

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 552
Thursday, December 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 Fuller White, Chairman	Chappelle	Gardner Jones Moore Richards	Jackere, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, December 5, 1989, at 10:50 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 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** the Minutes of November 16, 1989.

UNFINISHED BUSINESS

Case No. 15286

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow church use in an RM-2 zoned district, located NE/c East 13th Place South and South Troost Avenue.

Presentation:

The applicant, **Tex Richardson**, was not present.

Comments and Questions:

Mr. Jones informed that the applicant has previously requested church use for one square block of residential property, and the Board continued the case to allow the applicant to continue negotiations for permission to allow church use on one remaining lot in the block. He stated that Mr. Richardson has requested by letter (Exhibit A-1) that the application be continued to February 1, 1990.

Protestants: None.

Case No. 15286 (continued)

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bolzie, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 15286 to February 1, 1990, as requested by the applicant.

Case No. 15304

Action Requested:

Variance - Section 1221.3 - General Use Conditions for Business Signs - Use Unit 1212 - Request a variance in the required 50' setback from the centerline of South Denver Avenue to 30' to permit a sign, located NW/c of 15th Street and South Denver.

Comments and Questions:

Mr. Jones stated that this case was continued at the last meeting to allow research as to the reason for the Quik Trip canopy sign next door to the north being located in the planned right-of-way setback (Case No. 13006). He advised that a variance of the setback requirements for the canopy and sign was previously denied by the Board, however, that decision was appealed and overturned by District Court.

In response to Ms. Bradley, Mr. Jackere stated that a representative from the Kentucky Fried Chicken restaurant was present at the District Court hearing, and pointed out that the Quik Trip canopy and sign would block the view of their sign.

Presentation:

The applicant, **Terry Howard**, 1423 South 128th East Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit B-1) and explained that the Quik Trip canopy and sign block the view of motorists approaching the restaurant from the north on Denver. He requested permission to place the sign for the Kentucky Fried Chicken restaurant at 30'.

Mr. Gardner pointed out that the canopy and sign for the Quik Trip store are located on their property, but within the planned right-of-way. He informed that the Board, when approving structures of this type in older areas, has made the approval subject to a removal contract to insure that the City will not be responsible for moving them if the street is widened.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bolzie, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** (Section 1221.3 - General Use Conditions for Business Signs - Use Unit 1212) in the required 50' setback from the centerline of South Denver Avenue to 30' to permit a sign; per plot plan submitted; subject to the execution of a

Case No. 15304 (continued)

removal contract; finding that there are other structures in the older area that are as close to the street as the sign in question; on the following described property:

Lots 4 and 5, Block 3, Campbell Drew, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15313

Action Requested:

Special Exception - Section 910 - Permitted Uses in the Industrial Districts - Use Unit 1202 - Request a special exception to allow retail sales in an IL zoned district, located south of SE/c East 41st Street and South Memorial Drive.

Presentation:

The applicant, **Chet Blackington**, was not present.

Comments and Questions:

Mr. Jones informed that the Board previously approved Christmas tree sales on the subject property, and continued the additional portion of the case to allow the applicant to advertise for the sale of tropical plants. He suggested that the case be continued two weeks to allow Staff sufficient time to contact Mr. Blackington.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 15313 to December 21, 1989.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15323

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the Residential District - Use Unit 1207 - Request a variance of the required 35' setback from the centerline of Madison Avenue to 32' to permit the reconstruction of two carports for a duplex in an RM-2 zoned district, located 6027 and 6029 South Madison Avenue.

Presentation:

The applicant, **Robert E. Snyder**, 6029 South Madison, Tulsa, Oklahoma, submitted a plot plan (Exhibit C-1) and requested permission to reconstruct the carports which were destroyed by fire.

Comments and Questions:

Ms. Bradley asked the applicant if there are other carports in the area, and he replied that all carports in the neighborhood have the

Case No. 15323 (continued)

same setback and extend as close to the street as the one in question.

