

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 759
Tuesday, October 13, 1998, 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
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Cooper
Dunham
Perkins
Turnbo
White

Beach
Stump

Parnell, Code
Enforcement
Ballentine, Code
Enforcement
Mike Romig, Legal
Department

The notice and agenda of said meeting was posted in the Office of the City Clerk on Wednesday, October 7, 1998, at 10:55 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Cooper Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** the Minutes of July 14, 1998 (No. 753).

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** the Minutes of July 28, 1998 (No. 754).

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Cooper Dunham, Perkins, Turnbo, "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE** the Minutes of September 8, 1998 (No. 757).

UNFINISHED BUSINESS

Case No. 18171

Action Requested:

Variance of screening requirement from an R district to the south and to the north. **SECTION 1212a.C.1. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Use Conditions – Use Unit 12A,** and a Special Exception for an Adult Entertainment Establishment within 150' of a residential district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS,** located 6214 S. Sheridan.

Presentation:

The applicant, **Mike McCutchen**, was represented by Roy D. Johnsen. Mr. Johnsen stated that they are proposing a bar, tavern and nightclub and since the Code refers to this type of business as "Adult Entertainment", most people think of a sexually oriented business and this is not going to be a sexually oriented business. The club will have dancing and live music. Mr. Johnsen stated that a building was removed subsequent to the 1996 Board hearing. The zoning clearance officer determined that they meet the parking requirements. The McCutchens have brought the building to Code and improved the premises. They propose an expansion of 2,000 SF and the expansion of the existing club is what has triggered the need for this application. The Board previously waived the screening requirements on the basis of topographical features. There is a substantial change in grade to the south; to the north is a street and Sheridan forms the east boundary. To the west is another building. Mr. Johnsen pointed out to the Board that Staff is comfortable in waiving the landscape requirements. The second thing that triggers the application is that in February of 1998 the Code was changed to say that if a person proposes a bar or nightclub within 150' of a residential property it requires a special exception. Because of the existing 2,800 SF the building would be considered grandfathered but the 2,000 SF expansion triggers this special exception. Mr. Johnsen explained to the Board that this is not a typical single family neighborhood behind the property. Mr. Johnsen pointed out that the advertised variance of screening requirement may be considered by the Board as a special exception.

Comments & Questions:

Mr. White asked, based on a letter of opposition submitted to the Board (Exhibit A-1), if there will be any dancing, bar shows or sexually oriented business conducted. Mr. Johnsen answered that there will be no sexually oriented business but there may be live music and patron dancing.

Interested Parties:

Terry Doverspike, City Council Chair, 200 Civic Center, stated that he has received several calls from almost every church, homeowners' association and business within a mile of the location. Mr. Doverspike spoke with Mr. Stump and several Staff

members about the Code ordinance to see if there was some way to name these types of uses without the implication that they are "Adult Entertainment" or "Sexually Oriented Business" when those are not going to be requested. With respect to this particular location, it has had a checkered history and therefore the neighborhood is very concerned about what happens on this property. Mr. Doverspike pointed out that there is a nursing home and apartment complex that is fairly close to this location. In addition to those items, they have some concern about noise levels and hours of operation. Mr. Doverspike asked the Board to have the applicant amend the request to agree that there will be no sexually oriented business without coming back before the Board.

Randy Bund, 7729 S. Hudson, stated that he is Secretary of the Minshall Park Homeowners' Association. Mr. Bund mentioned that the Association voted unanimously to oppose the granting of the variance with the information that it is not a sexually oriented business but rather an expansion of the existing business. Mr. Bund, as a homeowner, stated that the homes and yards in the neighborhood are well maintained and he does not see how the granting of this application will enhance the neighborhood. The Association has attempted to engage the services of the Tulsa Police Department to monitor illegal activities that go on in neighborhoods such as Minshall Park. The police department does not have enough manpower to assist them at this time. Mr. Bund does not believe that the granting of this application will help them with the monitoring of the illegal activities.

Ms. Turnbo asked Mr. Bund how close to the subject property is a house in his addition. Mr. Bund answered approximately 1¼ miles.

Kerry Kane, Associated Centers for Therapy, 7010 S. Yale, stated that she is the apartment manager for the apartments across 62nd Street. Ms. Kane mentioned that their renters consist of adults who have mental illness. They have had several problems in the past with the previous occupant of the club in regards to noise, trash and parking overflow.

Ms. Turnbo asked Ms. Kane if she understood Mr. Johnsen when he said that they would be expanding the parking lot. Ms. Kane replied that the Silver Flame is on the other side of their property and even when Bullwinkles was there they had to have people towed and removed from the property.

Bill Darnell, 7757 E. 106th St., stated that he owns the JiffyLube property immediately across the street. Mr. Darnell believes that this is going to be a continuance of all the problems that they had with Bullwinkles. Mr. Darnell visited the site and stated that he could only see where they were gaining 14 parking spaces total.

Kim Clark, Minshall Park Homeowner, stated that they have been working with Captain Jim Greene of the Tulsa Police Department in trying to decrease the incidence of vandalism and break-ins in the neighborhood. The neighborhood does not have regular patrols from the police department and they believe that by allowing the bar to continue to operate they will still have problems.

Ms. Turnbo asked Ms. Clark if the vandalism in the neighborhood is caused from patrons of the bar. Ms. Clark replied that there is a park in their neighborhood that has been open for a few years where people congregate in the evenings and they believe that the people from the bar are the ones who congregate there.

Suzanne Parker, Assistant Administrator of Skyline Terrace Nursing Center, 6202 E. 61st St. and is located across the street from the proposed bar. Ms. Parker is opposed to this application because of the increase in traffic on 62nd Street which is the back part of her property. There are residents who walk outside and families that come in and out on that side of the building. She is also concerned about the noise and parking problems.

Ms. Turnbo asked if most people who are going into this bar go in on 62nd Street or is the entrance off of Sheridan. Ms. Parker answered that there is an entrance from the street on 62nd and an entrance on Sheridan.

