

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 546
Thursday, September 7, 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
Bolzle Bradley Chappelle Fuller White, Chairman		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, September 5, 1989, at 11:03 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **BRADLEY**, the Board voted 4-0-1 (Bolzle, Bradley, Chappelle, Fuller, "aye"; no "nays"; White, "abstaining"; none "absent") to **APPROVE** the Minutes of August 17, 1989.

UNFINISHED BUSINESS

Case No. 15209

Action Requested:

Variance - Section 1214.4 - Off-Street Parking and Loading Requirements - Use Unit 1214 - Request a variance of the required number of parking spaces from 3015 to 2360 spaces.

Special Exception - Section 410 - Permitted Uses in Residential Districts - Request a special exception to permit off-street parking in an RM-2 zoned district, located NE/c of 41st Street and South Yale.

Presentation:

The applicant, **Norma Eagleton**, 2241 East Skelly Drive, Tulsa, Oklahoma, submitted a packet (Exhibit A-1) containing a site plan, photographs, Planning Association publication, and a parking analysis. She noted that the mall was in compliance with the parking requirements when it was constructed. Ms. Eagleton stated that a movie theater is proposed to the north of the shopping

Case No. 15209 (continued)

center, which will require an additional 400 parking spaces under the present Code. It was noted that the mall owns property to the north of the existing parking lot, and will utilize this vacant area to provide 104 spaces of off-street parking. She stated that the total parking spaces surrounding the theater will be 473 spaces. The applicant noted that the Zoning Code does not consider mixed uses, but parking requirements are assigned to separate uses in the mall and added together to get the parking requirements for the entire center. Ms. Eagleton pointed out that retail customers use parking at different hours of the day than theater patrons, as the peak parking time for retail is between 2:00 p.m. to 3:00 p.m., while the peak use for a theater is between 8:00 p.m. to 9:00 p.m. She further noted that an illustration in the submitted engineering study bears out this fact; therefore, the same parking area can serve several uses. She stated that this study determined that the proposed parking is sufficient to meet the parking demand for the shopping center. Ms. Eagleton pointed out that this project, with the additional parking, is 7.5% short of current Code requirements, which is less than the 10% usually allowed. She noted that the 104 parking spaces along the north boundary of the property will be separated from abutting land by a solid screening fence. Ms. Eagleton stated that no additional lighting is proposed for the new parking area.

Comments and Questions:

In response to Mr. Fuller, the applicant informed that the vacant property to the north of the mall is for sale and is owned by Mr. Dillon.

Mr. Bolzie asked if the parking to the north of the mall is currently used for employee parking, and Ms. Eagleton replied that employees presently park in this area, but an area will be designated on the southern portion of the property for their use.

In response to Mr. Bolzie, the applicant stated that approximately 28 parking spaces will be lost due to construction. She informed that 400 spaces are required for the theater, and 473 spaces will be provided on the north parking lot.

Protestants:

John Moody, 7666 East 61st Street, Tulsa, Oklahoma, stated that he is counsel for David Dillon, property owner of the vacant tract to the north of the mall. He pointed out that his client is opposed to the application, due to the current parking problem, and the fact that it will worsen with the construction of the theater. He stated that the Board is being asked to make a legislative determination and not a vote on a variance based upon a hardship. Mr. Moody stated that there has been no demonstration of a hardship and the only basis for the application is the disagreement with the provisions of the Tulsa Zoning Code. He pointed out that the current Code would require 2615 parking spaces for the mall, with

Case No. 15209 (continued)

2388 spaces being provided at this time. It was noted that the applicant is actually requesting permission to expand a nonconforming use and reduce the parking. Mr. Moody pointed out that, according to the current Zoning Code, a total of 3015 parking spaces would be required for the project, and the applicant is requesting a large increase in parking demand, with a reduced number of parking spaces. Mr. Moody stated that Charles Norman represented the owner of the mall in 1984, requesting a special exception (BOA Case No. 13138) to use an 8.11-acre tract to the north of the center for additional parking. It was noted by Mr. Norman that parking for the mall was adequate during the normal shopping days, but was inadequate during holiday periods, and over 3000 spaces were needed. Mr. Moody stated that the application was approved, but the additional parking was not added.

Comments and Questions:

Mr. Jackere asked if the 8.11 acres owned by Mr. Dillon is the same piece of property that was under application in 1984, and he answered in the affirmative. Mr. Jackere asked Mr. Moody if his client supported the application at that time, and he replied that he supported the application at that time. Mr. Moody stated that the mall has decided that they do not want to purchase the 8.11 acres, but have chosen to seek a variance. He pointed out that his client's property is zoned multi-family and he is concerned with the additional traffic that will be generated by the theater. Mr. Moody stated that, although his client is not opposed to the special exception, the Board is actually being asked to change the Tulsa Zoning Code in regards to the variance request. Mr. Jackere stated that amending the Code would be a jurisdictional issue, but the applicant is coming to the Board with differences in peak use periods for different uses, and it can be determined by the Board to grant a variance if the situation is unique.

Additional Comments:

There was Board discussion concerning the fact that Southroads Mall has mixed uses which have different peak periods, and the fact that this is not typical of all shopping centers.

Mr. Moody pointed out that a situation similar to the one being discussed is the operation of the theater at Eaton Square. He noted that those movie patrons park along the street and in the residential neighborhood, and will not park in the spaces provided in the other areas of the mall. He further stated that there are 13 movie screens within a mile of the proposed site, and that a hardship has not been provided to support the variance request.

Ms. Bradley asked Mr. Moody to specifically state his client's objection to the variance request. He replied that mall shoppers frequently park on Mr. Dillon's property during peak periods, and the addition of a theater and parking spaces will add to the large volume of traffic in the area.

Applicant's Rebuttal:

Ms. Eagleton stated that landscaping will be placed in the 3' space between the added parking and the screening fence to beautify the area. She pointed out that a hardship has been demonstrated by the mixed uses in the mall, with different peak periods for the proposed theater and many of the existing uses. She pointed out that the screening fence will prohibit the theater patrons from parking on Mr. Dillon's property.

