

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 555  
Thursday, January 18, 1990, 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 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, January 16, 1990, at 11:50 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 January 4, 1990.

**UNFINISHED BUSINESS**

**Case No. 15331**

**Action Requested:**

Special Exception to permit Christmas tree sales for a period of three (3) years, and Special Exception to permit a landscaping business and wood lot in a CS zoned district - **Section 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Units 2 and 15, located SW/c East 91st Street and South Harvard Avenue.

**Presentation:**

The applicant, **Scott Staggs**, 5346 South Sheridan, Tulsa, Oklahoma, requested permission to sell Christmas trees, wood, plants, flowers and gardening supplies on the subject property.

**Comments and Questions:**

Ms. Bradley asked Mr. Staggs if he is proposing to construct a greenhouse, and he replied that his plans are uncertain at this time.

In response to Ms. White, the applicant stated that he will use a tent to display the plants and flowers.

**Case No. 15331 (continued)**

There was discussion as to the exact uses on the property and the time limitation for tent sales.

Mr. Jackere suggested that the Board consider a continuance of the case to allow the applicant to confer with the Building Inspector concerning the temporary use of a tent for the sale of merchandise, and to supply a plot plan which includes the exact uses and amount of storage proposed for the property.

**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 **CONTINUE** Case No. 15331 to February 1, 1990.

**Case No. 15329**

**Action Requested:**

Variance to waive the screening wall or fence required along lot line adjoining an R District - **Section 1217. AUTOMOTIVE AND ALLIED ACTIVITIES** - Use Unit 17.

Variance to allow open air storage or display of merchandise for sale within 300' of adjoining R District - **Section 1217. AUTOMOTIVE AND ALLIED ACTIVITIES** - Use Unit 17, located SW/c Charles Page Boulevard and 59th West Avenue.

**Presentation:**

The applicant, **Doyle Noe**, was represented by **Robert Nichols**, 111 West 5th Street, Tulsa, Oklahoma. He informed that automobile sales has previously been approved on the lot and requested that the variance to allow display of automobiles within 300' of an R District be approved. He stated that the applicant has constructed a screening fence on the lot line and is no longer in need of the variance to waive the screening requirement.

**Comments and Questions:**

In response to Ms. Hubbard, Mr. Nichols stated that all parking of vehicles on the property will comply with the Code.

**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 **WITHDRAW** a Variance to waive the screening wall or fence required along lot line adjoining an R District - **Section 1217. AUTOMOTIVE AND ALLIED ACTIVITIES** - Use Unit 17; and to **APPROVE** a Variance to allow open air storage or display of

Case No. 15329 (continued)

merchandise for sale within 300' of adjoining R District - **Section 1217. AUTOMOTIVE AND ALLIED ACTIVITIES** - Use Unit 17; finding that the outside display of vehicles is necessary in the operation of a car sales business; and finding that the granting of this variance request will not be detrimental to the area, as a similar business has previously been conducted at this location; on the following described property:

Lots 11 and 12, Block C, Medio Addition, City of Tulsa, Tulsa County, Oklahoma.

### NEW APPLICATIONS

Case No. 15348

#### Action Requested:

Variance to permit use of bare bulb illumination and blinking bulbs in an outdoor advertising sign - **Section 1221.7.G. Use Conditions for Outdoor Advertising Signs** - Use Unit 21.

Variance to increase cutouts or extensions from permitted 15% to 45% of display surface area in an outdoor advertising sign - **Section 1221.7.1. Use Conditions for Outdoor Advertising Signs** - Use Unit 21.

Variance to permit outdoor advertising sign to be located within 10' of, or totally within, a freeway right-of-way - **Section 1221.7.D. Use Conditions for Outdoor Advertising Signs** - Use Unit 21, located NE/c Broken Arrow Expressway and South Sheridan.