Paula Andersec, 6262 S. Sheridan, stated that she represents Shadow Mountain Hospital which is next to the proposed Winner's Circle Bar. Their major concern was that this was going to be a sexually oriented business. She stated that they provide services for Tulsa Public Schools ages 4 to 18 and they are concerned about any regulations affecting the proximity of a bar and school services. Another issue is that the youngest children are housed directly next to the bar and with live music being provided they may have difficulty sleeping. They are located across the street from The Full Moon Café and she can hear their live music.

Virginia Poe, 5808 E. 63rd St., stated that she is not entirely sure that she opposes this. However, her neighborhood has unanimously opposed a sexually oriented business and a nightclub. They believe that because of the late hours and the live band it would be disruptive to the neighborhood. Ms. Poe mentioned that Mr. Darnell, the owner of the JiffyLube has suffered enormous damage from the people parking on his lot.

Applicant's Rebuttal:

Mr. Johnsen stated that this is not a sexually oriented business nor could it be under the Zoning Code. Councilor Doverspike suggested that a lot of his calls come from people who receive notices that have "Adult Entertainment" on them and they perceive that to be a sexually oriented business. Mr. Johnsen stated that this is a very good location and there is plenty of buffer between the CS and the residential districts. Mr.

Johnsen stated that this is a bar and can continue to be a bar even if it is not expanded.

Comments and Questions:

Ms. Turnbo asked Mr. Johnsen when they tore down the other building how many spaces were created. Mr. Johnsen answered 22 spaces and on the site plan they have shown 121 spaces, which is more than enough spaces. Mr. Johnsen asked the Board to not approve the parking per plan because they would like to have the ability to reconfigure the parking (leaving the 121 spaces).

Ms. Turnbo asked Mr. Johnsen if most of the traffic coming to the bar would be in the evening and Mr. Johnsen replied yes. Mr. Johnsen stated that this will be a restaurant and they will be open for lunch and will have a menu. There will be traffic during the day but it will not be the peak time for the restaurant/bar. The peak for this type of business is usually around 9:30 p.m. Mr. Johnsen does not believe that they will adversely affect anyone considering that a bar is a legitimate use in a city.

Mr. Dunham stated that one of the complaints of Shadow Mountain is the loud music. Mr. Dunham asked what the distance is between the bar and Shadow Mountain. Mr. Johnsen believes about 100'. The loud music will be inside a building. Some of these facilities have outdoor sound systems, like on Peoria, and that is not planned here.

Mr. White stated that on the site plan there is a vacant area on the north side of the building. Is the parking based on the occupied portion of the building and if so, what if the other areas are soon filled? Mr. Johnsen replied that the Board's action in 1978 determined that the parking requirement was 1 per 400 SF and if you compute the entirety of the building on 1 per 400 SF plus the 1 per 75 for the bar – it would meet the requirement.

Mr. Dunham stated that he does not know if there is any benefit in restricting this to no sexually oriented business because they can't operate there under the Zoning Code. Ms. Turnbo feels that if they approve this application it should be stated that there is to be no dancing other than that done by the patrons and no sexually oriented business.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception of screening requirement from an R district to the south and to the north. **SECTION 1212a.C.1. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Use Conditions – Use Unit 12A**, and a Special Exception for an Adult Entertainment Establishment within 150' of a residential district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** subject to there being no sexually oriented business on the property and the dancing being done by patrons only on the following described property:

Case No. 18171 (continued)

Lots 3 & 4, Block 2, Deborah Jean Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18174

Action Requested:

Variance of the one-year time limit for a manufactured home in an RS-3 zoned district. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS – Use Unit 9**, located NW/c E. 32nd St. N. & N. Jamestown.

Comments and Questions:

Mr. Beach stated to the Board that this application was approved on September 8 and the balance of the application was continued to allow notice for the extension of the time limit.

Mr. White stated that there were no interested parties and no opposition.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance of the one-year time limit for a manufactured home in an RS-3 zoned district. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS – Use Unit 9** to a permit the manufactured home on a permanent basis on the following described property:

Lots 20 & 21, Block 5, Mohawk-Harvard Addition

Case No. 18178

Action Requested:

The applicant is appealing zoning officer's decision that accessory building does not meet code of less than 40% of the principal structure. **SECTION 402.B.1.D. ACCESSORY USES IN RESIDENTIAL DISTRICTS**, located 8818 E. 17th St.

Presentation:

The applicant, **Jo Ellen French**, was represented by Howard Perkins, P.O. Box 690355, Tulsa, OK 74165 who submitted a site plan and floor area calculations (Exhibit B-2). Mr. Perkins stated that there is a small garage type building in the back yard. The French's would like to complete the covering of a carport over it. The question was whether or not the structure, as proposed, would exceed 40% of the dwelling area. Mr. Perkins spoke with Mr. Ackermann and other City officials and they indicated that the covered patio was being considered as part of the dwelling area. At the last hearing it was determined that the patio was not to be considered. Even by including the patio as an outbuilding they are still within the limitations. Mr. Perkins stated that they do have a denial of their request dated August 6, from the City of Tulsa indicating that it may exceed that figure. It clearly does not and they are asking for permission to finish the project.

Comments & Questions:

Mr. White mentioned that Staff comments state the patio and carport do not count as floor area. Mr. Stump agreed that was the determination that was made. Mr. Stump stated that the other factor is that he is enlarging a principal building for storage on a lot that does not have a residence. It is on a lot that is separate from the lot containing the residence. Mr. Perkins stated that they are dealing with Lots 1, 2 and 3 now and there are additional lots that have nonconforming buildings. Mr. Stump believes that the expansion is on an area that is part of Lot 3 and the residence is on Lots 1 and 2.

Mr. Dunham asked the applicant about the sign referring to exotic pets or snakes for sale, is that permitted. Mr. Perkins stated that it is a joke and several of the interested parties will comment on the signs but that it isn't a issue today. Mr. Dunham asked if there really were snakes for sale and Mr. Perkins responded that there are not and have not ever been snakes, elephants, alligators, etc. for sale on this property.

Ms. Turnbo asked when the one story metal garage was built. Mr. Perkins answered about three years ago with a permit from the City of Tulsa.