Additional Comments:

Mr. Bolzie asked Ms. Eagleton to address traffic control on Yale Avenue, and she replied that there has not been a traffic problem with nearby theaters, and does not anticipate a problem in this area.

Otto Westerfeld, 3701 South Richmond, Tulsa, Oklahoma, stated that he is manager of the mall, and that there are five points of ingress and egress to the shopping center.

Ms. White asked if security is provided by the mall until the theater is closed, and Mr. Westerfeld answered in the affirmative.

Mr. Gardner advised that mixed use developments, by definition, begins at 400,000 sq ft, and this mall has 520,000 sq ft of floor area. He informed that the initial figures submitted to Staff were questioned and that report was revised; however, the revised parking figure showed that the shortage of spaces was more than 10% of required number of spaces. Mr. Gardner stated that the plan was modified a third time, with 104 spaces being added, and the shortage of available parking spaces was reduced to less than 10%. It was noted that Staff advised the applicant that not only the total number of spaces is considered, but the parking layout. He pointed out that 400 plus spaces will be available on the north side of the shopping center if employee parking is designated in another area of the mall property. Mr. Gardner informed that a Staff report (Exhibit A-2) indicates that, if the entire shopping complex was constructed today, a total of 3015 parking spaces would be required, with 400 spaces for the new theater, 289 spaces for the existing theater, and 2326 for the retail shopping portion. He informed that according to the 90% ratio used in the Dallas Code, 2094 retail spaces, plus 345 for theater use (50% ratio), or a total of 2439 spaces would be required. It was noted that according to the present Zoning Code, which requires 400 spaces for the theater, the addition of 2388 spaces for retail would make a total of 2788 required parking spaces. Mr. Gardner stated that 90% of the total parking spaces is 2509, with 2500 spaces being proposed by the applicant. He further noted that the required number of parking spaces for the gross leasable area in the mall is 2187, plus 353 spaces for the common areas, or a total of 2540 available spaces.

Case No. 15209 (continued)

Board Action:

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 1214.4 - Off-Street Parking and Loading Requirements - Use Unit 1214) of the required number of parking spaces from 3015 to 2500 spaces; and to **APPROVE** a **Special Exception** (Section 410 - Permitted Uses In Residential Districts) to permit off-street parking in an RM-2 zoned district; per site plan submitted; subject to no employee parking being allowed on the north parking lot during the evening; and subject to all lighting being directed away from the residential area; finding a hardship demonstrated by the fact that the theater and the retail operations have different peak periods for parking demands; and finding that the granting of the special exception request will not be detrimental to the area; on the following described property:

All of Lots 1, 2, 3 and 4, all being in Block 1, Southroads Mall, a subdivision of part of the S/2, SW/4 of Section 22, T-19-N, R-13-E, Tulsa County, Oklahoma, according to the recorded plat thereof.

AND

The north 59' of the south 268.5' of the N/2, SW/4, SW/4 of Section 22, T-19-N, R-13-E, LESS, the west 50' thereof, for street purposes, being a tract 59' wide just north of Lot 2, Block 1, and extending the full length of said Lot 2, Block 1, Southroads Mall, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15219

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205 - Request a special exception to allow for a day care center in an RM-1 zoned district, located 1839 North Cincinnati Avenue.

Presentation:

The applicant, **Delbert Howard**, 214 East Tecumseh, Tulsa, Oklahoma, stated that he has previously appeared before the Board regarding a proposed day care center. He stated that he was required to return with photographs (Exhibit B-1) of the property in question. The applicant explained that a paved circle drive will be installed for loading and unloading of students, with access to Tecumseh. He stated that a paved parking area will also be provided for the employees.

Case No. 15219 (continued)

Comments and Questions:

Ms. White asked the applicant to state the number of children that will be cared for, and he replied that there will be a maximum of 20.

In response to Ms. White, the applicant stated that the days and hours of operation for the center will be from 6:00 a.m. to 6:00 p.m., Monday through Friday.

Ms. Hubbard suggested that, if inclined to approve the application, the Board should request Stormwater Management approval, due to the fact that paving will be installed.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205) to allow for a day care center in an RM-1 zoned district; subject to Stormwater Management and Department of Human Services approval; subject to a paved parking area for two employees, and a paved circle drive, with ingress and egress off Tecumseh; subject to days and hours of operation being Monday through Friday, 6:00 a.m. to 6:00 p.m.; finding that the use is compatible with the residential area, and in harmony with the spirit and intent of the Code; on the following described property:

The north 50' of Lots 12, 13, Block 10, Meadowbrook Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15237

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture District, - Request a minor variance to permit three lots with 100' frontage and 28,100 sq ft lot area instead of the required 200' frontage and 2 acre lot area, located 819, 825, 833 West 91st Street South.

Comments and Questions:

Mr. Jones informed that the TMAPC heard and approved this case on September 6, 1989, subject to Board of Adjustment approval.

Presentation:

The applicant, **Gerald Snow, Jr.**, 2316 West Galveston, Broken Arrow, Oklahoma, requested permission to divide a parcel of land into three lots, with each lot having 100' of frontage and 28,100 sq ft of lot area.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzie, "absent") to **APPROVE** a **Variance** (Section 330 - Bulk and Area Requirements in the Agriculture District) to permit three lots with 100' frontage and 28,100 sq ft of lot area instead of the required 200' frontage and 2 acre lot area; per TMAPC approval; finding that there are other lots in the area that are similar in size to those proposed by the applicant; and that the granting of the request will not violate the spirit, purposes, and intent of the Code; on the following described property:

The SW/4, SW/4, SW/4, SE/4, Section 14, T-18-N, R-12-E, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15225

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Use Unit 1206 - Request a special exception for a home occupation to allow for a beauty shop in an RS-3 District, located 5837 South 91st East Avenue.

