

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 632
Tuesday, May 11, 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
Bolzle, Chairman Doverspike S. White T. White	Chappelle	Gardner Jones Moore	Jackere, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, May 7, 1993, at 9:42 a.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 **DOVERSPIKE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** the Minutes of April 27, 1993 (No. 631).

UNFINISHED BUSINESS

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 STREET** - Use Unit 21, located 112 East 18th Street.

Presentation:

The applicant, **Bruce Anderson**, 9520 East 55th Place, Tulsa, Oklahoma, informed that the sign in question is attached to the building, which is 29' from the centerline of the street. He stated that the sign is above an existing awning and will overhang the right-of-way approximately 3½'. A sign plan (Exhibit A-1) was submitted.

Comments and Questions:

Mr. Bolzle inquired as to the installation date of the sign, and the applicant replied that the sign has been in place approximately two months. He informed that, due to the intersection, there was an error made during the installation.

Case No. 16292 (continued)

In response to Mr. Doverspike, the applicant stated that the sign does not extend closer to the street than the existing awning. Mr. Anderson added that the sign has limited exposure because of the curvature of the street and existing buildings and trees.

Protestants:

None.

Board Action:

On MOTION of WHITE, the Board voted 3-1-0 (Bolzle, S. White, T. White, "aye"; Doverspike, nay"; no "abstentions"; Chappelle, "absent") to **APPROVE** a 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 STREET** - Use Unit 21; per sign plan submitted; subject to City Council approval; finding that the sign will not extend closer to the street than the existing awning, and will not cause substantial detriment to the public good, or violate the spirit, purposes and intent of the Code; on the following described property;

W 41' of Lot 1, and the East 4' of Lot 2, Block 3, Seig Addition, 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.**, 3704 South Birmingham, Tulsa, Oklahoma, stated that he recently moved to the City and is proposing to operate a used car lot on the subject property. He noted that the lot has been use for this type of activity for many years, and the lot to the west has also been leased to insure sufficient space for growth. Photographs (Exhibit B-1) and a packet (Exhibit B-2) containing a site plan, sewer information and utility easement agreement were submitted.

Case No. 16300 (continued)

Comments and Questions:

In response to Mr. Doverspike, the applicant explained that he purchased the easternmost property depicted on the case map, and the lot to the west is leased. Mr. Stephens advised that the lot between his two lots is owned by the Department of Transportation.

Mr. Doverspike asked if automobiles will be sold on both lots, and the applicant stated that the tract to the west will not be used for sales. He informed that the west lot may be used for detailing in the future if the business is successful.

Mr. Doverspike asked the applicant if he would be amenable to amending the application to address only the east tract, and he answered in the affirmative. Mr. Doverspike suggested that use of the west track be addressed when that use is certain.

In reply to Mr. Doverspike, Mr. Stephens stated that he will display approximately 15 vehicles when the car lot opens; however, that number could increase to 50.

Mr. Doverspike asked if the lot is paved, and the applicant stated that both properties are covered with gravel.

Protestants:

None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit automobile sales in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted, with amendment to include only the eastern designated tract; subject to a maximum of 50 automobiles; no repair work of any substantive nature; all cars street operable; and no outside storage of parts or materials; finding that the property has previously been used as a car lot and approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lots 12, 13 and 14, Block 7, Mingo Terrace, a subdivision in Tulsa County, Oklahoma, according to the recorded plat thereof, less and except, a strip, piece or parcel of land lying in Lot 12, Block 7 of Mingo Terrace Addition, an addition as platted in the NW/4 of Section 1, T-19-N, R-13-E in Tulsa County, Oklahoma, said parcel of land being

Case No. 16300 (continued)

described by metes and bounds as follows: Beginning at the NE/c of Lot 12; thence southwesterly along the north line of said Lot 12, a distance of 16.98'; thence S 59°01'45" E a distance of 68.29' to a point on the east line, a distance of 65.12' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16301

Action Requested:

Variance of the minimum one acre land requirement for schools to permit a private school - **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, Tulsa, Oklahoma, informed that school use was previously approved at the above stated location; however, it was discovered that the school did not comply with the one-acre land requirement. He informed that sufficient parking will be provided. A plot plan (Exhibit C-1) was submitted.