Mr. Dunham asked Staff if they meet the Code is there any action that needs to be taken? Mr. Beach answered that the application before the Board is an appeal from the determination of the zoning officer. Mr. Beach stated that if the exhibit proves that the zoning officer is wrong then there is nothing to appeal and this case goes away. Mr. Beach believes that there are other issues here but they are not before the Board today. Mr. Stump cautioned the Board and stated that if they count the principal structure as relating to the other building – it is not on the same lot and therefore

cannot be accessory to the residence. Mr. Stump suggested a tie agreement tying the three lots together so they cannot be sold separately unless approved by the Board.

Ms. Turnbo asked if this is the building that has no building permit and must have been built between September 1996 and March 1997. Mr. Beach answered that at the last hearing the applicant stated that they did receive a building permit to construct the building but there was no need for them to come before the Board.

Mr. Beach asked the applicant, if on the second page under "A – Principal Structures" is he including a garage of 3,476 SF. Mr. Perkins stated that is the total area including the garage. Item 2 under Principal Structures says garage/shop building 758 SF. Mr. Beach asked what that is on the plan and Mr. Perkins showed Mr. Beach on the exhibit what it was. Lots 1, 2 and 3 are owned by his client. Lots 4, 5 and 6 are owned by a corporation, Marco Homes. The other exhibit shows Lots 1, 2 and 3 combined and have the primary residence at the top portion. The pink portion is the carport proposed to be built off of the shop building in the back. Mr. Perkins stated that Tracy Lane Addition consists of ten lots and his client owns seven of the ten lots. Mr. Beach asked Mr. Perkins how the lots are combined. Mr. Perkins answered that his client owns Lots 1, 2, and 3. Mr. Beach pointed out that they are separate lots of record. Mr. Perkins stated that it is common in this area for one person to own more than one lot and only have one house on one lot and he knows of no statute or authority that requires a separate entitlement or authorization for them to have several lots and one house on it.

Mr. Stump stated that he believes that the problem is that the claimed accessory building is on Lot 3 and there is no prohibition against selling off Lot 3 to another owner because it is not tied together. Mr. Stump thinks that some of the permits given on accessory buildings on the lots further south were presented to the City as all being on one large lot. Subsequently, these were sold off and now they have accessory buildings that have no principal use and they become principal storage which is illegal in that area. Mr. Perkins stated that there is no formal way to tie these lots together other than the ownership itself. Mr. Stump replied that there is a way. Mr. Perkins stated that procedurally that is not before the Board today. Mr. Stump mentioned that the Code prohibits that use on a separate lot than the lot containing the principal use.

Mr. Dunham asked if the applicant and Staff would agree to a tie agreement between Lots 1, 2 and 3. Mr. Perkins agreed and so did Mr. Beach.

Ms. Turnbo stated that by using the exhibit she says that the house is 2,719.6 SF. Mr. Beach stated that he still has questions of the applicant. Mr. Perkins stated that the total living space as determined by City officials and a surveyor is over 4,000 SF. The issue that was brought up last time was whether or not the covered patio was counted as the living structure or otherwise.

Case No. 18178 (continued)

Mr. Perkins stated that they would like a decision so they know whether to pursue a District Court Action or to build the car port. Mr. Stump stated that as long as they do not enclose any of the covered areas, they will comply.

Mr. White asked if there is something for them to rule on or do they need to hear from the interested parties. Mr. Stump answered that if the Board wants to impose a tie agreement they need to rule on something.

Interested Parties:

Paul Foster, 8806 E. 17th Street, stated that he is on the Board of the Mingo Valley Homeowners' Association. Mr. Foster stated that he took some photos (Exhibit B-1) showing the applicant's back yard. The house in question is not 3,400 SF. Mr. Foster submitted a statement from the Tulsa County Assessor's office and they show as living area 2,404 SF plus 506 SF for the garage and the date was March of 1997. This figure includes the addition to the house.

Mr. Beach stated that the size of the house is no longer an issue and the only issue the Board can decide on is whether or not to require a tie agreement.

Comments and Questions:

Mr. Dunham said that he does not know what the Board should do. Can they disagree with the Zoning Officer's decision based on there being a tie agreement between the lots?

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **REVERSE** the zoning officer's decision that accessory building does not meet code of less than 40% of the principal structure. **SECTION 402.B.1.D. ACCESSORY USES IN RESIDENTIAL DISTRICTS** finding that this does meet the Code subject to a tie agreement with Lots 1, 2 and 3, on the following described property:

Lots 1, 2, & 3, Block 1, Tracy Lane Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 18179

Action Requested:

Variance of the required 2.2 acres of land area per dwelling unit in an AG district for an existing lot. **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT – Use Unit 6**, located 4051 N. Cincinnati.

Comments and Questions:

Mr. Beach stated that Staff made a mistake in giving notice on this case and the wrong date was advertised. The case is not properly before the Board and will have to be continued to October 27, 1998.

Board Action:

No action was taken.

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NEW APPLICATIONS

Case No. 18192

Action Requested:

Special Exception to permit an existing construction company in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS**, located 401 S. Memorial Drive.

Comments & Questions:

Mr. Beach stated that the applicant (Kevin Coutant) submitted a timely request for continuance and asked the Board to continue the application for one month.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **CONTINUE** Case No. 18192 to the meeting of November 10, 1998.

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Case No. 18193

Action Requested:

Variance of setback from a freeway service road from 50' to 42.08' to permit an addition. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 12** and a Variance for an enclosure for trash containers in CS and IL zoned districts from 50' to 0'. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS**, located 16501 E. Admiral Pl.

Presentation:

The applicant, **D. Kevin Rowden**, 901 N. Mingo Road, stated that QuikTrip would like to expand their store at this location. The expansion would include 22' to the north of the existing structure and would encroach into the 50' setback by 7.92'. In conjunction with the expansion they will be moving the existing masonry trash enclosure also to the north which would set it completely over the 50' building setback. The setback is adjacent to an on ramp to I-44.

