

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 630
Tuesday, April 13, 1993, 1:00 p.m.
Francis F. Campbell, City Council Room
Plaza Level of City Hall
Tulsa Civic Center

| MEMBERS PRESENT | MEMBERS ABSENT | STAFF PRESENT | OTHERS PRESENT |
|---|-----------------------|---------------------------|---|
| Chappelle Doverspike S. White T. White | Bolzle | Gardner Jones Moore | Linker, Legal Department Hubbard, Public Works Parnell, Code Enforcement |

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, April 8, 1993, at 4:00 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** the Minutes of March 23, 1993 (No. 629).

MINOR VARIANCES AND EXCEPTIONS

Case No. 16302

Action Requested:

Minor Special Exception to amend a previously approved plot plan (BOA 7216), located 8106 East 25th Place South.

Presentation:

The applicant, **Acura Neon**, 509-A North Redbud, Broken Arrow, Oklahoma, was represented by **Richard Craig**, who requested permission to add to existing signage. He submitted a sign plan (Exhibit A-1) and stated that the structure will be redesigned and moved back 10' from the street right-of-way.

Comments and Questions:

Mr. Jones informed that the existing sign was in existence prior to the adoption of the new Sign Code.

Case No. 16302 (continued)

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Minor Special Exception** to amend a previously approved plot plan (BOA 7216); per amended plan submitted; finding the existing sign to be nonconforming at the current location; and finding that the new sign will be installed 10' from the street right-of-way; on the following described property:

Lot 1, Block 3, Memorial Manor Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16289

Action Requested:

Special Exception to allow a salvage yard in an IM zoned district - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 28, located 5602 East Pine.

Presentation:

The applicant, **Jeff Doye**, 4913 South Poplar, Broke Arrow, Oklahoma, submitted a plot plan (Exhibit B-1) and requested permission to construct a building and continue the operation of a salvage yard on the subject property. The applicant noted that the salvage business has been at the current location for approximately 25 years.

Comments and Questions:

Mr. Jones asked the applicant if his property extends to the railroad tracks on the east, and Mr. Doye answered in the affirmative. Mr. Jones pointed out that the eastern portion of the tract is zoned IL, and the Board does not have the authority to approve salvage use on that portion of the property.

Mr. Gardner asked if the salvage operation is screened, and the applicant replied that the salvage business complies with the current Code requirements in regard to screening. Mr. Doye stated that the building will be constructed on the west side of the tract.

Mr. Gardner advised that, according to the plot plan submitted by the applicant, the new building appears to be in the IM portion of the property, and the IL portion could remain as nonconforming.

Case No. 16289 (continued)

In response to Mr. Doverspike's question concerning a maximum of 120 salvage vehicles on the property, **Gary Mitchell**, 1834 West 64th, owner of the lot, explained that the number fluctuates and there could be as many as 250 vehicles on the lot at times, or there could be as few as 25. Mr. Mitchell stated that the building will be an asset to the area, because the automobile parts will be stored inside and the outside clutter will be reduced. He added that the building, which is to be constructed along Pine Street, will also serve as screening for the salvage yard.

Mr. Doverspike asked Mr. Mitchell if 250 cars can be stored on the lot without stacking, and he replied that approximately 200 can be accommodated without stacking.

Mr. Doverspike asked if stacked cars are visible over the screening fence, and Mr. Mitchell answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a Special Exception to allow a salvage yard in an IM zoned district - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 28; per plan submitted; subject to all salvage being screened; and subject to no stacking of vehicles; finding that the salvage business has been in operation at this location for many years and is a nonconforming use; and finding that the business, with these conditions, will not be detrimental to the area; on the following described property:

Beginning 50' west NE/c, NW/4, thence west 404.20', south 300', east 404.32', north 300' to POB, less north 40' for road, Section 34, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16291

Action Requested:

Variance of the maximum height for a sign from 25' to 35'
- Section 1221.D.1. CS District Use Conditions for
Business Signs - Use Unit 13, 4923 East 91st Street.

Presentation:

The applicant, Oklahoma Neon, 6550 East Independence, was not represented.

Comments and Questions:

Mr. Jones informed that the applicant is no longer in need of the relief requested, and has asked that the application be withdrawn.

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **WITHDRAW** Case No. 16291.