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in the Residential District - Use Unit 1207) of the required 35' setback from the centerline of Madison Avenue to 32' to permit the reconstruction of two carports for a duplex in an RM-2 zoned district; per plot plan submitted; finding that the carport will replace those that has been in existence for a long period of time; and finding that all carports in the area have the same setback; on the following described property:

Lots 1 and 2, Block 1, Park City Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15325

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request a minor variance of the required lot width from 75' to permit a lot split (front -75', rear -57'; + 66') in an RS -2 zoned district, located SW/c of 26th Street and South St. Louis Avenue.

Comments and Questions:

Mr. Jones stated that Staff has received a letter (Exhibit D-1) from Tom Mason, counsel for the protestants, requesting that Case No. 15325 be continued to a later date. It was noted that the applicant, Kenneth L. Hird, has been advised of the continuance request.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 15325 to December 21, 1989, as requested by counsel for the protestants.

Case No. 15326

Action Requested:

Minor Variance - Section 280 - Structure Setbacks from Abutting Streets - Use Unit 1205 - Request a minor variance of the required 50' setback from the centerline of East 101st Street South to 28' to permit a church sign, located 5150 East 101st Street South.

Case No. 15326 (continued)

Presentation:

The applicant, **Southern Hills Church of Christ**, was represented by **David Huey**, 3042 South Detroit, Tulsa, Oklahoma. He stated that the Church of Christ purchased the subject property approximately three years ago, with the sign in place. Mr. Huey explained that the wood sign deteriorated over the years and was removed from the brick base, with the intention of installing a new sign; however, it was discovered that Board approval is required before the new sign can be erected. A sign plan (Exhibit E-1) was submitted.

Comments and Questions:

Ms. Bradley asked if the sign has had prior Board approval, and Mr. Huey replied that he is not sure, since the sign was constructed by the previous owner.

Protestants:

Doug Vincent, 10530 South Urbana, Tulsa, Oklahoma, District 26 Chairman, submitted photographs (Exhibit E-2) of the sign, and stated that a hardship has not been presented by the applicant. He pointed out that the previously approved sign was to be set 38' from the centerline of the street; however, a mistake was made and it was installed at 28'. He stated that the driveway is straight and the sign can be set at 50'.

Additional Comments:

Mr. Huey stated that the new sign will be installed on the existing base and will be placed at the same location as the old sign.

Mr. Gardner asked if the temporary signs will be removed when the new sign is completed, and the applicant answered in the affirmative.

Mr. Gardner advised that the trees, which block the sign at this time, will be removed when the street is widened, and the sign would be visible at the required setback.

There was discussion as to the hardship for the variance request, and Mr. Bolzle stated that the Board obviously approved the previous sign at the requested location.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-1-0 (Bolzle, Fuller, White, "aye"; Bradley, "nay"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Minor Variance** (Section 280 - Structure Setbacks from Abutting Streets - Use Unit 1205) of the required 50' setback from the centerline of East 101st Street South to 28' to permit a church sign; per sign plan submitted; subject to a removal contract; finding that the sign will be installed on the existing base, which has been at the present location for several years; on the following described property:

Case No. 15326 (continued)

Lot 1, Block 1, Life Christian Center Addition, City of Tulsa,
Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15316

Action Requested:

Variance - Section 1130.2(B)1 - Accessory Uses - Use Unit 1213 -
Request a variance to place a ground sign less than 150' from a
residential area, located 7112 South Mingo.

Presentation:

The applicant, **Arlin Mareburger**, 7112-J South Mingo, Tulsa,
Oklahoma, submitted a plot plan and location map (Exhibit F-2), and
explained that extensive landscaping is being completed for the
Wembley Center, with a sign being installed that will compliment
the project. He pointed out that the center has only 80' of
frontage on 71st Street, with the major portion of frontage being on
Mingo. As a result of the small amount of frontage on 71st Street,
the applicant requested the variance of the spacing between the sign
and the residential area. Mr. Mareburger stated that the property
owners to the west are supportive of the application. A letter of
support (Exhibit F-1) and photographs (Exhibit F-3) were submitted.

