

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 602
Tuesday, January 28, 1992, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

| MEMBERS PRESENT | MEMBERS ABSENT | STAFF PRESENT | OTHERS PRESENT |
|--|-----------------------|---------------------------|--|
| Bolzle, Chairman Chappelle White | Doverspike Fuller | Gardner Jones Moore | Jackere, Legal Department Hubbard, Protective Insp. Parnell, Code Enforcement |

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, January 24, 1992, at 1:06 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 1:00 p.m.

MINUTES:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bolzle, Chappelle, White, "aye"; no "nays"; no "abstentions"; Doverspike, Fuller "absent") to **APPROVE** the Minutes of January 10, 1992.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15123

Action Requested:

Approval of amended site plan, located 252 East 28th Street.

Comments and Questions:

Mr. Jones informed that Case No. 15123 was continued to this date to permit notification of surrounding property owners.

Presentation:

The applicant, **James Hawkinson**, 1903 East 37th Street, Tulsa, Oklahoma, requested approval of amended site plan for a proposed dwelling at the above stated location. He stated that, after a meeting with the neighbors, it has been concluded that the proposed construction will be moved back to align with the existing homes on either side.

Additional Comments:

Mr. Bolzle asked if the northernmost edge of the house will be set back to align with existing dwellings, and the applicant answered in the affirmative.

Case No. 15123 (continued)

Interested Parties:

Jeff Rambach, 248 East 28th Street, Tulsa, Oklahoma, submitted a letter (Exhibit A-2) from Mr. Hawkinson, stating that the proposed dwelling will be setback 36' from the curb.

Ms. Hubbard informed that the site plan submitted to the Board reflects the dwelling to be 36' from the property line and not the curb.

Mr. Gardner advised that both plot plans (one approved plus new proposal) call for a 25' setback, but the applicant has stated that it is now his intent to align the proposed dwelling with existing homes on either side.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Bolzle, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, Doverspike, "absent") to **APPROVE** the revised site plan; subject to the proposed dwelling being aligned with the existing homes; finding that the structure will have the same setback as existing homes and will be compatible with the neighborhood; on the following described property:

Lot 3, Block 21, Sunset Terrace, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15910

Action Requested:

Special Exception to permit a home occupation (interior design) - **Section 402.B.6.b Home Occupations Permitted by Special Exception** - Use Unit 6, located 3320 South Florence Avenue.

Presentation:

The applicant, **Terry Weber**, 1710 One Williams Tower, Tulsa, Oklahoma, was represented by **Elizabeth Paris**, 1710 One Williams Tower, Tulsa, Oklahoma. Ms. Paris explained that her client is currently operating her design business from her home. Ms. Paris stated that she finds the use to be similar to those permitted by right in the Zoning Code. She informed that there will be no retail sales at this location, and all consultations with clients are held away from the home. Ms. Paris stated that the design work on the proposed layouts and artistic designs are completed in Ms. Weber's residence. She explained that her client previously employed an office manager, however, arrangements have been made to move this employee to another location.

Case No. 15910 (continued)

Comments and Questions:

Ms. White asked Ms. Paris if there are deliveries made to her client's home, and she replied that all deliveries are made by United Postal Service.

In response to Ms. White's inquiry concerning additional employees, Ms. Paris stated that her client employed one woman to care for the children and assist with the layouts. She informed that the layout assistant will be replaced with a childcare person.

Mr. Chappelle asked if the office manager is related to the applicant, and Ms. Paris stated that he is not related to the Webers.

Mr. Bolzle asked Ms. Paris if her client is familiar with the Home Occupation Guidelines, and she answered in the affirmative. She stated that Ms. Weber will comply with all home occupation requirements.

Mr. Jackere inquired as to the number of business clients, and Ms. Weber stated that she is working with three clients at the present time, and the number probably will not increase, due to the size of the business.

Mr. Jackere inquired as to the exact function of the office manager at the home, and Ms. Weber stated that the accounting manager does all bookkeeping, accounting records and paying of invoices.