#### Presentation:

The applicant, **Bill Stokely**, 10111 East 45th Place, Tulsa, Oklahoma, submitted photographs (Exhibit A-1), and stated that Donrey Sign Company constructed a 15' by 60' billboard in the 1950's, which was used to advertise Coca Cola. The applicant explained that he acquired the account and transferred the sign to Skelly Bypass and Harvard Avenue, where it was located for two years. Mr. Stokely stated that Donrey regained the account approximately four years ago and the Coca Cola sign, along with the neon and cut-out portion at the top, has been displayed at Peoria and Broken Arrow Expressway. It was noted that the sign has fallen into a state of disrepair, and Mr. Stokely stated that the Coca Cola Company has requested that their sign be displayed on his sign structure at South Sheridan and Broken Arrow Expressway. He read the Sign Code requirements for outdoor advertising signs, and pointed out that neon, which is used extensively throughout the city, is not bare bulb illumination (Exhibit A-2). Mr. Stokely pointed out that he is before the Board at this time, because the Inspection department interpreted neon as being bare bulb illumination. In regard to the cut-out extension, the applicant pointed out that the exact amount that is cut out totals 150 sq ft, but pointed out that the method used by the sign Inspector, which consists of measuring a rectangle drawn around the lettering, is a much higher figure.

**Comments and Questions:**

In response to Ms. Bradley, the applicant stated that the sign in question is to be located on one side of a three-sided structure, which has been at this location for approximately nine years.

Mr. Fuller asked the applicant to address the subject of the location of the sign in a freeway right-of-way, and he replied that the sign in question is nonconforming, and any change to a nonconforming sign requires Board of Adjustment approval.

Mr. Gardner advised that the sign in question is nonconforming as to setback and the three-sided sign. He noted that the ordinance requires that all nonconforming signs must be brought into conformance by January 1, 1995.

Mr. Jackere clarified that the the variance that is before the Board at this time is one to allow bare bulb illumination, as the applicant has not properly taken issue with the Building Inspector's determination that neon is a bare bulb. He further noted that Mr. Stokely has not filed an appeal from the Building Inspector's decision and has not given the Building Inspector, or this Board, formal notice within 10 days of that decision. Mr. Jackere pointed out that the Board has the authority to grant the relief requested if a hardship is demonstrated, but is not at liberty to interpret the Code unless an appeal has been properly filed.

Ms. Bradley asked Mr. Stokely to address the hardship for the variance requests, and he replied that the hardship is that Protective Inspections does not interpret the Code as he does.

In response to Mr. Bolzie, Mr. Jackere stated that the applicant can appeal the decision of the Building Inspector if this application is denied by the Board.

**Protestants:**

**Ed Rice**, Chief Building Inspector, stated that he has inspected the site and found no exceptional or extraordinary conditions that would cause this sign to be different from other off-premise signs in Tulsa. He noted that the Legal Department advised him by letter that neon is bare bulb illumination, and there are no other billboards in the City that contain neon lighting on the sign face. Mr. Rice pointed out that the extension limit according to the Code is 15%, and the applicant is requesting a 45% extension. He asked the Board to deny the variance.

**Applicant's Rebuttal:**

Mr. Stokely stated that Mazzio's, Crane Electric, Miller Beer, and many of his boards around the City have neon lighting in place. In reference to Mr. Rice's comment concerning bare bulb illumination, Mr. Stokely read a portion of a letter from Mr. Jackere, which stated that it is his opinion that the illumination of flashing, blinking, traveling lights, etc. is a distracting feature. He pointed out that this is merely an opinion, and not according to the Code.

Case No. 15348 (continued)

**Additional Comments:**

Mr. Bolzle asked if the face of the sign in question will be reduced, and the applicant answered in the affirmative.

Mr. Fuller asked if the face of the sign will be reduced from 672 sq ft to 669 sq ft, and the applicant replied that the stated figures are correct.

In response to Mr. Bolzle, Mr. Gardner stated that the existing sign is within 10' of the freeway right-of-way and should be considered by the Board. He pointed out that, if the sign is approved at this location, it would no longer be nonconforming, and could remain at this location past the 1995 removal date.

Mr. Jackere suggested that, if inclined to approve the variance request for the present location of the sign, specific measurements should be determined, and Mr. Stokely stated that the sign in question is 3' from the expressway right-of-way.

