

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 527
Thursday, November 17, 1988, 1:00 p.m.
Francis F. Campbell Commission Room
Plaza Level of City Hall, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Chappelle, Chairman Quarles Smith White		Stump Jones Moore	Jackere, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, November 15, 1988, at 2:05 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

Ms. Bradley requested that the minutes for Case No. 14967, which was heard on November 3, 1988, be amended to reflect that Terry Wilson is District 5 Chairman.

On **MOTION** of **BRADLEY**, the Board voted 4-0-1 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; Quarles, "abstaining"; none "absent") to **APPROVE** the Minutes of November 3, 1988, as amended.

UNFINISHED BUSINESS

Case No. 14975

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of front yard setback from 25' to 1' to allow for a carport, located 5728 East 18th Street.

Presentation:

The applicant, David Lammie, was not present.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White "aye"; no "nays"; no "abstentions"; none, "absent") to **CONTINUE** Case No. 14975 to December 3, 1988, to allow Staff sufficient time to contact the applicant.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14978

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of side yard setback from 10' to 7' to allow for an existing dwelling in order to clear the title, located 3726 East 43rd Street.

Presentation:

The applicant, James Gladden, 3726 East 43rd Street, Tulsa, Oklahoma, who submitted a plat of survey (Exhibit A-1), stated that he purchased the subject property approximately two years ago and it has been discovered that the east corner of the existing house is 6" over the setback boundary.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of side yard setback from 10' to 7' to allow for an existing dwelling in order to clear the title; per plat of survey; on the following described property:

Lot 3, Block 15, Patrick Henry Blocks 13-23 Inclusive, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14976

Presentation:

Appeal - Section 1650 - Appeals from the Code Enforcement Supervisor - Use Unit 1211 - Request an appeal from the decision of the Code Enforcement Department in determining that a pawnbroker business is being conducted in an OM zoned district, located 2431 East 51st Street.

Presentation:

The applicant, Stephen Schuller, 610 South Main, Tulsa, Oklahoma, represented E. W. Fisher, tenant of the premises in question. He explained that the Code Enforcement Inspector has ordered his client to relocate what is characterized by the Inspector as a pawnbroker business. Mr. Schuller informed that Mr. Fisher's business primarily consists of making real estate loans (approximately 94%),

Case No. 14976 (continued)

with a small percent of the business being automobile leasing and the remainder being loans secured by personal property, which deal mainly with jewelry. He stated that Mr. Fisher takes possession of personal property until the debt is paid by the customer, therefore, by definition of law, he is a pawnbroker and is required to have a license. It was noted by the applicant that his client deals in real estate investments and has a wholesale diamond trade, which consists of appraising, grading and evaluating diamonds. Mr. Schuller informed that his client does not have a retail business on the subject property, and has been at the present location for four years, with no complaints. Photographs (Exhibit B-1) were submitted.

Comments and Questions:

Ms. Hubbard informed that she has previously issued a zoning clearance permit for a similar operation in an OL District, with the condition that no retail sales be conducted on the property.

Mr. Quarles informed that he has viewed the property and found that a typical pawnshop is not being operated at this location.

Ms. Bradley asked where Mr. Fisher keeps the jewelry that is held for collateral, and he replied that the jewelry is stored in a safe place. He noted that, in case of default, the items are disposed of on a wholesale basis.

Mr. Jackere pointed out that the applicant is before the Board today as the result of a complaint to Code Enforcement that a pawnshop is in operation on the premises. He stated that a representative of that department investigated the complaint and made the determination that a pawnbroker business was, in fact, being conducted at this location.

Ed Hayes, a representative of Code Enforcement, stated that he made the initial investigation of the complaint and personally asked Mr. Fisher's secretary if a pawnshop is in operation in the office. He informed that after receiving an affirmative answer, he told her that he would have to do some research on the case and would contact her later. Mr. Hayes stated that Mr. Fisher phoned him that evening and explained the operation. He stated that, according to the definition of a pawnshop and the requirements of the Zoning Code, he issued Mr. Fisher a notice to relocate the business.

Ms. White asked Mr. Schuller to clarify his statement that almost all of the business is conducted away from the premises. Mr. Schuller informed that the wholesale diamond business is conducted mostly away from the office, but some of the negotiating of business transactions is conducted on the office phone.

Case No. 14976 (continued)

Ms. White asked how resale of items is conducted, and Mr. Schuller replied that these transactions are conducted by mail.

In response to Ms. Bradley's inquiry as to items other than jewelry and cars, Mr. Schuller reiterated that the bulk of the business deals with real estate, but on occasion an item of particular value, such as a piece of art, might be considered.

Mr. Quarles stated that he does not perceive the business, as it is presently being conducted, as being a pawn shop.

Ms. White stated that she is not comfortable in going against the decision of Code Enforcement when Mr. Fisher has a pawnbroker's license.

