

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 639
Tuesday, August 24, 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, Chairman S. White T. White	Bolzle	Gardner Moore Russell	Jackere, Legal Parnell, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, August 20, 1993, at 2:47 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **S. WHITE**, the Board voted 3-0-1 (Doverspike, S. White, T. White, "aye"; no "nays"; Chappelle, "abstaining"; Bolzle, "absent") to **APPROVE** the Minutes of August 10, 1993 (No. 638).

NEW APPLICATIONS

Case No. 16402

Action Requested:

Special Exception to permit a mobile home in an RM-1 zoned district, and a variance of the one-year time limitation to permanent - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9, located 1923 North Darlington Place.

Comments and Questions:

Ms. Russell noted that mobile home use was previously approved at this location approximately one year ago, and the applicant is requesting that the unit be permitted to remain permanently.

Presentation:

The applicant, **Warren Morris**, 1918 East 51st Street, 1-East, submitted photographs (Exhibit A-1), and informed that the mobile unit has been in place since June 1992, and has proved to be compatible with the surrounding neighborhood. Mr. Morris pointed out that there are numerous mobile homes in the general area. He informed that the property owner across the street is supportive of the application.

Case No.16402 (continued)

Protestants:

None.

Board Action:

On MOTION of S. 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 manufactured home in an RM-1 zoned district, and a variance of the one-year time limitation to permanent - Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 9; finding that there are numerous manufactured homes in the neighborhood; and finding that the manufactured home in question has been at the current location for approximately one year and has proved to be compatible with the neighborhood; on the following described property:

Lot 21, Block 28, Dawson Amended, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16411

Action Requested:

Special Exception to permit a mobile home in an RM-1 zoned district and for a variance of the one-year time limitation to permanent - Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 8, located SW/c of Kingston Place and Ute Place.

Presentation:

The applicant, Norma Jean Cluck, 2002 North Kingston Place, stated that her mobile home is now located approximately 200' from the lot she has recently purchased. She requested permission to move the mobile home to the new location.

Comments and Questions:

Mr. Doverspike asked if there is an existing mobile home on the property, and Ms. Cluck stated that the lot is vacant.

Mr. Doverspike asked the applicant if the mobile home will be tied down and skirted, and she answered in the affirmative.

Case No. 16411 (continued)

Board Action:

On MOTION of S. 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 an RM-1 zoned district and for a **variance** of the one-year time limitation to permanent - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 8; per plan submitted; subject to the manufactured home being skirted and tied down; and subject to a building permit and Health Department approval; 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 1 and N/2 of Lot 2, Block 7, Dawson Amended (Original Townsite), City of Tulsa, Tulsa County, Oklahoma.

Case No. 16413

Action Requested:

Special Exception to permit residential use in an OL zoned district, and a variance of the required 100' of frontage - **Section 610. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS**, and **Section 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 6, located 1111 South Pittsburg.

Presentation:

The applicant, **Don Campbell**, 1111 South Pittsburg, submitted a plot plan (Exhibit B-1) and requested permission to add a 15' by 24' room to an existing dwelling. He informed that the fact that the property has two zoning classifications has prompted the request for the special exception and the variance.

Comments and Questions:

In response to Mr. Doverspike, the applicant stated that the new addition will attach the garage to the house.

Protestants:

None.

Board Action:

On MOTION of S. 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 residential use in an OL zoned district, and a **variance** of the required 100' of frontage - **Section 610. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS**, and **Section 603. BULK AND AREA REQUIREMENTS**

Case No. 16413 (continued)

IN THE OFFICE DISTRICTS - Use Unit 6; per plan submitted; finding a hardship imposed on the applicant by the fact that the dwelling is existing and that there are two zoning classifications on the same lot; on the following described property:

All of Lot 3 and N/2 of Lot 4, Block 1, Beverly Hills Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16414

Action Requested:

Variance of the required livability space from 5000 sq ft to 4000 sq ft to permit an addition to an existing dwelling - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2221 East 25th Street South.

Presentation:

The applicant, **Kleinco Construction**, 1660 East 71st Street, #28, was represented by **Robert Paddock**, who submitted a plot plan (Exhibit C-1) and letters of support (Exhibit C-2) from area residents. He informed that the property owner is proposing to construct an addition to an existing dwelling.