**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** to permit use of bare bulb illumination and blinking bulbs in an outdoor advertising sign - **Section 1221.7.6. Use Conditions for Outdoor Advertising Signs** - Use Unit 21; to **DENY** a **Variance** to increase cutouts or extensions from permitted 15% to 45% of display surface area in an outdoor advertising sign - **Section 1221.7.1. Use Conditions for Outdoor Advertising Signs** - Use Unit 21; and to **WITHDRAW** a **Variance** to permit outdoor advertising sign to be located within 10' of, or totally within, a freeway right-of-way - **Section 1221.7.D. Use Conditions for Outdoor Advertising Signs** - Use Unit 21; finding that a hardship was not demonstrated that would warrant the granting of the variances requested; on the following described property:

A tract in the NW/4, Section 23, T-19-N, R-13-E in Tulsa County, Oklahoma, as follows:

Beginning at a point on the west boundary of Lot 20, Block 5, Sheridan Terrace, a subdivision of a part of the NW/4 of said Section 23, according to the recorded plat thereof 680' south of the north boundary of said Section 23, thence westerly and parallel with north line of said section a distance of 297', more or less, to a point which is 413' east of the west line of said Section 23; thence southerly and parallel to the west line of said Section 23 a distance of 240'; thence easterly and parallel with the north line of said Section 23 a distance of 297', more or less, to a point of intersection with a southerly

Case No. 15348 (continued)

projection of the west boundary of Lots 19 and 20 of Block 5 of said Sheridan Terrace subdivision; thence northerly along projection and along said west boundary of said Lots 19 and 20 to the place of beginning; containing 1.636 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

A tract of land containing two acres in the NW/4, NW/4, Section 23, T-19-N, R-13-E in said county and state, described as follows:

Beginning at a point that is 680' south and 50' east of the NW/c of said Section 23, thence south and parallel to the west section line for 240'; thence east and parallel to the north section line for 363'; thence north and parallel to the west section line for 240'; thence west and parallel to the north section line for 363' to the point of beginning.

Except the following:

Beginning at a point 680' south of the north line and 50' east of the west line of said NW/4, NW/4, thence south a distance of 240'; thence east a distance of 30'; thence N 0°07' W a distance of 240'; thence west a distance of 30' to the point of beginning.

Also, beginning at a point 920' south of the north line and 710' east of the west line of said NW/4, NW/4, thence west a distance of 504.5'; thence N 79°15' E a distance of 203.5'; thence 88°22' east a distance of 308.5'; thence south a distance of 27.83' to point of beginning.

Containing in both parcels 0.50 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15349**

**Action Requested:**

Variance to permit a detached accessory building in the required side yard - **Section 420. ACCESSORY USES IN RESIDENTIAL DISTRICTS - Use Unit 6.**

Variance of the required detached accessory building rear yard setback from 20' to 5' - **Section 430, Table 3. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6**, located NE/c East First Street and South Birmingham Avenue.

**Comments and Questions:**

Mr. Gardner noted that the applicant is requesting an accessory building which is larger than the house, and the Board should determine if the structure is truly an accessory building.

**Presentation:**

The applicant, **Charles Horner**, 2536 East 1st Street, Tulsa, Oklahoma, requested permission to use a new building on his property as a storage facility for five show cars.

**Comments and Questions:**

In response to Ms. Bradley, the applicant stated that he does not reside on the property. He explained that the existing structure will be used as a home for a security person.

Mr. Gardner pointed out that car storage would be a principal use for the property.

**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 **DENY** a **Variance** to permit a detached accessory building in the required side yard - **Section 420. ACCESSORY USES IN RESIDENTIAL DISTRICTS - Use Unit 6**; and to **DENY** a **Variance** of the required detached accessory building rear yard setback from 20' to 5' - **Section 430, Table 3. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6**; finding that the applicant does not reside on the property, and that the proposed building would be the principal use rather than an accessory building; and finding that the granting of the variance requests would violate the spirit, purposes and intent of the Code; on the following described property:

Lot 13, Block 7, East Highland Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15350**

**Action Requested:**

Variance of the required 50' setback to 42' to permit existing sign - **Section 1221. BUSINESS SIGNS AND OUTDOOR ADVERTISING** - Use Unit 12, located NW/c West 51st Street South and South 33rd West Avenue.

**Presentation:**

The applicant, **Larry Walde**, 533 South Rockford, Tulsa, Oklahoma, who submitted a plot plan (Exhibit B-1) and a sign location map (Exhibit B-3), stated that he is representing Braum's Ice Cream Stores. He explained that the lot is shallow and that the sign would be located inside the parking lot if the required 50' setback is observed. Photographs (Exhibit B-2) were submitted.