Mr. Jackere stated that retail sales is typically associated with a pawn shop, but the Board could find that the pawnbroker business is incidental to other lending practices conducted by the Mr. Fisher and that any unclaimed items could be disposed of at some other location.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-1-0 (Chappelle, Quarles, Smith, White "aye"; Bradley, "nay"; no "abstentions"; none, "absent") to **APPROVE** an **Appeal** (Section 1650 - Appeals from the Code Enforcement Supervisor - Use Unit 1211) and reverse the decision of the Code Enforcement Department in determining that a pawnbroker business is being conducted in an OM zoned district; finding that the business in question is not a typical pawn shop operation, in that items are taken as collateral for loans, but there are no retail sales of merchandise conducted on the premises, nor is it permitted (unclaimed items to be disposed of at a commercial location); and finding that the major portion of the owner's business deals with real estate transactions and the appraisal or wholesaling of gems; on the following described property:

Lot 1, Block 1, Tower Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14977

Action Requested:

Variance - Section 930 - Bulk and Area Requirements In Industrial Districts - Use Unit 1226 - Request a variance of setback from an abutting R District from 75' to 24'.

Variance - Section 1226 - Use Conditions - Use Unit 1226 - Request a variance of the screening requirements, located 2765 Dawson Road.

Presentation:

The applicant, Robert Lukken, 5454 South 99th East Avenue, Tulsa, Oklahoma, stated that he is the contractor for the proposed construction and is representing Mr. Slagle, owner of the property in question. He stated that heat exchangers will be fabricated and assembled on site, and the building will be extended 244' to the south to accommodate the new business. Mr. Lukken informed that it was discovered during the application for a building permit that the proposed addition will extend into the required setback. A plot plan (Exhibit C-1) was submitted.

Comments and Questions:

Ms. Bradley asked if the variance of the screening requirements is for the west side of the property, and the applicant answered in the affirmative. Ms. Bradley pointed out that the houses to the west are occupied at this time.

Ms. Hubbard informed that the proposed construction will extend 2' further to the west than the existing building.

Protestants:

Mary Works, 1213 North Columbia Place, Tulsa, Oklahoma, submitted photographs (Exhibit C-2) and represented approximately 20 property owners that were in the audience. She asked the Board to deny the variance requests, but in the event the application is approved, a 10' screening fence be required along the north and west boundaries of the property. She informed that the business is noisy, and the fencing material is metal and very unsightly. A petition and summary of objections (Exhibit C-3) were submitted.

Ms. Bradley noted that the case report reflects that the screening requirements have been waived in 1976.

William Wilson, 1318 North Delaware, Tulsa, Oklahoma, stated that the present north screening fence was a result of a court case involving yellow paint that drifted from a previous business to the neighboring houses and cars.

Mr. Jackere informed that, if the screening was waived on the west boundary in 1976, the applicant is not in need of the second variance, however, if the Board is inclined to approve the setback, a screening requirement could be imposed as a condition of approval.

Case No. 14977 (continued)

A property owner to the rear of the proposed construction stated that she has a buyer for her property, but the sale hinges on whether or not the extension of the existing building is approved.

Pat Slagle, owner of the property in question, stated that the moving in of equipment produces a lot of noise and the operation will be quieter after the installation of the equipment is finished. She stated that screening will be installed if it is required, and pointed out that painting is completed at other locations.

Mr. Smith asked Ms. Slagle if it is correct that no painting and sandblasting will be done on the premises, and she replied that they definitely do not sandblast and that she is not sure about the outside painting. She informed that they do paint inside the building.

Mr. Quarles asked if there will be breaking and rolling of material, and Ms. Slagle replied that the material is burned.

In response to Mr. Jackere's question, Ms. Slagle informed that the west 24' of the property is a driveway.

Wendy McIntosh, 1319 North Delaware, Tulsa, Oklahoma, stated that she lived to the rear of the business and requested that the north fence be maintained and that no openings or gates be allowed on the north.

Lawrence Nichols, 1457 North Delaware, Tulsa, Oklahoma, stated that the business is noisy and requested that screening be installed.

Applicant's Rebuttal:

Ms. Bradley inquired as to the square footage of the proposed addition, and Mr. Lukken replied that 16,000 sq. ft. of floor space will be added. He further noted that the owner of the business is agreeable to continuing the fencing to include the west boundary.

It was the general consensus of the Board that a screening fence will be necessary on the north and west of the property.

Ms. Bradley asked Mr. Lukken to address the hardship for the variance request, and he replied that the crane takes the parts from the manufacturing building to the assembly building and the two buildings must be centered to accommodate the crane.

Ms. White asked if the additional screening will be the same height as the existing fence, and the applicant answered in the affirmative.

Ms. Bradley remarked that the applicant has not presented a hardship for this case.