Comments and Questions:

Mr. Gardner noted that the lot area is 7200 sq ft, or 1800 sq ft less than the RS-2 requirement. He pointed out that the RS-2 livability requirement is approximately 55% of the lot, which is 3960 sq ft. Mr. Gardner stated that the lot is nonconforming as to size and does not meet current RS-2 zoning requirements

Mr. Paddock remarked that the dimensions of the lot are closer to RS-3 requirements than those for RS-2. He added that the area, width and livability space of the lots in the older neighborhood do not comply with current Code requirements.

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 required livability space from 5000 sq ft to 4000 sq ft to permit an addition to an existing dwelling - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted;

Case No. 16414 (continued)

finding that approval of the variance request will not cause substantial detriment to the public good, or violate the spirit and intent of the Code; finding a hardship imposed on the applicant by the narrow shape of the lot, and the change in Code requirements since the house was constructed in the older area; on the following described property:

Lot 18, Block 4, Wildwood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16415

Action Requested:

Special exception to allow office use in an RM-2 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 5/11**, located 1432 South Troost.

Presentation:

The applicant, **Charlie Barrett**, 5922 East 4th Terrace, stated that the previous application for office and distribution use was denied and, due to the fact that Mr. Doverspike indicated that office use only might be favorably considered, he has filed a new application. Mr. Barrett stated that the distribution portion of the operation has been moved to another location and only the office for the Tulsa Angel Society will remain on the subject property. He pointed out that three business operations have previously been approved in the area, and suggested that the proposed use will be no more intense than those already granted.

Comments and Questions:

Mr. Doverspike asked the applicant to state the exact activities that will be conducted on the property, and the applicant replied that today two office workers came to help with donations, he and his wife were helping with office work, and one helper came with a load of produce to be routed to the appropriate location.

Mr. Doverspike stated that the delivery of merchandise to the property was one issue of concern at the last meeting, and Mr. Barrett stated that the pickup only drives into the driveway and routing is determined. He stated that the truck leaves immediately to deliver the merchandise to the proper destination.

Mr. Doverspike inquired as to the hours of operation, and the applicant stated that the office will be open from 9 a.m. to 5 p.m., Monday through Thursday, 9 a.m. to noon, Friday and Saturday, and some evenings.

Case No. 16415 (continued)

In response to Ms. White, the applicant stated that there are customarily four to six office workers on the premises during working hours.

Ms. White asked if the food could be taken directly to the distribution point, and the applicant stated that the driver brings the produce by the office because the condition of the produce is a factor in determining its destination. Mr. Barrett stated that someone at the office makes that determination.

Mr. Jackere asked if the produce is delivered to the subject property without advance notice, and Mr. Barrett replied that one of the members of the organization picks up the produce.

In response to Mr. Gardner, Mr. Barrett stated that the produce could be taken to another location for distribution, if that is a requirement.

In reply to Mr. Jackere's question concerning the amount of space used for living area, the applicant stated that approximately two-thirds of the dwelling is reserved for living quarters (four 12' by 12' rooms for office use).

Protestants:

Michael Lewis stated that he and his parents own three lots in the neighborhood, and that he lives across the alley from the subject property. He stated that the Cherry Street area is undergoing major change, and that the approval of this type of operation would have a negative impact on property values. Mr. Lewis stated that the operation attracts a lot of people to the neighborhood, and there is a lot of activity after regular business hours. He asked that the operation be relocated to a more appropriate site or, if approved, that a privacy fence be installed on the north side of the property to discourage trespassers.

Jerry Cantrell, 1411 South Troost, stated that he is only aware of one non-residential use that has existed in the neighborhood, and that business is no longer in operation. He pointed out that a beauty shop was recently denied. Mr. Cantrell stated that traffic is a problem on the narrow street, and requested that the residential character of the neighborhood be protected by denying the application.

Case No. 16415 (continued)

Jim Griffith stated that he owns commercial property on the corner of 15th Street and Troost Avenue, and two residential properties to the north of the business location. He stated that the operation of the organization has resulted in parking problems in the area, and has caused a lot of neighborhood friction. Mr. Griffith pointed out that the use detracts from the residential character of the neighborhood.

Applicant's Rebuttal:

Mr. Barrett stated that numerous residential dwellings in the area have been converted to offices. He pointed out that this has prevented further deterioration of the neighborhood. The applicant noted that the owner of the subject property, who is a member of the Board of Directors of the Tulsa Angel Society, has lived at this location for approximately 15 years and continues to occupy the dwelling. Mr. Barrett stated that the alley to the rear of the subject property is open for public use, and individuals using it cannot be considered as trespassers.