Case No. 16292

Action Requested:

Variance of the required setback from the centerline of East 18th Street from 35' to 32' to permit an existing sign - Section 215. STRUCTURE SETBACK FROM ABUTTING STREETS - Use Unit 21, located 112 East 18th Street.

Presentation:

The applicant, Bruce Anderson, 9520 East 55th Place, informed that, although the case report states that he is requesting a setback from 35' to 32', he is actually requesting a variance of 3½'. Mr. Anderson pointed out that the building is over the required setback, and the sign in question is set back comparable to other signs in the area. Photographs (Exhibit C-1) were submitted.

Comments and Questions:

Mr. Jones advised that the sign is in the street right-of-way and will also require City Council approval, if approved by this Board. He informed that the public notice stated that the variance of setback was from 35' to 32' instead of 27', as noted by the applicant, and the Board must determine if the notice was adequate.

Mr. Jackere informed that a license agreement would be required. He added that the Board should determine if the public has been adequately notified of the nature of the request.

Case No. 16292 (continued)

Mr. Doverspike inquired as to how long the sign has been at the current location, and Mr. Anderson replied that the neon sign was installed approximately two months ago.

Mr. Jones asked the applicant if he obtained a sign permit before erecting the sign, and he answered in the affirmative. He further explained that the intersection of Boston and 18th Street caused some confusion in determining the correct measurements and, after the sign was installed, it was discovered that it was 3½' into the right-of-way.

After discussion, there was a question as to the exact location of the property, and it was the consensus of the Board that the case should be continued to allow the applicant sufficient time to further review the application with INCOG staff.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **CONTINUE** Case No. 16292 to May 11, 1993.

Case No. 16293

Action Requested:

Special Exception to allow a home occupation medical office in an RS-3 zoned district - **Section 402. ACCESSORY USES PERMITTED IN THE RESIDENTIAL DISTRICTS -** Use Unit 11, 9114 East 37th Court.

Presentation:

The applicant, **Ruth Crumley**, 9114 East 37th Court, submitted a packet (Exhibit D-1) containing medical documents and a letter explaining her request. Ms. Crumley informed that she is a licensed medical doctor and is proposing to conduct a limited medical practice in her home. She explained that she is suffering from Crohn's disease, which limits her ability to operate a medical office with normal working hours. The applicant stated that she will comply with all Home Occupation Guidelines, and there will be no more than two patients on the property at any given time. Ms. Crumley stated that she will only see patients, as her health permits, from 8 a.m. to 5 p.m., Monday through Friday. She informed that the neighborhood has been informed of her intent.

Case No. 16293 (continued)

Comments and Questions:

Mr. Doverspike inquired as to the type of equipment that will be used in the medical practice, and the applicant stated that she will not have a lab or x-ray equipment.

Mr. Doverspike asked if narcotics will be kept on the premises, and Ms. Crumley stated that she will not have narcotics.

Mr. White inquired as to the method of obtaining lab reports, and the applicant stated that she will receive them on a computer.

In response to Mr. Jackere, Ms. Crumley stated that she is currently working in the County clinic from 9 a.m. to 11 a.m.

Mr. Doverspike asked the applicant if she could have as many as 15 patients each day, and Ms. Crumley answered in the affirmative.

Protestants:

Jack Hubeli, 9137 East 37th Court, stated that he is representing approximately 100 residents (Exhibit D-3) in the area, many of which are in attendance. He pointed out that a medical office in the neighborhood would be disruptive to the quiet, peaceful atmosphere, and would create a traffic problem. Mr. Hubeli stated that the medical practice would have an adverse impact on property values, and the street design in the area is such that addresses are not easily located. He further noted that waste disposal for the office is also a neighborhood concern. Letters of opposition (Exhibit E-2) were submitted.

Mr. Doverspike asked Mr. Hubeli if he would be opposed to the medical office if the practice was limited to eight patients per day, and he replied that he is opposed to any type of business at this location.

Applicant's Rebuttal:

Ms. Crumley stated that her medical practice would not generate more traffic than someone teaching piano lessons, which is a use permitted by right. She pointed out that the office will be located in an existing room with an outside entrance.

Additional Comments:

Mr. Jackere inquired as to the size of the medical office, and the applicant replied that it contains 400 sq ft of floor space, with a desk, an examination table and a bathroom.