Comments and Questions:

Mr. Dunham asked Mr. Bowden if there is any reason why the building couldn't be expanded to the south. Mr. Bowden answered that the store operation would have to be flipped to incorporate the change inside the building. They like to keep the trash enclosure close to the building for security reasons.

Mr. White stated that if they move the expansion to the south they would be removing some parking spaces.

Mr. Beach stated that instead of asking for relief from 50' to 0' it should be relief from 50' to 15'. The trash enclosure appears to be on a 15' utility easement line. Mr. Bowden agreed and the Board will amend the request.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance of setback from a freeway service road from 50' to 42.08' to permit an addition. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 12** and a Variance for an enclosure for trash containers in CS and IL zoned districts from 50' to 15'. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS**, per plan submitted, on the following described property:

Lots 1 and 2, Dixie Hill Center Addition, a subdivision of a part of Lots 3 and 4 in the N/2 of the N/2 of the NW/4 of Section 2, T-19-N, R-14-E, Tulsa County, Oklahoma, and the W 79' of the E 591' of the S 138' of the W/2 of Lot 3, Section 2, T-19-N, R-14-E, of the IBM, Tulsa County, Oklahoma.

Case No. 18194

Action Requested:

Variance to permit two dwelling units on one lot of record. **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 6 & 9;** Special Exception to permit a single wide mobile home in an RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS;** and a Special Exception of time limit to allow a mobile home permanently. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS,** located 2520 E. 49th St. N.

Presentation:

The applicant, **Brenda Davis**, 2520 E. 49th St. N., stated that her father owns five acres at this address and they would like to put a mobile home at one end of the property.

Comments and Questions:

Mr. Dunham pointed out that Staff believes that there are seven buildings on the property – what are their uses? Mr. Davis replied that they are barns or storage areas and stalls for horses. Mr. Dunham stated that there is a maximum allowable floor area of 750 SF for residential accessory buildings. Mr. Beach stated that is only for detached accessory buildings and not for the principal buildings.

Interested Parties:

None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance to permit two dwelling units on one lot of record finding the hardship to be the size of the lot. **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 6 & 9,** and a Special Exception to permit a single wide mobile home in an RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS,** Special Exception of time limit to allow a mobile home permanently. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS,** per plan submitted, on the following described property:

The E 662' of the S/2 of the S/2 of the NW/4 of the SW/4 of Section 8, T-20-N, R-13-E of the IBM, Tulsa County, Oklahoma.

Case No. 18195

Action Requested:

Variance to allow 2-story detached accessory building. **SECTION 201.B.5. YARDS, Permitted Obstructions in Required Yards**, a Variance of the maximum 20% coverage of the required rear yard by a detached accessory building. **SECTION 210.B.5. YARDS, Permitted Obstructions in Required Yards**, Variance of the maximum floor area of detached accessory building from 750 SF to 1,768 SF. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions**, Variance to allow two dwellings units on one lot of record. **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**, located 3140 S. Woodward.

Presentation:

The applicant, **Charles B. Campbell**, 3140 S. Woodward Blvd., stated that his original plans were to build a dwelling for his family. The garage that is behind the house is falling down and needs to be rebuilt. Mr. Campbell mentioned that he would not use the space in the garage for apartment rental. Mr. Campbell pointed that there are several other garages with living space in the neighborhood. Mr. Campbell submitted photos of other homes in the area (Exhibit C-1).

Comments and Questions:

Ms. Turnbo asked if the applicant is wanting half of his family to live out in the garage. Mr. Campbell replied that when his boys got older they would live there if someone comes to visit.

Mr. Campbell stated that his neighbors to the north and to the south are not opposed to what he proposes to do.

Mr. Beach asked the applicant if the plan submitted is of the existing garage? It shows a two car garage of 17.1' x 17.6'. Mr. Beach asked if the applicant has plans of what he is proposing to do. Mr. Campbell replied yes and he submitted a floor plan (Exhibit C-3). The garage flooring is 28'x32'. He would like to put both of the cars and a boat in the garage and that is why it is so large. Mr. Beach stated that the plan shows a building that is 26' north and south and 34' east and west.

Interested Parties:

Kim Drew, 3139 S. Madison Avenue, which is directly behind the applicant. Mr. Drew submitted a petition (Exhibit C-2) that was circulated around the neighborhood signed by 23 people who object to this application. Mr. Drew stated that he is upset because Mr. Campbell wants to build a detached two story garage just off of his fence and overlooking his back yard. Mr. Drew has no problem with Mr. Campbell constructing a one story garage. Mr. Drew stated that the lot is small. Mr. Drew is opposed to all of the requested variances.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-1-0 (Dunham, Turnbo, Perkins, White "aye"; Cooper "nays", no "abstentions"; no "absent") to **DENY** Variance to allow 2-story detached accessory building. **SECTION 201.B.5. YARDS, Permitted Obstructions in Required Yards**, a Variance of the maximum 20% coverage of the required rear yard by a detached accessory building. **SECTION 210.B.5. YARDS, Permitted Obstructions in Required Yards**, Variance of the maximum floor area of detached accessory building from 750 SF to 1,768 SF. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions**, Variance to allow two dwellings units on one lot of record. **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** on the following described property:

Lot 3, Block 3, Amended Plat of Brookside Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18196

Action Requested:

Special Exception to permit a mobile home (temporary parsonage) in a RM-1 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Special Exception to extend the one-year time limit to 10 years. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, located 5800 Block of E. Haskell Place.

Presentation:

The applicant, **Jay Knipmeyer**, would like to put a mobile home on the property and use it as a temporary parsonage.

Interested Parties:

Jesse Rain, Route 4, Bixby, stated that he owns property at the corner of Haskell and Hudson. The church has been there and in a run down condition for years. Mr. Rain is happy that someone is taking an interest in the property and they would be happy if the applicant builds a parsonage there. Mr. Rain would like for someone to maintain the property. Mr. Rain does not believe that there should be a mobile home allowed on the property for any reason.

Rosco Turner, stated that there are trailer parks in the area and there is no need for one on this property. Mr. Turner believes that the extension of time limit to ten years is very excessive. They are trying to rebuild the neighborhood and that would not help it.