Additional Comments:

Ms. Parnell stated that, during her initial investigation of the use, she found that the living room and dining room are used for offices and three desks are in place. She advised that during her last visit an additional helper was inside the house, and Mr. Barrett indicated that he was helping with donations. Ms. Parnell stated that one gentleman was sitting on the porch when she arrived, two ladies were visiting with Mr. Barrett, two ladies were sitting at desks in the dining room and another man arrived while she was talking to the applicant. She remarked that there is a lot of foot traffic on the property and it appears that this could be a place for people to "hang out" and, if so, this is not the appropriate location for this type of use.

Mr. Chappelle inquired about the distribution of goods at this location, and Ms. Parnell stated that she has not noticed any type of distribution; however, her initial visit found rotting produce being stored at the rear of the property. She stated that there was no evidence of this at her last visit.

Ms. White asked Mr. Gardner if there is adequate parking for the six workers and the three residents, and he replied that the residential use would require two off-street parking spaces, with the office use requiring two additional spaces.

Case No. 16415 (continued)

Mr. Doverspike stated that he had envisioned office use for the organization to be no more than two or three people administering the program at this location. He pointed out that the use, as described by Ms. Parnell, seems to be too intense for the neighborhood.

Ms. White pointed out that other approved uses in the area seem to be less intense and have fewer employees than the proposed use.

Board Action:

On **MOTION** of **S. 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 office use in an RM-2 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 5/11**; finding the office use, as described, to be too intense for the surrounding residential neighborhood; on the following described property:

Lot 7, Block 1, Clark's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16416

Action Requested:

Variance of the required side yard from 5' to 3.7' - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6**, located 1132 South Florence Avenue.

Presentation:

The applicant, **Cynthia Carter**, 1129 South Florence, was represented by **Jim Doherty**, 616 South Boston, who submitted a plot plan (Exhibit D-1), and informed that the applicant is proposing extensive remodeling, which will include the extension of the existing dwelling to add covered parking. He pointed out that the house is located on a narrow lot, and does not comply with current setback requirements. Mr. Doherty noted that the new addition will align with the existing building wall and will not encroach farther into the required setback.

Protestants:

None.

Case No. 16416 (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 **Variance** of the required side yard from 5' to 3.7' - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6**; per plan submitted; finding a hardship imposed on the applicant by the long, narrow lot and the fact that the existing dwelling was constructed prior to the current Zoning Code; and finding that the addition will align with the building wall of the existing structure and will not encroach farther into the required setback; on the following described property:

Lot 8, Block 1, Amended Plat of E. N. Adams, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16418

Action Requested:

Variance of the required Major Street Plan setback to permit an addition to an existing dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6**, located 3110 South Victor.

Presentation:

The applicant, **Mike Dwyer**, 201 West 5th Street, Suite 120, explained that his client is proposing to add a two-car garage to the north end of an existing residence, which is located on property at the intersection of Utica and Victor Avenues. He submitted a photograph (Exhibit E-1) of the existing dwelling and a site plan (Exhibit E-2) for the project. Mr. Dwyer informed that the proposed garage will have access to Utica and Victor, and will encroach 5' into the required yard abutting Utica, as do many of the houses in that area. He pointed out that the new construction will not extend farther into the setback than the existing residences, and the existing curb cut will be moved 60' farther from the intersection.

Comments and Questions:

Mr. Doverspike asked if the existing garage has access on both streets, and Mr. Dwyer replied that the garage only has access on Utica.

In response to Mr. Doverspike, **Gary Henry**, owner of the property, stated that the proximity of the garage to the intersection makes it difficult to enter and exit the existing driveway.

Protestants:

None.

Case No. 16418 (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 **Variance** of the required Major Street Plan setback 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 a hardship demonstrated by the fact that the existing house was constructed on the triangular shaped lot prior to the current Code requirements, and the proposed garage will not extend beyond the previous setback requirement, as recorded on the subdivision plat; on the following described property:

Lot 1, Block 7, Bren-Rose, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16419

Action Requested:

Special Exception to permit residential use in an OL zoned district, variance of the FAR from 30% to 33%, variance of the required setback from an R District from 10' to 5' and a variance of the required frontage from 100' to 50' - **Section 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS and Section 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 6, located 2611 North Quincy.

Presentation:

The applicant, **Willie McHenry**, 1617 East Jasper Place, informed that he is representing the owners of the property in question. He explained that his client is proposing to construct a garage, and was not aware that the residence is located in an area zoned for office use. Mr. McHenry stated that the dwelling was constructed approximately 40 years ago. A plot plan (Exhibit F-1) was submitted.