**Comments and Questions:**

Ms. Bradley asked if the driveway is off 33rd West Avenue, and the applicant stated that the driveway runs parallel with this street.

In response to Mr. Bolzie, Mr. Gardner stated that the sign does not obstruct the visibility of motorists in the area.

Mr. Jackere asked why the sign was not set close to the building, and the applicant stated that existing trees were visual obstructions from the north and the Phillips sign would obstruct the view from the south.

Mr. Fuller inquired as to the length of time the sign has been at the present location, and he replied that it was installed in October.

**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** of the required 50' setback to 42' to permit existing sign - **Section 1221. BUSINESS SIGNS AND OUTDOOR ADVERTISING** - Use Unit 12.

Upon recommendation by Ms. Bradley, Mr. Fuller agreed to amend his previous motion for approval of the sign, per plot plan submitted.

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **AMEND** the previous approval to include the plot plan submitted; finding that the sign visibility is obstructed by large trees to the north and a Phillips sign to the south, and finding that there are other signs along 33rd West Avenue that are as close to the street as the sign in question; on the following described property:

Lots 10, 11 and 12, Block 8, Carbondale Third Addition, City of Tulsa, Tulsa County, Oklahoma.



**Case No. 15351**

**Action Requested:**

Special Exception to permit a commercial recreation, intensive use (bingo parlor) in an IL zoned district - **Section 910. Table 1. Use Units Permitted In Industrial Districts** - Use Unit 20, located 650' west of Sheridan on East 30th Street North.

**Presentation:**

The applicant, **Bill Smith** and the **Benham Group**, were represented by Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, who requested that Case No. 15351 be continued to February 1, 1990.

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Boizle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 15351 to February 1, 1990, as requested by Roy Johnsen, counsel for the applicant.

**Case No. 15352**

**Action Requested:**

Variance of the required 25' front yard to 2' to permit an existing carport - **Section 420. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 6919 East 16th Street.

**Presentation:**

The applicant, **Eldred Smith**, 1919 East 16th Street, Tulsa, Oklahoma, submitted photographs and a petition of support (Exhibit C-2), and requested that the existing carport be allow to remain at its present location. He explained that the two-car garage has been converted to a game room and the carport is needed to protect his cars. Mr. Smith pointed out that he contacted surrounding property owners, many of which are supportive of the application and present for the hearing. A plot plan (Exhibit C-4) was submitted.

**Comments and Questions:**

Mr. Fuller asked the applicant if there are other carports in the area, and he replied that there are others in the area, but none on 16th Street.

Ms. Bradley remarked that she viewed the neighborhood and did not observe other carports. Mr. Smith stated that there is a carport on 17th Street and one located on 71st East Avenue, which are not in the immediate vicinity of his home. In response to Ms. Bradley, the applicant replied that he does not have a full understanding of a hardship, but it would be a hardship if he had to remove the carport. Ms. Bradley explained that a hardship is anything unique about the lot, such as an irregular shape, topography, etc., that

Case No. 15352 (continued)

would prevent its use in the present state. In response to Ms. Bradley's inquiry as to the length of time the carport has been at the present location, the applicant informed that it was constructed without a permit in November of 1989 by a carpenter he employed.

**Protestants:**

**Al Kolpek**, 6913 East 17th Street, Tulsa, Oklahoma, who submitted a packet (Exhibit C-3) containing a petition, letters of opposition, photographs and letters from appraisers, stated that he lives within 300' of the property in question, and is also opposed to the application. He pointed out that there are no other carports in the area.

Mr. Fuller asked Mr. Kolpek if the applicant has reviewed the list of protestants, and he replied that he has not discussed the issue with the applicant.

**Board Action:**

After pointing out that a hardship has not been demonstrated and that the application would have had little, if any, support from the Board if it had been heard prior to construction, Mr. Chappelle moved to deny the variance request.

Mr. Smith requested that he be allotted time for rebuttal, and it was the consensus of the Board to allow the applicant be given additional time to speak. Mr. Smith reiterated that numerous supportive property owners have accompanied him to the meeting, and pointed out that the carport was under construction for approximately three weeks and none of the surrounding property owners voiced an objection at that time. It was noted that the carport has been constructed of quality materials and will increase the value of his property. An appraisal letter (Exhibit C-1) was submitted. Mr. Smith pointed out that the petition of support was only signed by residents within a 300' radius around his property, while Mr. Kolpek's petition of opposition was signed by residents in the general area.