Comments and Questions:

Ms. Bradley inquired as to the distance from the sign to the
residential area, and the applicant stated that the sign will be 40'
from the property line. He informed that a Texaco service station
bounds the subject tract on the east and an elderly housing project
is located in the CS zoned district to the west.

Ms. Bradley asked if the PUD will be amended, and Mr. Gardner
advised that, due to the PUD Ordinance, the sign requires Board of
Adjustment and Planning Commission approval. He pointed out that
the commercial zoned property requires a 40' setback from
residentially zoned property, while the PUD requires a 150' setback
from a residential use. Mr. Gardner stated that the PUD will not be
amended.

Mr. Jones noted that the Planning Commission has approved the detail
sign plan, subject to Board of Adjustment approval.

Protestants: None.

Case No. 15316 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** (Section 1130.2(B)1 - Accessory Uses - Use Unit 1213) to place a ground sign 40' from a developed residential area; per plot plan submitted; finding a hardship imposed on the applicant by the narrow frontage on 71st Street, and the fact that commercial zoned property requires a 40' setback from residentially zoned property, while the PUD requires a 150' setback from a residential use, even though in this case the residential use is zoned commercial; on the following described property:

Lot 2, Block 1, Wembley Station, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15318

Action Requested:

Special Exception - Section 910 - Permitted Uses in the Industrial Districts - Use Unit 1202 - Request a special exception to permit the operation of a concrete ready-mix plant (construction facility off-site) in an IL zoned district for a period of not more than two years, located southeast corner of East 45th Place South and South 100th East Avenue.

Presentation:

The applicant, **Charles Norman**, was represented by **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma, who submitted a plan of improvement (Exhibit G-1), and explained that the application deals with a temporary concrete ready-mix plant for a project which will widen the intersection at Mingo and 51st Street. He stated that the concrete will be poured in phases, and the actual pouring operation is short term, approximately 15 days. It was noted that each pouring could extend over a 30 to 45 day period if delays are encountered. Mr. Johnsen stated that there is substantial economic benefit to the bidder and the public to have the concrete facility near the project. He pointed out that the site selected is in an industrial area and close enough to the work site to allow the cement to be transported for the two 15-day pouring periods. Mr. Johnsen explained that the concrete for the street cannot be ordered from a commercial concrete ready-mix plant, as it is required to be a special grade which must be mixed near the project. Photographs (Exhibit G-3) were submitted.

Comments and Questions:

Ms. Bradley asked if the site will be used for mixing cement only during the pouring periods, and Mr. Johnsen answered in the affirmative.

In response to Mr. Bolzle's question concerning truck traffic in the area, Mr. Johnsen replied that equipment and materials will be brought to the site before the project begins, and trucks will travel to the plant only during pouring periods (two 15-day periods).

Case No. 15318 (continued)

Mr. Gardner asked if all raw materials needed for the paving project will be brought to the site at one time, and if the trucks will only be running during the 30 days of pouring. Mr. Johnsen replied that there will be no activity on the subject property except during the 30 days of mixing and pouring, as paving equipment for the construction project is stored at another site.

In response to Ms. Bradley, Mr. Johnsen stated that the property in question will be used for this job only.

Mr. Fuller asked if the subject property will be restored to its present state after the project is finished, and Mr. Johnsen answered in the affirmative.

Mr. Gardner advised that, if inclined to approve the application, the Board could require that the lot be restored to its present condition.

Protestants:

John May, 1 West 3rd Street, Tulsa, Oklahoma, submitted a letter of protest, along with a petition (Exhibit G-2) signed by many business owners in the area. He explained that he is representing numerous concerned property owners near the proposed plant site, who feel that the dust, sand and other by-products created by the operation will be detrimental to their businesses. He pointed out that many buildings are equipped with bay doors, and these property owners would be particularly affected by the blowing sand. Mr. May stated that the increased heavy traffic and the dusting in the area will have a disastrous impact.