Case No. 18196 (continued)

Applicant's Rebuttal:

Mr. Knipmeyer stated that the church has been in a run down condition for some time. They have been at the church for nine weeks and cannot perform miracles to this site in nine weeks. Mr. Knipmeyer stated that the lot has not been mowed since they have occupied it because they are trying to purchase a commercial mower. Mr. Knipmeyer hopes to have a parsonage built next to the church in the next five to six years but they really do not know how long it will take to build it. They are building the church to make an improvement to the area.

Comments and Questions:

Mr. Cooper stated that he is not in favor of putting mobile homes in areas where there are not already mobile homes. The rest of the Board agreed with Mr. Cooper.

Exhibits submitted to the Board include photos (Exhibit D-1), a petition of opposition (Exhibit D-2) and a letter of opposition (Exhibit D-2).

Board Action:

On **MOTION** of **COOPER**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **DENY** Special Exception to permit a mobile home (temporary parsonage) in a RM-1 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Special Exception to extend the one-year time limit to 10 years. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** on the following described property:

Lot 2, Block 8, Fairland Addition, City of Tulsa, Tulsa County, State of Oklahoma.

* * * * *

Case No. 18197

Action Requested:

Variance to permit accessory buildings in excess of 750 SF. **SECTION 402.B.1.D. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6**, and a Variance to permit accessory buildings on a lot other than the principal use. **SECTION 1800. DEFINITIONS, Accessory Use or Structure**, located 1111 S. 141st E. Ave.

Presentation:

The Applicant, **William P. McBee**, 1111 S. 141st E. Ave., stated that he owns two lots and the proposed building will be on the lot that does not have his house on it. Mr. McBee agreed to tie the lots together with a tie contract. The proposed building will be 30'x40' which will have 1,200 SF. The building will be used for an exercise room, a

Case No. 18197 (continued)

hobby room used for making flies for fly fishing and the remainder of the building will be used for storage of antique family furniture that is currently in his garage. The building will be built by a professional builder, it is not a homemade building. There will be no business conducted out of the building. There is no access to any street or road from the building. Mr. McBee stated that the building will be mostly shielded by existing trees. Mr. McBee submitted photos of the proposed site to the Board.

Comments and Questions:

Mr. White asked the applicant if there will be any living quarters in the building and Mr. McBee answered negatively.

Board Action:

On **MOTION** of **COOPER**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** a Variance to permit accessory buildings in excess of 750 SF. **SECTION 402.B.1.D. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6**, and a Variance to permit accessory buildings on a lot other than the principal use. **SECTION 1800. DEFINITIONS, Accessory Use or Structure**, finding the hardship to be that the lot is about ten times larger than a normal RS-3 lot and subject to a tie contract being filed of record, per plan submitted, on the following described property:

S 290' of Lots 4-5, Block 2, Eleventh Street Acres Addition to the City of Tulsa, Tulsa County, Oklahoma

Case No. 18198

Action Requested:

Variance of minimum lot width from 200' to 145'. **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT – Use Unit 4** and a Variance of the minimum lot area from 2 acres to 1.9 acres to permit a lot split. **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT**, located W of NW/c 81st & Yale.

Presentation:

The applicant, **Roy D. Johnsen**, represents Twenty First Properties, which is the contract purchaser of a tract of land that is presently owned by Public Service Company (PSO). The ownership consists of approximately 6 acres net minus right-of-way on 81st Street. The property is zoned Agriculture and the westerly portion of the tract contains a transformer substation with significant transmission lines leaving the tract from the north and south. The eastern ¾ of the lot contains an office building as well as an equipment yard and some storage buildings that have been used for a

Case No. 18198 (continued)

number of years. Mr. Johnsen's clients are purchasing the east part of the property. PSO wishes to retain ownership of the part that contains the transformer substation and power station. The boundary lines were drawn along an existing concrete drive and then extended north and that is the reason for the curve. As a result of doing that the frontage on 81st Street is 146' and in an AG district the requirement is 200'. The net lot that PSO will retain is approximately 1.9 acres and under an AG classification, the minimum requirement is 2 acres. The balance of the tract will meet all of the requirements of an AG district. An ownership change and not a land use change prompts this application. PSO will continue to provide the electrical service for the area on the portion of the land they are retaining.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance of minimum lot width from 200' to 145'. **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT – Use Unit 4** and a Variance of the minimum lot area from 2 acres to 1.9 acres to permit a lot split. **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** per plan submitted, on the following described property:

West 650' of the S 494.75' of the SE/4 of the SE/4 of Section 9, T-18-N, R-13-E of the IBM, City of Tulsa, Tulsa County, Oklahoma.

Case No. 18200

Action Requested:

An extension of time limit of an approved Special Exception to permit storage of vehicles on a gravel surface other than an all-weather surface. **SECTION 1303.d. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS – Use unit 23**, located 12215 E. 61st Street.

Presentation:

The applicant, **Mark Adams**, stated that he is the District Manager for Waste Management and requests a one year extension. The gravel surface is located on the rear of the Hope Lumber property on 12215 E. 61st Street. They have approximately 25 trucks that are parked on the gravel surface. Waste Management is committed to relocating its operation and they hope to close on a property located on 145th Street in November. While they have been parking at the present location, they have not been made aware of any complaints. The parking area is not adjacent to any public roads or highways. Mr. Adams stated that since they are trying to relocate to another location and will only be at the present location for a short period of time they request a one year extension of the time limit.

Case No. 18200 (continued)

Comments and Questions:

Mr. White asked if this will still be for the back four acres as was previously approved and Mr. Adams answered affirmatively.

Ms. Turnbo asked Mr. Adams how sure they are that they will be moving from the property in the next year. Mr. Adams replied that they have put earnest money down and hope to close on the 145th Street property in November.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** An extension of time limit of an approved Special Exception to permit storage of vehicles on a gravel surface other than an all-weather surface. **SECTION 1303.d. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS – Use unit 23** for a period of one year only on the following described property:

Lot 1, Block 1, Boise Cascade Addition, City of Tulsa, Tulsa County, Oklahoma.

