

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 533
Thursday, February 16, 1989, 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 White	Smith	Gardner 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, February 14, 1989, at 12:10 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 1:04 p.m.

MINUTES:

On **MOTION** of **BRADLEY**, the Board voted 3-0-1 (Bradley, Chappelle, White, "aye"; no "nays"; Quarles, "abstaining"; Smith, "absent") to **APPROVE** the **Minutes** of February 2, 1989.

UNFINISHED BUSINESS

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 informed that the applicant, **Connie J. Schreier**, has requested by letter (Exhibit A-1) that Case No. 14987 be withdrawn.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **WITHDRAW** Case No. 14987, as requested by the applicant.

Case No. 15049

Action Requested:

Variance - Section 620.2(D) - Accessory Use Conditions - Request a variance to allow for three (3) business signs per lot of record in an OM zoned district, located 6711 South Yale Avenue.

Presentation:

The applicant, **Craig Neon**, was represented by **John Owen**, 1889 North 105th East Avenue, Tulsa, Oklahoma. He submitted photographs (Exhibit B-1) and explained that Cimarron Savings and Loan have moved their office into a building previously occupied by another loan institution, and were denied a sign permit for the business. Mr. Owen stated that the permit was denied because all permitted signage has been used by other businesses on the premises. It was noted that a temporary plastic sign, as shown in the photographs, has been temporarily affixed to the wall of the business, and requested permission to install permanent one with the same dimensions. Mr. Owen informed that the building to the south has one freestanding and two wall signs and, if permitted, the proposed Cimarron sign will be the third one on the north building.

Comments and Questions:

Ms. Bradley remarked that there is sufficient space in the building for additional tenants, who would also be without signage.

Mr. Gardner asked Mr. Owen if there are three signs on the property, and he replied that there are two wall signs and no freestanding signs for the north property. Mr. Gardner pointed out that the ordinance permits one freestanding or one wall sign per lot; however, if the Board is supportive of the application, conditions could be imposed which limits signage to wall signs only and for a specified period of time. He pointed out that the owner should make plans in the future to install one freestanding sign to list all tenants.

Ms. White stated that she would be amenable to granting the variance request for a limited time to allow the owner to make arrangements for one sign to accommodate all tenants. Mr. Owen stated that Cimarron Federal has a three year lease on the property, but thought the business would be sold and consolidated with some other savings and loan by this time. He remarked that this has not occurred, and the business is in need of a sign.

Mr. Quarles remarked that he could support the application with a one year time limit.

Protestants: None.

Case No. 15049 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-1-0 (Chappelle, Quarles, White, "aye"; Bradley, "nay"; no "abstentions"; Smith, "absent") to **APPROVE** a **Variance** (Section 620.2(D) - Accessory Use Conditions) to allow for three (3) business wall signs per lot of record in an OM zoned district; subject to a time limit of one year only, and no freestanding signs being permitted; on the following described property:

Lot 1, Block 1, Burning Hills Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15050

Action Requested:

Variance - Section 930 - Bulk and Area Regulations in Industrial Districts - Use Unit 1223 - Request a variance of the frontage requirements on a freeway service road from 150' to 10', located east of Sheridan Road at I-44.

Presentation:

The applicant, **Tom Mann**, 3144 East 51st Street, Tulsa, Oklahoma, stated that the property in question is located near the underpass where I-44 crosses over Sheridan Road. He explained that four buildings located on one large lot will be split into four individual parcels, three of which will not have the required street frontage. He stated that two of the lots will have 10' "handles" and one will have 118.85' of street frontage. Mr. Mann informed that TMAPC has approved the lot split, subject to some sewer and water requirements that are being researched at this time and that he is not sure can be satisfied. A plot plan (Exhibit C-1) was submitted.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Variance** (Section 930 - Bulk and Area Regulations in Industrial Districts - Use Unit 1223) of the frontage requirements on a freeway service road from 150' to 10'; per plot plan submitted; subject to TMAPC requirements; on the following described property:

**ADDED CONDITION - MINUTES 5/2/89 P.6517*

A tract of land located in a part of the SW/4 of Section 23, T-19-N, R-13-E of the Indian Base and Meridian Tulsa County, Oklahoma, according to the US Government Survey thereof, being more particularly described as follows, to-wit: Beginning at a point on the north line of said SW/4, said point being 839.45' east of the NW/c of said SW/4; thence due south a distance of 206.69' to the point of beginning; thence continuing due south a distance of 48.88' to a point; thence S 40°55'0" E a distance of 41.28' to a point on the northwesterly right-of-way line of