Lynn Strenkowski, 9810 East 45th Place, Tulsa, Oklahoma, stated that she owns a business in the area, and is familiar with the operation of a batch plant. She pointed out that, upon leaving the site, they rarely restore the land to its previous state. Ms. Strenkowski pointed out that the additional truck traffic will be detrimental to the existing businesses.

Kent Bassnett represented Connecticut Mutual Life Insurance Company, which owns a complex near the proposed plant site. He explained that the complex is comprised of 120,000 sq ft of rental space, with approximately 20 tenants. It was noted that all occupants of the complex are opposed to the operation of a batch plant at the proposed location. He further noted that the cooling and heating systems in the area will suffer damage from the blowing dust created by the ready-mix operation.

Beryl Ford, 4408 South 100th East Place, Tulsa, Oklahoma, owner of property across the street from the proposed plant, stated that the operation is not a sealed process and will blow dust as the materials are poured for mixing. He pointed out that he located his business in the area because of its quiet nature, as there is only one way to enter and exit. He pointed out that spillage will cause

Case No. 15318 (continued)

the streets to be cluttered and the entire operation will be detrimental to the area.

Allan Kraft, 4500 South 102 East Avenue, Tulsa, Oklahoma, stated that his business is approximately one block from the proposed ready-mix plant site. He pointed out that all cement mixing operations cause a residue to collect in the ditches surrounding the site. Mr. Kraft stated that the businesses in the area will be adversely affected by the installation of a batch plant at this location.

Darrel Crowl, 4616 South 101st East Avenue, Tulsa, Oklahoma, informed that he is the owner of property to the east of the proposed ready-mix plant, and pointed out that there is a drainage ditch on the back portion of the lot which could be polluted by the run-off from the mixing operation. He stated out that the ground on the lot is wet and a vast amount of tracking from the large trucks would occur on the streets.

Duane Voss, 9821 East 44th Place, Tulsa, Oklahoma, stated that he operates an automotive business in the area, and due to the fact that the road does not go through, his customers back out in the street. He pointed out that the added truck traffic could create a hazardous driving condition for his customers.

Applicant's Rebuttal:

Mr. Johnsen reiterated that the batch plant will be a temporary facility to be used to complete a public improvement in an urban setting. He pointed out that the location of the concrete mixing operation must be near the work site, and available land for this use is limited. It was noted that there are regulations that must be met by the operators of the ready-mix plant for dust control. Mr. Johnsen pointed out that a permanent batch plant is located in the IM District, approximately 200 to 300' southwest of the subject property. He suggested that the impact the temporary use will have on the IL District seems to have been overemphasized.

Additional Comments:

Mr. Bolzle stated that the proposed site seems to be the least desirable location in the area for a batch plant, as there is only one exit and the quality of the surrounding development is above average.

After discussion, it was the general consensus of the Board that there might be other available sites that would be more appropriate for the intended use. There was further discussion as to the amount of time required to complete the project.

Ms. Bradley remarked that the request for two years to complete the project seems to be an excessive amount of time.

Mr. Johnsen requested that the case be continued to the next scheduled meeting to allow sufficient time for documentation of

Case No. 15318 (continued)

available sites for the ready-mix plant, and to allow the applicant to present additional information concerning the case.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 15318 to December 21, 1989.

Case No. 15319

Action Requested:

Variance - Section 122.13 - General Use Conditions for Business Signs - Use Unit 1213 - Request a variance of the required 50' setback from the centerline of East 15th Street to 31' to permit a pole sign, located 2910 East 15th Street.

Presentation:

The applicant, **Terry Schultz**, 5044 South 31st West Avenue, requested permission to install a new sign 31' from the centerline of 15th Street. A sign plan (Exhibit H-2), a plat of survey (Exhibit H-1) and photographs (Exhibit H-3) were submitted.