Case No. 15225 (continued)

Presentation:

The applicant, **Kay Clothier**, 5837 South 91st East Avenue, Tulsa, Oklahoma, requested permission to begin operation of a beauty shop in her residence. She explained that the shop will be located in a portion of the two car garage, but the garage door will remain and the exterior of the house will not be altered in any way. Ms. Clothier stated that the State Board of Cosmetology requires that the name of her shop appear on a small sign that is visible from outside the shop.

Comments and Questions:

Ms. White asked the applicant if she is familiar with the requirements of the Home Occupation Guidelines, and she answered in the affirmative.

There was Board discussion concerning the placement of a sign, and Mr. Jackere pointed out that the sign is only required to be 3" by 1".

Ms. Clothier stated that the sign is required to have the name of the shop visible from the exterior of the shop when the inspector visits the property.

Mr. Gardner advised that the small tab containing the name of the shop would be hardly visible from the street, but would be large enough to identify the shop for inspection purposes.

Ms. White inquired as to the hours of operation for the business, and the number of customers expected each day. The applicant stated that the business will be in operation from 6:00 a.m. to 7:00 p.m., and that she anticipates approximately 20 customers each day. She added that her children are away at college, and six parking spaces are available in the driveway.

Mr. Chappelle asked how many customers will be on the premises at one time, and Ms. Clothier repeated that she will have no more than three customers at any given time.

In response to Mr. Chappelle, the applicant stated that she plans to operate the business Monday through Saturday.

Protestants:

William G. Elliott, 5834 South 91st East Avenue, Tulsa, Oklahoma, stated that he resides across the street from the proposed home occupation, and that the volume of business that the applicant is anticipating seems to call for a shop in a properly zoned area. He pointed out that the proposed location is in the heart of a subdivision and is not an appropriate place for a business of this magnitude.

Case No. 15225 (continued)

There were numerous property owners in the audience that were in opposition to the proposed beauty shop.

Board Action:

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Boizle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Special Exception** (Section 420 - Accessory Uses In Residential Districts - Use Unit 1206) for a home occupation to allow for a beauty shop in an RS-3 District; finding that the volume of business anticipated by the shop would be detrimental to the surrounding residential neighborhood; and the granting of the request would violate the spirit and intent of the Code; on the following described property:

Lot 6, Block 2, Woodland View Park 4th Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15226

Action Requested:

Special Exception - Section 410 - Permitted Uses In the Residential Districts - Use Unit 1202 - Request a special exception to permit a driver training facility.

Variance - Section 440.7 - Special Exception Uses In Residential Districts Requirements - Use Unit 1202 - Request a variance of the required 100' frontage to 0', located east side of Mingo Valley Expressway North of Admiral Place.

Presentation:

The applicant, **Charles Hardt**, City Engineering Department, stated that, due to extensive flooding, the City has previously purchased the Holiday Mobile Home Park, which borders the Mingo Valley Expressway on the west and I-244 to the north. He pointed out that the tract is separated from Admiral Boulevard by a variety of uses and Cooley Creek. Mr. Hardt informed that the City is proposing to use the site for a driver training program for testing policemen, heavy truck operators, etc. It was noted that the mobile homes were removed from the site, leaving the streets in place, which will be utilized for the proposed training program. The applicant stated that the property in question is separated from the multi-family use by a screening fence. Mr. Hardt pointed out that the use is compatible with the flood nature of the property. He noted that the property does not have the required 100' frontage on a dedicated street, and requested that a 40' dedicated street right-of-way provide access to the property. Mr. Hardt submitted a revised site plan (Exhibit C-1) depicting the location of a 10' by 30' portable building, which will be placed on the property within the year and used for a temporary office.

Comments and Questions:

Mr. Chappelle Inquired as to the days and hours of operation for the center, and Mr. Hardt replied that the training will take place within the normal business hours of City Hall, basically 8:00 a.m. to 5:00 p.m., five days each week.

Mr. Chappelle asked if the proposed building will be used for storage, and Mr. Hardt replied that it will be for office use only.

Ms. Hubbard informed that one of the Assistant City Attorneys split the property in 1984, but those records were not available at this time. She stated that it appears that the property has more than 100' of frontage, but because of the timely manner in which the application had to be filed, a variance of frontage was requested.

Ms. White asked if the portable building is to be located in the floodway, and Mr. Hardt stated that it will be on the fringe of the flood area.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Boizle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 410 - Permitted Uses in the Residential Districts - Use Unit 1202) to permit a driver training facility; and to **APPROVE** a **Variance** (Section 440.7 - Special Exception Uses in Residential Districts Requirements - Use Unit 1202) of the required 100' frontage to 20'; per site plan submitted; subject to days and hours of operation being Monday through Friday, 8:00 a.m. to 5:00 p.m.; finding the use to be compatible with the area; on the following described property:

All of Holiday Park a part of the SE/2, SE/4, Section 31, T-20-N, R-14-E, lying south of the Crosstown Expressway, Tulsa County, Oklahoma, according to the recorded plat thereof, less and except that portion now platted as Sanders England First and not owned by grantor; and less and except the following two described tracts:

TRACT 1

A part of Block 1, HOLIDAY PARK, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, being more particularly described as follows, to-wit: Beginning at the most southeast corner of Block 1, HOLIDAY PARK, said point being on the north right-of-way line of east Admiral Place; then S 88°57'11" W along the south line of said Block 1, a distance of 125.00' to a point, said point being 40.00' east of the most southwest corner of Block 1; thence N 1°07'19" W a distance of 525.41' to a point; thence N 88°57'11" E a distance of 125.00' to a point on the east line of Block 1, HOLIDAY PARK; thence S 1°07'20" E a distance of 525.41' to the Point of Beginning and containing 65,676.86 sq ft or 1.5077 acres, more or less.