In response to Mr. Bolzle, Ms. Paris stated that her client is before the Board because of a Code Enforcement complaint.

Ms. Parnell stated that she visited the property on two different occasions, and was not able to make contact with Ms. Weber. She stated that the applicant has a business ad in the telephone directory.

Interested Parties:

A petition of support (Exhibit B-3) was submitted.

Sue Lorenz, 2941 East 84th Street, Tulsa, Oklahoma, stated that she is supportive of the home occupation request. She stated that she is executive director of the Oklahoma Home Base Business Association, and pointed out that many businesses are now operated from homes.

Case No. 15910 (continued)

Pat Cowan, 3121 East 33rd Street, Tulsa, Oklahoma, stated that she lives in the area and drives by the Weber residence every day. Ms. Cowan informed that she was not aware that a business was being operated in the home, and pointed out that a home business would provide security for the neighborhood, because the house would be occupied during the day when most people are working outside the home.

Carol Klenda, 2840 East 34th Street, Tulsa, Oklahoma, stated that she has spent several hours in the Weber home during the summers months and there was a baby sitter that took care of the children at that time.

Protestants:

Marcialyn Robinowitz, 3303 South Florence Avenue, Tulsa, Oklahoma, submitted a petition of protest (Exhibit B-2), and informed that the business in question has had two to three employees for over a year.

Ms. White asked Ms. Robinowitz if she would be opposed to the business if the applicant could comply with the Home Occupation Guidelines, and she answered in the affirmative. Ms. Robinowitz stated that the applicant has disregarded her past request to remove the employees from the home.

Charles McNamara, 3110 East 33rd Street, Tulsa, Oklahoma, stated that he began to notice additional cars parked on the subject property, and later found that the business was advertised in the yellow pages of the telephone directory. He pointed out that the business has been operating illegally for over six months, and questioned if the applicant would adhere to the Home Occupation Guidelines if the business is approved. A copy of the yellow page advertisement (Exhibit B-4) was submitted.

Mr. Bolzle asked Mr. McNamara if he has noticed deliveries being made to the Weber home, and he replied that he has seen delivery trucks, but is not sure what type of material is being delivered.

Thomas Marsh, 2850 East 33rd Street, Tulsa, Oklahoma, stated that he is opposed to this commercial operation in the residential neighborhood, and pointed out that the business should be located in a properly zoned area. He stated that a business at this location would have a detrimental impact on property values.

Tony Sutton, 3232 South Evanston, Tulsa, Oklahoma, stated that he is in agreement with Mr. Marsh, and voiced a concern with the operation of a growing business in a residential neighborhood.

Case No. 15910 (continued)

Bernard Robinowitz, 3303 South Florence, Tulsa, Oklahoma, submitted a letter (Exhibit B-1) from Ms. McAllister, resident at 3320 South Florence Place, which stated that numerous delivery trucks mistake her house for the Weber residence, which is at the same address on Florence Avenue. Other letters of opposition were submitted.

Chuck Hanson, 2825 East 33rd Street, Tulsa, Oklahoma, stated that he is not opposed to a home office, but feels the applicant is attempting to operate a large business at this location.

Additional Comments:

Mr. Bolzle advised that the Zoning Code permits some types of home occupations under certain strict criteria, and other home businesses with this Board's approval.

Applicant's Rebuttal:

Ms. Paris pointed out that Ms. Weber filed the application for a hearing before the Board after she received the notice from Code Enforcement. She stated that her client is taking the appropriate steps to comply with the Code. She reiterated that Ms. Weber does not and will not have customers visit her home. Ms. Paris pointed out that her client can only have a limited amount of business, because she does all design layouts by hand.

Additional Comments:

Mr. Chappelle asked Ms. Parnell how many times she visited the Weber residence, and she replied that the property was checked on November 21, 1991, and December 15, 1991. She informed that Ms. Weber previously had a telephone ad which stated the location of the business to be in a commercial district. She informed that the complaint about the business was not received from a neighbor.

