

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 600  
Tuesday, December 27, 1991, 1:00 p.m.  
County Commission Room, Room 119  
County Administration Building

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Bolzle, Chairman Doverspike Fuller White	Chappelle	Gardner Hester Jones	Jackere, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, December 20, 1991, at 1:20 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Bolzle called the meeting to order at 9:00 a.m.

**MINUTES:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzle, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** the Minutes of December 10, 1991.

**UNFINISHED BUSINESS**

**Case No. 15870**

**Action Requested:**

Special Exception to permit Use Unit 5 uses in an RM-3 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** Use Unit 5, located 6202 East 61st Street.

**Presentation:**

The applicant, **Skyline Terrace**, was not represented.

**Board Action:**

On **MOTION** of **FULLER**, the Board voted 3-0-0 (Bolzle, Fuller, Doverspike, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **CONTINUE** Case No. 15870 to January 14, 1992.

**Case No. 15891**

**Action Requested:**

Variance of the required lot width in an AG District from 200' to 155' - **Section 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 6, located 6246 East 116th Street.

Case No. 15891 (continued)

**Presentation:**

The applicant, **Thomas Kivell**, was represented by **Roger Burgess**, 6246 East 116th Street, Tulsa, Oklahoma, who submitted a plat of survey (Exhibit A-1) and informed that he is proposing to split a long narrow tract of land into two lots.

**Comments and Questions:**

In response to Mr. Bolzle, Mr. Burgess stated that the southern portion of the property will be adjacent to a three-acre tract owned by Mr. Davis. He informed that the proposal has been heard by the Technical Advisory Committee, and all requirements will be met. Mr. Burgess explained that the south lot has a 10' utility easement from 116th Street along the west side of the north lot, and a road easement to Sheridan through tracts A, B and C.

Mr. Bolzle asked if there is an existing residence on the north portion of the tract, and he replied that his residence is on the north lot, and a dwelling is proposed for the south lot.

There was discussion concerning the 165' lot width, and Mr. Gardner informed that the lot is probably nonconforming in regard to the width.

**Protestants:** None.

**Board Action:**

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required lot width in an AG District from 200' to 155' - **Section 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 6; per plat of survey submitted; finding that the street frontage on the north lot will be reduced to 155', leaving 10' of street frontage on a dedicated street for the south lot for utility purposes; on the following described property:

E/2, W/2, W/2, NE/4, SE/4, Section 34, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

**NEW APPLICATIONS**

**Case No. 15893**

**Action Requested:**

Appeal of the decision of an administrative official that industrial equipment and vehicles are being stored on subject property - **Section 1605 APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 13.

Special Exception to allow Use Units 2, 5, 6, 7, 7a, 8, 15, 17, 18 and 20 in a CS District - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 13.

Variance of the screening requirement between property zoned commercial and property zoned residential - **Section 1213.C.2. Use Conditions** - Use Unit 13, located 6255 and 6405 East 36th Street North.

Case No. 15893 (continued)

**Presentation:**

The applicant, **Jack Baker**, 6405 East 36th Street North, Tulsa, Oklahoma, requested by letter (Exhibit B-1) that Case No. 15893 be continued to January 14, 1992.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzie, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 15893 to January 14, 1992, as requested by the applicant.

**Case No. 15894**

**Action Requested:**

Variance of the required 100' setback from the centerline of Southwest Boulevard to 55' - **Section 903. BULK AND AREA REQUIREMENTS IN INDUSTRIAL DISTRICTS** - Use Unit 12.

Special Exception to permit Use Unit 12 (restaurant use) in an IL zoned district - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 12, located 3524 Southwest Boulevard.

**Presentation:**

The applicant, **Mark Fore**, 2435 East 55th Court, Tulsa, Oklahoma, submitted a plot plan (Exhibit C-1) for a two-car garage to be used for the storage of catering vehicles. He informed that the structure will be constructed in the restaurant parking lot.