Case No. 15226 (continued)

TRACT 2

A part of Block 1, HOLIDAY PARK, an addition to the City of Tulsa, Tulsa County, State of Oklahoma according to the Recorded Plat thereof being more particularly described as follows, to-wit:

Beginning at the most northeast corner of Block 1, HOLIDAY PARK, said point being the intersection of the south right-of-way line of the Crosstown Expressway (I-244) and the west right-of-way line of North Garnett Road; thence S 86°06'00" W, along the south right-of-way line of I-244, a distance of 414.27' to a point; thence S 80°13'05" W, along the south right-of-way line of I-244, a distance of 365.45' to a point; thence S 1°06'28" E a distance of 79.28' to a point; thence N 88°44'55" E a distance of 775.07' to a point on the west right-of-way line of North Garnett Road; thence N 1°06'53" W along the east line of said Block 1, HOLIDAY PARK, a distance of 152.50' to the Point of Beginning and containing 96,600.31 sq ft or 2.2406 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15227

Action Requested:

Variance - Section 620.2 - Accessory Use Conditions - Use Unit 1211
- Request a variance to permit two signs on one street frontage in an OL zoned district, located 8242 South Harvard.

Presentation:

The applicant, **Debbie Beatt**, 9520 East 55th Place, Tulsa, Oklahoma, was represented by **Don Beatt**, Amax Sign Company. The applicant, who submitted a site plan (Exhibit D-1), stated that Automated Business Systems has moved to a building next door to Bethany Real Estate and is requesting permission to install a sign for their business. Mr. Beatt stated that they are proposing to install letters on their building, similar to those used by Bethany Real Estate, except on the opposite side of the building.

Comments and Questions:

Ms. Bradley pointed out that there is an existing freestanding sign which seems to be adequate signage for the existing businesses.

Mr. Beatt stated that Automated Business Systems has experienced a problem with their customers entering the Bethany Real Estate office, unaware that the entrance to their business is on the other side of the building. He pointed out that a sign on the entrance side of the building would alleviate this problem.

Ms. White asked if other businesses in the complex have wall signs, and the applicant replied that they do not have signs on the building.

Case No. 15227 (continued)

Mr. Bolzle asked how large lettering can be before it constitutes a sign, and Mr. Gardner stated that the Code states that name plates attached to the wall, not exceeding 2 sq ft in surface area, are allowed and do not count toward display surface area.

Ms. Bradley asked the applicant to state the size of the letters for the proposed sign, and he replied that the letters are 8" tall and the letter span is 9' long.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Variance** (Section 620.2 - Accessory Use Conditions - Use Unit 1211) to permit two signs on one street frontage in an OL zoned district; finding that the applicant failed to present a hardship that would warrant the granting of the variance request; and finding that names of the businesses in the center are displayed on an existing freestanding sign, and 2 sq ft name plates are permitted by the Code for ease in locating each tenant; on the following described property:

Lot 3, Block 1, Walnut Creek Mall Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15228

Action Requested:

Special Exception - Section 410 - Permitted Uses in the Residential Districts - Use Unit 1205 - Request a special exception to permit school use in an RM-2, RM-0, RS-2 and RS-3 zoned district, located SW/c of East 101st Street and South Yale Avenue.

Presentation:

The applicant, **Adrian Smith**, Hammond Engineering, 5157 East 51st Street, Tulsa, Oklahoma, submitted a site plan (Exhibit E-1), and represented Independent School District No. 5, Jenks Public Schools. He stated that the school has purchased a tract of land at the above stated location and a two-story elementary building will be the first phase of construction. Mr. Smith explained that a cafeteria is expected to be built within a year from this date, but the remaining buildings will be built later, depending on the demand in the area. He stated that representatives from the school and homeowners associations, as well as the designer of the project, are in the audience to answer any questions concerning the new construction.

Case No. 15228 (continued)

Comments and Questions:

Ms. Bradley asked if there will be access from the school property into the residential area to the west, and Mr. Smith replied that two streets are paved to the property line (west and south), but will not be opened if the school is constructed. Mr. Smith explained that the buses will access the property from 101st Street and the Yale Avenue entrance will be used for cars bringing children to and from school.

Mr. Chappelle asked if there will be a fence installed on the west boundary, and Mr. Smith stated that a chain link fence, along with trees, will be installed on the west and south boundaries. He pointed out that private screening fences are already in place along most of the west and south property lines.

Mr. Fuller inquired as to the distance between the construction area and the pipeline crossings, and Mr. Smith replied that the proposed building will parallel one pipeline which is approximately 50' to the north. Mr. Fuller asked about the drainage easement, and Mr. Smith informed that the drainage easement will be a detention pond, built to the specifications of Stormwater Management.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 410 - Permitted Uses in the Residential Districts - Use Unit 1205) to permit school use in an RM-2, RM-0, RS-2 and RS-3 zoned district; per site plan submitted; on the following described property:

The E/2 of the NE/4 of the NE/4, Section 28, T-18-N, R-13-E, of the Indian Base and Meridian, Tulsa County, Oklahoma, being more particularly described as follows to-wit: Beginning at the NE/c of Section 28, T-18-N, R-13-E of the Indian Base and Meridian, Tulsa County, Oklahoma; thence due south along the east line of said Section 28 a distance of 1,321.41' to the SE/c of the NE/4, NE/4; thence S 89°46'09" W along the south line of said NE/4, NE/4 a distance of 660.61' to a point; thence N 00°00'09" E a distance of 1321.24' to a point on the north line of Section 28; thence N 89°45'16" E a distance of 660.55' to the Point of Beginning and containing 872,835.42 sq ft or 20.038 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15229

Action Requested:

Appeal - Section 1650 - Appeals from an Administrative Official - Use Unit 1211 - Request an appeal from the decision of the Building Inspector for not permitting a non-conforming tax consulting and bookkeeping business in an RS-3 zoned district, located 1456 North Joplin.

Comments and Questions:

Ms. Bradley asked Ms. Hubbard if this appeal deals with a decision made by the Building Inspection Department, and she replied that the applicant applied for a zoning clearance and occupancy permit, which was denied because Mr. Kopet did not establish lawful nonconformity.

Mr. Jackere advised that the issue before the Board is whether or not the business in question is a nonconforming use.