Ms. Robinowitz stated that she contacted Code Enforcement to report the business and was told that a complaint had already been filed.

Mr. Chappelle asked Ms. Weber how long the business in question has been operating from her home, and she replied that it was moved to this location in February of 1991. Ms. Weber explained that the building was sold where she previously had her business, and because of the economy she moved it to her home.

Case No.15910 (continued)

Ms. White asked the applicant if conferences with her clients are always held at their offices, and she answered in the affirmative. Ms. Weber pointed out that all measurements are made at the location of the work, and there is no reason for the client to come to her home.

Mr. Bolzle inquired as to the location of the office inside the home, and the applicant stated that the office is in an addition to the rear, which has a separate entrance.

Mr. Gardner pointed out that the business was previously located at another location and had several employees, some of which moved with the applicant to the home location. He stated that the Board will have to make the determination if the use can be scaled down to become compatible with the residential neighborhood.

Ms. White stated that Ms. Weber has the right to employ a sitter for her children, and feels that the applicant could comply with the Home Occupation Guidelines if the office manager is moved to another location.

Mr. Bolzle asked the applicant why she did not move the employees to another location when this was requested by Ms. Robinowitz, and Ms. Weber stated that she told Ms. Robinowitz that she would remove the employees in April, 1992.

In regard to Ms. White, Mr. Robinowitz stated that he is not sure how many deliveries are made to the residence, but Ms. McAllister stated that numerous delivery trucks have attempted to leave Ms. Weber's supplies at her home. He stated that there are cars belonging to individuals outside the family parked on the Weber property daily.

Mr. Bolzle asked Mr. Robinowitz if he would be opposed to the application if the business is operated according to the Home Occupation Guidelines, and he replied that a commercial enterprise is not compatible with the neighborhood.

Mr. Chappelle stated that he is concerned with the business being listed in the yellow pages of the telephone directory.

Ms. Parnell advised that the telephone company is agreeable to sending her a letter stating that a request has been received to remove a number from the yellow pages.

Case No. 15910 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bolzle, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, Doverspike, "absent") to **APPROVE** a Special Exception to permit a home occupation (interior design) - **Section 402.B.6.b Home Occupations Permitted by Special Exception** - Use Unit 6; per Home Occupation Guidelines; and subject to the home address being excluded from **all advertising**; finding that there are no customers visiting the home, no signs and no outside employees; and finding that the use, as presented, will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 8, Block 6, Charlane Estates, Blocks 6, 7, 8 and 9, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15917

Action Requested:

Variance of the maximum permitted 20% rear yard coverage to 41% to permit the replacement of a garage - **Section 210.B.5. Permitted Obstructions in Required Yards** - Use Unit 6, located 1624 South Victor Avenue.

Variance of the required 4000 sq ft of livability space to 2958 sq ft - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1624 South Victor Avenue.

Presentation:

The applicant, **Thomas Alexander**, 1624 South Victor, Tulsa, Oklahoma, submitted a plot plan (Exhibit C-1), and explained that he has removed an old dilapidated garage, with quarters, from his property near Swan Lake, and is proposing to construct a new 24' by 24' structure. Mr. Alexander stated that he will need a variance to build any type of garage on the 50' lot.

Comments and Questions:

Mr. Bolzle inquired as to the size of the original garage, and the applicant stated that it was 17.4' by 32.1'.

Ms. White asked if the new garage will have living quarters, and the applicant replied that the sewer line has been capped and there will be no living quarters in the new structure.

Protestants:

None.

Case No. 15917 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bolzle, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, Doverspike, "absent") to **APPROVE** a **Variance** of the maximum permitted 20% rear yard coverage to 41% to permit the replacement of a garage - **Section 210.B.5. Permitted Obstructions in Required Yards** - Use Unit 6; and to **APPROVE** a **Variance** of the required 4000 sq ft of livability space to 2958 sq ft - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the granting of the request will not be detrimental to the area: on the following described property:

Lot 6, Block 16, Orcutt Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15918

Action Requested:

Variance of the required 50' setback from the centerline of North Quebec to 38', per plan submitted - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1138 North Quebec Avenue.