**Comments and Questions:**

Mr. Bolzie asked the applicant why the proposed structure could not be built to the north of the existing restaurant, and Mr. Fore replied that the property to the north is owned by the state.

Mr. Jones informed that the north portion of the tract is located in the floodplain, and the south triangular shaped portion is the only suitable location for construction.

Ms. White inquired as to the seating capacity of the restaurant and the number of available parking spaces, and Mr. Fore replied that the restaurant will seat approximately 90 people, and only two parking spaces will be used for the new building.

In response to Mr. Bolzie, Mr. Jones advised that the street curves at this location, and Traffic Engineering could determine if the building will block the line of sight for motorists traveling on Southwest Boulevard.

Mr. Doverspike asked if there is an existing building on the south side of the restaurant, and the applicant informed that there is only a wood shed to the south.

Case No. 15894 (continued)

In response to Mr. Doverspike, Mr. Jones advised that the building inspector's office determined the restaurant to be a nonconforming use when it began operation several years ago. He stated that the applicant is requesting a special exception to permit the restaurant in an IL zoned district, so any future renovations can be made without returning to the Board.

**Protestants:** None.

**Board Action:**

On **MOTION** of FULLER, the Board voted 4-0-0 (Bolzie, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required 100' setback from the centerline of Southwest Boulevard to 55' - **Section 903. BULK AND AREA REQUIREMENTS IN INDUSTRIAL DISTRICTS** - Use Unit 12; and to **APPROVE** a **Special Exception** to permit Use Unit 12 (restaurant use) in an IL zoned district - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 12; per plot plan submitted, and subject to Traffic Engineering approval; finding a hardship imposed on the applicant by the irregular shape of the lot, and the fact that the north portion of the lot is located in a floodplain; on the following described property:

Lots 8 - 11, Block 5, Fuller Walter Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15895**

**Action Requested:**

Variance of the required number of parking spaces - **Section 1212.D Off-Street Parking and Loading Requirements** - Use Unit 12.

Variance of the setback from the centerline of Peoria and 35th Street from 50' and 25' to permit an existing patio and cover - **Section 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS** - Use Unit 12, located 3421 South Peoria.

**Presentation:**

The applicant, **Tom Dittus**, 3421 South Peoria, was represented by **Fred Buxton**, who submitted a plot plan (Exhibit D-1) and explained that the raised patio in question was in place when his client purchased the restaurant. Mr. Buxton stated that the patio covers two required parking spaces and extends 5' closer to the street than the existing building. He pointed out that there are similar outdoor dining structures in the area, and 5 additional parking spaces have been leased in a nearby parking lot. Mr. Buxton submitted photographs (Exhibit D-2) and a petition of support (Exhibit D-3).

**Comments and Questions:**

In response to Mr. Bolzie's question concerning the terms of the lease for the additional parking, Mr. Buxton stated that there is no time limitation for the lease. He informed that his client has agreed to provide security for the parking lot and pick up all trash in return for using the five parking spaces.

Case No. 15895 (continued)

Ms. White remarked that the patio has been in place for several years, and asked Mr. Buxton the reason for his client seeking the variances at this time. He replied that a complaint was filed concerning the cover on the patio, and added that the roof will be removed.

Mr. Fuller asked Mr. Buxton if the structure aligns with the building across the street to the south, and he answered in the affirmative.

Mr. Doverspike asked if the patio will be covered, and Mr. Buxton stated that the existing cover will be removed and will not be replaced.

Mr. Doverspike asked if a long term lease could be obtained for the two required parking spaces, and Mr. Buxton stated that the current owner is amenable to such an agreement.

**Protestants:** None.

**Board Action:**

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzie, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required number of parking spaces - **Section 1212.D Off-Street Parking and Loading Requirements** - Use Unit 12; and to **APPROVE** a **Variance** of the setback from the centerline of Peoria and 35th Street from 50' and 25' to permit an existing patio - **Section 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS** - Use Unit 12; per plot plan submitted; subject to the existing patio structure remaining open-sided; subject to City Council and Traffic Engineering approval; finding that the applicant withdrew his request for a patio cover; and finding that other structures in the area are as close to Peoria Avenue as the raised patio in question; on the following described property:

West 70' of Lot 1, and west 70' of the south 20' of Lot 2, Block 2, Oilvers Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15896**

**Action Requested:**

Special Exception to permit a child care and preschool in an IL District - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 5, located 9525 East 47th Place.