Case No. 16293 (continued)

Ms. White inquired as to the method of waste disposal, and the applicant stated that a special service will pick up medical waste daily.

Ms. Crumley pointed out that it will not be evident that a business is being operated on the premises, because there would be no more than two patients at one time, and the exterior of the dwelling will not be altered. The applicant stated that she does not believe that the property values in the neighborhood will be adversely affected if there is no outside evidence that a business is being operated.

Mr. Doverspike stated that the layout of the subdivision could present a problem for clients attempting to find the office, and the medical office could be injurious to the neighborhood.

Mr. Chappelle stated that the medical office could be similar to a beauty shop; however, this business does have growth potential if it is successful.

Ms. White pointed out that medical facilities require more parking spaces than other uses, because they generate a greater volume of traffic. She concluded that this business would be detrimental to the neighborhood.

Board Action:

On MOTION of T. WHITE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **DENY** a **Special Exception** to allow a home occupation medical office in an RS-3 zoned district - **Section 402. ACCESSORY USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 11;** finding that a medical office would be detrimental to the neighborhood, and in violation of the spirit and intent of the Code; on the following described property:

Lot 10, Block 15, Briarwood Addition (Blocks 11-17),
City of Tulsa, Tulsa County, Oklahoma.

Case No. 16295

Action Requested:

Special Exception to permit a home occupation geologic consulting/computer services, Use Unit 11, in an RS-3 zoned district - **Section 402. ACCESSORY USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 11, located 316 East 18th Street.

Presentation:

The applicant, **Brian Whitehurst**, 316 East 18th Street, was represented by **Frances Whitehurst**, who explained that she is a consulting geologist with specialty in computer manipulation of data, and has been conducting the business in her home for several years. Ms. Whitehurst informed that she recently became aware that a special exception is required for this type of service. She stated that her business is similar to computer programming, which is a use permitted by right in a residential area. Ms. Whitehurst requested that the use not be transferred with the land when the property is sold, if this is a Board concern. A plot plan (Exhibit E-1) and letters of support (Exhibit E-2) were submitted.

Comments and Questions:

Mr. Doverspike asked Ms. Whitehurst if consultation services are provided in addition to the computer work, and she replied that there is a minimal amount of consulting in her business.

Mr. Jackere asked if consultations are held in her home, and she replied that this could happen occasionally, but customarily clients coming to her home only drop off a file and leave. She informed that the analysis is later returned to their office to compare data.

Ms. White asked Ms. Whitehurst if she anticipates an increase in the number of clients, and she replied that her business will not be enlarged.

Protestants:

Ms. White informed that one letter of protest (Exhibit E-3) was received from a nearby property owner.

Applicant's Rebuttal:

Ms. Whitehurst stated that she has visited with the protestant, Ms. Horowitz, and there was a concern that the right to operate a business could be passed to another landowner. She pointed out that this is the reason for the previous request that the use not be transferred with the land.

Case No. 16295 (continued)

Ms. White explained that a special exception use approved by the Board is transferred with the land, and can be continued by any future owners of the property.

Mr. Jackere stated that the applicant can amend her application to request that the use be limited to her ownership only; however, this is not usually favored by the law.

Ms. Whitehurst stated that she will not make that request.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Special Exception** to permit a home occupation geologic consulting/computer services, Use Unit 11, in an RS-3 zoned district - **Section 402. ACCESSORY USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 11; per plot plan submitted; subject to Home Occupation Guidelines; subject to the number of clients visiting the premises being limited to three per month; subject to equipment being limited to computer equipment and computer accessories only; and subject to the business being restricted to the existing 12' by 13' office; finding the use, as described by the applicant, to be compatible with the area, and in harmony with the spirit and intent of the Code; on the following described property:

Lot 105 and W/2 of Lot 106, Block 11, South Side Addition and north 10' of adjoining vacated alley, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16296

Action Requested:

Variance of the setback from the centerline of South Harvard Avenue from 50' to 40' to permit the alteration of an existing sign - **Section 1221.C.6. General Use Conditions for Business Signs** - Use Unit 21, located 4815 South Harvard.