Mr. Smith and Mr. Chappelle stated that they could not approve corrugated metal as material for fencing.

Case No. 14977 (continued)

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-2-0 (Chappelle, Quarles, Smith, "aye"; Bradley, White "nay"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 930 - Bulk and Area Requirements in Industrial Districts - Use Unit 1226) of setback from an abutting R District from 75' to 24'; and to **APPROVE** a **Variance** (Section 1226 - Use Conditions - Use Unit 1226) of the screening requirements; subject to a screening fence being installed on the west boundary with a height equal to the height of the fence on the north boundary; subject to the applicant returning to the Board for approval of fencing design and material; finding a hardship imposed by the large size of the tract and the location of the existing building on the lot; on the following described property:

A tract of land in the SE/4, NW/4 of Section 32, T-20-N, R-13-E, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning at the NE/c of the SE/4, NW/4 of Section 32, T-20-N, R-13-E; thence S 89°15'07" W along the north line of the SE/4, NW/4, a distance of 277.37'; thence S 0°47'27" E along the east line of Home Lawn Addition a distance of 744.40' to the NE/c of Lot 13, Block 1 of said addition; thence S 0°09'12" W along the east line of Lot 13 a distance of 15.24' to the SE/c thereof; thence S 0°59'33" E a distance of 24.56' to a point on the north edge of Dawson Road; thence N 66°05'47" E along the north edge of Dawson Road a distance of 300.95' to a point; thence N 0°47'11" W a distance of 397.03'; thence N 0°38'25" W a distance of 268.82' to the Point of Beginning. Containing 4.60 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14979

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from the centerline of 57th Street from 55' to 35' to allow for an existing dwelling in order to clear the title, located 7807 East 57th Street.

Presentation:

The applicant, Alice Slomp, 6102 South Sheridan, Tulsa, Oklahoma, stated that she is a real estate agent representing the owner of the property. It was noted that the house was apparently constructed over the property line and has changed ownership several times during the past 19 years. A plat of survey (Exhibit D-1) was submitted.

Comments and Questions:

Mr. Chappelle asked if new construction is planned on the lot, and the applicant replied that there will be no new construction.

Protestants: None.

Case No. 14979 (continued)

Board Action:

On **MOTION** of **SMITH**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of setback from the centerline of 57th Street from 55' to 35' to allow for an existing dwelling in order to clear the title; per survey submitted; finding a hardship imposed on the applicant by the corner lot location and the fact that the existing house was constructed over the setback line approximately 20 years ago; on the following described property:

Lot 12, Block 9, Southern Plaza Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14980

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted In an Industrial District - Use Unit 1226 - Request a special exception to allow for a sand blasting business in an IL zoned district, located 10307 East 47th Place.

Presentation:

The applicant, Ed Cox, 7338 South 69th East Court, Tulsa, Oklahoma, stated that a sandblasting business has been in operation on the property for approximately six years. He informed that there is a similar operation down the street. Mr. Cox stated that the older building will be used for storage and all work will be completed inside the new enclosed building. A plot plan (Exhibit E-1) was submitted.

Comments and Questions:

Ms. Bradley inquired as to the storage, and Mr. Cox stated that the sandblasted parts are stored in the older building.

Ms. White asked if the existing pole barn will be enclosed for the sandblasting operation, and Mr. Cox answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-1-0 (Chappelle, Quarles, Smith, White "aye"; Bradley, "nay"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted In an Industrial District - Use Unit 1226) to allow for a sand blasting business in an IL zoned district; per plot plan; subject to Health Department approval; and subject to all work being completed inside the enclosed building; finding that there similar businesses in the area and the enclosed sandblasting operation as presented will not be detrimental to the area; on the following described property:

Lots 13-22, Block 18, Alsuma Addition, City of Tulsa, Tulsa County, Oklahoma.

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Case No. 14982

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1208 - Request a special exception to allow for the expansion of an existing nursing home into residential zoned districts, located south of SW/c of 21st Street and 85th East Avenue.

Presentation:

The applicant, Roy Hinkle, 1515 East 71st Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-1) and stated that he is representing the owner of the subject property. It was noted by the applicant that Leisure Village Nursing Home has been in operation at this location for more than 20 years and his client is planning to remove a house to the north and increase the size of the building. He stated that the 13,741 square foot addition will accommodate 32 new residents, and 46 parking spaces will be installed.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Bradley, Chappelle, Quarles, White "aye"; no "nays"; Smith, "abstaining"; none, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1208) to allow for the expansion of an existing nursing home into residential zoned districts; per plot plan submitted; finding that the granting of the special exception request will not be detrimental to the area and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Tract 2, O'Conner Park 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14983

Action Requested:

Special Exception - Section 610 - Principal Uses In Office Districts - Use Unit 1211 - Request a special exception to allow for a drive in banking facility in an OL zoned district.