**Presentation:**

The applicant, **Barry Hacker**, 1115 Renaissance Drive, Sand Springs, Oklahoma, submitted a plot plan (Exhibit E-1), and informed that the property in question has previously been used for a school. He stated that the hours of operation for the proposed day care center will be from 6:00 a.m. to 6:00 p.m., Monday through Friday.

**Comments and Questions:**

Mr. Bolzie inquired as to the number of children that will be enrolled, and the applicant stated that the initial enrollment will be 49, however, that number could escalate to 80 in the future.

12.27.91:600(5)

Case No. 15896 (continued)

Protestants: None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzie, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit a child care and preschool in an IL District - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 5; subject to the hours of operation being 6:00 a.m. to 6:00 p.m., Monday through Friday; per plan submitted; and subject to a maximum of 80 children and Department of Human Service guidelines; finding the use to be compatible with the area, and in harmony with the spirit and intent of the Code; on the following described property:

Lot 4, Block 1, Regency Industrial Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15897**

**Action Requested:**

Special Exception to permit a mobile home in an RM-2 District - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9.

Variance of the one year time limitation - **Section 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9.

Variance of the required rear yard from 10' to 6', and the east side yard from 10' to 6' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 9.

Variance to permit more than one dwelling per lot of record - **Section 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9, located west of the NW/c Sheridan Avenue and Newton Place.

**Comments and Questions:**

Mr. Jones informed that the applicant, **Bill Cousins**, has requested by letter (Exhibit Z-1) that this case be continued to a future meeting. He explained that, although the applicant is present today and prepared to make a presentation, several interested parties have been told that the applicant has requested a continuance.

Mr. Jackere stated that inquiring interested parties should be informed that a continuance has been requested, and that they should attend the meeting in case the request for a continuance is denied.

In response to Mr. Doverspike, Mr. Jones informed that interested parties are told that the Board usually grants one timely continuance request to either the applicant or protestants, but there is the possibility that the continuance will be denied and the case heard as scheduled.

Case No. 15897 (continued)

**Presentation:**

The applicant, **Bill Cousins**, stated that the change of the meeting time from 1:00 p.m. to 9:00 a.m. created a hardship for him, since he had made arrangements to attend the meeting in the afternoon. He asked the Board to permit his mobile home to be permanently installed at its present location.

**Additional Comments:**

Mr. Jones informed that this case was originally approved for a three-year time period in 1984, however, the approval has expired, and the applicant is requesting that the mobile home be approved permanently at this location.

Mr. Doverspike inquired as to the reason for not making application for permanent installation in 1987, and the applicant stated that he was not aware that he only had a temporary approval.

Mr. Doverspike asked the applicant if he knows of interested parties that object to the permanent installation of the mobile home, and Mr. Cousins stated that he is not aware of anyone that protests the application, but there could have been a complaint.

Ms. White asked Mr. Cousins when he received notice from the City that the mobile home was in violation of the Code, and he replied that Candy Parnell from Code Enforcement recently issued the citation.

**Board Action:**

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 15897 to January 14, 1992, to allow sufficient time to confer with Code Enforcement regarding the citation issued to the applicant.

**Case No. 15898**

**Action Requested:**

Variance of the required 30' of frontage on a public street or dedicated right-of-way to 0' to permit access by mutual access agreement - **Section 206. STREET FRONTAGE REQUIRED** - Use Unit 6, located 7500 South Union.

**Comments and Questions:**

Mr. Bolzie informed that Mr. Fuller will abstain from hearing Case No. 15898.