Presentation:

The applicant, **Signs Today**, 7940 East 41st Street, was represented by **Scott Sanford**, who stated that his client, Boatman's Bank, is proposing to add a 5' by 8' lighted marquee to an existing sign. A plot plan (Exhibit F-1) and photograph (Exhibit F-2) were submitted.

Case No. 16296 (continued)

Comments and Questions:

Mr. Doverspike asked the applicant if the existing sign complies with all Zoning Code requirements, and he answered in the affirmative.

Mr. Sanford informed that the sign has been repainted, but the display surface of the sign has not changed.

Mr. Jones advised that Staff was unable to find evidence of the sign placement; however, it could be nonconforming as to the setback.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Variance** of the setback from the centerline of South Harvard Avenue from 50' to 40' to permit the alteration of an existing sign - **Section 1221.C.6. General Use Conditions for Business Signs** - Use Unit 21; per plan submitted; finding the sign to be nonconforming as to setback from the centerline of Harvard Avenue; and finding that the sign has been at the current location for many years; on the following described property:

Part of the SE/4, NW/4, SW/4, SW/4, Section 28, T-19-N, R-13-E and part of Lot 1, all of Lot 2, beginning SW/c Lot 1, thence north 530', east 433', southwesterly 360.83', southwest 65.38' southwesterly 197', west 11140' to the POB, Patrick Henry Village, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16297

Action Requested:

Special Exception to permit a mobile home in a CH District - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 8, located NW/c of North Irvington and East Ute.

Presentation:

The applicant, **Edna Lee Harbour**, 1747 South Florence Avenue, was represented by her granddaughter, **Kim Johnson**, who explained that the property in question was utilized as a mobile home park from approximately 1950 to 1990. She noted that the vacant property has become difficult to maintain, and requested permission to

Case No. 16297 (continued)

install a mobile home on the property to be used as a residence for a caretaker and security guard. A plot plan (Exhibit G-1) was submitted.

Comments and Questions:

Mr. Doverspike inquired as to the location of the mobile home, and Ms. Johnson replied that the unit will be installed on the corner of the property, near the intersection of Irvington Avenue and Ute Street.

Protestants:

None.

Board Action:

On MOTION of T. WHITE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Special Exception** to permit a mobile home in a CH District - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 8; per plan submitted; finding that the property was formerly utilized as a mobile home park, and that approval of the request will not be injurious to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Tract B, Original Townsite of Dawson, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16298

Action Requested:

Variance of the setback from the centerline of East 24th Street from 55' to 45', variance of the side yard setback from 15' to 10' and a variance of the rear yard from 25' to 14' to permit construction of a dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2206 East 24th Street.

Presentation:

The applicant, **Tom McKee**, 3726 South Troost, informed that he is proposing to construct a dwelling on an irregular shaped lot. He informed that only a corner of the house will extend over the required setback on 24th Street, with additional variances required on Zunis and the rear yard. Mr. McKee stated that a variance of the livability space is also required. A plot plan (Exhibit H-1) was submitted.

Case No. 16298 (continued)

Comments and Questions:

Mr. Chappelle inquired as to the size of the proposed dwelling, and Mr. McKee informed that the new house will contain approximately 3600 sq ft of floor area.

Ms. White pointed out that the case report does not reflect a request for a variance of the livability space.

Mr. Jones informed that the variance of the livability appears on the application, but was inadvertently omitted from the advertisement

In response to Ms. White, Mr. Gardner informed that the corner of the proposed dwelling will extend approximately 5' closer to the street than the house to the east.

Protestants:

Eleanor Beck, 2207 East 24th Street, stated that she lives across the street from the property in question, and pointed out that the proposed dwelling is too large for the lot, and will not be compatible with other residences in the neighborhood. Ms. Beck stated that she is representing two other area residents (2203 East 24th and 2207 East 25th), who are strongly opposed to the application. She stated that the house to the east of the subject property complies with the required setback with only the open porch encroaching.

Comments and Questions:

In response to Mr. Doverspike, Ms. Beck stated that her house contains 2400 sq ft of floor space, which is comparable to other homes in the neighborhood.

Mr. Gardner pointed out that the distance from the garage to the property line is approximately 10', which is not sufficient space to park an average size car without overhanging the City right-of-way.