Presentation:

The applicant, **Steven W. Kopet**, 7480 East First Street, Tulsa, Oklahoma, stated that a tax service and bookkeeping business has been in operation at this location for approximately 38 years. He pointed out that there have been three owners in the 38-year period, and requested permission to continue the same type of business that has previously been conducted on the premises. Mr. Kopet stated that the founder of the business moved to this location in 1950.

Additional Comments:

Mr. Jackere stated that it is the obligation of the applicant to produce evidence that the use was lawful in 1950 when the founder of the business moved to the present location.

Mr. Kopet stated that several years ago the previous owner was given verbal permission by a City agency to conduct the business and, on that basis, he purchased the business in 1978.

Mr. Gardner inquired as to the date the property became a part of the City, and the applicant replied that it was annexed about the time the business was started.

Protestants:

Two letters (Exhibit F-1) in protest of the application were received by Staff.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 15229 until September 21, 1989, to allow the applicant sufficient time to provide the date the property was annexed by the City of Tulsa.

Case No. 15230

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1217 - Request a variance of the 10' setback on the south property line.

Variance - Section 1217.3A - Use Conditions - Use Unit 1217 - Request a variance of the screening requirement from an abutting R zoned district, located 8905 South Lewis.

Presentation:

The applicant, **South Lewis Express Storage**, was represented by **Tulley Dunlap, Jr.**, 6600 South Yale, Tulsa, Oklahoma. Mr. Dunlap requested permission for the location of a building 3' from the property line. He informed that the abutting residential property will probably be zoned commercial, and that he is contemplating the purchase of that property if the owner decides to sell. A site plan (Exhibit G-1) was submitted.

Comments and Questions:

Mr. Gardner stated that the property to the south is zoned residential, with commercial zoning being on each side. He asked the applicant if the south side of the building will be a solid wall, and he replied that the building wall will be 23' from the property line, except for a small portion on the west end of the tract.

Ms. Bradley asked if the house to the south is occupied, and Mr. Dunlap answered in the affirmative.

Interested Parties:

Darrell Garlick, 9005 South Lewis, Tulsa, Oklahoma, stated that he is concerned that the storage building will be constructed near the south property line close to his home. After viewing the site plan, Mr. Garlick stated that he is supportive of the proposed construction, per the plan submitted.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-1 (Boizle, Bradley, Chappelle, White, "aye"; no "nays"; Fuller, "abstaining"; none "absent") to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1217) of the 10' setback on the south property line; and to **APPROVE** a **Variance** (Section 1217.3A - Use Conditions - Use Unit 1217) of the screening requirement from an abutting R zoned district; per site plan submitted; finding that only a small portion of the southeast building will extend to within 3' of the residential property; and finding that the property owner to the south has requested that there be no screening on the south property line; on the following described property:

Lot 1, Block 1, South Lewis Expressway Storage, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15231

Action Requested:

Special Exception - Section 310 - Permitted Uses In the Agriculture District - Use Unit 1205 - Request a special exception to allow church use in an AG zoned district, located west side of Mingo Road at 84th Street South.

Presentation:

The applicant, **Tulsa District United Methodist Church**, was represented **Gary VanFossen**, 4210 East 75th Place, Tulsa, Oklahoma. Mr. VanFossen submitted a site plan (Exhibit H-1) and requested permission for the construction of a church building at the above stated location. He informed that the property is vacant and will be purchased by the church if this application is approved.

Comments and Questions:

Ms. White asked if a day care operation will be conducted in the proposed building, and he replied that a day care is not planned at this time.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Boizle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a Special Exception (Section 310 - Permitted Uses In the Agriculture District - Use Unit 1205) to allow church use in an AG zoned district; per plot plan submitted; subject to platting and Stormwater Management approval; on the following described property:

A tract of land in the NE/4, SE/4 of Section 13, T-18-N, R-14-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 the NE/c of the said SE/4; thence south 00°02'29" E and along the east line of said Section 13, a distance of 330.05' to a point; thence S 89°46'36" W and parallel to the north line of said SE/4, a distance of 659.95' to a point; thence northerly and generally following the easterly bank of a pond, to a point on the north line of said SE/4, said point being 489.35' west of the NE/c of said SE/4; thence N 89°46'36" E and along the north line of said SE/4, a distance of 489.35' to the Point of Beginning, containing 4.2219 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15232

Action Requested:

Variance - Section 730 - Bulk and Area Requirements In the Commercial Districts - Use Unit 1217 - Request a variance of the required 150' frontage, east of SE/c 71st Street and South 92nd East Avenue.

Presentation:

The applicant, **Jerry Wilson**, 6520 South Lewis, Tulsa, Oklahoma, submitted a plat (Exhibit X-1), and stated that a mini-storage is proposed for the subject tract. The applicant stated that he did not request signage for the subject property when the initial application was made, and asked the Board to continue that portion of the application to October 5, 1989. Mr. Wilson informed that he is requesting a variance of the required 150' frontage to 100'.

Comments and Questions:

Mr. Gardner noted that the Planning Commission and the City Commission have previously approved the plan, and the applicant is before this Board because the width of the lot does not meet Code requirements.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Boizie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements In the Commercial Districts - Use Unit 1217) of the required 150' frontage; and **CONTINUE** the remainder of the application concerning signage to October 5, 1989; per plat submitted; finding a hardship imposed on the applicant by the narrowness and the irregular shape of the lot; on the following described property:

Lot 3, Block 1, Howerton Acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15233

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In the Residential Districts - Use Unit 1205 - Request a special exception to allow a church in an RM-1 zoned district.

Variance - Section 1205.3(a)1 - Use Conditions - Request a variance of the required 1 acre lot area to .70 acres.

Special Exception - Request a special exception to permit a manufactured building to be used for church use until permanent building is constructed, located 3231 East Seminole Street North.