Presentation:

The applicant, **Val Moore**, 1138 North Quebec Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1), and explained that he is proposing to construct an addition to an existing house.

Comments and Questions:

Mr. Bolzle asked if the addition will align with the existing house, and Mr. Moore answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bolzle, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, Doverspike, "absent") to **APPROVE** a **Variance** of the required 50' setback from the centerline of North Quebec to 38', per plan submitted - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the proposed addition will align with the existing dwelling, and approval of the variance request will not violate the spirit, purpose or intent of the Code; on the following described property:

Case No. 15918 (continued)

East 150' of N/2, Lot 63, and south 74' of the east 150' of Lot 64, Block 1, Westrope Acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15919

Action Requested:

Special Exception to permit Use Unit 17 - Automotive Sales in a CS Zoned District - **Section 701. PERMITTED PRINCIPAL USES IN COMMERCIAL DISTRICTS** - Use Unit 17.

Variance of the off-street parking from 41 to 10 - **Section 1217.D. Off-Street Parking and Loading Requirements** - Use Unit 17, located NW/c East 41st Street South and South Sheridan Road.

Presentation:

The applicant, **Louis Levy**, 5314 South Yale, Suite 310, Tulsa, Oklahoma was represented by **Tom Price**, who explained that the name of the used car lot was changed and this relief is needed to acquire an Oklahoma license to sell cars at this location. He informed that the sales business has been in operation at the current address for approximately six years. Mr. Price explained that from 80 to 100 cars are usually parked on the lot; however, the formula for determining parking is based on the size of the building and would permit only about 57 cars. He stated that the Code does not adequately address this type of business, since they do not need the normal amount of parking that would be required for other commercial businesses. A plot plan (Exhibit E-1) and photographs (Exhibit E-2) were submitted.

Comments and Questions:

Mr. Gardner advised that the number of required parking spaces is usually based on the size of the building.

Mr. Jackere stated that the Code limits the number of cars for sale only if they are parked on required parking spaces.

Ms. Hubbard stated that, based on the size of the building and one space for every 1000 sq ft of display parking area, the applicant will be required to supply 36 parking spaces.

Mr. Gardner asked how many parking spaces are provided for customer parking, and Mr. Price stated that the 10 provided spaces are adequate for the amount of customers that visit the lot.

Case No. 15919 (continued)

Mr. Chappelle inquired as to the number of spaces provided in the past, and the office manager, **Danny Mecher**, 4721 South 94th East Avenue, Tulsa, Oklahoma, stated that 10 parking spaces are provided in front of the building, and there are other spaces available.

In response to Mr. Chappelle, Mr Mecher stated that the past inventory for the lot has been approximately 90 to 100 vehicles.

Mr. Jackere asked how much space is between the cars for sale and the customer parking, and Mr. Price stated that the driveway will permit three cars to pass. Mr. Jackere stated that it seems that the parking area could be increased to include some of the lot that is now designated on the plot plan as driveway space.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bolzle, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, Doverspike, "absent") to **APPROVE** a **Special Exception** to permit Use Unit 17 - Automotive Sales in a CS Zoned District - **Section 701. PERMITTED PRINCIPAL USES IN COMMERCIAL DISTRICTS** - Use Unit 17; subject to no outside storage of materials, and no major repair outside the building; finding that the business has been operating at the current location for approximately six years and has proved to be compatible with the area; and to **CONTINUE** a **Variance** of the off-street parking from 41 to 10 - **Section 1217.D. Off-Street Parking and Loading Requirements** - Use Unit 17 to February 11, 1992; to allow the applicant sufficient time to revise the parking layout for the business; on the following described property:

Beginning at the SE/c of Section 22, thence north 224.75', thence west 224.75', thence south 224.75', thence east 224.75', to the Point of Beginning, Section 22, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15921

Action Requested:

Special Exception to permit a mobile home in an RS-3 District - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9.