Jack Arnold, 7318 South Yale, architect, informed that he can revise the plot plan to comply with the required livability space.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE Variance** of the setback from the centerline of East 24th Street from 55' to 45', variance of the side yard setback from 15' to 10' and a variance of the rear yard from 25' to 14' to permit construction of a dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding a hardship demonstrated by the irregular shape of the lot;

Case No. 16298 (continued)

and finding that approval of the request will not cause substantial detriment to the public good or impair the spirit, purposes and intent of the Code; on the following described property:

Lot 12, Block 4, Wildwood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16299

Action Requested:

Special Exception to permit a manufactured home in an AG zoned district - **Section 301. PRINCIPAL USES PERMITTED IN THE AG DISTRICT** - Use Unit 9, located southwest corner of East 71st Street and South Elwood.

Presentation:

The applicant, **H. Wayne Johnson**, 120 South 176th West Avenue, Sand Springs, Oklahoma, was represented by Betty Johnson, of the same address. She explained that her family owns approximately 37 acres at 71st Street and Elwood Avenue, and it is necessary that they live nearby to assist in the care of their elderly parents. Ms. Johnson requested permission to install a double-wide mobile home on the subject property, and pointed out that the area is rural in nature, with numerous mobile units already in place. It was noted by the applicant, that there was a mobile home on the subject property in 1975.

Protestants:

Charles Lunsford informed that he owns the property at 7501 South Elwood, and that mobile homes detract from the appearance of the neighborhood. He requested that the application be denied.

Maxine Beal, 310 West 71st Street, stated that she is opposed to a mobile home at this location, because there is already one dilapidated mobile unit nearby. She pointed out that there is an abandoned house and barn on the property in question, and suggested that, if the mobile home is approved, these structures be removed.

Roy Heim, District 8 Chairman, requested by letter (Exhibit J-1) that the application be denied.

Applicant's Rebuttal:

Ms. Johnson pointed out that it is uncertain as to the City plans for the area and, due to the fact that the neighborhood is not served by City water or sewer, mobile home use seems appropriate at this time.

Case No. 16299 (continued)

Additional Comments:

Ms. White asked if the vacant buildings will be removed, and Ms. Johnson replied that the barns are leased for storage, and the property will be cleaned up if she is permitted to move on the property.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Special Exception** to permit a manufactured home in an AG zoned district for 3 years only - **Section 301. PRINCIPAL USES PERMITTED IN THE AG DISTRICT** - Use Unit 9; subject to the mobile home being skirted, tied down and made to look permanent; and subject to the manufactured home being installed on the southeast corner of the tract; finding that temporary mobile home use will not be detrimental to the area; on the following described property:

NE/4, NE/4, Section 11, T-19-N, R-12-E, Tulsa County, less 1 acre in the NW/c, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16300

Action Requested:

Special exception to permit automobile sales in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located northeast corner of South 85th East Avenue and East Admiral Place.

Presentation:

The applicant, **James Stephens, Inc.**, 502 South Main Mall, Suite 308, was represented by **Kevin Coutant**, 320 South Boston, who informed that his client is out of town and requested that Case No. 16300 be continued to April 27, 1993.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **CONTINUE** Case No. 16300 to April 27, 1993.

Case No. 16301

Action Requested:

Special Exception to permit a private school in an RS-3 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 3331 East 32nd Place North.

Presentation:

The applicant, **Willie McHenry**, 1617 East Jasper, requested permission to operate a private school in a residential area. Mr. McHenry stated that dwellings to the west are partially abandoned, and only two occupied dwellings are near the school. He informed that a total of 26 individuals will be on the premises, which includes the student body and staff. The applicant stated that the school has sufficient parking, and the exterior residential character of the house will be maintained. A plot plan (Exhibit K-1) was submitted.

Comments and Questions:

Mr. Jackere stated that schools are required to have a 25' building setback from abutting properties, and are also required to have a minimum of one acre.

Mr. Gardner advised that, if the Board finds school use to be appropriate at this location, the applicant will be required to readvertise for a variance of the one-acre requirement for schools.

Mr. Doverspike inquired as to the age of the students, and the applicant stated that children through middle school attend the private school

In response to Mr. Doverspike, Mr. McHenry stated that the school in question will have the same hours of operation as public schools.

In reply to Ms. White, **Candy Parnell** (Exhibit K-2) advised that a complaint was received from a competing private school in the area.