*****.

Case No. 18202

Action Requested:

Special Exception to allow two manufactured buildings in an RS-3 zoned district for use as classrooms. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS – Use Unit 5**; Variance to allow the buildings permanently on the property. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**; Variance of the required setback from property line for accessory building from 3' to 0'. **SECTION 210.B.5. YARDS**; Approval of an amended site plan previously approved for temporary manufactured homes on the SW/c. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**, located 9123 E. 22nd Pl.

Presentation:

The applicant, **David B. Claybrook**, stated that he is the Director of Development for Mingo Valley Christian Schools. They are currently developing a program to build a school on 141st & 129th. They have added manufactured homes on the back of the property to allow them to have 7th, 8th and 9th grades. The current building housed only up to 6th grade. Mr. Claybrook stated that the special exception is to allow the manufactured homes to house the additional grades and the other variance is an existing storage building that has been on the property for some time and is on the very back property line and it stores materials for the school and church. The last item

Case No. 18202 (continued)

mentioned was to amend a previously approved site plan for temporary manufactured homes on the SW/c and that building is no longer there.

Comments and Questions:

Mr. Beach stated that it appears that these are not manufactured homes but modular buildings and they do not need the same kinds of relief as manufactured homes. There is time limit unless the Board imposes it. The building on the SW/c is no longer there so there is no need to amend the site plan and that relief is not needed. There are really only two items that need to be decided and they are the Special Exception to allow two manufactured buildings and the Variance of the storage building.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to allow two manufactured buildings in an RS-3 zoned district for use as classrooms. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and a Variance of the required setback from property line for accessory building from 3' to 0'. **SECTION 210.B.5. YARDS**; per plan submitted, on the following described property:

Lots 8 & 9, Block 2, Memorial Acres Addition, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 18203

Action Requested:

Variance of the building setback requirements in the IL zoned district from the centerline of N. Memorial Drive from 100' to 65'. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS Use Unit 10** and a Variance of the building setback requirements in the IL zoned district from the centerline of E. Virgin from 65' to 50' subject to a site plan approved by the Board. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS**, located SW/c E. Virgin & N. Memorial Drive.

Presentation:

The applicant, **Charles E. Norman**, submitted a site plan (Exhibit E-1) and photos (Exhibit E-2) and stated that he represents Fine Airport Parking which presently operates surface parking facilities on this property. This particular property is unusual because it is isolated by the Gilcrease Expressway right-of-way and railroad tracts on the south and Virgin Street on the north and the airport property to the east. This property is zoned IL-Industrial Light and the application is for relief to permit the construction of a multi-level parking structure on part of the property. Mr. Norman stated that parking at the airport facility has become hard to find and virtually every

square foot of the property owned by the Airport Authority that can be used for parking is being used for parking with the use of shuttles. North Memorial Drive has been removed from the Major Street and Highway Plan as a primary arterial street. The right-of-way on the west side of Memorial is presently 65' in width and on the east side is 50'. Mr. Norman stated that there is an application pending to vacate the additional 15' of right-of-way on the west side of Memorial because it is no longer required by the Major Street and Highway Plan. East Virgin Street is a non-arterial street. It is a collector street with a planned right-of-way width of 80' and there is 40' of right-of-way on the south side of Virgin adjacent to the Fine Airport Parking and 25' on the north side. The property has an unusual shape because of the take lines for the Gilcrease Expressway right-of-way. Mr. Norman stated that parking as a principal use is permitted by right in the IL zoning district. The IL District contemplates structured parking but the application would require the structure to be setback from Memorial 100' and from Virgin Street 65'. They are asking for a variance of the two setbacks to the same distance it would be required if the property were zoned in the parking district. In the parking district, structures are required to be setback, if an arterial street, one-half of the right-of-way width or 15' and if it is a non-arterial street it is one-half of the right-of-way width plus 10'. This application would then conform to the same requirements that would be applicable if the property were zoned for parking as a principal use similar to the principal use permitted in the IL zoning district.

Comments and Questions:

Mr. White asked Mr. Norman what the proposed height of the parking structure is. Mr. Norman replied either four or five levels depending on a final decision by the Federal Aviation Association.

Mr. Beach mentioned to Mr. Norman that since this is a new structure, it can be designed to meet the setback requirements with the only effect being a reduction in parking spaces provided. Mr. Norman responded by saying what is the purpose of the setback under these conditions? If it is not necessary to carry out the spirit and intent of the Code then that, by definition, results in an unnecessary hardship upon the property. Under these conditions, where the requirements would not apply to property across the street, it is not necessary to impose them on this property to preserve the intent of the Code or of the Plan in this area.

Mr. Dunham asked if this property were zoned CH then this relief would not be needed. Mr. Norman answered affirmatively and in fact they would be able to build closer to the centerline of the roads than what they are requesting.

Mr. Stump mentioned to the Board that if they are inclined to grant the variance on the building setback on Memorial Drive, it would have to be conditioned upon the vacating of the right-of-way because they do not own the portion that they plan to build the structure on. Mr. Norman responded that Mr. Stumps statement is not correct. There is 65' of right-of-way on the west side of Memorial presently and this relief would allow

Case No. 18203 (continued)

the structure to be built up to the right-of-way and still be in compliance. If the west 15' is vacated then it would become the property of Fine Airport and the building would still have to be 65' away. In no instance would this be built on City property. Mr. Stump stated that in the granting of this requested setback they would also need another variance of the 5' landscape strip required along Memorial. Mr. Norman asked the Board to consider a two level approach – make it five more feet if it is not vacated or 65' if it is so they will be able to comply with the landscape requirements. Make the setback 70' unless the right-of-way is vacated in which case it would be 65'. Mr. Stump stated that it would be satisfactory if they could meet the 15% as well.

Mr. Dunham asked Mr. Norman when the vacation will take place and Mr. Norman replied that he was not handling that and he was not sure.

Ms. Turnbo believes that this is an isolated property and she thinks this is a perfect location.

Mr. Cooper thinks that it is strange that the Board denied the request for the car wash and Mr. White agreed.