Comments and Questions:

Ms. Bradley inquired as to the location of the existing sign, and the applicant stated that it is close to the building, approximately 32' from the centerline of the street. He informed that the old sign will be removed, and the replacement will be installed further from the building and will align with the existing signs along the street.

Protestants:

Fran Pace, 1326 South Florence Avenue, Tulsa, Oklahoma, stated that she does not object to the variance, but is concerned that the pole will be set at 31' and the sign will be installed overhanging the sidewalk. She asked the Board to require that the sign be set far enough back to prevent its extending over the sidewalk.

Additional Comments:

Mr. Jackere stated that the setback distance should be measured from the centerline of the street to the nearest point of the sign.

Ms. Pace remarked that the Gate City sign, which is next door to the subject property, overhangs the sidewalk.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** (Section 122.13 - General Use Conditions for Business Signs - Use Unit 1213) of the required 50' setback from the centerline of East 15th Street to 31' to permit a pole sign; subject to the 31' measurement being taken from the centerline of 15th

Case No. 15319 (continued)

Street to the nearest point of the sign, with no portion of the sign overhanging the sidewalk; per plan submitted; finding that the sign will align with the existing signs along the street; and the granting of the variance request will not violate the spirit, purposes or intent of the Code; on the following described property:

Lots 5, 6, 7, 8, 9, 10 and 11, Block 2, Avondale, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15320

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 2306 - Request a variance of the required 35' setback from East Pine Street to 17' 5" to permit construction of a single-family dwelling, located NW/c of East Pine Street and North Elgin.

Presentation:

The applicant, **Terry Gilliland**, 111 South Elgin, Tulsa, Oklahoma, who submitted a plot plan (Exhibit J-2) and photographs (Exhibit J-1), stated that he is representing Tulsa Development Authority. He explained that a house, which will align with existing residences, is proposed for the lot.

Comments and Questions:

Mr. Gardner asked if the house will front on Elgin, and the applicant answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bolzle, Bradley, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 2306) of the required 35' setback from East Pine Street to 17' 5" to permit construction of a single-family dwelling; per plot plan submitted; finding a hardship imposed on the applicant by the corner lot location; on the following described property:

South 20' of Lot 13, all of Lots 14 and 15 and the north 5' of Lot 16, Block 9, Investor's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15321

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted In the Agriculture District - Use Unit 1205 - Request a special exception to permit church use in an AG zoned district, located 4404 South 193rd East Avenue.

Presentation:

The applicant, **Charles Wood**, 4404 South 193rd East Avenue, Broken Arrow, Oklahoma, was represented by Jerry Demetri, who stated that the Church of the Nazarene is planning to purchase a 5-acre tract at the above stated location. A plot plan (Exhibit K-1) for a proposed building was submitted.

Comments and Questions:

Mr. Jones advised that there could be several development constraints that would hamper development of the tract. He noted that there is no sewer service or water available at this location. There is a water line across the street in Wagoner County; however, the Code states that property inside the city limits must be served by city water, which is one-half mile to the north.

Mr. Demetri stated that, if Tulsa is not able to supply water and sewer service to the property, the church should be allowed to seek these services from private sources in Wagoner County. It was noted that a lagoon or septic system is not feasible, as the land will not perk.

Protestants:

Willard Treat, 4464 South 193rd East Avenue, Tulsa, Oklahoma, stated that he owns property to the north of the subject tract, and explained that he has no opposition to the church, but asked that the Board prohibit the construction of a lagoon on the property. He pointed out that there is a natural drain across his property, which would allow overflow sewage to drain in that direction.

Sid Bowers, 4622 South 193rd East Avenue, Broken Arrow, Oklahoma, informed that he owns property to the south of the land in question. He stated that the land will not perk, and requested that the use of a lagoon system for sewage disposal be prohibited.

Additional Comments:

Ms. Bradley advised the protestants that this Board only hears cases pertaining to land use, and the owner of the property must comply with all other Code requirements in order to develop the property.