Special Exception - Section 1680.1(g) - Special Exception - Section 1211 - Request a special exception to allow for an off-street parking lot in an RS-3 zoned district.

Variance - Section 1330 - Setbacks - Use Unit 1211 - Request a variance of setback to allow for off-street parking, 2012 South Yorktown Avenue.

Case No. 14983 (continued)

Presentation:

The applicant, Nik Jones, 502 West 6th Street, Tulsa, Oklahoma, stated that he is representing Sooner Federal Savings and Loan Association, and asked the Board to allow a drive-in banking facility, along with parking on a lot that adjoins the bank building. He explained that traffic has become a problem on Yorktown during the peak banking hours and the bank has attempted to alleviate this problem by providing separate access for the off-street parking and the drive-through banking facility, to provide additional stacking spaces and drive-through lanes, to provide additional parking for those customers that prefer to conduct business inside the building and to improve traffic flow on the property. Mr. Jones stated that on October 13, 1988 a meeting was held to discuss the plans with the residents of the area. He pointed out that some existing problems were addressed and it was agreed that the bank would block off access points to prevent teenagers from congregating on the bank property.

Steve Carr, MPI Architects, submitted a proposed site plan (Exhibit G-1) and an existing plot plan (Exhibit G-3), and explained that the floor area of the existing building will not be enlarged, but a third drive-in lane will be installed. He stated that an "eyebrow" is proposed on the 21st Street access point, which would restrict left turns, and the Traffic Engineering Department has precluded any designs for access onto the subject property from 21st Street. Mr. Carr stated that four drive-in lanes will be in place, with 7 additional stacking spaces provided, which will allow the traffic to flow at twice the present rate. An architectural rendering (Exhibit G-2) was submitted.

Comments and Questions:

Ms. Bradley asked how the seven additional spaces be provided, and Mr. Carr replied that the two additional lanes will provide the spaces. He also stated that security chains will be used during the evening hours to discourage unnecessary traffic on the lot.

Protestants:

R. W. Brenson, 1920 South Yorktown, Tulsa, Oklahoma, informed that he owns property to the north of the subject tract. He stated that this is the fourth time this year that property surrounding his lot has been before the Board. Mr. Brenson pointed out that he has invested a great deal of money in his home and asked the Board to preserve the residential neighborhood and deny the application.

Nick Tuttle, 1915 South Yorktown, Tulsa, Oklahoma, stated that he lives within 300' of the subject property and was not notified of this hearing. He stated that there is a traffic problem on Yorktown and a traffic control person was stationed at this location, but has since been removed.

Ms. White asked Mr. Tuttle if TMAPC has previously denied the rezoning of properties in the immediate area, and he answered that Lots 5, 6 and 7 were denied rezoning.

Case No. 14983 (continued)

Ms. White stated that the Board of Adjustment denied an application for a use variance on the property located on the southwest corner of 20th and Yorktown.

Carolyn Farrar, 1919 South Yorktown, Tulsa, Oklahoma, noted that office use, which would create much less traffic than the bank, was previously denied. She stated that the removal of a residential home would allow the business to encroach further into the neighborhood, and asked the Board to deny the application.

John Moody, 7666 East 61st Street, Tulsa, Oklahoma, represented Mr. and Mrs. Jess McCollum, who own the property to the immediate north. He informed that his clients neither support or oppose the application. It was noted by Mr. Moody that Mr. and Mrs. McCollum have agreed to withhold opposition to the application if certain conditions are met. He stated that they request the erection of a 6' screening fence with brick columns, located 7' from the property line, with 10 trees being planted as a buffer and additional landscaping on the south. They asked that there be no lighting on the tract, other than 2' high landscape lighting, and that security chains be installed on the access driveways, with 3' by 4' ground signs being installed at these access points.

John Robertson stated that he is representing his mother-in-law who owns the lot two doors to the north of the property in question. He informed that her preference is the best use for the home, but is somewhat concerned that the property will be neglected if it remains unoccupied.

Applicant's Rebuttal:

Mr. Jones pointed out that Sooner Federal is attempting to address a problem in the best way possible to preserve the neighborhood. He stated that the proposed parking facility will be well designed and attractively landscaped.

Additional Comments:

Ms. White remarked that the problem will not be alleviated because the amount of lanes are being doubled and the parking is doubled.

Mr. Jones stated that the customers will not be doubled, but the additional lanes will move traffic through more quickly.

Ms. White pointed out that the property has been denied for rezoning by TMAPC and the request is not in accordance with the Comprehensive Plan. She noted that the area has suffered encroachment from the south by Sooner Federal and from the west by St. John's Hospital.

Mr. Chappelle and Mr. Quarles agreed that the bank will continue to be located in the area, and as the City of Tulsa grows and changes, each case should be judged on its merits.