Mr. Doverspike asked if traffic flow is a problem on 32nd Street, and the applicant pointed out that traffic is not a problem, because only two dwellings are occupied in the immediate area.

Protestants:

None.

Case No. 16301 (continued)

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a Special Exception to permit a private school in an RS-3 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; and **CONTINUE** the remainder of the application to May 11, 1993 to allow the applicant to advertise for a variance of the one-acre land requirement for schools; subject to days and hours of operation being substantially similar to those of public schools; subject to students and staff being limited to 30; and subject to the school providing classes for students through middle school only; finding school use to be appropriate for the area, and in harmony with the spirit and intent of the Code; on the following described property:

Lots 14, 15 and 16, Block 4, Mohawk Harvard Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16303

Action Requested:

Variance of the front, rear and side yards to permit a existing building and clear title - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 3609 East 32nd Street.

Presentation:

The applicant, **Remyco**, 5711 East 71st Street, was represented by **Leon Remy**, who submitted a plot plan (Exhibit L-1) and explained that the buildings have been at the current location for many years, and the variance is required to clear the title to the property.

Comments and Questions:

Mr. Chappelle asked the applicant if structural changes are proposed, and he replied that there will be no changes, and the request is required in order that the property can be sold.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** to **Variance** of the front, rear and side yards to permit an existing building and clear title - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6;

Case No. 16303 (continued)

per plan submitted; finding that the structures were constructed many years ago and do not comply with current zoning requirements; and finding that the variance is required to clear the title for resale; on the following described property:

Lots 1 and 2, Block 1, Resub of W/2 of Lot 8, Albert Pike 2nd, an addition in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 16304

Action Requested:

Special exception to permit a car wash in a CS District, and a variance of the front setback from 48th Street North from 50' to 40' to permit an existing canopy - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located 4808 North Peoria.

Presentation:

The applicant, **Stephen Olsen**, 324 East 3rd Street, informed that he is the architect for the property owner, who is proposing to renovate an existing car wash. Photographs (Exhibit M-2) and a plot plan (Exhibit M-1) were submitted.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** a **Special Exception** to permit a car wash in a CS District, and a variance of the front setback from 48th Street North from 50' to 40' to permit an existing canopy - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; finding that the existing car wash will be upgraded; and finding that the business has been at the current location for a long period of time and has proved to be compatible with the surrounding uses; on the following described property:

Lot 2, Longview Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16305

Action Requested:

Variance of the required all-weather surface for parking to permit a gravel lot - **Section 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 5, located 3745 South Hudson.

Presentation:

The applicant, **Undercroft Montessori**, 3745 South Hudson Avenue, was represented by **Leann Huxall**, who requested permission to install a temporary gravel parking lot (Exhibit N-3) for the school. Letters and a petition of support (Exhibit N-1) were submitted.

Comments and Questions:

Ms. White asked how long the temporary gravel parking lot will be needed, and Ms. Huxall requested that they be permitted to delay the installation of the hard surface lot for three to five years.

Protestants:

Cornelius Henderson, Jr., 3656 South Hudson, stated that there is a lot of construction on the school property across the street from his home, and dusting is a problem for the area residents.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Variance** of the required all-weather surface for parking to permit a temporary gravel lot for a period of two years only - **Section 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 5; per plan submitted; finding that the temporary (two years) gravel parking lot will not cause substantial detriment to the public good or impair the spirit, purposes and intent of the Code; on the following described property:

NE/4, SE/4, Section 22, T-19-N, R-13-E of the IBM, Tulsa County, Oklahoma, described as beginning at a point 550' south of the north line and 44' east of the west line of the NW/4, SE/4, thence easterly and parallel to the northerly line of said NW/4, SE/4 for 700', thence southerly and parallel to the westerly line of said NW/4, SE/4 for 200', thence westerly and parallel to the northerly line of said NW/4, SE/4, for 700', thence northerly and parallel to and along a line that is 55' east of the westerly line of said NW/4, SE/4 to the POB, City of Tulsa Tulsa County, Oklahoma.

Case No. 16306

Action Requested:

Variance of the required 25' rear yard to 20' to permit an addition to an existing dwelling - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2551 East 46th Place.