Case No. 15050 (continued)

the Skelly Drive service road; thence S 49°05'00" W along said right-of-way line a distance of 331.31' to a point; thence N 38°02'00" W along said right-of-way line a distance of 47.37' to a point; thence S 51°58'00" W along said right-of-way line a distance of 25.0' to a point, said point being the intersection of the northeasterly right-of-way line of the M K & T Railroad Company and the northeasterly right-of-way line of the Skelly Drive service road; thence N 38°02'00" W along said northeasterly right-of-way line of the M K & T Railroad Company, a distance of 195.0' to a point; thence N 55°34'13" E a distance of 215.01' to a point; thence due east a distance of 215.0' to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15060

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of front setback from 35' to 23.5' to allow for an existing dwelling in order to clear the title, located 3153 East 38th Street.

Presentation:

The applicant, **Ida Williams**, 6550 East 51st Street, Tulsa, Oklahoma, submitted a plat of survey (Exhibit D-1) and asked the Board to grant the variance request in order to clear the title for an existing dwelling.

Comments and Questions:

Mr. Chappelle asked Ms. Williams if there is to be new construction on the subject property, and she replied that no construction is planned.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of front setback from 35' to 23.5' to allow for an existing dwelling in order to clear the title; per survey submitted; on the following described property:

Lot 11, Block 15, Ranch Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15063

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Street - Use Unit 1221 - Request a variance of setback from the centerline of 41st Street from 50' to 30' to allow for a church identification sign, located 2124 West 41st Street.

Presentation:

The applicant, **Barry Moydell**, Oil Capitol Neon, 1221 Charles Page Boulevard, Tulsa, Oklahoma, submitted photographs (Exhibit E-1) and stated that his company has been employed to install a sign for the 41st Street Christian Church. A packet (Exhibit E-2) containing the sign proposal was submitted. Mr. Moydell informed that the existing building was constructed 40' 9" from the centerline of 41st Street, with a 50' setback being required by the current Code. He pointed out that the sign would be inside the parking lot and would not be visible to approaching traffic if installed at the required setback. He informed that a sign located two blocks west of the property in question is overhanging the sidewalk and is 28' 11" from the centerline of the street.

Comments and Questions:

Ms. Bradley asked the height of the sign, and the applicant replied that the 4' by 8' lighted sign will start 10' above the ground. He pointed out that it will be lighted from the interior and will not project into the residential neighborhood.

Wayne Kent informed that he is the minister for the church and explained that the existing sign is low to the ground and has proved to be a hazard for the school children that play in the lot before and after school. He explained that recently the sign was broken and an insurance representative determined that the existing sign is too low and should be removed and elevated.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Street - Use Unit 1221) of setback from the centerline of 41st Street from 50' to 30' to allow for a church identification sign; per plan submitted; subject to the execution of a removal contract; finding that there are other signs in the older area that are closer to the street than the proposed structure, and that the sign will be further from the street than the building if the current setback is held; on the following described property:

lots 5 and 6, Block 1, Clinton Home Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15065

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements In the Residential Districts - Section 1206 - Request a variance of the required 85' setback from the centerline of South Sheridan Road to 76', located 415 South Sheridan Road.

Presentation:

The applicant, **Percy O'Rear**, 415 South Sheridan, Tulsa, Oklahoma, explained that he is proposing to repair roof damage which is the result of a fire in the existing building. He pointed out that the structure in question aligns with those to the north and south, and asked the Board to approve the request in order that he can complete the project. Mr. O'Rear remarked that the majority of the structures in the older area are encroaching into the building setback.

Comments and Questions:

Mr. Gardner stated that the buildings were originally residential structures and the setbacks are nonconforming.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In the Residential Districts - Section 1206) of the required 85' setback from the centerline of South Sheridan Road to 76'; finding that the applicant is repairing roof damage to an existing building, which aligns with the the abutting structures to the north and south and will not protrude further into the required setback; on the following described property:

Lot 24, Block G, Crestview Estates Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15061

Action Requested:

Variance - Section 1205.3(a)2 - Use Conditions - Use Unit 1205 - Request a variance to allow for parking in the required front yard of an existing church building, located 9102 South Mingo Road.

Presentation:

The applicant, **David Nichols**, 2627 East 21st Street, Tulsa, Oklahoma, requested by letter (Exhibit F-1) that Case No. 15061 be continued to March 2, 1989.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **CONTINUE** Case No. 15061 to March 2, 1989, as requested by the applicant.

Case No. 15062

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-2 zoned district, located 1228 South Trenton Avenue.