Comments and Questions:

Mr. Jones advised that the Board approved a private school on the property, with the stipulation that the applicant return with a detail site plan and file for a variance of the minimum land requirement.

In response to Ms. White, Mr. Gardner noted that the applicant will be required to comply with the Code in regard to parking, and the Building Inspector will monitor compliance with that requirement.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the minimum one acre land requirement for schools to permit a private school - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 5**; per plan submitted; finding the size of the lot to be adequate for the small private school; and finding that approval of the request will not be detrimental to the neighborhood or violate 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. 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 **Jean Towry**, 8234 East 71st Street, Tulsa, Oklahoma, who requested that the application be continued to May 25, 1993. Ms. Towry explained that she received word that the representative for the sign company will not be able to attend the meeting, and that she is not prepared to present the case.

Board Action:

On **MOTION of DOVERSPIKE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 16310 to May 25, 1993, as requested.

Case No. 16324

Action Requested:

Variance of the required 85' setback from the centerline of South Delaware Avenue to 44' - **Section 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 2, located 9220 South Delaware Avenue.

Presentation:

The applicant, **Mike McLearn**, 9220 South Delaware, was represented by **Roy Johnsen**, 201 West 5th Street, who submitted a plot plan (Exhibit Z-1), and noted that his client has previously received Board approval to operate a fruit stand on the subject tract. He informed that the balance of the application was continued to allow sufficient time to advertise for additional relief to permit an existing concrete slab. Mr. Johnsen stated that the existing slab does not comply with the setback requirement, and asked that it be permitted to remain at the current location.

Comments and Questions:

Mr. Gardner noted that the concrete slab is a temporary use and pointed out that it would not be appropriate to approve the construction of a building this close to the street.

Case No. 16324 (continued)

Interested Parties:

Matthew Schumacher, 110 North 3rd Street, Muskogee, Oklahoma, represented the owner of the subject property, and informed that a portion of the property will be lost, due to the widening of the street. He stated that this portion will include the slab and the building; however, street construction will not begin until after the lease has expired in 1994. Mr. Schumacher informed that his client is not opposed to the existing slab, but is opposed to the driveway area being increased to include more tillable land.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required 85' setback from the centerline of South Delaware Avenue to 44' - **Section 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 2; per plan submitted; finding that the temporary use of the slab for the tent sales operation will not be detrimental to the area; or cause substantial detriment to the public good, or violate the spirit, purpose and intent of the Code; on the following described property:

S/2 of east 20 acres of Government Lot 1, less the east 50' x north 290' and 30' x south 370' thereof, Section 20, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16325

Action Requested:

Variance of the required 100' setback from the centerline of South Sheridan to 56' - **Section 701 PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2, located 8104 South Sheridan.

Presentation:

The applicant, **Mike McLearn**, 9220 South Delaware, was represented by **Roy Johnsen**, 201 West 5th Street, who submitted a plot plan (Exhibit D-1), and noted that his client has previously received Board approval to operate a fruit stand on the subject tract. He informed that the balance of the application was continued to allow sufficient time to advertise for additional relief to permit an existing concrete slab. Mr. Johnsen stated that the existing slab does not comply with the setback requirement, and asked that it be permitted to remain at the current location.

Case No. 16325 (continued)

Comments and Questions:

Mr. Gardner noted that the concrete slab is a temporary use and pointed out that it would not be appropriate to approve the construction of a building this close to the street.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a Variance of the required 100' setback from the centerline of South Sheridan Avenue to 56' - **Section 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 2; per plan submitted; finding that the temporary use of the slab for the tent sales operation will not cause substantial detriment to the public good, or violate the spirit, purpose and intent of the Code; on the following described property:

Lots 1 and 2, Block 1, Lucenta Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 16350

Action Requested:

Minor special exception to amend a previously approved plot plan, located 6308 South Mingo Road.

Presentation:

The applicant, **Duane Phillips**, 8128 East 63rd Street, submitted an amended site plan (Exhibit E-1) and informed that the application concerns an existing mini-storage. He explained that the house has been relocated from the original plan, and the storage facility will be extended to make an "L" shape at the rear of the lot. Mr. Phillips stated that the increase in square footage will be less than 10%.