Mr. White does not believe that this will be injurious but rather beneficial to the area.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance of the building setback requirements in the IL zoned district from the centerline of N. Memorial Drive from 100' to 65'. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** Use **Unit 10** and a Variance of the building setback requirements in the IL zoned district from the centerline of E. Virgin from 65' to 50' subject to a site plan approved by the Board. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS**, per plan submitted and with the condition that if the right-of-way is vacated along Memorial Avenue that the application be approved as submitted; if the right-of-way is not vacated that the setback be reduced from 100' to 70', on the following described properties:

A tract of land that is part of the NE/4 of the SE/4 of Section 26, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: starting at the NE/c of the NE/4 of the SE/4 of said Section 26; thence S 01°18'37" E along the Ely line of the SE/4 for 40'; thence S 88°45'25" W for 65' to the Point of Beginning of said tract of land; thence continuing S 88°45'25" W and parallel with the Nly line of the NE/4 of the SE/4 of Section 26 for 535'; thence S 81°43'06" W for 190.15'; thence S 27°15'19" E for 371.21; thence S 62°46'17" E for 115.84'; thence S 30°09'34" E for 127' to a point on the Nly right-of-way line of the Burlington Northern Railroad, said point being

Case No. 18203 (continued)

100' Nly of as measured perpendicular to the centerline of the existing railroad; thence N 83°23'07" E along said right-of-way line and parallel with said railroad for 400.01'; thence N 01°18'37" W for 485.86' to the Point of Beginning of said tract of land, containing 6.8283 acres.

Case No. 18204

Action Requested:

Special Exception to remove the screening requirement between the CS and RM-2 zoned districts to the west and south. **SECTION 212.c. SCREENING WALL OR FENCE – Use Unit 11**, located NW/c E. 6th St. S. & S. Peoria.

Presentation:

The applicant, **William D. LaFortune**, stated that he represents Indian Healthcare Resources Center. Mr. LaFortune stated that they are currently constructing a new building at 6th and Peoria and they are requesting a special exception to the screening requirement. Use Unit 11 requires that when a use under that category abuts an R zoned district, a screening wall or fence is required. Mr. LaFortune stated that the north property line abuts an RM-2 zoning district and on the west is another RM-2. Mr. LaFortune submitted exhibits to the Board (Exhibit).

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to remove the screening requirement between the CS and RM-2 zoned districts to the west and south. **SECTION 212.c. SCREENING WALL OR FENCE – Use Unit 11** on the following described property:

Lot 1, Block 1, Indian Health Care Resource Center, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18205

Action Requested:

Special Exception to permit a tune-up service in an RS-3 district. **SECTION 402.B.6.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 14;** and a Variance to permit gravel driveway and parking in an RS-3 district. **SECTION 210.C. YARDS, Use of Yards in R Districts,** located 1205 S. 77th E. Ave.

Presentation:

The applicant, **Freddy Harrolle**, stated that he lives at 1205 S. 77th E. Ave. and he has lived there for almost five years. When he bought the property he was informed that there was a business there and the property was zoned Commercial. Mr. Harrolle found out from Code Enforcement that the property was not commercially zoned it is residential. Mr. Harrolle stated that there is a small building on the front of the property which was the business.

Comments and Questions:

Mr. White asked Mr. Harrolle what kind of business was on the property before he bought it. Mr. Harrolle replied that it was a welding shop.

Mr. Dunham stated that his biggest concern was all the cars that were on the property. Mr. Harrolle answered that he has eight cars of his own, a tractor and a trailer.

Mr. Dunham asked Staff about the 1,612 SF of accessory building floor space existing on the property and the maximum allowable on the site is 750 SF, could this be considered lawfully nonconforming? Mr. Beach stated to the Board that it would be the burden of the applicant to prove that the buildings have lawful nonconforming status and without any evidence to support it he currently has more than the allowable square footage of floor area.

Mr. Beach asked if any buildings have been erected since he bought the property five years ago and Mr. Harrolle replied negatively.

Ms. Perkins asked Mr. Harrolle if he runs a used car lot on the property. Mr. Harrolle answered negatively.

Interested Parties:

Jim Frasier, stated that he represents Mr. Jerry Rackley and 18 other homeowners in the immediate neighborhood. Mr. Frasier stated that the predecessor before the applicant did have a small welding shop on the property. This property is totally surrounded by residentially zoned property and is an older portion of the City. The neighborhood is upset about the amount of traffic and activity since Mr. Harrolle started operating his tune-up shop. Mr. Frasier referred to the aerial photo and pointed out that there are at least 8 cars on the property and as of today there are 12 cars on the property and the count has been as high as 22. The neighborhood said

that there are wreckers coming into the property at all hours of the night. Mr. Fraiser submitted photos to the Board (Exhibit F-1) showing the activity on the property in April and May of this year. The neighborhood is against this application because the use is inconsistent with the zoning.

Mr. Dunham asked Mr. Fraiser if he is familiar with the Home Occupation Guideline as far as no signs and limited number of vehicles. Mr. Dunham asked if the opposition would be happy if this tune-up facility were operated as a home occupation. Mr. Dunham proceeded to explain the Home Occupation Guidelines. Mr. Fraiser replied that without more acquaintance with the guidelines he was in no position to concede. Mr. Fraiser also stated that the applicant may not concede since it would be a different use.

Applicant's Rebuttal:

Mr. Harrolle stated that some of Mr. Fraiser's statements are not true. Mr. Harrolle has never had wreckers on his property delivering cars after 9:00 p.m. He does work sometimes at night but he has never received any complaints. Mr. Harrolle stated that his next door neighbor has taken a petition around to the neighbors.

Comments and Questions:

Mr. Beach asked Mr. Harrolle if there are disabled cars hauled to the property. Mr. Harrolle answered yes, they are broken and he repairs them. Mr. Beach asked what kind of repairs he does to the cars. The applicant responded that he does transmission, brakes, tune-ups, etc. Mr. Beach stated that there is a difference between auto repair and tune-up service. Tune-up service is similar to quick, drive-up tune-up services and those are classified as Use Unit 14 by the Zoning Code and anything that is considered as auto repair is a Use Unit 17 and is not permitted to be considered as a home occupation. If the Board is inclined to approve this, they would have to limit it to nothing more than simple tune-up services. Mr. Dunham stated that it would exclude any kind of engine repair, including transmission work, brakes, etc.