Presentation:

The applicant, **United Pentecostal Church**, was represented by Mr. Morrison, who requested permission to place a temporary building on the subject property until a new building is constructed. Photographs (Exhibit J-2), plot plan and plat of survey (Exhibit J-3), and a copy of the contract for deed (Exhibit J-4) were submitted. Mr. Morrison explained that the purchase of the property is contingent upon the approval of church use at this location. It was noted that the property has been vacant approximately 10 years and has not been properly maintained. The applicant stated that the building will seat approximately 100 people, and adequate parking will be provided.

Comments and Questions:

Mr. Jackere advised that the Zoning Code does not regulate nonresidential use of manufactured homes or mobile homes, but rather the Building Code. He pointed out that the Building Code states that a temporary nonresidential use of a mobile home may be permitted for a period of nine months. Mr. Jackere advised that the applicant does not need a special exception to allow a manufactured home to be temporarily used as a church.

Ms. Bradley asked Mr. Morrison if the temporary building will be used for church use only, and he answered in the affirmative.

Protestants:

Ms. White informed that the Board received one letter of concern (Exhibit J-1) for the welfare of the school children in the area.

Rose McLain, 1823 North Harvard, Tulsa, Oklahoma, stated that she is concerned with the temporary building being placed on the property instead of a permanent structure. Mr. Jackere stated that the temporary structure can only remain on the property a maximum of one year.

Jim Wilkerson, 2125 East Seminole, Tulsa, Oklahoma, stated that the four-acre tract encompasses the entire block from Seminole to Tecumseh, and asked what area of the tract will be utilized for the church.

Mr. Gardner stated that the applicant is purchasing the northeast corner of the four-acre tract.

Mr. Wilkerson remarked that he has lived in the area for 40 years and asked the Board to exert extreme caution in approving temporary buildings in this area. He pointed out that the temporary structure would be detrimental to the neighborhood.

Applicant's Rebuttal:

Mr. Morrison stated that he can sympathize with the concerns of the protestants, but pointed out that construction on the permanent building will probably begin in the spring and the temporary building will be removed.

Case No. 15233 (continued)

Additional Comments:

Mr. Bolzle asked if the church only purchased .7 acre because of economic reasons, and Mr. Morrison replied that they purchased enough property for their current needs, and may buy more land at a later date if it is needed.

There was Board discussion concerning the removal of the temporary building if the applicant fails to construct the new structure, and Ms. Hubbard informed that a \$500 removal bond is required for a temporary nonresidential mobile home.

Mr. Jackere stated that he can understand the Board's concern regarding the cost of removing the building if it should be abandoned, and noted that the cost has increased significantly since the \$500 figure was set and the ordinance probably should be revised.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Request a special exception to allow a church in an RM-1 zoned district; and to **APPROVE** a **Variance** (Section 1205.3(a)1 - Use Conditions) of the required 1 acre lot area to .70 acres on the southwest corner of Tecumseh and Harvard; and to **STRIKE** a **Special Exception** to permit a manufactured building to be used for church use until a permanent building is constructed; subject to the building being for church use only, a paved parking lot being provided, and construction of a permanent building being started no later than one year from the date the manufactured building is moved to the property in question; and subject to a \$1000 removal bond; finding that church use is compatible with the surrounding neighborhood, and that there are other lots in the area that are similar in size to the lot in question; and finding that a permit for the use of a manufactured home for church use is controlled by the City Building Code and is not a matter to be decided by the Board of Adjustment; on the following described property:

Beginning 35' west and 25' north of the SE/c, NE/4, SE/4, thence north 410', west 477.5', south 170', east 85', south 240', east 392.5', Section 29, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15234

Action Requested:

Variance - Section 1217.4 - Off-Street Parking and Loading Requirements - Use Unit 1217 - Request a variance of the required 20 parking spaces to 6.

Variance - Section 1340(d) - Design Standards for Off-Street Parking Areas - Use Unit 1217 - Request a variance of the required dust free all-weather surface to permit unpaved parking area, located 16711 East Admiral Place.

9.07.89:546(19)

Case No. 15234 (continued)

Comments and Questions:

Mr. Jones advised that the property is in a flood area and a Watershed Development Permit will be required prior to development, and any increase in impervious area will require onsite detention.

Presentation:

The applicant, **Jessie Mons**, PO Box 690868, Tulsa, Oklahoma, stated that a semitrailer/tractor business will be operating on the subject property. She pointed out that most of the customer parking area in front of the office is paved and it is not likely that there will be more than three customers on the lot at any given time.

Additional Comments:

Ms. Bradley inquired as to the reason for requesting a reduction in the required number of parking spaces, and Ms. Mons replied that she was not sure how many spaces would be provided at the time application was made.

Ms. Bradley asked how many units are on the property at the present time, and the applicant replied that there are eight on the lot at this time, but there could be a maximum of 75 units in the future. She explained that the land is solid rock under the grass and there would be no problem with dust.

Mr. Gardner advised that, if inclined to approve the application, the Board could allow a portion of the customer parking lot to remain gravel for a one year period, then require installation of a hard surface material, or return to the Board for relief.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-1 (Bradley, Chappelle, Fuller, White, "aye"; no "nays"; Bolzie, "abstaining"; none "absent") to **APPROVE** a **Variance** (Section 1217.4 - Off-Street Parking and Loading Requirements - Use Unit 1217) of the required 20 parking spaces to 6; and to **APPROVE** a **Variance** (Section 1340(d) - Design Standards for Off-Street Parking Areas - Use Unit 1217) of the required dust free all-weather surface to permit unpaved parking in the area displaying semitractor/trailers, with the customer parking area remaining gravel for a period of one year only, at which time a hard surface material is to be installed, or further relief from the Board acquired; subject to Stormwater Management approval; finding that this type of business will not generate a large volume of traffic, and the granting of the requests will not be detrimental to the area; on the following described property:

Beginning 165' west, 40' north, SE/c of US Government Lot 3, Section 2, T-19-N, R-14-E, thence north 545.04' to bypass right-of-way, thence west 274.8', thence south 543.6', thence east 274.8' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15235

Action Requested:

Appeal - Section 1650 - Appeals from an Administrative Official -
Use Unit 1221 - Request an appeal from the decision of the sign
Inspector in not permitting an outdoor advertising sign.