Comments and Questions:

Mr. Doverspike inquired as to the hours of operation, and the applicant stated that the business is open from 8 a.m. to 7 p.m.

Mr. Jones stated that the managers quarters appeared on the rear portion of the property when the original plot plan was approved; however, the aerial photograph reflects that these quarters were constructed on the front part of the lot. The applicant stated that the west four buildings on the original site plan were not constructed.

Case No. 16350 (continued)

Mr. Bolzle asked if the managers quarters is the first building to the left when entering the lot from Mingo Road, and the applicant answered in the affirmative.

Mr. Bolzle pointed out that the property extends 180' past the easternmost building, and asked if there will be construction east of the existing buildings. Mr. Phillips stated that this area is used for detention.

Protestants:

None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Minor Special Exception** to amend a previously approved plot plan; per amended plan submitted, with manager's quarters being located to the left of the Mingo entrance; subject to hours of operation being 8 a.m. to 7 p.m.; and subject to all lighting having a shield and being directed away from residential areas; finding that several buildings previously approved were not constructed; and finding that approval of the request will not be detrimental to the area; on the following described property:

Lot 1, Block 1, Glen Eagles North, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16343

Action Requested:

Minor Special Exception to permit accessory residential use on a lot abutting the lot containing the principal use, located 2411 East 27th Place.

Presentation:

The applicant, **Robert Lorton III**, 2411 East 27th Place, Tulsa, Oklahoma, was represented by **Claire Ashby**, 5550 South Lewis, Suite 103, who informed that she is the landscape architect employed to design and oversee construction of a swimming pool (Exhibit F-1). She explained that the Lorton's purchased an existing house, and an adjacent lot for the pool. A plat of survey (Exhibit F-2) was submitted.

Comments and Questions:

Mr. Gardner asked the Ms. Ashby if there is a dwelling on the lot where the pool will be constructed, and she replied that the lot is vacant. He informed that a tie contract will be needed to insure that the lot is not sold separately, which would cause the pool to become the principal use.

Case No. 16343 (continued)

Protestants:

None.

Board Action:

On MOTION of S. WHITE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Minor Special Exception** to permit accessory residential use on a lot abutting the lot containing the principal use; per plan submitted; subject to the execution of a tie contract; finding the use to be compatible with the residential neighborhood; on the following described property:

A part of Lot 6, Block 2, Woody-Crest Subdivision, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, being more particularly described as follows: Commencing at the NW/c of Lot 6, Block 2, Woody-Crest Subdivision, thence north 89°39'05" East a distance of 226.99' thence south 00°48'55" West a distance of 103.43', thence north 89°11'05" west a distance of 100.00', thence north 00°48'55" east a distance 35.57', thence north 89°46'15" west a distance of 125.99' thence due north 59.58' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16336

Action Requested:

Variance of the required rear yard for a detached garage from the required 20% to 40% coverage to permit a detached accessory building - **Section 210.B.5. YARDS** - Use Unit 6, located 2211 East 23rd Street.

Presentation:

The applicant, **Robert McBratney**, 2211 East 23rd Street, submitted a plot plan (Exhibit G-1), and explained that he is proposing to add a two-car garage to an existing detached garage.

Comments and Questions:

Mr. Bolzle asked the applicant to state the hardship for the variance request, and he replied that the older home has a one-car garage that is inadequate for his family.

Mr. Gardner stated that a garage could be moved closer to the house without Board relief; however, since the applicant is proposing to add to the existing garage on the rear of the lot, the variance is needed.

Case No. 16336 (continued)

Mr. Jones inquired as to the size of the dwelling, and Mr. McBratney informed that the house has 2600 sq ft of living area.

In reply to Mr. McBratney, Mr. Jackere informed that it may be necessary to park in the long driveway, in lieu of parking on the street.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Variance** of the required rear yard for a detached garage from the required 20% to 40% coverage to permit a detached accessory building - **Section 210.B.5. YARDS** - Use Unit 6; finding that the applicant failed to demonstrate a hardship that would warrant the granting of the variance request; on the following described property:

West 40' of Lot 14 and all of Lot 13, Block 6, Brentwood Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16331

Action Requested:

Variance of the maximum 750 sq ft for a detached accessory building to 900 sq ft, and a variance of the required 20% coverage of the required rear yard to 21.75% to permit a detached accessory building - **Section 402.B.1.d. Accessory Use Conditions** - Use Unit 6, located 5031 South 28th West Avenue.