Ms. White stated that the Comprehensive Plan should be of interest to the Board members and should be considered when making decisions.

Case No. 14983 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 2-2-1 (Bradley, White "aye"; Chappelle, Quarles, "nay"; Smith, "abstaining"; none, "absent") to **DENY** a **Special Exception** (Section 610 - Principal Uses In Office Districts - Use Unit 1211) to allow for a drive in banking facility in an OL zoned district; to **DENY** a **Special Exception** (Section 1680.1(g) - Special Exception - Section 1211) to allow for an off-street parking lot in an RS-3 zoned district; and to **DENY** a **Variance** (Section 1330 - Setbacks - Use Unit 1211) of setback to allow for off-street parking; finding that the granting of the requests would be an intrusion into the residential neighborhood and would violate the the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 3, 4, and 5, Block 9, Woodward Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14984

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted In Industrial Districts - Use Unit 1205 - Request a special exception to allow for expanded church use (additional 19,650 sq. ft.) in an IL zoned district.

Variance - Section 1205.4 - Off-Street Parking Requirements - Use Unit 1205 - Request a variance of the parking requirements, located 10838 East Marshall Street.

Presentation:

The applicant, Wayne Alberty, 4325 East 51st Street, Tulsa, Oklahoma, stated that he is representing the owners, Interchange Business Park, as a land planning consultant. He explained that he appeared before the Board approximately one year ago to request church use on the subject property, and that use is now expanding to include a church service. Mr. Alberty informed that all printing and publication for the Willie George Ministries is done at this location, and an additional 19,600 sq. ft. of the building is proposed for the extended use, with 12,000 sq. ft. being devoted to an auditorium. He pointed out that this is a ministry for children. Mr. Alberty stated that the parking requirement for the auditorium is 300 spaces, with approximately 181 spaces being provided on the current lot, and parking allowed on the adjoining lot and across the street. He noted that the church services are held at times when the businesses are not open and the parking spaces would not be in use.

Comments and Questions:

Ms. Bradley inquired as to the days and hours of operation for the church services, and Mr. Alberty replied that services will be held on Sunday morning and evening, and on Wednesday night. Children that are unable to attend the Sunday services are bussed to the location on Saturday.

Case No. 14984 (continued)

Mr. Chappelle asked if new construction is proposed on the property, and the applicant replied that no construction is planned.

Ms. Bradley asked if a parking agreement has been executed for parking across the street, and the applicant replied that only a verbal agreement has been made with that property owner.

Mr. Jones informed that the Board could require a reciprocal parking agreement which would give consent to park on the lot across the street and the adjoining lot.

Board Action:

On **MOTION** of **SMITH**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted In Industrial Districts - Use Unit 1205) to allow for expanded church use (additional 19,650 sq. ft.) in an IL zoned district; and to **APPROVE** a **Variance** (Section 1205.4 - Off-Street Parking Requirements - Use Unit 1205) of the parking requirements; subject to a signed parking agreement with the owner of the property across the street and adjacent to the church, with said agreement running consecutively with the lease of the church property; on the following described property:

Lot 1, Block 2, Interchange Business Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14985

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1208 - Request a special exception to allow for a residential treatment center and related offices in an RS-2 zoned district, located 628 North Country Club Drive.

Presentation:

The applicant, Richard DeSirey, was represented by Robert Nichols, 111 West 5th Street, Tulsa, Oklahoma. He informed that the youth home in question was granted a special exception on March 17, 1986 for a period of two years. Mr. Nichols stated that the expiration date was overlooked in March of this year and the oversight was not brought to their attention until application was made for a building permit. He informed that a carriage house was being converted to an additional office and no other construction is planned on the property. Mr. Nichols stated that the number of residents in the center has not changed and the operation is conducted basically the same as was stated in the previous application.

Case No. 14985 (continued)

Interested Parties:

Amadeo Richardson, 620 North Country Club Drive, Tulsa, Oklahoma, stated that he lives to the south of the property in question. He informed that the neighborhood has made substantial progress in restoring the area to its original single family residential status. Mr. Richardson pointed out that it is the intent of the area residents to have the entire area return to single family homes in the future.

Comments and Questions:

Ms. White asked Mr. Richardson if he considers the residents of the group home to be good neighbors, and he replied that they are fair neighbors. He noted that sometimes the music is loud, which changes with the change of residents.

In response to Ms. White's inquiry, Mr. Richardson stated that they do respond favorably to any requests.

Mr. Chappelle and Mr. Quarles agreed that the location of the treatment center has not had an adverse affect on the restoration of the neighborhood.

Applicant's Rebuttal:

Mr. Nichols asked that the Board approve the center for a five to seven year period.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1208) to allow for a residential treatment center and related offices in an RS-2 zoned district for a maximum of five years; finding that the residential treatment center has been at the present location for a period of two years and has proved to be compatible with the neighborhood; on the following described property:

Lots 2, 3 and 4, Block 6, South Osage Hills Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14986

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1211 - Request a special exception to allow for office uses in an RM-1 zoned district, located 647 North Denver Avenue.