Variance - Section 1221 - Business Signs and Outdoor Advertising -
Use Unit 1221 - Request a variance of the permitted spacing between
outdoor advertising signs, a variance of the permitted square
footage, and a variance to permit a flashing sign, located SW/c of
the Broken Arrow Expressway and South Yale Avenue.

Presentation:

The applicant, **Jack Murdock**, 2612 South 77th East Avenue, Tulsa,
Oklahoma, stated that the sign in question has been at this location
for several years, and the sign Inspector determined to void the
permit, due to the fact the sign has not been used for advertising
for 180 consecutive days. He pointed out that this action was taken
without giving a notice to the owner of the sign and asked the Board
to overturn the decision of the sign Inspector. A plat of survey
(Exhibit K-2) was submitted.

Comments and Questions:

Mr. Jackere asked the applicant if he agrees with the determination
that the sign was not in use for 180 days, and Mr. Murdock replied
that the Sign Inspector said that the sign was not used for 180
days. Mr. Murdock stated that he is proposing to purchase the sign
and went to the Sign Inspection Department to inquire if it is
legal. Mr. Jackere stated that it is the burden of the applicant to
supply evidence that the Sign Inspector's determination is not
correct.

Charles Beech, 7020 South Yale, Tulsa, Oklahoma, stated that he is
the owner of the sign and negotiations for its sale have been
ongoing for several months. He explained that the sign was turned
off during the period of negotiating, but there was never an intent
to abandon the \$65,000 sign.

Mr. Chappelle asked how long the sign has been turned off, and Mr.
Beech informed that it has been turned off approximately one year;
however a battery remains in the sign, which allows him to show it
to prospective buyers.

Ms. Bradley asked if the sign is non-conforming, and Mr. Jackere
stated that an outdoor advertising structure that has not been used
for 180 days shall no longer be allowed to remain in place, even
though non-conforming.

Case No. 15235 (continued)

In reply to Ms. Bradley's question, Mr. Gardner explained that the sign was installed when 500' spacing was a federal requirement, and since that time, an ordinance was approved that increased the distance between signs to 1200' on the same side of the expressway. He stated that the present ordinance requires that the sign in question (even if it had been used) be removed on January 1, 1995, since it does not conform to the spacing. Mr. Gardner pointed out that, if the Board should determine to allow the sign to remain at the present location, a condition should be imposed requiring removal of the sign in 1995 or it would become a legal sign and could remain past that time. He stated that the traveling message on the sign may be an additional issue if the sign is approved.

Arthur Crabb, 3164 South Mingo, Tulsa, Oklahoma, owner of the property where the sign is installed, stated that the sign is legal and was approved by the City. He informed that on March 8, 1984 Stokley Sign Company requested that a larger sign be installed at this location, and it was denied because the ordinance concerning signs had been changed by that time. Mr. Crabb stated that the sign was not in operation part of the time because of electronic malfunction, and a delay in acquiring new parts for repairs.

Protestants:

One letter (Exhibit K-1) protesting the installation of a new sign was received by Staff.

Mr. Bolzle remarked that, due to the fact that the protestant mentioned a new sign, may indicate that he is not aware that this application is concerning an existing sign.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** an **Appeal** (Section 1650 - Appeals from an Administrative Official - Use Unit 1221) and **UPHOLD** the **Decision** of the sign inspector in not permitting an outdoor advertising sign; and to **APPROVE** a **Variance** (Section 1221 - Business Signs and Outdoor Advertising - Use Unit 1221) of the permitted spacing between outdoor advertising signs, a variance of the permitted square footage, and a variance to permit a flashing sign; subject to existing sign complying with the original Sign Erection Permit No. 3693 (Exhibit K-3), which provided for a Plexiglas metal and fluorescent pole mounted sign 9' 6" by 23', containing 218.5 sq ft of display surface area, with a flashing message board; and subject to the sign being removed by January 1, 1995; finding that the existing sign has not been in operation for a one-year period due to an electronic malfunction, and negotiations for sale; finding that the sign was properly permitted at the time of installation, and the granting of the variance request will not be detrimental to the area or violate the spirit, purposes and intent of the Code; on the following described property:

Case No. 15235 (continued)

A tract of land situated in the SE/4, SE/4, Section 16, T-19-N, R-13-E, Tulsa County, Oklahoma, being more particularly described as follows, to-wit: Beginning at a point 50' north and 50' west of the SE/c of said SE/4, SE/4; thence N 89°59' W for a distance of 304.68'; thence N 0°6' W for a distance of 190.28'; thence in a southeasterly direction for a distance of 359.54' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15236

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted in the Office Districts, and Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1202 - Request a special exception to allow a tent revival in an OL and CS zoned district, located NW/c of North Lewis and Apache.

Presentation:

The applicant, **Pamella Smith**, was represented by **Anthony Smith**, 158 West 49th Place North, Tulsa, Oklahoma, who submitted a plot plan and aerial (Exhibit L-1), and requested permission to conduct a tent revival on property at the northwest corner of Lewis and Apache.

Comments and Questions:

Mr. Chappelle inquired as to the capacity of the tent, and the applicant replied that it will accommodate approximately 600 people.

In response to Ms. White, Mr. Smith stated that the revival will be conducted from September 8 through September 22, with a morning service at 10:30 a.m., an afternoon service at 2:30 p.m., and an evening service from 7:30 p.m. to 10:30 p.m.

Ms. Bradley inquired as to traffic control and security for the event, and Mr. Smith replied that a traffic problem is not anticipated since there is ingress and egress on both Lewis and Apache. The applicant stated that there will be around-the-clock security during the revival.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 610 - Principal Uses Permitted in the Office Districts, and Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1202) to allow a tent revival in an OL and CS zoned district; per plan submitted; subject to days and hours of operation being September 8 to September 22, 1989, 10:30 a.m. to 10:30 p.m., and subject to Health Department approval; finding that the temporary use, as presented, will not be detrimental to the area; on the following described property:

Case No. 15236 (continued)

Beginning 50' west and 50' north, SE/c, SE/4, thence west 290', north 760', east 290', south 760' to the Point of Beginning, Section 19, T-20-N, R-13-E, Tulsa County, Oklahoma.