Presentation:

The applicant, **Darrell Yount**, 5031 South 28th West Avenue, submitted a plot plan (Exhibit H-3) for a new garage to be located to the rear of the property. A petition of support (Exhibit H-2) and photographs (Exhibit H-1) were submitted.

Comments and Questions:

Mr. Doverspike asked the applicant if he has another garage on the lot, and he replied that a one-car garage is attached to the house.

In response to Mr. Doverspike, Mr. Yount stated that the garage will be 12' in height, and will be accessed from 28th Street.

Mr. Bolzle asked if the garage will be of metal construction, and the applicant answered in the affirmative.

Case No. 16331 (continued)

Mr. Doverspike asked if the building to the north of the subject property is a detached garage, and the applicant replied that it is some type of storage building.

Ms. White remarked that the storage building next door appears to be 1½ stories.

Protestants:

None.

Board Action:

On MOTION of S. WHITE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE a Variance of the maximum 750 sq ft for a detached accessory building to 900 sq ft, and a variance of the required 20% coverage of the required rear yard to 21.75% to permit a detached accessory building - Section 402.B.1.d. Accessory Use Conditions - Use Unit 6; per plan and photographs submitted; subject to the building being for personal storage only; and subject to no commercial use on the property; finding that the large lot can easily accommodate the structure, and there are other buildings in the neighborhood that are similar in size; on the following described property:

Lot 9, Block 4, Oak Grove Addition Carbondale, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16332

Action Requested:

Variance of the required front yard from 35' to 21', a variance to permit a detached accessory building in the front yard and a variance of the maximum square footage for a detached accessory building from 750 sq ft to 965 sq ft to permit existing encroachments - Section 403. BULK AND AREA REQUIREMENTS FOR RESIDENTIAL DISTRICTS and Section 402.B.1.b. and d. - Use Unit 6, located 3321 East 109th Street South.

Presentation:

The applicant, Todd Hopkinson, 3321 East 109th Street South, submitted a plot plan (Exhibit J-1) and informed that the new construction was incorrectly placed on the lot, and the garages on the front portion encroach into the required setback. He pointed out that, because of the steep terrain, the architect was instructed to keep the building line as close to the boundary as possible. Photographs (Exhibit J-2) were submitted.

Case No. 16332 (continued)

Comments and Questions:

Mr. Doverspike asked if the dwelling encroaches into the required setback, and the applicant replied that only the garages were constructed over the setback line.

Protestants:

None.

Board Action:

On MOTION of S. WHITE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a Variance of the required front yard from 35' to 21', a variance to permit a detached accessory building in the front yard and a variance of the maximum square footage for a detached accessory building from 750 sq ft to 965 sq ft to permit existing encroachments - Section 403. BULK AND AREA REQUIREMENTS FOR RESIDENTIAL DISTRICTS and Section 402.B.1.b. and d. - Use Unit 6; per plan submitted; finding a hardship imposed by the irregular shape and steep topography of the land; finding that the house is existing, and approval of the request will not be detrimental to the area; on the following described property:

Lot 2, Block 3, Philcrest, a subdivision in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 16333

Action Requested:

Variance of the required 50' setback from the centerline of Southwest Boulevard from 50' to 46' to permit the replacement of an existing sign - Section 215. STRUCTURE SETBACK FROM ABUTTING STREETS - Use Unit 21, located 2301 Southwest Boulevard.

Presentation:

The applicant, Oklahoma Neon, 6550 East Independence, was represented by Duane Gooding, who submitted a plot plan (Exhibit K-1) and requested permission to change the sign and utilize the existing pole. He pointed out that the sign would be in the driveway if the current setback is required.

Comments and Questions:

Mr. Bolzle asked if the replacement sign will be the same size as the existing sign (7' by 8'), and Mr. Gooding answered in the affirmative.

Protestants:

None.