Case No. 14986 (continued)

Presentation:

The applicant, Mike Barros, 806 North Osage Drive, Tulsa, Oklahoma, submitted a brochure and photographs (Exhibit H-2), and stated that he is representing Neighborhood Housing Services. It was noted by the applicant that the house in question has been used for office space in the past, and he asked the Board to allow Neighborhood Housing Services to remodel the structure and continue the office use. Mr. Barros informed that he has met with neighborhood groups and they have all been in support of the application. A letter of support (Exhibit H-1) was submitted.

Comments and Questions:

Mr. Quarles inquired as to the number of employees, and the applicant replied that only the downstairs portion of the house will be used and three employees will occupy the offices. He stated that the upstairs portion will probably be rented for office space.

Ms. White asked if parking is available, and the applicant informed that approximately ten cars can park in the driveway.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-1 (Bradley, Quarles, Smith, White "aye"; no "nays"; Chappelle, "abstaining"; none, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211) to allow for office uses in an RM-1 zoned district; finding that there are mixed zoning classifications in the general vicinity, and that the house has previously been used for office space; and finding that the granting of the special exception request would not be detrimental to the area; on the following described property;

Lot 15, Block 5, North Tulsa Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14987

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Units 1202 and 1205 - Request a special exception to allow for a multi-agency children's special services center (special education, guidance, counseling, vocational rehabilitation, supervision and health services) to locate in an existing school building in an RS-3 zoned district, located 2525 South 101st East Avenue.

Comments and Questions:

Mr. Chappelle stated that the interested parties (Exhibit J-1) in this case have requested a 90-day continuance, and asked the applicant if she has an objection to the request. Ms. Schreier stated that she does object to a continuance for 90 days because of the number of agencies involved in the project and the arrangement of leases.

Case No. 14987 (continued)

Interested Parties:

Ged Wright, 10150 East 25th Street, Tulsa, Oklahoma, stated that he is the State Senator for the area and has had discussions with Representative Easley, representative for the area, and they agree that the application is quite complicated. He informed that there are a number of entities asking to use the building and that the information which has been presented to the Board is very sketchy, and the matter has not been discussed with him, or Representative Easley. He noted that there are a number of options available that should be considered in addition to this application. It was noted by Senator Wright that the people in the area should have an opportunity to hear more about the proposed center prior to any Board decision on the matter.

Mr. Chappelle pointed out that the Board customarily grants one continuance to the interested parties, or the applicant, if a timely request is received before the hearing. Mr. Wright suggested that the application be continued to one of the February meetings to allow sufficient time to research the case.

Mr. Jackere informed that the courts have suggested that each case be disposed of within 90 days from the time of application.

Ms. White asked why a request for continuance was not made prior to this time, and the Senator stated that he was not aware of the exact procedure for requesting a continuance.

Mr. Quarles asked Ms. Schreler if a February hearing date would pose a problem, and she replied that she is agreeable to a meeting with the area residents, but that the agencies involved in this application are primarily city and county, and not state agencies. Ms. Schreler stated that she is not sure what legislative involvement will be necessary in this case. She pointed out that the change in use is not a radical one for this facility, and asked that the case be heard in January.

Two letters of support (Exhibit J-2) were received by the Board.

Additional Comments:

Ms. Bradley asked Senator Wright if he and Representative Easley would agree to meet with the applicant and the area residents for a discussion of the project, and he answered in the affirmative.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White "aye"; no "nays"; no "abstentions"; none, "absent") to **CONTINUE** Case No. 14987 to February 16, 1989, to allow the applicant and interested parties sufficient time to discuss the proposed center.

Case No. 14988

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205 - Request a special exception to allow for a cultural center and church uses in an RM-2 zoned district, located SE/c 6th Street and Birmingham Avenue.

Presentation:

The applicant, Muhammond Asad, 705 North Union Place, Tulsa, Oklahoma, was represented by Ebrahim Bevenue, who submitted a plot plan (Exhibit K-2), and stated that Mr. Asad will be the curator of the fine art cultural center. He asked the Board to allow the change from the former mosque to a cultural center.

Comments and Questions:

Ms. Bradley asked the applicant to address the request for church use, and he replied that the building was a church, but is no longer used for that purpose.

Ms. White inquired as to the activities that are conducted in a cultural center, and the applicant replied that the center would deal with Islamic culture, with some art exhibits in the building. She asked if the storage buildings will remain on the property, and the applicant stated that they are in excellent condition and will remain on the lot.

Ms. Bradley asked where the visitors will park, and the applicant replied that the vacant lot adjacent to the building is used for parking.

Ms. White pointed out that the parking lot will require a hard surface to meet City requirements.