Presentation:

The applicant, **C. Todd Schupp**, 2551 East 46th Place, was represented by **Ginger Susman**, who explained that she is proposing to purchase the subject property from Mr. Schupp, contingent upon approval of an addition. Ms. Susman informed that the new construction will extend 5' into the required rear yard setback. She stated that the neighbor to the rear of the property is not opposed to the construction, and the neighborhood in general is supportive of the proposal. A plot plan (Exhibit P-1) was submitted.

Comments and Questions:

Mr. Jones informed that the house was originally constructed toward the rear of the lot and a lot split resulted in a large front yard and reduced space in the back yard.

Protestants:

None.

Board Action:

On **MOTION** of **T. WHITE**, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Variance** of the required 25' rear yard to 20' to permit an addition to an existing dwelling - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that approval of the request will not be injurious to the neighborhood; on the following described property:

East 150' of Lot 4, less the north 148' thereof, Arnell Heights, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16307

Action Requested:

Variance of the required 300' spacing between family day care homes to permit an existing family day care home - **Section 402.B.5. Accessory Use Conditions** - Use Unit 6, located 2313 South 118th East Avenue.

Presentation:

The applicant, **Suann Serzy**, 2312 South 118th East Avenue, stated that she has operated a licensed day care home since 1980, with no neighborhood problems. She submitted letters of support (Exhibit R-1). Ms. Serzy asked the Board to permit her to continue the operation of her business at the current location.

Comments and Questions:

Mr. Doverspike asked the location of the competing day care home, and the applicant stated that it is across 118th East Avenue and four houses down the street.

In reply to Mr. Doverspike, Ms. Serzy stated that she is currently caring for five children, Monday through Friday.

Mr. Doverspike asked if the other day care center began operation after she began her business, and the applicant stated that she began first; however, there was a period of time when she was forced to work away from home during the day.

Mr. Jackere asked Ms. Serzy how long the day care operation was closed during the day, and she replied that it was not ever closed, because she continued to care for children before and after school.

Mr. Jackere stated that the 300' spacing requirement was enacted in approximately 1985, and the applicant can continue operating her business if she can produce documentation to prove her day care home was in operation prior to that time.

Ms. Serzy submitted a copy of income tax returns (Exhibit R-3) to verify the fact that she was operating a day care home in 1980 and 1981. Letters from the Department of Human Services and the Child Care Resource Center (Exhibit R-2) were submitted. Ms. Serzy informed that she was not able to get a copy of her license in 1980, because all copies were destroyed in 1985, if there had been no reports of child abuse.

Case No. 16307 (continued)

Candy Parnell, Code Enforcement, stated that she has conferred with Ms. Serzy's case worker at the Department of Human Services, and she verified the facts presented by the applicant.

Mr. Doverspike asked the applicant if she would be amenable to limiting her hours of operation to five days a week, 7 a.m. to 6 p.m., and she answered in the affirmative.

Protestants:

Ralph Cordray, 2318 South 118th East Avenue, stated that the day care business contributes to an existing traffic problem in the neighborhood. He remarked that one day care home in the neighborhood is enough. Mr. Cordray stated that the day care is noisy, and he is opposed to the application.

Mr. Doverspike asked Mr. Cordray when he moved to the house next door to Ms. Serzy, and he replied that the property has previously been used for rental purposes, but he has been living there for approximately one week.

Interested Parties:

Virgie Barranco, 2261 South 118th East Avenue, stated that she operates the second day care home in the neighborhood, and there is not a traffic problem in the area.

Mr. Jackere asked Ms. Barranco if the applicant was a licensed day care home operator prior to 1985, and she replied that she is not sure. Ms. Barranco stated that she and Ms. Serzy have both operated their businesses for many years with no problems.

Bobbie Gray, District 17 chairman, stated that Ms. Serzy cared for her children in 1984.

Mr. Jackere advised that, based on the evidence presented, the Board could find the use to be nonconforming.

Applicant's Rebuttal:

Ms. Serzy stated that her business is not noisy, and she has always operated in harmony with the neighborhood.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Variance** of the required 300' spacing between family day care homes to permit an existing family day care home - **Section 402.B.5. Accessory Use Conditions - Use Unit 6;**

Case No. 16307 (continued)

subject to hours of operation being 7 a.m. to 6 p.m., Monday through Friday; finding that the business has been operating in harmony with the neighborhood since 1980 and, therefore, nonconforming as to spacing; on the following described property:

Lot 15, Block 7, Leslie Leigh II Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16308

Action Requested:

Variance of the required front yard from 30' to 25' to permit an existing residence - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 11419 South Oxford.