Case No. 16333 (continued)

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required 50' setback from the centerline of Southwest Boulevard from 50' to 46' to permit the replacement of an existing sign - **Section 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 21; per plan submitted; finding that the replacement sign will be installed on the existing pole, and the size or height will not be increased; finding that the sign has been at this location for a number of years, and is not detrimental to the area; on the following described property:

Lot 41, Less the W 28', all of Lots 42 and 43 and all of Lot 44, except the W 28', Block 45, Amended plat of West Tulsa, now an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, and part of Lots 45, 46, 47 and 48, Block 45 Amended Plat of West Tulsa, now an addition to the City and County of Tulsa, Oklahoma.

Case No. 16334

Action Requested:

Special Exception to permit accessory residential use in a CH zoned district - **Section 702. ACCESSORY USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 6, located 7105 East Admiral Place.

Presentation:

The applicant, **Patsy Lambert**, 7105 East Admiral Place, requested permission to reside in a building located in a commercially zoned district. A packet (Exhibit L-1) containing a plot plan and supporting information was submitted.

Comments and Questions:

Mr. Doverspike asked if the building houses an engine manufacturing business, and the applicant answered in the affirmative.

In response to Mr. Doverspike, the applicant informed that the residential portion of the building is toward the front of the structure.

Mr. Bolzle asked the applicant if she will be the only resident, and she replied that one employee lives over the shop area, and another unrelated individual is living there temporarily.

Case No. 16334 (continued)

Mr. Gardner informed that the Code permits living quarters in commercially zoned buildings, with Board approval of a special exception.

Interested Parties:

Mitch Nally, 4821 South Sheridan, informed that he manages the shopping center to the west of the subject property and, after reviewing the plan, stated that he is not opposed to the application.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit accessory residential use in a CH zoned district - **Section 702. ACCESSORY USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 6; per plan submitted; 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 2, Polson Subdivision Amended, less beginning NW/c Lot 2, thence south 187.75' southeast 380.51' north 305.29' west 361.9' to POB, and less south 30' and less beginning 30' north southeast corner, thence west 150' north to point on the NLSE to point on ELS to POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16335

Action Requested:

Variance of the required side yard from 5' to .5' to permit a detached accessory building - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 7173 South 75th East Avenue.

Presentation:

The applicant, **Dennis Mathis**, 7173 South 75th East Avenue, informed that he constructed the accessory building in question to store garden supplies, lawn mowers and a motorcycle trailer. He noted that the back yard slopes, which prevents placement of the building in that area. Mr. Mathis stated that he has contacted several nearby neighbors concerning the building, and they are supportive of the application (Exhibit M-3). Photographs (Exhibit M-2) were submitted.

Comments and Questions:

Mr. Doverspike asked if the slope of the land is the hardship for the variance request, and the applicant answered in the affirmative.

Case No. 16335 (continued)

In response to Mr. Doverspike, the applicant stated that he would be amenable to constructing a fence to screen the accessory building.

Protestants:

Peggy Ecklund, 7177 South 75th East Avenue, submitted letters of opposition (Exhibit M-1) and informed that she lives next door to the applicant. Ms. Ecklund stated that she is opposed to the storage building.

In response to Ms. White, Ms. Ecklund stated that the back yards in the area do not have a significant slope.

Dorothy Ford, 7142 South 75th East Avenue, stated that the storage building could set a precedent for similar requests, and asked that the Board deny the request.

Richard Vores, 7121 South 77th East Avenue, stated that the building is not compatible with the existing structures, and asked the Board to preserve the integrity of the neighborhood and deny the application.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Variance** of the required side yard from 5' to .5' to permit a detached accessory building - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the applicant failed to present a hardship that would warrant approval of the request; on the following described property:

Lot 11, Block 11, Quail Creek Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16337

Action Requested:

Special Exception to permit a Use Unit 17 tire store in a CS zoned district, and a variance of the spacing requirement to allow open air storage within 300' of a residential district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS and Section 1217.C.2. Use Conditions** - Use Unit 17, located 444 South Lewis.

Case No. 16337 (continued)

Presentation:

The applicant, **Glenda Davis**, 444 South Lewis, requested permission to continue the operation of a tire store at the above stated location. She explained that there has been a tire sales business on the property four years prior to their beginning operation. Ms. Davis informed that there is a car sales lot next door to the subject property. A plot plan (Exhibit N-2) was submitted.

Mr. Davis stated they are attempting to comply with all City requirements.