Mr. Jackere advised that the use requires a minimum lot size of 10,000 sq. ft. and the applicant will have to advertise for additional relief.

Interested Parties:

Mr. Chappelle stated that one letter of support (Exhibit K-1) was received by the Board.

Protestants:

Mark Stokes, 615 South Birmingham, Tulsa, Oklahoma, stated that he has lived next door to the vacant parking lot for 12 years. He informed that there is approximately 10' from his home to the parking lot on the north. Mr. Stokes stated the area became very congested when services were conducted at the mosque and would be opposed to any use that would cause that type of traffic problem.

Ms. Bradley asked if the subject property is in the TU Special District, and Mr. Stokes informed that it is located just outside the boundary of that district.

Case No. 14988 (continued)

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White "aye"; no "nays"; no "abstentions"; none, "absent") to **CONTINUE** Case No. 14988 to December 15, 1988, to allow the applicant sufficient time to advertise for additional relief.

Case No. 14989

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RM-1 zoned district.

Variance - Section 440.6(a) - Special Exception Requirements - Use Unit 1209 - Request a variance of the time regulation from one year to permanently, located 1915 North Darlington Place.

Presentation:

The applicant, Roy McGhee, 1924 North Darlington Place, Tulsa, Oklahoma, stated that he owns the subject tract and his wife's mother and father live on the property. He informed that their mobile home was demolished by a fire which was the result of a burglary, and asked permission to move another unit to the lot. Mr. McGhee stated that there are numerous mobile homes in the area. A petition of support (Exhibit L-1) was submitted.

Comments and Questions:

Ms. White asked if the mobile home will be skirted, and Mr. McGhee answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-1 (Bradley, Chappelle, Smith, White "aye"; no "nays"; Quarles, "abstaining"; none, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for a mobile home in an RM-1 zoned district; and to **APPROVE** a **Variance** (Section 440.6(a) - Special Exception Requirements - Use Unit 1209) of the time regulation from one year to permanently; subject to Health Department approval and Building Permit; finding that a mobile home was previously located on the lot, and that there are numerous mobiles in the area; and finding that the granting of the request will not be detrimental to the neighborhood and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 17-20, Block 28, Original Town of Dawson Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14990

Action Requested:

Variance - Section 1221.7(a,d) - Use Conditions - Use Unit 1221 - Request a variance to allow for an existing off-premise outdoor advertising sign to be located outside of a freeway corridor and a variance to allow said sign within 150' of a public park, located NE/c 8th Street and Denver Avenue.

Presentation:

The applicant, Bill Stokley, 10111 East 45th Place, Tulsa, Oklahoma, stated that he is appearing on behalf of the Property Company of America, and is available for questions concerning the sign.

Ray Berry, Property Company of America, 2431 East 61st Street, Tulsa, Oklahoma, stated that he is one of the owners of the property in question. He explained that the property was acquired from the Bank of Commerce in 1980, and the intent was to develop the entire block, however, economic conditions caused those plans to be delayed. He stated that the bank lease was canceled by FDIC and the tract of land was left vacant, with the sign in place. It was noted by Mr. Berry that ownership of the sign was challenged by another party and approximately one year later the sign was awarded to the Property Company of America by the District Court. Mr. Berry informed that he contacted Mr. Stokley concerning the sign, and it was painted and made available for outdoor advertising. It was noted that the property is being leased for parking at this time, but Mr. Berry stated that he would like to use the sign for something other than advertising monthly parking rates. A plat of survey (Exhibit M-1) and photographs (Exhibit M-2) were submitted.

Comments and Questions:

Mr. Chappelle asked if the sign in question is the previous Bank of Commerce sign, and Mr. Stokley answered in the affirmative.

Mr. Stokley informed that he spoke with the president of Downtown Unlimited, the president of the Chamber of Commerce, and a representative of Oklahoma Natural Gas Company, and found that they are supportive of the application. He emphasized that ONG has been interested in using the sign for their advertising, because of the proximity of the sign to their headquarters and its location in the heart of downtown Tulsa. Mr. Stokley stated that he has had numerous requests from downtown merchants to buy the space for advertising, and he informed them that the sign was not available due to the pending court hearing. He pointed out that all billboards are to be removed by 1995, and asked the Board to allow outdoor advertising on the existing sign until that time.

Mr. Jackere inquired as to the size of the sign in question, and Mr. Stokley replied that it is 10' by 44'.

Mr. Jackere asked Mr. Stokley if there was some order in the court proceeding that prohibited the utilization of the sign during litigation, and if he has to make application to the sign inspector to change the ad on the sign.

Case No. 14990 (continued)

Mr. Stokley stated that he does not have to make application to change an ad on a sign, but that in this instance he had painted the subject sign white in preparation for an ad, and Ray Greene went directly to the customer, ONG, to inform them that use of the sign was not permissible.