Comments and Questions:

Mr. Gardner advised that most of the OL zoned properties have developed residential at this location.

Protestants:

None.

Case No. 16419 (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 **Special Exception** to permit residential use in an OL zoned district, **variance** of the FAR from 30% to 33%, **variance** of the required setback from an R District from 10' to 5' and a **variance** of the required frontage from 100' to 50' - **Section 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS and Section 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 6; per plan submitted; finding that the OL zoned property has developed residential and abuts RS-3 zoned property; 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:

Lot 4, Block 3, Martin Roll Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16420

Action Requested:

Variance of the setback from the centerline of East 9th Street from 50' to 26.8', and a variance of the required side yard from 5' to 3.7' to permit existing encroachments - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 4016 East 9th Street.

Presentation:

The applicant, **Wayne Moore**, 4016 East 9th Street, informed that the dwelling was constructed approximately 35 years ago and does not comply with current setback requirements. He stated that the relief is requested to clear the title to the property.

Protestants:

None.

Board Action:

On **MOTION** of **S. WHITE**, 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 setback from the centerline of East 9th Street from 50' to 26.8', and a **variance** of the required side yard from 5' to 3.7' to permit existing encroachments - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the older house was

Case No. 16420 (continued)

constructed prior to current setback requirements and that the relief is required to clear the title for sale of the dwelling; on the following described property:

Lot 1, Block 4, Marshall Heights Second Addition,
City of Tulsa, Tulsa County, Oklahoma.

Case No. 16421

Action Requested:

Special Exception to permit Christmas tree sales in a CS/RM District from November 15, 1993 through December 25, 1993 - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS and Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS -** Use Unit 2, located SE/c of East 41st Street and South Harvard Avenue.

Presentation:

The applicant, **Southwest Nursery, Inc.**, 5401 West Skelly Drive, was represented by **Roy Johnsen**, 201 West 5th Street, who informed that his client has operated a Christmas tree sales operation on the subject property since 1954. He requested permission to continue the sales business during the Christmas season of 1993. Mr. Johnsen submitted a site plan (Exhibit G-1) and noted that the sales operation is located on a corner that would typically be a commercial corner. He stated that there was only one protestant present when application was made in 1992, and their rear property line is approximately 100' east of the east boundary of the Christmas tree sales lot, and about 325' from the actual sales area. Mr. Johnsen noted that there is an intervening ownership between the protestants property and the property in question. He pointed out that there are also two screening fences between the protestants property and the Christmas tree sales lot. Mr. Johnsen stated that the applicant owns 450' of frontage along 41st Street, including two houses in the northeast corner, and 550' on Harvard, including a day nursery. He informed that the orange portion of the plot plan depicts the Christmas tree sales area, and noted that there have been no substantial changes in the operation during the last 10 years, except the installation of four floodlights approximately four years ago. Mr. Johnsen stated that these lights along Harvard Avenue and 41st Street were directed down after a complaint was filed. He noted that the employee parking was moved to the south portion of the sales area last year, which alleviated parking problems along 41st Street. Mr. Johnsen asked that the application be approved, per the 1992 development standards and site plan.

Case No. 16421 (continued)

Protestants:

A petition of opposition and maps (Exhibit G-2) were submitted.

Bruce Bennett, 4133 South Jamestown, informed that he moved to the area in May 1992, and did not oppose the Christmas tree sales operation last year. He stated that he later found that the business created a serious traffic problem for the neighborhood. Mr. Bennett suggested that the Christmas tree sales operation be restricted to the commercial property on the corner. He pointed out that the work continues on the lot after closing, which is noisy and disruptive to the neighborhood.

Mike Claxton, 4122 South Jamestown, stated that he is opposed to the commercial use encroaching into the residential area. He pointed out that the business has continued to expand over the years, and is now operating on commercial, residential and office zoned properties. Mr. Claxton asked the Board to deny the special exception; however, if the application is approved, he requested that the hours of operation and the traffic be controlled.

Applicant's Rebuttal:

Mr. Johnsen pointed out that the property owners abutting the subject tract have not voiced a complaint about the operation of the business. He stated that the average commercial node contains approximately five acres, and can be expanded to 10 acres. Mr. Johnsen pointed out that Christmas tree sales are permitted in office and residential districts by exception. He added that Christmas tree sales is seasonal, and is a passive operation for 11 months. Mr. Johnsen reiterated that employee parking has been moved to the south portion of the tract, which provided additional space for customer parking near the street.