Presentation:

The applicant, **Elise Brennon**, 1000 Atlas Life Building, Tulsa, Oklahoma, represented Tulsa Psychiatric Center, and explained that the non-profit organization is located across the street from Hillcrest Hospital and provides inpatient and outpatient care. She informed that the center is proposing to purchase a nearby apartment building for office use. Ms. Brennon pointed out that patients will not be treated in the building, but it will be renovated and used for administrative office purposes only. She informed that the employees or parking will not be increased, since the present employees will merely be moved from one building to another.

Comments and Questions:

Ms. Bradley asked how many employees will office at the proposed location, and **David Willard**, 1620 East 12th Street, Tulsa, Oklahoma, financial officer for the center, replied that he is not sure, but the number of people at the center will not be increased.

In response to Ms. White's question, Ms. Brennon stated that the abutting property owners have been notified of the intended use and are not opposed to the offices.

Case No. 15062 (continued)

There was discussion as to parking requirements for the proposed office building. Mr. Willard informed that there is space to the rear of the building to accommodate approximately 10 vehicles. He stated that there will be no entrance from the alley.

Mr. Chappelle asked the applicant to state the square footage of the building, and Ms. Brennon replied that she is not sure of that figure. Mr. Gardner stated that, if the Board is inclined to approve the application, Ms. Brennon will have to return with a plot plan and request additional relief (parking), possibly under the same application if the Board agrees.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1211) to allow for administrative office uses in an RM-2 zoned district; finding that there are mixed uses in the area; and the granting of the special exception request will not be detrimental to the area; on the following described property:

Lot 7, Block 6, Forrest Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15064

Action Requested:

Variance - Section 1221 - General Use Conditions for Business Signs - Use Unit 1221 - Request a variance to allow for an off-premise directional and identification sign, located 1621 South Boulder Avenue.

Presentation:

The applicant, **Benlen Clinic**, was represented by **Joyce Barnfield**, 1628 South Main Street, Tulsa, Oklahoma. She informed that the clinic at 1628 South Main owns two additional parking lots across the alley, which have entrances from Boulder. Ms. Barnfield pointed out that Main is a one-way street going toward the south and patients have a problem locating the clinic. She asked permission to install a 4' by 4' sign on the Boulder parking lot which will contain the name of the clinic and an arrow for directing clients to the building. A sign plan (Exhibit G-1) was submitted by the applicant, and **Don Anderson**, 212 South Frankfort, Tulsa, Oklahoma, Sommers and Western Sign Company, stated that he is the sign contractor.

Case No. 15064 (continued)

Comments and Questions:

Ms. Bradley asked if the sign will be lighted, and Ms. Barnfield informed that the sign will have no lights.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Variance** (Section 1221 - General Use Conditions for Business Signs - Use Unit 1221) to allow for an off-premise directional and identification sign; per sign plan submitted; finding a hardship demonstrated by the fact that the business and the parking lots are separated by an alley and front on different streets; on the following described property:

Lot 12, Block 2, Harbor Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15066

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215 - Request a special exception to permit a dry cleaning/laundry facility in a CS zoned district, located NE/c 71st Street and South 69th East Avenue.

Presentation:

The applicant, **Richard Monaghan**, 11010 East 51st Street, Tulsa, Oklahoma, submitted a site plan (Exhibit H-1), and asked the Board to allow a dry cleaners in a small commercial shopping center.

Comments and Questions:

Ms. White inquired if the business will be a pickup station, and the applicant replied that the cleaning process will be completed on the premises.

Ms. Bradley asked if the business is operating at this time, and Mr. Monaghan replied that the property is vacant. He informed that the operator is still in the process of acquiring the necessary approvals from the Health Department.

Mr. Gardner stated that the petition between the cleaning establishment and the adjoining businesses must extend to the roof to prevent transfer of fumes, and the Health Department will also approve the exhaust system. Mr. Monaghan remarked that the existing partition extends to the decking and will be sealed to prevent leakage of fumes.

Protestants: None.

Case No. 15066 (continued)

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1215) to permit a dry cleaning/laundry facility in a CS zoned district; per site plan submitted; subject to Health Department approval, including the sealing off of this business from the other businesses by extending the wall partition to the roof decking; finding that the cleaning business will be compatible with the surrounding area; on the following described property:

Lot 2, Block 2, Plaza Village Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15067

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1207 - Request variances of the bulk and area requirements as follows: lot width from 60' to 50' and 56'; lot area from 6000 sq ft to 4200 sq ft and 6900 sq ft to 2800 sq ft land area per dwelling unit from 4200 sq ft to 2475 sq ft; front setback from 10' to 3.4'; side setback from 10' to 7.4' and 2.4'; accessory building setback from 3' to zero and rear setback from 10' to 4.9'; as per plot plan, in an RM-2 district, on a lot split approved by TMAPC; located SE/c of South St. Louis and East 10th Street South.