Presentation:

The applicant, **Jeffrey Levinson**, 35 East 18th Street, stated that he is representing a home builder in the area, and the house in question was constructed over the required front yard setback. He informed that the error was not discovered until a survey (Exhibit S-1) was conducted prior to the sale of the property.

Comments and Questions:

Mr. Chappelle asked if additional construction will occur on the property, and the applicant replied that there will be no construction, and the application is merely to clear the title.

Mr. Gardner advised that an amendment to the Code permits this type of relief by special exception, which does not require a hardship finding.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Special Exception** of the required front yard from 30' to 25' to permit an existing residence - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; under provisions of Section 1608.15 Special Exceptions; per plat submitted; finding that a 5' portion of the garage extends into the required setback, and the relief is requested to clear the title to the title; on the following described property:

Lot 6, Block 12, Woodfield, Blocks 8-13, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16309

Action Requested:

Variance of the side setback from an R district from 75' to 50' to increase an existing encroachment - **Section 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 23, located 2201 South Jackson.

Presentation:

The applicant, **Paul Messick**, 1320 East 58th Court, stated that the building was constructed in 1978, and additional space is needed. He pointed out that the residential district referred to in the case report is actually a railroad track. A plot plan (Exhibit T-1) was submitted.

Protestants:

None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to **APPROVE** a **Variance** of the side setback from an R District from 75' to 50' to increase an existing encroachment - **Section 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 23; per plan submitted; finding that the required setback from an R District is actually from a railroad track and not a residentially developed area; and finding that approval of the request will not be detrimental to the area; on the following described property:

Block 13, Riverview Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16310

Action Requested:

Variance of the maximum square footage permitted for a sign from 365.66 sq ft to 485.66 sq ft to permit a sign - **Section 1221.D.3. General Use Conditions for Signs in the CS District** - Use Unit 21, located 7030 South Memorial Drive.

Presentation:

The applicant, **Tulsa Neon, Inc.**, was represented by **James Parker**, 3211 West 21st Street, who submitted photographs (Exhibit W-1) and requested permission to increase the size of an existing sign to accommodate the Center 71 Annex, which is landlocked and has no street frontage. A plot plan for the existing sign (Exhibit W-2) and the proposed sign (Exhibit W-3) were submitted.

Case No. 16310 (continued)

Comments and Questions:

In response to Mr. Doverspike, Mr. Parker explained that the existing sign will be removed and replaced with one that is 150 sq ft larger.

Mr. Gardner asked if Builder's Square will remove their sign from the sign structure, and Mr. Parker replied that they will remove the sign with the triangular top.

In response to Mr. Gardner, Mr. Parker explained that the Builders's Square sign will remain the same, and the signage at the bottom will be expanded to align with the sides of the Builder's Square sign.

Interested Parties:

Jean Towry, 8234 East 71st Street, informed that only the directory below the Builder's Square sign will be changed. She pointed out that the hardship for the variance request is the fact that the center is landlocked and has no street frontage.

David Bates, a tenant in Center 71 Annex, pointed out that it is important to increase the visibility of his sign, because the businesses in the center are not visible from the street and difficult to locate.

After discussion, it was the consensus of the Board that the application should be continued to permit the applicant sufficient time for additional research in order to demonstrate a hardship for the variance request.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to **CONTINUE** Case No. 16310 to April 27, 1993.

OTHER BUSINESS

Case No. 16272

Action Requested:

Site plan review.

Presentation:

The applicant, **Mount Galloway**, 2104 East 50th Street North, submitted a site plan (Exhibit X-1) for a previously approved day care center.

Case No. 16272 (continued)

Comments and Questions:

Mr. Jones asked the applicant if she has discussed the site plan with the protestants that attended the prior meeting, and she replied that she has not discussed the plans with them, but they were aware of today's meeting.

Mr. Jones asked the applicant if the parking area indicated on the plot plan is covered with a hard surface material, and she answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to **APPROVE** the site plan as presented.

Date Approved

April 27, 1993


Chairman