Comments and Questions:

Mr. Doverspike asked Mr. Johnsen if the business could close an hour earlier than last year, which would allow all employees to be off the lot at an earlier hour, and he replied that his client is amenable to closing the sales lot at 10:30 p.m., with all employees leaving the premises by 11 p.m.

Mr. Doverspike inquired as to the number of employees, and Mr. Johnsen replied that there are approximately 100 doing shift work.

Case No. 16421 (continued)

Mr. T. White asked if there is an inside drive on the west boundary line of the property, and Mr. Johnsen answered in the affirmative.

Mr. Doverspike stated that he is concerned with the congestion caused by customers attempting to enter the lot at the westernmost access point on 41st Street.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 3-0-0 (Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to **APPROVE** a **Special Exception** to permit Christmas tree sales in a CS/RM District from November 15, 1993 through December 25, 1993 - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** and **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2; per plan; subject to the westernmost entrance on 41st Street being closed, with the east entrance being the only access point on 41st Street (which will require changing the parking space angles); and subject to attached Development Standards; finding the seasonal temporary use to be compatible with the surrounding area; on the following described property:

Lots 1 and 2, and the west 100' of Lots 25 and 26 and the east 100' of Lot 3, Block 1, Villa Grove Heights One Addition, City of Tulsa, Tulsa County, Oklahoma.

Development Standards for Case No. 16421

1. Development and use of the site shall be in substantial accord with the submitted plot plan entitled "41st and Harvard Christmas Tree Lot".
2. Sales activities shall be limited to the period commencing Thanksgiving Day and ending Christmas Eve.
3. All activities shall be limited to the hours from 8 a.m. to 10 p.m., Sunday through Wednesday, and sales activities shall be limited to 8 a.m. to 10:30 p.m., Thursday through Saturday, with all other activity, except security, ceasing at 11 p.m.

Case No. 16421 (continued)

4. Construction (during daylight hours only) of sheds, tents and other temporary facilities shall not commence prior to November 1, 1993 and such temporary facilities shall be removed before January 1, 1994, provided however, the on-site storage of two cashier buildings and the drill shed shall be permitted.
5. Tree unloading activities shall be limited to daylight hours.
6. A stockade fence, as depicted on the site plan, shall be maintained along the east boundary of the easternmost tree storage area.
7. Flood lighting shall be limited to two lights along 41st Street and two lights along Harvard Avenue, and the fixtures shall be directed downwardly.
8. Pole lights, other than flood lighting, shall be limited to 175 watt mercury vapor (ready lights) on standards not exceeding 25' in height and shall not be located within 75' of the east boundary of the site, and pole lights located within 120' of the east boundary of the site shall be turned off not later than 9 p.m.
9. Customer off-street parking shall be provided as follows:
 - a. 12 spaces along the north boundary of the principal sales area
 - b. 7 spaces along the east boundary of the principal sales area
 - c. 14 spaces along the south boundary of the principal sales area
 - d. 20 spaces along the north boundary of the flocked tree sales area
10. Employee parking of not less than 40 spaces shall be provided on the off-site tract abutting the south boundary of the site.

Case No. 16422

Action Requested:

Variance of the required side yard from 10' to 2', and of the required rear yard from 20' to 10' to permit the construction of a tri-plex - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 8, located south of the SE/c of East 39th Street South and South 130th East Place.

Presentation:

The applicant, **Steve Olsen**, 324 East 3rd Street, was represented by **Darwin Smith, Jr.**, owner of the property in question. He submitted a plot plan (Exhibit H-2) and explained that apartments are located to the south, with four-plex units on either side and in front of the proposed building site. Mr. Smith stated that the hardship is the cul-de-sac location, narrow street frontages and the irregular shape of the two lots. He pointed out that the structures will comply with the required side yard setbacks from adjacent property owners, and this was accomplished by moving his two proposed buildings closer together. Mr. Smith noted that a portion of one structure will extend approximately 10' into the required rear yard. Photographs (Exhibit H-1) were submitted.

Comments and Questions:

Mr. Gardner asked Mr. Smith if he will own the two proposed buildings, and he answered in the affirmative. He added that there will be approximately 15' between the two structures.

Protestants:

Ms. Russell submitted several letters of protest (Exhibit H-3) from area residents.

Gil Choquette, 5707 South New Haven, inquired about the encroachments, and Mr. Gardner explained that neither of the two proposed structures will encroach into the side yards of adjacent properties. He pointed out that Mr. Smith is proposing to move his two buildings closer together and, although they will be 15' apart, one structure encroaches into the required side yard setback. Mr. Gardner further noted that only one corner of the southernmost building will encroach into the required rear yard.