Mr. Gardner pointed out that many of the property owners lived in the area before the present regulations prohibited further development of the land. He stated that many of the existing septic tanks do not operate properly and some of the residents transport water from another location to serve their households. It was noted that there is little chance that utilities will be made available to the subject property, unless the church has sufficient funds to lay a water line to the nearest available water supply.

Case No. 15321 (continued)

Applicant's Rebuttal:

Mr. Demetri stated that he is before the Board to determine if the property can be used for church purposes, as this is a stipulation in the purchase contract.

Additional Comments:

Mr. Gardner pointed out that there has been no new construction in this general area because of the lack of sewer and water service. It was noted that these services are available further to the south of the subject property.

Mr. Bolzle asked if other public bodies would hear the case if the special exception is approved, and Mr. Gardner advised that the Planning Commission and the Technical Advisory Committee will also review the subdivision plat and require necessary utilities at that time.

Board Action:

After Ms. Bradley's motion to deny the special exception request, there was discussion as to the nearest location of available city utilities.

Mr. Bowers stated that there is a large water line at 41st and County Line Road, but the City of Tulsa will not permit tapping of this line.

Charles Woods, 4404 South 193rd East Avenue, Tulsa, Oklahoma, owner of the subject tract, stated that Wagoner County Water District 4 has provided water for residents in the area for many years. He informed that their representative has told him that water can no longer be supplied to new residents without prior approval from their Board. He stated that a private sewer is located across the road (approximately 1000') which could be utilized for sewage disposal.

After a lengthy discussion concerning development problems for the subject property, Ms. Bradley withdrew her motion for denial and suggested that land use only be considered by the Board.

Mr. Bolzle noted that he is in favor of determining if church use is appropriate for the area, and leave the issues of development to each department involved in the process.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Bradley, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 1205) to permit church use in an AG zoned district; subject to no lagoon system being installed for sewage disposal; finding that church use is appropriate for the area; on the following described property:

Case No. 15321 (continued)

NE/4, S/2, SE/4, NE/4, Section 25, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15322

Action Requested:

Variance - Section 1213.4 - Off-Street Parking and Loading Requirements - Use Unit 1213 - Request a variance of the required number of parking spaces, located 1613 East 15th Street.

Presentation:

The applicant, **Kenny Joe Smith**, 28442 East 21st Street, Tulsa, Oklahoma, submitted a plot plan and elevations (Exhibit L-1) and stated that he is representing the Indian Territory Coffee Company. He explained that the business is proposing to relocate across the street from their present address and, although the new location has more parking spaces than the present one, it does not comply with the Code requirement. It was noted that other businesses in the shopping center do not have the same business hours as the coffee shop, and parking spaces are always available. He explained that the shop sells special blends of coffee and tea for off-premise consumption, which makes up approximately 95% of the business, but the shop does have tables for serving customers.

Comments and Questions:

Ms. White asked how many parking spaces are available at the new location, and the applicant replied that 49 spaces are required for the center and 42 spaces are available.

Ms. Hubbard stated that tenant use is changing in the nonconforming shopping center, therefore, the current parking requirement must be imposed.

Ms. Hubbard stated that she sent the applicant to the Board to request a special exception under Section 1470, which does not require the demonstration of a hardship.

Ms. White remarked that there is not a business in the center that opens before 10:00 a.m., and the bulk of the applicant's business will be prior to their opening.

Interested Parties:

Fred Stowell, 1340 East 19th Street, Tulsa, Oklahoma, president of the Swan Lake Neighborhood Association, remarked that the commercial businesses in the area have been an asset to the community. He asked that the request be approved.

Shawn Hutchinson, 1710 East 14th Street, Tulsa, Oklahoma, stated that she lives in the area and is supportive of the application. She commented that the parking lot for the shopping center is never filled to capacity.