Variance of the one-year time limit to 5 years - **Section 404.E.1 Special Exception Uses in Residential Districts, Requirements** - Use Unit 9, located 5348 North Lewis Avenue.

Presentation:

The applicant, **Carolyn Curry**, 5340 North Lewis Avenue, Tulsa, Oklahoma, stated that she has purchased the property where her mobile home is installed, and requested permission to leave the unit at the current location for five-years. Ms. Curry stated that she was not aware that the previous approval had expired.

Protestants:

None.

Comments and Questions:

Ms. White asked if the mobile home in question is skirted and permanently installed, and the applicant answered in the affirmative.

In response to Ms. White, Ms. Curry replied that the mobile home has a septic tank for sewage disposal.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bolzle, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, Doverspike, "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RS-3 District - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; and to **APPROVE** a **Variance** of the one-year time limit to 5 years - **Section 404.E.1 Special Exception Uses in Residential Districts, Requirements** - Use Unit 9; subject to Health Department approval and a Building Permit; finding that the mobile home has been at the present location for several years and has proved to be compatible with the surrounding area; on the following described property:

N/2, N/2, NE/4, SE/4, NE/4, Section 7, T-20-N, R-13-E, less the west 200', City of Tulsa, Tulsa County, Oklahoma.

Case No. 15922

Action Requested:

Variance of the setback requirements from the centerline of East 36th Street South - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS-** Use Unit 6, located southeast corner East 36th Street South and South Florence Avenue.

Presentation:

The applicant, **Bill Jones**, 3800 First National Tower, Tulsa, Oklahoma, stated that the property in question is being sold and the new survey found the garage and greenhouse, which were constructed approximately 10 years ago, to be over the required building setback line. He advised that the garage sides to 36th Street and has access only from Florence Avenue. He pointed out that the houses to the west back to 36th Street and the building encroachments do not pose a problem for the neighborhood. Mr. Jones requested that the Board approved the variance to clear the title to the property. A plat of survey (Exhibit R-1) was submitted.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Bolzle, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, Doverspike, "absent") to **APPROVE** a **Variance** of the setback requirements from the centerline of East 36th Street South - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS-** Use Unit 6; per plat of survey; finding that the addition, which was constructed over the lot line several years ago, does not adversely affect the neighborhood, and the variance is required to clear the title; on the following described property:

Lot 1, Block 1, Indian Meadows Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15923

Action Requested:

Variance of the required setback from the centerline of 33rd West Avenue from 85' to 46' to permit an existing carport - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 4712 South 33rd West Avenue.

Comments and Questions:

Mr. Jones informed that **Paul Yoeman**, 4712 South 33rd West Avenue, Tulsa, Oklahoma, has requested by letter (Exhibit F-1) that Case No. 15923 be continued, due to illness.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bolzle, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, Doverspike, "absent") to **CONTINUE** Case No. 15923 to February 25, 1992.

Case No. 15924

Action Requested:

Variance of the required off-street parking from 10 to 5 - **Section 1211.D Off-Street Parking and Loading Requirements** - Use Unit 11.

Special Exception to modify the screening requirement on the west side and remove the screening requirement on the east side of the property - **Section 1211.C. Use Conditions** - Use Unit 11, located at 2538 East 21st Street South.

Presentation:

The applicant, **Sue Young**, 2538 East 21st Street, Tulsa, Oklahoma, was represented by **Elizabeth Paris**, 1710 One Williams Tower, Tulsa, Oklahoma, who explained that her client is proposing to operate a software development business on property that has recently been zoned OL. She informed that a nursing home is located on RM-2 property to the east and a residential neighborhood is to the west. Ms. Paris stated that a 6' screening fence is in place between the subject property and the nursing home, and they are opposed to an extension of the existing fence. She pointed out that the added fencing would block the nursing home sign, as well as block the light, and requested permission to substitute Bufordi holly as a substitute for required solid screening on the east and west property lines. Ms. Paris stated that the exterior of the existing house will not be changed, and five parking spaces will be sufficient to serve the business. She explained that customers will not visit

Case No. 15924 (continued)

the site, since most of the clients are in Europe. Ms. Paris noted that the property has a circle drive, and the addition of five more parking spaces on the lot will require the removal of flower beds and landscaping. A caveat (Exhibit G-3) containing restrictive conditions was submitted.