**Presentation:**

The applicant, **Matt Westfall**, 7500 South Union Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-1) and explained that he is proposing to sell a portion (3 lots, 2.51 acres each) of a 24-acre tract that he has recently purchased. He informed that the three lots do not abut a public street, therefore, a mutual access easement will be provided to Union Avenue.

Case No. 15898 (continued)

**Comments and Questions:**

Mr. Jones stated that a lot split procedure is not necessary since the tracts are larger than 2.5 acres.

**Protestants:** None.

**Board Action:**

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-1 (Bolzie, Doverspike, White, "aye"; no "nays"; Fuller, "abstaining"; Chappelle, "absent") to **APPROVE** a **Variance** of the required 30' of frontage on a public street or dedicated right-of-way to 0' to permit access by mutual access agreement - **Section 206. STREET FRONTAGE REQUIRED** - Use Unit 6; per plot plan submitted; subject to the execution of a mutual access easement, and dedication of necessary easements to serve the lots; finding that the granting of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

North 24 acres of SE/4, NE/4, Section 10, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15899**

**Action Requested:**

Special Exception to permit restaurant use or night club use in an IL District - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 12, located 4817 South Memorial.

**Presentation:**

The applicant, **Lavine Pitts**, 4817 South Memorial Drive, Tulsa, Oklahoma, submitted photographs (Exhibit T-1) of the area, and informed that the building in question was originally constructed for restaurant use, but has been used for other businesses since that time.

**Comments and Questions:**

In response to Mr. Bolzie, Mr. Pitts informed that the existing building is approximately 48' by 39' and the lot is 100' by 200'.

Mr. Jones stated that he informed interested parties that restaurant and nightclub use have been requested on the subject property, and the Board should determine if the night club will be a sexually-oriented business.

Mr. Bolzie asked Mr. Pitts if his tenant is proposing to operate a sexually-oriented business, and he replied that he will compete with other nightclubs in the City.

Mr. Jackere stated that clubs having acts that emphasize specified anatomical areas, as depicted in the Zoning Code, are classified as sexually-oriented businesses.



Case No. 15899 (continued)

**Protestants:**

**James Williamson**, 1736 South Carson, Tulsa, Oklahoma, counsel for Hardman Master Cleaners, Inc., stated that his client is opposed to the location of a nightclub next door to their cleaning business. He pointed out that the merchants along South Memorial have been plagued with teenage drinkers, and the bar will only add to the existing problem.

**James Miller**, 4801 South Memorial Drive, Tulsa, Oklahoma, owner of Hardman Master Cleaners, Inc., stated that his primary concerns are the litter and possible increase in insurance coverage.

**Applicant's Rebuttal:**

Mr. Pitts stated that he was not aware of Mr. Miller's objections, or he would have discussed the proposal with him. He stated that the lot will have adequate lighting for the business.

**Additional Comments:**

Mr. Fuller stated that he is inclined to support the request, since there are numerous nightclubs along Memorial Drive.

Mr. Doverspike pointed out that there mixed uses along Memorial Drive and the proposed restaurant/nightclub is compatible with the area.

**Board Action:**

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit restaurant use or nightclub use (not a sexually-oriented business) in an IL District - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS - Use Unit 12**; finding that there are numerous similar uses in the area; and finding that granting the special exception request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

South 100' and west 56' of Lot 3, and south 100' of Lot 4, Block 3, Second Research and Development Center Resub, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15900**

**Action Requested:**

Variance of the required 85' setback from the centerline of East 15th Street to 45' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6**, located west of NW/c 15th Street and Peoria Avenue.

Case No. 15900 (continued)

**Presentation:**

The applicant, **West Fox Ventures**, was represented by **Pat Fox**, 2250 East 73rd Street, Suite 300, Tulsa, Oklahoma, who explained that a portion of the Broadmoor Subdivision is being redeveloped as a single-family residential development. He pointed out that the lots were originally platted in the early 1920's, and 24 houses are proposed for the project. Mr. Fox stated that the Planning Commission and the City Council have approved the development, subject to Board of Adjustment approval of the 45' setback on East 15th Street. He pointed out that the majority of the residences in the area are closer to the street than those proposed in this application. A plot plan (Exhibit G-1) was submitted.