Ms. Turnbo asked if he could store the cars on the property. Mr. Stump answered no, the cars should come onto the property without the help of a wrecker and leave the same way on that same day.

Mr. Harrolle asked if he could work on his own personal cars in his garage. Mr. Stump answered that he is not sure there is an interpretation of what is auto repair when there are eight personal vehicles. Mr. Harrolle stated that he bought a van that had a bad motor in it and he can build the motor himself in the garage.

Mr. White stated that the problem is the actual number of vehicles as opposed to the actual work on his personal cars. Mr. Stump mentioned that it has never been determined that overhauling an engine in a residential district is categorized as

Case No. 18205 (continued)

customary accessory use for a residence. Mr. Stump stated that if you buy a car, repair it, then sell it – that is not allowed.

Ms. Turnbo stated that she is against this and she thinks that this is much more than a tune-up service.

Mr. White stated that limiting this to a tune-up service would very difficult to enforce.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo White "aye"; no "nays", no "abstentions"; no "absent") to **DENY** Special Exception to permit a tune-up service in an RS-3 district. **SECTION 402.B.6.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 14;** and a Variance to permit gravel driveway and parking in an RS-3 district. **SECTION 210.C. YARDS, Use of Yards in R Districts** finding that they are injurious to the neighborhood, on the following described property:

The N/2 of the NW/4 of the SW/4 of the NE/4 of the NE/4 less the W 30' thereof, Section 11, T-19-N, R-13-E of the IBM, City of Tulsa, Tulsa County, Oklahoma.

Case No. 18206

Action Requested:

Special Exception to allow Use Units 23 and 25 in a CS & CG zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 23 & 25** and a Variance to allow required parking on lot other than lot with principal use. **SECTION 1301.D. GENERAL REQUIREMENTS**, located 12801 E. 31st St. S.

Presentation:

The applicant, **Robert J. Nichols**, withdrew the case and the item was stricken from the meeting.

Case No. 18207

Action Requested:

Special Exception to permit an existing church and accessory uses in an RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5;** a Variance of setback from an abutting street to permit off-street parking. **SECTION 1302.B. SETBACKS;** Variance to permit required parking on a lot other than the principal use. **SECTION 1301.D. GENERAL REQUIREMENTS;** Variance to reduce required parking of 94 spaces to 33. **SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES,** located 748 N. Louisville.

Presentation:

The applicant, **Josephine Watson**, 720 N. Quebec Avenue, stated that she is Chair of the Administrative Council of Rose Hill United Methodist Church. The church has been at this location for almost 50 years. They have been short on parking since that time. At the time the church was constructed most of the parishioners lived in the neighborhood and walked to church. They are asking for the variances so they can have an additional parking area next to the existing parking area. The approved variances would allow them to have 43 additional parking spaces. The church has another parking lot across the street. The back portion of the lot would be a play area that would have a grass area. There are no plans for specific play equipment there. The parking area will be asphalt with a privacy fence along the south and west sides. The playground will be encircled with a chain link fence.

Comments and Questions:

Mr. Dunham asked Staff what caused this application to come before the Board. Mr. Stump answered that it was the additional parking. Mr. Dunham asked if the only thing the applicant needs is permission for additional parking on a lot other than the principal use. Mr. Stump replied that these are all separate lots and he suggested a tie agreement.

Ms. Turnbo asked if they needed the Special Exception to permit the church to clear up title. Mr. Stump said that is just a formality.

Interested Parties:

Rosco Turner, 3415 E. Haskell, stated that he is Chairman of the Sequoyah Neighborhood Association. Mr. Turner feels that the church is a cornerstone of a neighborhood. This church has been squeezed down due to lack of expansion room. The neighborhood association would like for this church to continue to grow and they don't want anything to hinder this. Mr. Turner stated that the neighborhood supports the church and this application.

Case No. 18207 (continued)

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to permit an existing church and accessory uses in an RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5**; a Variance of setback from an abutting street to permit off-street parking. **SECTION 1302.B. SETBACKS**; Variance to permit required parking on a lot other than the principal use. **SECTION 1301.D. GENERAL REQUIREMENTS**; Variance to reduce required parking of 94 spaces to 33. **SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES** subject to a tie agreement on Lots 1, 2, 3 and 4, Block 11; per plan submitted; on the following described property:

Lots 1-4, Block 11, Federal Heights Second, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18208

Action Requested:

Variance of the rear setback from 25' to 10'6" for carport addition to dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, located 3858 S. Birmingham.

Presentation:

The applicant, **Randy Shields**, 5522 S. Delaware Place, stated that he represents Christopher Jones who owns the house. They propose to construct an open carport in the style of the house. They are only encroaching on the back property line. They would like the variance on setback in order to make the carport large enough for modern cars. Because of the way the structure sits on the property this is the only way to build the carport.

Comments and Questions:

Mr. White asked what the utility easement is on the back. Mr. Shields answered that he did not know.

Mr. Beach asked if the carport is going to be in addition to the existing garage. Mr. Shields answered affirmatively.

Case No. 18208 (continued)

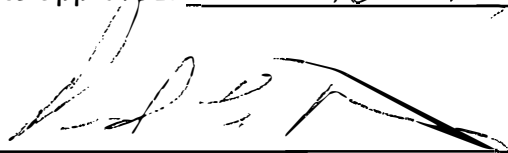
Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance of the rear setback from 25' to 10'6" for carport addition to dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** per plan submitted; on the following described property:

The N 1/5 of the E/2 of the S/2 of the W/2 of the SE/4 of the SW/4 of Section 20, T-10-N, R-13-E, of the IBM, City of Tulsa, Tulsa County, State of Oklahoma.

There being no further business, the meeting was adjourned at 4:00 p.m.

Date approved: November 10, 1998



Chair