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bozile, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Variance** of the required 25' front yard to 2' to permit an existing carport - **Section 420. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; finding that there are no carports in the immediate area; and finding that a hardship was not demonstrated that would warrant the granting of the variance request; on the following described property:

Lot 16, Block 4, Lelsure Lanes Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15353**

**Action Requested:**

Special Exception to allow heating/air conditioning business in a CS zoned district - **Section 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 15.

Variance of the required 150' lot frontage to 49' - **Section 730. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 15.

Variance of the 100' front yard setback requirement to 50' - **Section 730. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 15.

Variance to waive required screening wall or fence abutting an R District (south side) - **Section 1215. OTHER TRADES AND SERVICES** - Use Unit 15, located 4944 Charles Page Boulevard.

**Presentation:**

The applicant, **Monty Ford**, 715 South 51st West Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1) for a proposed building at the above stated location. He requested that the variance of the 100' front yard setback requirement to 50' be changed to 75', as the 50' measurement would not allow sufficient space to park a vehicle.

**Comments and Questions:**

Mr. Gardner asked the applicant if the proposed building will be within 10' of the south property line, and he replied that it will be approximately 75' from the southern boundary. In response to Mr. Gardner's question concerning doors on the south side of the building, the applicant stated that there will be a 10' wide overhead garage door on the south.

Mr. Jackere pointed out that the applicant does not need a variance of the required frontage from 150' to 49', as that relief was granted on February 7, 1985 (L-16343).

Mr. Fuller asked the applicant to state the hardship for the request to waive the required screening fence, and he replied that a large tree will be destroyed if a screening fence is installed.

In response to Mr. Bolzie's question concerning the required front yard setback, Mr. Gardner advised that there are encroaching buildings on both sides of the property in question, and a 75' setback is probably greater than either of these structures.

Ms. Hubbard noted that, if there are encroaching buildings on two sides, with no intervening buildings within 200' of the proposed structure, the applicant can average to determine the setback.

**Protestants:**

**Mr. Deramo**, 4942 Charles Page Boulevard, Tulsa, Oklahoma, stated that he lives to the east of the subject property, and is concerned as to the type of building that will be constructed on the property, and if there will be customers visiting the site. He pointed out that his house is located 4' from the property line.

Ms. Hubbard advised that the applicant is allowed to build to the property line in the CS zoned district.

The applicant explained that he will not have customers visiting his business, and only his air conditioning/heating equipment and materials will be kept on the property.

**Board Action:**

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bozile, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to allow heating/air conditioning business in a CS zoned district - **Section 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 15; to **WITHDRAW** a **Variance** of the required 150' lot frontage to 49' - **Section 730. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 15; to **APPROVE** a **Variance** of the 100' front yard setback requirement to 75' - **Section 730. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 15; and to **DENY** a **Variance** to waive required screening wall or fence abutting an R District (south side) - **Section 1215. OTHER TRADES AND SERVICES** - Use Unit 15; per revised plot plan (75' setback from centerline of street); subject to any outside storage of merchandise or supplies being screened along the east property line; finding that there are mixed uses along Charles Page Boulevard and the proposed business will not be detrimental to the area; finding that the 49' requested lot frontage has been previously approved, and the building will not extend closer to the street than the existing buildings in the area; and finding that the applicant failed to demonstrate a hardship for a waiver of the required screening fence; on the following described property:

East 49' of Lot 8, Block 1, Vern Subdivision Amended, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15354**

**Action Requested:**

Varience of the 32 sq ft of display surface area per lineal foot of street frontage to permit construction of business sign with 48 sq ft of display surface area - **Section 620. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 21, located SW/c East 56th Street and South Mingo Road.

**Presentation:**

The applicant, **Richard Gardner**, 5608 South Mingo Road, Tulsa, Oklahoma, stated that he has closed one of his two tax service offices and requested permission to move a 48 sq ft sign to the above stated location. He pointed out that, because of the corner lot location, he would actually be entitled to a sign on both streets, totaling 72 sq ft.

**Comments and Questions:**

Mr. Gardner pointed out that, in addition to the corner lot location, the properties to the north, east and further south of the subject tract are zoned IL and do not have the restrictive signage limitation.