**Protestants:** None.

**Comments and Questions:**

In response to Mr. Doverspike, Mr. Fox informed that the development will be surrounded by a security wall.

Mr. Doverspike asked how close the wall will be to the street, and Mr. Fox stated that there will be approximately 15' of green space from the street to the wall.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required 85' setback from the centerline of East 15th Street to 45' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6: per plot plan submitted; finding that the proposed structures will not extend as close to the street as those existing in the area; and finding that the granting of the variance request will not violate the spirit, purpose or intent of the Code; on the following described property:

Lots 5 and 6, Block 15, Lot 5, Block 14, Broadmoor Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15901**

**Action Requested:**

Special Exception to permit Use Unit 17 (retail tire store) in a CS District - **Section 701. PERMITTED USES IN COMMERCIAL DISTRICTS** - Use Unit 17, located 2215 East 51st Street.

**Presentation:**

The applicant, **Ray Hibdon**, was represented by **Joe Covey**, 2805 Northwest 24th Street, New Castle, Oklahoma, who submitted a plot plan (Exhibit H-1), and explained that Mr. Hibdon has purchased the property in question and plans to operate a retail tire store. Mr. Covey informed that Mr. Hibdon owns similar stores in Oklahoma City and is proposing to expand to the Tulsa area. He stated that all work is completed inside the building and there will be no motor work, painting or outside storage of materials on the premises.

**Protestants:** None.

Case No. 15901 (continued)

**Board Action:**

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit Use Unit 17 (retail tire store only) in a CS District - **Section 701. PERMITTED USES IN COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; subject to no outside storage of materials, motor repair or painting; and subject to all work being completed inside the building; finding the use to be compatible with the surrounding area, and in harmony with the spirit and intent of the Code; on the following described property:

A tract of land in the S/2, SE/4, SE/4, Section 30, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the US Government Survey thereof, being more particularly described as follows, to-wit: Beginning at a point on the south line of said Section 30, said point being 660' westerly of the SE/c thereof; thence northerly and parallel to the east line of said Section 30, a distance of 240' to a point on the southerly right-of-way line of the 51st Street Bypass; thence westerly along the southerly right-of-way line of the 51st Street Bypass, a distance of 130.33' to a point; thence southwesterly along the southeasterly right-of-way line of the 51st Street Bypass a distance of 56.41' to a point; thence southerly and parallel to the east line of said Section 30, a distance of 227.22' to a point on the south line thereof; thence easterly along the south line of said Section 30, a distance of 185' to the point of beginning, less and except the south 35' for street purposes, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15902**

**Action Requested:**

Variance of the lot frontage from 150' to 62.5' to permit a lot split - **Section 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25, located 5330 South Mingo Road.

**Presentation:**

The applicant, **Robert Nelson**, 5330 South Mingo Road, Tulsa, Oklahoma, explained that Southwestern Bell Telephone Company asked to purchase a 40' by 40' portion of his property for the installation of a 4' by 9' fiber optic transfer station. He stated that the initial proposal was not economically feasible, however, after negotiations, they agreed to purchase the north half of the lot and install two small buildings for telephone company use.

**Comments and Questions:**

Mr. Bolzie asked if the area owned by the telephone company will be fenced, and Mr. Nelson replied that a chain link fence will probably be installed.

Mr. Gardner advised that the Board has granted similar variances in the past to permit utility companies to build small structures for specific uses.

Mr. Nelson stated that there is an existing a curb cut on the north to allow truck access to the property.

Case No. 15902 (continued)

In response to Mr. Gardner, Mr. Nelson stated that he is amenable to the execution of a tie contract on the south half of the lot containing the telephone building and the abutting lot to the south.

