on file is not for this piece of property.

There was Board discussion concerning the request for a 45' minimum lot width.

Case No. 15573 (continued)

Mr. Jackere advised that, if inclined to approve the application, the Board could approve the lot area and land area request and continue the lot width variance to the next meeting.

Ms. Bradley stated that she prefers to hear the entire application at one time, and requested that the applicant state the hardship for this case.

Mr. Marshall stated that the hardship is the fact that he is unable to construct a dwelling for resale without the requested relief, as he would not be able to provide a clear title to the property.

Protestants:

Betty Tranka, 5712 East 98th Street, Tulsa, Oklahoma, represented her mother, who lives at 1607 South Gary Place. She explained that her mother lives across the street from the vacant lot in question, and is concerned that the proposed lot split and construction of a small house on the lot will be detrimental to the neighborhood.

Mr. Jackere asked the protestant if she is opposed to the construction of a home on the lot, and she replied that her mother would not object to the construction of a home on the lot if it was a standard size lot.

In response to Mr. Bolze, the protestant stated that a similar situation at the end of the block resulted in substandard construction that is not in keeping with the neighborhood.

Mr. Jackere pointed out that this Board does not control quality or the character of construction.

Leslie McGuire, 1527 South Gary Place, Tulsa, Oklahoma, who submitted letters of opposition (Exhibit D-3), stated that she has lived in the neighborhood for approximately 21 years, and that construction of a dwelling on a lot with a reduced lot width will be detrimental to the area.

Additional Comments:

Mr. Jackere pointed out that a building permit could be acquired for a structure on the lot without Board relief.

Mr. Gardner stated that the applicant can build a house on the lot without relief from this Board; however, he could not get financing for the structure without a variance of the lot width, lot area and land area.

Applicant's Rebuttal:

Mr. Marshall stated that he has already built a house in the neighborhood, and it was made to conform with the character of the neighborhood. He stated that the two-story dwelling proposed for this lot will have approximately 1900 sq ft of floor space, with a garage to the rear.

Case No. 15573 (continued)

Mr. Jackere asked Mr. Marshall if he owns the lot in question, and he replied that he does not own the lot, but the owner is present.

Don Oliver, 1604 South Gary Place, Tulsa, Oklahoma, stated that he is the owner of the two lots, and informed that the garage was built over the lot line in 1925 when the house was initially constructed.

Additional Comments:

Following a lengthy Board discussion, Mr. Bolzle suggested that Case No. 15573 be continued to November 1, 1990, to allow the applicant sufficient time to meet with the neighbors and attempt to agree upon a mutually acceptable plan for the lot. He further noted that there is confusion as to the need for the requested 45' lot width, which should be explored before action is taken on the case. Mr. Bolzle also requested that a footprint for the proposed structure be submitted before the next scheduled meeting.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **CONTINUE** Case No. 15573 to November 1, 1990, at which time the applicant is to supply a footprint for the proposed structure.

Case No. 15574

Action Requested:

Special Exception to permit a barber/hair styling salon as a home occupation - **SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 110 North 48th West Avenue.

Presentation:

The applicant, **Charlene Dewey**, 110 North 48th West Avenue, Tulsa, Oklahoma, requested permission to operate a barber and hair styling business in her home at the above stated location. She stated that the surrounding neighbors have been contacted regarding the proposed business, and they are not opposed to the application. A letter of support (Exhibit E-1) and a copy of the Stormwater Case Review (Exhibit E-2) were submitted.

Comments and Questions:

Mr. Fuller inquired as to the days and hours of operation, and the applicant stated that the shop will be open every day between the hours of 7:00 a.m. and 9:00 p.m.

Ms. Bradley asked Ms. Dewey if she is familiar with the Home Occupation Guidelines, and she answered in the affirmative.

In response to Ms. Bradley, the applicant stated that she will have only one styling chair in the salon, and will not have a sign on the property.

Case No. 15574 (continued)

Mr. Bolzle inquired as to the parking area for customers, and the applicant stated that there is ample parking between her home and the existing levee.

Board Action:

On **MOTION** of FULLER, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Special Exception** to permit a barber/hair styling salon as a home occupation - **SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; subject to the business being limited to one chair only; subject to days and hours of operation being seven days each week, 7:00 a.m. to 9:00 p.m.; per Home Occupation Guidelines: finding that the business will be compatible with the surrounding residential area; on the following described property:

Lots 75, 76 and 77, Block G, Vern Heights Subdivision, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:17 p.m.

Date Approved

Nov. 1, 1990

Harry White
Chairman