Presentation:

The applicant, **Mehmet Salviz**, 1128 South College Avenue, Tulsa, Oklahoma, who submitted a plat of survey (Exhibit J-1) and a copy of the lot split waiver (Exhibit J-2), requested a lot split in order to allow separate ownership of a single-family dwelling and a duplex.

Comments and Questions:

Mr. Gardner stated that the applicant is attempting to split the properties in order to finance them separately. He noted that TMAPC has approved the lot split, subject to Board of Adjustment approval.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1207) of the bulk and area requirements as follows: lot width from 60' to 50' and 56'; lot area from 6000 sq ft to 4200 sq ft and 6900 sq ft to 2800 sq ft land area per dwelling unit from 4200 sq ft to 2475 sq ft; front setback from 10' to 3.4'; side setback from 10' to 7.4' and 2.4'; accessory building setback from 3' to zero and rear setback from 10' to 4.9';

Case No. 15067 (continued)

In an RM-2 district; on a lot split approved by TMAPC; per plat of survey submitted; finding that there are other lots in the immediate area that are similar in size, and the granting of the variance request will not be detrimental to the neighborhood; on the following described property:

Lots 27 and 28, Block 11, Amended Plat of Park Dale Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15070

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1218 - Request a special exception to allow for a drive-in restaurant in a CS zoned district, located east of SE/c 31st Street and South Sheridan.

Presentation:

Roy Girrard, 5017 Misty Glen Circle, Oklahoma City, Oklahoma, informed that an existing Braum's building, at the above stated location, will be remodeled for use as a Sonic drive-in restaurant.

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, stated that he has spoken with Terry Wilson, president of Whitney Homeowners Association, who was concerned with the location of the east canopy near the residential area. Mr. Johnsen explained that there will be only four bays under the east canopy, with a 12' grassy area extending to an 8' screening fence that will be installed along the boundary line. It was noted that the fence will begin at the north property line and run along the east lot line to the end of the paving. The applicant informed that the hours of operation will be from 10:00 a.m. to 11:00 p.m., Sunday through Thursday, and 10:00 a.m. to 12 midnight, Friday and Saturday. Mr. Johnsen stated that the east canopy will close at 10:00 p.m. each evening and the red neon rope will not extend to the ease facade of the canopy. It was further noted that the lighting will be designed in such a fashion that the bulb will not be visible from the adjoining property. Mr. Johnsen submitted a plot plan (Exhibit K-1) and photographs (Exhibit K-3), and stated that he has reviewed the development standards (Exhibit K-2) with Mr. Wilson.

Comments and Questions:

Ms. Bradley asked if the proposed business will have pole lighting, and Mr. Johnsen replied that all lighting will be on the building and the existing pole light will be removed.

Mr. Gardner asked the applicant to address the sound system used by the Sonic, and he replied that individual menu boards will be installed to allow the customers to communicate with an employee inside the building. He noted that there will be no loud speakers or public address systems on the property.

Case No. 15070 (continued)

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1218) to allow for a drive-in restaurant in a CS zoned district; per site plan submitted; subject to the development standards which state that the development and use shall be in substantial accord with the submitted plot plan; the existing approximate 12' of grassed area along the east boundary shall be maintained as a grassed area; an 8' in height screening fence shall be constructed and maintained along the east boundary extending to the south line of paving; the source/lamp of the lighting of the east canopy shall be underneath the canopy and shall be shielded from view from the adjoining residential properties; decorative lighting of the east canopy shall be limited to the north and west canopy facades; customer parking spaces with individual menu boards shall not exceed 25; trash receptacles shall be located not less than 100' from the east property line; no freestanding parking area lighting; hours of operation shall be limited to 10:00 a.m. to 11:00 p.m., Sunday through Thursday, and 10:00 a.m. to 12:00 midnight, Friday and Saturday; no public address or sound system other than individual menu boards; and hours for operation of stalls under the east canopy be limited to 10:00 a.m. to 10:00 p.m., seven days a week; on the following described property:

The east 152' of the north 272.5' of the NW/4, NW/4, NW/4, Section 23, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:07 p.m.

Date Approved

3-2-89

Curtis L. Smith
Chairman