**Protestants:** None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzie, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the lot frontage from 150' to 62.5' to permit a lot split - **Section 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25; subject to the execution of a tie contract tying the south half of the northern lot and the abutting lot to the south; finding that the smaller lot will be used for utility purposes, and will not be used for industrial development; on the following described property:

N/2, N/2, Lot 1, Block 1, 5300 Commerce Park, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15903**

**Action Requested:**

Variance of the required 10' setback from a freeway right-of-way to 6' to permit an existing sign - **Section 1221.C.1. General Use Conditions for Business Signs** - Use Unit 16, located 5108 South Peoria.

**Presentation:**

The applicant, **Oklahoma Neon**, was not represented.

**Board Action:**

On **MOTION** of **FULLER**, the Board voted 3-0-0 (Bolzie, Fuller, Doverspike, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **CONTINUE** Case No. 15903 to January 14, 1992.

**Case No. 15904**

**Action Requested:**

Variance of the 25' required rear yard to 16' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 3606 East 49th Street South.

**Presentation:**

The applicant, **Maggie Gilmore**, 3606 East 49th Street, Tulsa, Oklahoma, stated that she has lived at the current location for approximately 28 years and is proposing to construct a new addition to her home. Ms. Gilmore stated that there is a distance of 28' between the south wall of the house and the lot line, and requested permission to extend 12' into the required rear yard. She stated that all neighbors that were contacted have been supportive of the project. A petition of support (Exhibit J-1) and photographs (Exhibit J-2) were submitted.

Case No. 15904 (continued)

**Comments and Questions:**

In response to Mr. Fuller, Mr. Jones advised that the applicant can determine which is to be the front yard since the house is located on a corner lot.

Mr. Doverspike asked if the porch will be enclosed, and the applicant explained that the porch is already enclosed, but is not heated.

Mr. Doverspike asked if any of the residents to the south signed the petition of support, and Ms. Gilmore answered in the affirmative.

**Interested Parties:**

Bill Thornton stated that he is representing his father, who owns the property across the street from the lot in question. He stated that he attended the meeting to determine the nature of the application, and feels his father would be supportive of Ms. Gilmore's proposal.

**Board Action:**

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzie, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the 25' required rear yard to 16' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding a hardship imposed on the applicant by the corner lot location and setbacks on two streets; and finding that the approval of the request will not adversely impact the neighborhood or violate the spirit and intent of the Code; on the following described property:

Lot 11, Block 8, Patrick Henry IV, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15905**

**Action Requested:**

Variance of lot width from 200' to 161', Variance of land area from 2.2 acres to 1.3 acres, variance of lot area from 2 acres to 1.2 acres - **Section 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 6.

Variance of the required 30' of frontage on a public street or dedicated right-of-way to 25' to permit a lot split - **Section 206 - STREET FRONTAGE REQUIRED** - Use Unit 6, located 807 West 91st Street South.

**Presentation:**

The applicant, **Steve Mendenhall**, 4545 South Lewis, Tulsa, Oklahoma, submitted a plot plan and photographs (Exhibit K-1), and stated that he is the agent for the property owner. He explained that the lot split is requested in order that his client can deed a portion of her land to her sister.

**Comments and Questions:**

In response to Mr. Bolzie, Mr. Jones stated that there is no apparent hardship that would warrant the granting of the variance requests.

Case No. 15905 (continued)

Mr. Fuller stated that he is not concerned with the lot width, since there are 100' lots to the west, but feels that the frontage on a public street should comply with the Zoning Code requirement of 30'.

Mr. Mendenhall stated that strict adherence to the 30' requirement would necessitate the moving of an electric service line.