Case No. 15238

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1223 - Request a variance of the required 55' setback from the centerline of East 4th Street to 30'.

Variance - Section 1223.4 - Off-Street Parking and Loading Requirements - Use Unit 1223 - Request a variance of the required number of parking spaces.

Variance - Section 1320(d) - Design Standards for Off-Street Parking Areas - Use Unit 1223 - Request a variance of the required dust free all-weather parking surface, located 1409 - 1411 East 4th Street.

Presentation:

The applicant, **Ray Conard**, 2725 South Memorial, Tulsa, Oklahoma, submitted an aerial photograph (Exhibit M-1) and a plot plan (Exhibit M-2) for a proposed addition to an existing building. He informed that the building was constructed on the property line, as is the adjoining building. Mr. Conard stated that the parking lot presently has 14 spaces, and 29 additional spaces will be provided across the street to the south. He noted that an application for an identical setback variance was approved in 1981, but was never utilized.

Comments and Questions:

Ms. White asked the applicant if he would agree to the execution of a tie contract on the two pieces of property, which would prevent the sale of one property without the other. Mr. Conard stated that he is not opposed to a tie contract.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1223) of the required 55' setback from the centerline of East 4th Street to 30'; to **APPROVE** a **Variance** (Section 1223.4 - Off-Street Parking and Loading Requirements - Use Unit 1223) of the required number of parking spaces; and to **WITHDRAW** a **Variance** (Section 1320(d) - Design Standards for Off-Street Parking Areas - Use Unit 1223) of the required dust free all-weather parking surface; per modified plot plan submitted; subject to the execution of a tie contract on the lot containing the paved parking lot and the lot containing the

Case No. 15238 (continued)

existing building; finding that other buildings in the area have been constructed on the lot line, and that there are other parking lots in the area that are not on the lot of use; and finding that the granting of the requests will not violate the spirit, purposes and intent of the Code; on the following described property:

E/2 of Lot 13, all of Lot 14, Block 18, Lynch and Forsythe Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15240

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request a special exception to permit automobile sales and service in a CS zoned district, located 6131 East 21st Street South.

Presentation:

The applicant, **John Moody**, 7666 East 61st Street, Tulsa, Oklahoma, counsel for the owners of the property in question, submitted photographs (Exhibit N-1) and stated that the existing automobile rental business was approved by the Board of Adjustment on March 16, 1978. Mr. Moody stated that the previous request specifically mentioned that the use of the lot be for car rental purposes, and asked that automobile repair and sales also be allowed at this location. He noted that his client occasionally has three or four cars to dispose of, and would never have more than five cars for sale at any given time. Mr. Moody stated that the rental car inventory on the lot will not exceed 50 automobiles, and there will be no more than four repair bays, with no more than four cars being worked on at any one time. It was noted that there will be no body work or storage of salvage on the lot. Mr. Moody informed that his client was unaware of the fact that the previous Board of Adjustment approval only allowed a car rental. The applicant pointed out that there are other car repair businesses in the area.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Boizle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217) to permit automobile sales and repair in a CS zoned district; subject to a maximum of 50 rental cars, a maximum of 5 cars for sale and no more than 4 service bays; and subject to no body work; finding that there are other repair operations in the area, and that sales and repair have been a part of the business for a long period of time and have proved to be compatible with the area; on the following described property:

Case No. 15240 (continued)

A tract of land described as beginning at the SE/c, SW/4, SE/4, SE/4, Section 10, T-19-N, R-13-E, of the Indian Base and Meridian, Tulsa County, Oklahoma;; thence west 180' to a point, thence north a distance of 50' to the Point of Beginning; thence north parallel to the east line of said Section 10 a distance of 150'; thence west a distance of 150'; thence south a distance of 25'; thence west a distance of 25'; thence south a distance of 125'; thence east a distance of 175' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15242

Action Requested:

Variance - Section 830 - Bulk and Area Requirements in the corridor District - Request a variance of the required 200' setback from Mingo Road to 74' to permit an existing building, located NE/c Mingo and 63rd Street.

Comments and Questions:

Mr. Gardner informed that the property has been approved for corridor zoning, per the City Commission and Planning Commission, and Board of Adjustment approval is also required because the existing structure is being utilized, which is 74' from the centerline. He stated that a parking lot is being added and the exterior of the building is being upgraded, but no additions to the building are proposed.

Presentation:

The applicant, **Samuel Melton**, 25100 Spring Lake Circle, Broken Arrow, Oklahoma, submitted a plot plan (Exhibit P-1) and stated that the existing building is closer to the centerline of the street than the Code allows.

Protestants:

The protestant, **Jim Lewis**, Lewis Companies, 5484 South 103 East Avenue, Tulsa, Oklahoma, stated that his company owns the property located approximately 300' to the south of the subject property. He stated that the existing houses have been removed from the property in an attempt to upgrade the area. Mr. Lewis stated that other buildings along the street meet the setback requirements, and requested that the application be denied. He pointed out that, if this setback is approved, others along the street will request the same variance.

Comments and Questions:

Mr. Gardner stated that the exterior of the building will have the appearance of a commercial structure when the project is completed.

Case No. 15242 (continued)

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Boizle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 830 - Bulk and Area Requirements in the corridor District) of the required 200' setback from Mingo Road to 74' to permit an existing building; per plot plan submitted; finding that the structure that already exists is a small structure (1500 sq ft); and finding that the granting of the request will not impair the spirit, purposes or intent of the Code; on the following described property:

The south 79' of the west 236' of Lot 5, Block 4, Union Gardens, City of Tulsa, Tulsa County, Oklahoma.

Date Approved Sept 28, 1989

Sharry White
Chairman