Comments and Questions:

In response to Mr. Bolzle, Mr. Davis stated that he stores used tires outside until they are picked up to be recycled.

Mr. Bolzle asked if all fencing is chain link, and the applicant answered in the affirmative.

Mr. White inquired as to the number of used tires currently stacked on the lot, and Mr. Davis replied that there are approximately 125 at this time. He added that they will be picked up when approximately 200 accumulate.

Mr. White stated that tire sales would be compatible with the surrounding area if properly screened.

Protestants:

Henry Conyers, 2240 South St. Louis, stated that he owns property to the west of the tire store. He pointed out that property owners in the area are attempting to upgrade the neighborhood. Mr. Conyers stated that tire storage creates a fire hazard, and the accumulation of water inside the tires is a breeding place for mosquitoes.

Mr. Bolzle informed that Fran Pace, District Chairman, and Allen Stewart, Co-chairman, advised (Exhibit N-1) that they are opposed to the application.

Applicant's Rebuttal:

Mr. Davis pointed out that the inventory does not increase, because customers take the new tires away and the old tires are placed in the recycle bin and removed from the lot.

Additional Comments:

Mr. Doverspike inquired as to the total number of tires on the lot, and Mr. Davis stated that his inventory consists of 800 tires, with approximately half of the tires stored outside.

Case No. 16337 (continued)

Mr. Davis pointed out that there is another tire shop approximately four blocks from his business.

In response to Mr. Doverspike, the applicant stated that he leases the property from month to month.

Ms. White stated that she could support the use for a period of two years if the tires are moved to the rear of the building.

After a lengthy discussion, it was the consensus of the Board that, although there are mixed uses in the area and the tire shop is compatible at this time, the area is in transition and the use may not be consistent with future development.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit a Use Unit 17 tire store in a CS zoned district for a period of two years only, and a **variance** of the spacing requirement to allow open air storage within 300' of a residential district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS and Section 1217.C.2. Use Conditions** - Use Unit 17; subject to required screening being installed along the west property line and all outside storage of used tires being limited to the space behind the building (between the building and west screening fence); and subject to all lighting being shielded and directed away from the residential neighborhood; finding that the area is in transition and the temporary use, with conditions, will not be detrimental to the area; on the following described property:

Lots 15 and 16, Block 2, Hillcrest Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16338

Action Requested:

Variance of the required front yard front yard from 30' to 17' - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2806 South Delaware Place.

Comments and Questions:

Mr. Doverspike advised that he will abstain from hearing Case No. 16338.

Case No. 16338 (continued)

Presentation:

The applicant, **Jean Coulter**, 2806 South Delaware Place, submitted a packet (Exhibit P-1) containing a plot plan and photographs. She explained that the existing house was erected at an angle on an irregular shaped lot, which restricts additional construction without Board relief.

Comments and Questions:

Mr. Gardner informed that the existing dwelling encroaches at three different points.

Protestants:

None.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 3-0-1 (Bolzle, S. White, T. White, "aye"; no "nays"; Doverspike, "abstaining"; Chappelle, "absent") to **APPROVE** a **Variance** of the required front yard front yard from 30' to 17' - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding a hardship imposed by the irregular shape of the lot and the placement of the dwelling; finding that the approval of the request will not be detrimental to the neighborhood; on the following described property:

Lot 8, Block 4, Thomas Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16340

Action Requested:

Variance of required rear yard from 25' to 15', and a variance of the required livability space - **Section 401. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - located 6224 South Oswego.

Presentation:

The applicant, **Arlo DeKraai**, 6224 South Oswego, submitted a plot plan (Exhibit R-2) and informed that the existing dwelling encroaches into the required setback, and requested permission to add an arbor over the patio. Letters of support (Exhibit R-1) and photographs (Exhibit R-3) were submitted. The applicant stated that he has contacted surrounding property owners, and they are supportive of the project.

Comments and Questions:

In response to Mr. Jackere, the applicant informed that he was told that Board approval was required, because the arbor tied into the roof of the dwelling.