Mr. Jackere asked the applicant if he approached anyone else concerning the sign, and he replied that no one else was contacted.

Mr. Berry stated that he elected to leave the sign as it stood until ownership was determined.

Protestants:

Mr. Chappelle informed that a letter of protest (Exhibit M-3) was received from the Tulsa Development Authority.

Roger Lister, General Manager of Donrey Outdoor, stated that his company built the sign in question in 1973 as an on-premise sign for the Bank of Commerce. He informed that the sign was on contiguous property used by the bank for parking facilities for the drive-in and bank.

Mr. Jackere asked Mr. Lister if, in 1973, he could have constructed an off-premise sign on the property, and he answered in the affirmative.

Mr. Jackere stated that the sign on the property could have been changed at any time they had desired to do so.

Mr. Quarles asked Mr. Lister if his company claimed ownership to the sign, and if this ownership had been established, what would have been the use for the sign. Mr. Lister stated that they did make claim to the sign, and if the ownership had been established, the sign would have been removed from the premises. He pointed out that it was determined by District Court that the sign would remain with the property, due to the fact that a written lease agreement was not recorded.

Ed Rice, Chief Building Inspector, stated that the sign in question was permitted as an on-premise sign. He informed that the ordinance will not allow the sign to be changed to an off-premise sign, due to the lot size, the fact that the location is not in a sign corridor and its location across the street from a city park.

Mr. Jackere asked the requirements in 1973 for an off-premise sign, and Mr. Rice replied that he does not have that information at this time, but reiterated that the subject sign was permitted as an on-premise sign and was used as an on-premise sign. Mr. Jackere asked if the owner could have changed the sign from Bank of Commerce to Coca-Cola in 1974, and Mr. Rice replied that a permit would have been required to make the change. Mr. Jackere asked if the Code would have allowed an off-premise sign at this location in 1974, and Mr. Rice replied that he would have to research the Code in order to answer that question.

Case No. 14990 (continued)

Mr. Stokley stated that he was the account executive for Donrey Outdoor Advertising when the sign in question was built, and there was no drive-in facility in place at that time. He stated that it was constructed on a parking lot which was not attached to the bank.

Ms. White asked Mr. Stokley to address the hardship for this case, and he replied that the blank white sign has a sterile affect on the downtown area.

Mr. Quarles suggested that the application be approved for a 3-year period.

Mr. Jackere informed that the evidence has been presented that there were two separate lots involved in the initial application, with the bank being located on one lot and the sign on the other. He informed that legally, the sign is an off-premise sign.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 1221.7(a,d) - Use Conditions - Use Unit 1221) to allow for an existing off-premise outdoor advertising sign to be located outside of a freeway corridor and a variance to allow said sign within 150' of a public park; subject to the sign in question being allowed to remain at the present location until 1995, when all non-conforming off-premise outdoor advertising signs are to be removed; on the following described property:

Lot 4, Block 176, Original Town of Tulsa Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15003

Action Requested:

Variance - Section 930 - Bulk and Area Requirements In Industrial Districts - Use Unit 1223 - Request a variance of setback from the centerline of North Utica Avenue from 100' to 50' to allow for a building, located NW/c of North Utica Avenue and Marshall Street.

Presentation:

The applicant, Charles Norman, 909 Kennedy Building, Tulsa, Oklahoma, submitted photographs (Exhibit N-1), and stated that his client, Sooner Rag and Wiping Company, is proposing to build a new building for their business. He informed that the business is presently in operation approximately two blocks to the south of the proposed site and is in need of additional space. Mr. Norman pointed out that there are numerous buildings in the area that are closer to the street than the proposed structure. He noted that the property across the street to the east is zoned CH and would permit a 50' setback by right. A plot plan (Exhibit N-2) was submitted.

Protestants: None.

Case No. 15003 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 930 - Bulk and Area Requirements In Industrial Districts - Use Unit 1223) of setback from the centerline of North Utica Avenue from 100' to 50' to allow for a building; per plot plan submitted; finding a hardship demonstrated by the mixed zoning classifications in the area and the fact that there are numerous buildings in the immediate vicinity that are closer to the street than the proposed construction; and finding that the granting of the variance request will not cause substantial detriment to the area and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 10, 11, 12, 13 and 14, Block 1, Elm Ridge 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 14981

Action Requested:

The applicant, Sarah Richards, 7335 South Lewis, Suite 302, Tulsa, Oklahoma, requested a refund of filing fees.

Comments and Questions:

Mr. Jones informed that the application was withdrawn prior to processing and suggested a refund of filing fees in the amount of \$125.00.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a refund of filing fees in the amount of \$125.00; finding that the application was withdrawn prior to processing.

There being no further business, the meeting was adjourned at 4:32 p.m.

Date Approved

12-1-88



Chairman