Case No. 15322 (continued)

Maurene Wilson, 1425 South Troost, Tulsa, Oklahoma, stated that she is employed in the area and has noticed that there are never more than three cars in front of the coffee shop at any given time.

Protestants:

Arnold Simmons, 1432 South Trenton, Tulsa, Oklahoma, stated that he is opposed to the business, as the odor of the roasting coffee has an adverse affect on his wife's asthmatic condition. He noted that he has lived in the area for many years.

Ms. White pointed out that the business is operating in compliance with the Code in the CH and CS District, and the issue before the Board is the required number of parking spaces.

Clara Treece, a resident living nearby on Trenton, stated that the odor from the coffee shop is offensive to the residents in the neighborhood, and asked that the application be denied. She remarked that the shopping center customers park on the street and block driveways in the residential area.

Additional Comments:

In response to Ms. Bradley's question, the applicant stated that there will be five tables in the coffee shop, and the peak period of activity is between 7:00 a.m. to 8:30 a.m.

After discussion with Staff, it was the general consensus of the Board that the application should be heard as a special exception instead of a variance.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Bradley, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller, "absent") to **APPROVE** a **Special Exception** (Section 1470(c) - Parking, Loading and Screening Nonconformities - Use Unit 12) to permit a change in use (restaurant) without an increase in off-street parking spaces; per plan submitted; finding that the moving of the business will improve the existing parking situation; and that the coffee shop has only five tables, and the businesses presently operating in the shopping center have different peak periods of activity; on the following described property:

Lots 13, 14, 15 and 16, Block 1, Clarks Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15324

Action Requested:

Special Exception - Section 440.2 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1206 - Request a special exception to permit a home occupation (tire repair) in an RS-3 zoned district, located 854 East 46th Street North.

Case No. 15324 (continued)

Presentation:

The applicant, **Clifton Gibbs**, 854 East 46th Street North, Tulsa, Oklahoma, requested permission to operate a recap tire shop in his garage.

Comments and Questions:

Ms. Bradley asked the applicant if he lives in the house, and he answered in the affirmative.

In response to Ms. Bradley, the applicant stated that he is purchasing the property from the Bank of Oklahoma.

Ms. Bradley pointed out that there are tires stored in the back yard, and Mr. Gibbs stated that the tires outside the garage will be removed from the property.

Ms. White asked if all tires can be stored inside the garage, and he answered in the affirmative.

Ms. Bradley voiced a concern with the condition of the property, and Mr. Gibbs stated that he is clearing all tires from the property and there will be no outside storage when the work is completed.

In response to Ms. White, the applicant replied that he contemplates having only five to ten customers per day. Ms. White stated that she has not viewed the site, and suggested that the case be continued to the next scheduled meeting to allow the Board to visit the proposed location for the home occupation.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Bradley, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller, "absent") to **CONTINUE** Case No. 15324 to December 21, 1989, to allow the Board to view the site for the proposed home occupation.

OTHER BUSINESS

Case No. 15245

Action Requested:

Approval of amended plot plan.

Presentation:

The applicant, **Sooner Rowing Club**, was represented by **Sam Stone**, 320 South Boston, Tulsa, Oklahoma, who stated that they were previously before the Board requesting permission to construct a facility for storage of equipment. He noted that the plan was

Case No. 15245 (continued)

approved, however, when application was made for a building permit, it was discovered that the the location of the building was not according to the approved plans. He asked the Board to approve the amended plot plan (Exhibit M-2).

Interested Parties:

A letter of support (Exhibit M-1) was received from the River Parks Authority.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bolzle, Bradley, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller, "absent") to **APPROVE** the amended plot plan for Case No. 15245, as submitted by the applicant.

Review and Approval of 1990 Meeting Schedule

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bolzle, Bradley, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller, "absent") to **APPROVE** the 1990 meeting schedule as presented.

There being no further business, the meeting was adjourned at 3:50 p.m.

Date of Approval Dec. 21, 1989

Sharry White
Chairman