Jerry Summers, chairman of the Park Plaza East III and IV Homeowners Association, submitted a letter (Exhibit H-4) stating the concerns of the neighborhood. He informed that the residents of the area are concerned with safety and protecting the value of their investments. Mr. Summers requested that the application be denied.

Case No. 16422 (continued)

Blair Ward, 4044 South 135th East Avenue, stated that he purchased property in the neighborhood approximately one year ago, and was later surprised to find that there are numerous duplexes in the area. He informed that parking is a problem near these units, and the general maintenance of the units is not up to par with that of other residences in the neighborhood.

Jim Schwerts, 13539 East 38th Place, stated that he is opposed to some of Mr. Smith's building practices and is not supportive of the application.

Applicant's Rebuttal:

Mr. Smith stated that he has presented a hardship for the variance requests, and asked that the Board approve the application as presented.

Board Action:

On **MOTION** of **S. WHITE**, 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 required side yard from 10' to 2', and of the required rear yard from 20' to 10' to permit the construction of two tri-plexes - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 8; per plan submitted; finding a hardship imposed by the cul-de-sac location and the irregular shape of the lots; finding that only one corner of the building on the southernmost lot (Lot 18) will encroach into the required rear yard; and finding that, although the side yard setback is reduced to 2' on one lot, the separation between the two buildings is actually 15'; and finding that the two lots are under common ownership, and approval of the variance requests will not cause substantial detriment to the public good, or violate the spirit and intent of the Code; on the following described property:

Lot 17 and 18, Block 11, Park Plaza East III, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16423

Action Requested:

Variance of the maximum coverage of a required rear yard from 20% to 30% for a detached accessory building, and a variance of the required livability space from 4000 sq ft to 3700 sq ft - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1936 South Gary Place.

Case No. 16423 (continued)

Presentation:

The applicant, **Roger Stokes**, PO Box 1734, informed that the owner of the property is proposing to remove an existing one-car garage, which was constructed in 1929, and replace it with a new garage that will accommodate two cars. A plot plan (Exhibit J-1) was submitted.

Comments and Questions:

In response to Mr. Doverspike, the applicant informed that the garage will be moved farther to the east and the driveway will be shortened.

Mr. Gardner asked Mr. Stokes if the new garage will extend closer to the residential area to west or south, and he replied that the south boundary will extend 3' closer and the west wall will remain the same. Mr. Gardner pointed out that a vehicle would not be able to negotiate the turn into the garage if it is moved closer to the house and made to comply with the 20% maximum coverage. He added that any construction to the rear of the dwellings in this older area will require some relief.

Protestants:

None.

Board Action:

On **MOTION** of **S. WHITE**, 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 maximum coverage of a required rear yard from 20% to 30% for a detached accessory building, and a **variance** of the required livability space from 4000 sq ft to 3700 sq ft - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding a hardship demonstrated by the long narrow shape of the lot, and the fact that most detached garages in the older developments do not comply with current Code requirements; on the following described property:

Lot 4, Block 3, Florence Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16424

Action Requested:

Special Exception to permit a beauty shop service establishment providing approximately 60 beauticians in an IL District - **Section 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 13, located 4477 South 70th East Avenue.

Case No. 16424 (continued)

Presentation:

The applicant, **Tulsa Distributors**, was represented by **Robert Nichols**, 111 West 5th Street, Suite 800. He submitted a site plan (Exhibit K-1), and explained that his client is proposing to use a former warehouse for a beauty shop business that employees approximately 60 beauticians and will have approximately 1500 sq ft of floor area dedicated to the retail sale of beauty aids.

Comments and Questions:

Mr. Doverspike asked if 112 parking spaces are available, and Mr. Nichols answered in the affirmative.

Protestants:

Two letters of protest (Exhibit D-2) were received, which stated opposition to the request, unless the use is restricted to the specified beauty shop services only.

Additional Comments:

In response to Mr. Gardner, Mr. Jackere stated that most beauty shops have beauty supplies for sale as an accessory use.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 3-0-0 (Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to **APPROVE** a **Special Exception** to permit a beauty shop service establishment providing approximately 60 beauticians in an IL District - **Section 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 13; per plan submitted; subject to beauty shop services only, with 1500 sq ft of floor space for retail sale of beauty aids; 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:

Lots 1-7, Block 5, Katy Freeway Industrial Park Addition, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:15 p.m.

Date Approved

Sept. 14, 1993


Chairman