Comments and Questions:

Mr. Jones informed that Staff has received one letter of support (Exhibit G-1) for the application.

In response to Mr. Bolzle, Mr. Jackere advised that the Board could limit the use to a software development company that packages and mails their product from this location.

Sue Young, 2619 South St. Louis, Tulsa, Oklahoma, stated that the software is shipped to a customer and they either keep it or return it.

Mr. Jackere asked Ms. Young if she would agree to a condition that the business will not be open to the public, and she replied that a customer might occasionally come here from another country and want to visit the business location.

Mr. Gardner pointed out that five parking spaces could be sufficient for the business, as described, if the number of employees is limited to four.

Mr. Bolzle asked if the garage is used in the business, and Ms. Young stated that the garage is not used at this time.

Protestants:

Mr. Jones informed that Staff has received one letter of protest (Exhibit G-2).

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bolzle, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, Doverspike, "absent") to **APPROVE** a **Variance** of the required off-street parking from 10 to 5 - **Section 1211.D Off-Street Parking and Loading Requirements** - Use Unit 11; and to **APPROVE** a **Special Exception** to modify the screening requirement on the west side and remove the screening requirement on the east side of the property - **Section 1211.C. Use Conditions** - Use Unit 11; subject to the use being limited to a software development company that is not open to the public, and specializes in developing, packaging and mailing of software **only**; subject to a maximum of four employees at this location;

Case No. 15924 (continued)

and subject to Bufordi holly being planted along the west boundary line no later than April 1, 1992; finding that the use, with conditions, is compatible with the surrounding area, and in harmony with the spirit and intent of the Code; on the following described property:

East 80.6' of the west 141' of the north 193' of Lot 29, Harter's Second Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15925

Action Requested:

Variance of the permitted accessory use within an IL District to permit a security guard office/residence - **Section 902.A. ACCESSORY USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 6, or in the alternative,

Special Exception to permit a single-family residence in a CS District - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 6, located 1324 West 39th Street South.

Presentation:

The applicant, **Dale Toedt**, 1324 West 39th Street South, Tulsa, Oklahoma, stated that he has sold his property for use as a parking lot, and is proposing to move the existing house to a vacant lot near his business. He explained that he has operated a garden center at this location for several years, and security has always been a problem. Mr. Toedt stated that living nearby will allow him to protect his property.

Comments and Questions:

Mr. Bolzle inquired as to the location of the house on the lot, and the applicant stated that he owns three lots at this location, and the house will be moved to the middle lot. A plot plan (Exhibit H-1) and photographs (Exhibit H-2) were submitted.

Mr. Bolzle asked if there are dwellings on the remaining two lots, and Mr. Toedt answered in the affirmative.

In response to Mr. Jackere, Mr. Jones informed that there was some doubt as to whether the property was zoned CS or IL when the application was filed.

Mr. Gardner stated that a single-family home is not permitted by right in an Industrial District; however the existing lots along 39th Street, with the exception of Mr. Toedt's property, are zoned for residential use. He pointed out that the applicant is proposing to move a

Case No. 15925 (continued)

house on the IL portion of the property, which requires a variance.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bolzle, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, Doverspike, "absent") to **APPROVE** a **Variance** of the permitted accessory use within an IL District to permit a security guard residence - **Section 902.A. ACCESSORY USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 6; and to **STRIKE** a **Special Exception** to permit a single-family residence in a CS District - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding that there are existing residential dwellings in the area, which is in transition to industrial uses; and finding that the applicant is not in need of the special exception request; on the following described property:

Lots 1, 2, 21 and 22, Block 6, Interurban Addition,
City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:01 p.m.

Date Approved

February 11, 1992


Chairman