Case No. 16340 (continued)

Mr. Gardner pointed out that the fact that the patio is elevated, due to the slope of the land, causes it to be considered as an encroaching structure.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Bolzle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, S. White "absent") to **APPROVE** a **Variance** of required rear yard from 25' to 15', and a **variance** of the required livability space - **Section 401. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the existing patio encroaches into the required rear yard, and due to the slope of the land, has been elevated; and finding that the patio will be covered with an arbor, but not enclosed; and finding that approval of the requests will not cause substantial detriment to the public good, or violate the spirit, purposes and intent of the Code; on the following described property:

Lot 7, Block 3, Braeswood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16341

Action Requested:

Special Exception to permit a pre-school (Tulsa County Head Start Program) in an RN zoned district - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 3137 South 108th East Avenue.

Presentation:

The applicant, **Juanita Mansker**, 531 East 36th Street North, was represented by **Sylvia Wilson**, who requested permission to conduct a pre-school in an existing housing project.

Comments and Questions:

In response to Mr. Bolzle, Ms. Wilson stated that the school will consist of a morning and afternoon session, with a maximum of 20 children attending each session.

Mr. Bolzle asked if one unit will house the operation, and Ms. Wilson informed that two units in the Windsong Apartments will be needed for the school.

Protestants:

None.

Case No. 16341 (continued)

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Bolzle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, S. White "absent") to **APPROVE** a **Special Exception** to permit a pre-school (Tulsa County Head Start Program) in two units of the Windsong Apartments, 3145-E and 3145-G, South 108th East Avenue, an RN zoned district - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; subject to a maximum of 20 children for each session; finding the use to be compatible with the RN District, and in harmony with the spirit and intent of the Code; on the following described property:

Lot 4, Block 2, Valley Glen South, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16342

Action Requested:

Variance of the setback from the centerline of South 75th East Avenue from 50' to 28' to permit an existing carport - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 446 South 75th East Avenue.

Presentation:

The applicant, **Jeraldine Bennett**, 446 South 75th East Avenue, submitted photographs (Exhibit S-2) and requested permission for an existing carport to remain. She stated that her neighbors are supportive of the request (Exhibit S-1). A plot plan (Exhibit S-3) was submitted.

Comments and Questions:

Mr. Doverspike asked if there are other carports in this area along South 75th East Avenue, and she replied that there are numerous carports in the neighborhood. She added that all garages in this area are one-car and very small.

Protestants:

None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Bolzle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, S. White "absent") to **APPROVE** a **Variance** of the setback from the centerline of South 75th East Avenue from 50' to 28' to permit an existing carport - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; subject to the sides of the carport remaining open; finding that the

Case No. 16342 (continued)

older homes were constructed with small one-car garages; and finding that there are numerous carports in the area and approval of the request will not be detrimental to the neighborhood; on the following described property:

Lot 13, Block 20, Tommy Lee Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 16328

Action Requested:

Consideration and approval of detail landscape plan.

Presentation:

The applicant, **Nancy Gomez**, 1413 East 15th Street, submitted a landscape plan (Exhibit T-1) and informed that a 7' screening fence is proposed, and that the parking lot has been designed around large existing trees. She stated that trees and evergreens will be planted in the landscaped area to the north. Ms. Gomez informed that the lot access was moved further to the south and widened to 21'. The applicant noted that the lot will accommodate 37 vehicles.

Protestants:

Steve Walter, 1428 South Rockford, stated that his bedroom window will be approximately 12' from a parking space, and his screened porch will overlook the parking lot. He requested that the two parking spaces on the front of the lot be landscaped, which would provide more privacy for his family.

Ms. Gomez stated that five spaces have already been lost by preserving a large tree on the lot, and feels that the loss of two additional spaces would not be in her best interest. She pointed out that the green space along the north boundary will be 7' wide, and the parking area will be covered with a hard surface material.

Case No. 16328 (continued)

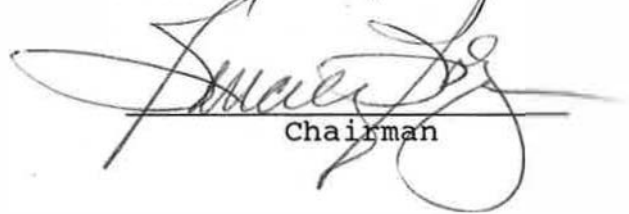
Board Action:

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

There being no further business, the meeting was adjourned at 3:20 p.m.

Date Approved

May 25, 1993


Chairman