**Protestants:** None.

**Board Action:**

On **MOTION** of FULLER, the Board voted 4-0-0 (Bolzie, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of lot width from 200' to 161', **Variance** of land area from 2.2 acres to 1.3 acres, **Variance** of lot area from 2 acres to 1.2 acres - **Section 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 6; and to **APPROVE** a **Variance** of the required 30' of frontage on a public street or dedicated right-of-way to 25' to permit a lot split - **Section 206 - STREET FRONTAGE REQUIRED** - Use Unit 6; per plot plan submitted; finding that there are several lots to the west that are more narrow than the property in question, and finding that strict adherence to the 30' frontage requirement would necessitate relocation of an electric service line; on the following described property:

NE/4, SW/4, SW/4, SE/4, Section 14, T-18-N, R-12-E, and the SE/4, SW/4, SW/4, SE/4, less south 24.75' for road and less beginning 24.75' north of the SW/c, SE/4, SW/4, SW/4, SE/4, thence north 200.56', East 145', south 200.56', west 145' to the Point of Beginning of Section 14, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15906**

**Action Requested:**

Variance of the required 40' setback from the centerline of East 24th Street South to 25' to permit a carport - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 2406 South 131st East Avenue.

**Presentation:**

The applicant, **Ronald Smith**, 2406 South 131st East Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit L-1), and explained that he was unaware of the 40' setback requirement when he constructed a cover for a pontoon boat on the side of his garage. Mr. Smith stated that the structure is open on the north, and he had planned to install lattice work along the side to support rose bushes. He informed that the cover was previously located in front of the garage, but has been relocated to the side. Photographs (Exhibit L-3) were submitted.

**Comments and Questions:**

Mr. Jackere asked the applicant if the pontoon can be stored in the garage, and the applicant stated that the garage is not tall enough to house the boat.

Case No. 15906 (continued)

Mr. Doverspike asked if there are other carports in the area, and Mr. Smith replied that there are none in his neighborhood.

**Interested Parties:**

Mr. Bolzle informed that Staff has received a letter of support from the resident at 2410 South 134th East Avenue, Tulsa, Oklahoma.

**Protestants:**

**Ken Daniel**, 12911 East 25th Street, Tulsa, Oklahoma, stated that his primary objection to the application is the fact that the carport is draped with tarpaulins of different colors and is an eyesore. He pointed out that there is a wrecked truck and other materials stored on the property.

**Juanita Ridgeway**, 2417 South 131st East Avenue, Tulsa, Oklahoma, stated that the carport has not been properly constructed and is unsightly.

**Applicant's Rebuttal:**

Mr. Smith stated that he hung the tarpaulins on the carport when he was issued a citation to cease construction, and they will be removed when he is permitted to complete the project.

Mr. Bolzle informed Mr. Smith that the issue before the Board is the fact that the structure encroaches into the required setback from East 24th Street.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Variance** of the required 40' setback from the centerline of East 24th Street South to 25' to permit a carport - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6**; finding that the rear yard is available for storage, and the applicant failed to demonstrate a hardship that would warrant the granting of a variance request; on the following described property:

Starting NE/c, SW/4, SW/4, NW/4, south 100', west 165', north 100', east 165', to the point of beginning, less east 25' and north 25' for roadway, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15907**

**Action Requested:**

Variance of the required front yard from 30' to 23.3' to permit an existing dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6**, located 2210 East 24th Street South.

**Presentation:**

The applicant, **Donald Detrick**, 2727 East 21st Street, Suite 200, Tulsa, Oklahoma, submitted a plat of survey (Exhibit M-1), and explained that, during the sale of the property in question, it was discovered that the existing front porch roof and porch posts encroach 6.5' into the required setback. He asked that the application be approved to clear the title to the property.

Case No. 15907 (continued)

Protestants: None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Bolzie, Fuller, Doverspike, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **APPROVE** a **Variance** of the required front yard from 30' to 23.3' to permit an existing dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; subject to the porch area remaining open and without walls; finding that the house and porch were built (with permit) over the lot line at the time of construction; and finding that the approval of the variance request will not be detrimental to the area, or violate the spirit, purpose or intent of the Code; on the following described property:

Lot 11, Block 4, Wildwood, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Consider approval of 1992 meeting schedule for the City Board of Adjustment

Board Action:

On **MOTION** of **FULLER**, the Board voted 3-0-0 (Bolzie, Fuller, Doverspike, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **APPROVE** the 1992 meeting schedule as presented.

There being no further business, the meeting was adjourned at 11:31 a.m.

Date Approved

1/14/92

  
Chairman