**Protestants:** None.

**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 **APPROVE** a **Varience** of the 32 sq ft of display surface area per lineal foot of street frontage to permit construction of business sign with 48 sq ft of display surface area - **Section 620. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 21; subject to only one 48 sq ft sign being installed on the property; finding that the property is located on a corner, with one sign being allowed on each street frontage; and finding that the sign in question contains less square footage than the combination of the two signs allowed by right; and finding that the lots to the north, east and south are zoned IL, which have less restrictive signage requirements; on the following described property:

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

**Case No. 15355**

**Action Requested:**

Special Exception to permit church uses (future parsonage, classrooms, parking area) in an RS-3 Zone - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, located 2111 North Frankfort and 2218 North Frankfort Place.

Case No. 15355 (continued)

**Comments and Questions:**

Mr. Richards informed that a portion of the application has been incorrectly advertised, and suggested that the case be continued to the next scheduled meeting.

There was discussion as to the advantages and disadvantages of hearing a portion of the application at this time, and it was the consensus of the Board that this case should be continued to allow all members to view the correct piece of property.

**Protestants:**

There were numerous protestants in the audience, and Ms. White advised them of the new hearing date, February 1, 1990, and the fact that they will not receive another hearing notice concerning the application.

**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 **CONTINUE** Case No. 15355 to February 1, 1990, to allow sufficient time to properly advertise the application.

**Case No. 15356**

**Action Requested:**

Variance of the side yard setback for residential garage abutting street right-of-way on two (2) sides from minimum setback of 20' to 15' - **Section 430, Table 3. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located East 88th Street South and East 89th Street South, near South Erie Avenue and South Hudson.

**Presentation:**

The applicant, **EGL Partnership**, was represented by E. A. Schermerhorn, 2217 East Skelly Drive, Tulsa, Oklahoma, who submitted a plat of survey (Exhibit E-1) and stated that the company has completed a development known as Southern Point Second, which is an extension of Southern Point. He explained that the first development did not required relief, as the setback for a garage abutting street right-of-way on two sides was 15'. Mr. Schermerhorn stated that he was not aware the Code requirement had been changed from 15' to 20', and asked the Board to allow Southern Point Second to have the same setbacks as the first development.

**Comments and Questions:**

Ms. Bradley asked if the variance granted in 1989 was for the first phase of development, and he replied that it was for the second phase.

Mr. Gardner advised that the Code was amended to change the setback requirements on corner lots from 25' to 15', if the garage is not accessed on the 15' side. Mr. Gardner asked Mr. Schermerhorn if garages will be opening on the side with the 15' setback, and he answered in the affirmative. In response to Mr. Gardner, the

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applicant stated that a parked automobile in front of the garage will not extend into the City right-of-way. Mr. Gardner informed that the purpose for the ordinance change from 20' to 15' was to assure sufficient space to park a vehicle in front of the garage without extending into the City right-of-way. He further noted that lots in the subdivision to the west have been granted similar setbacks.

Ms. Hubbard noted that there were also variances granted on selected lots in the Southern Pointe development in 1987.

**Lindsey Perkins**, 2217 East Skelly Drive, Tulsa, Oklahoma, stated that similar plans will be used for the homes in Southern Pointe Second, and requested that the Board allow the same setback requirements for both developments.

Mr. Bolzie suggested that this could be a self-perpetuating variance, in that the Board is asked to use the approval of the variance for South Pointe as a basis for approval of setbacks in South Pointe Second.

Ms. White pointed out to Mr. Schermerhorn that, since he is aware of the change in the ordinance, there is no assurance that future variance request of this nature will be approved.

Mr. Schermerhorn stated that all subdivisions have corner lots and similar variances could be requested in the future.

Mr. Bolzie pointed out that the PUD process should be utilized for future developments requiring multiple variances, per the Board's adopted policies.

Mr. Jackere pointed out that another alternative would be to plat the corner lots larger, in order to compensate for the setback requirements.

**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** of the side yard setback for residential garage abutting street right-of-way on two (2) sides from minimum setback of 20' to 15' - **Section 430, Table 3. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plat submitted; subject to the houses being constructed with the front yards facing the 25' setback side; finding that the lots have building setback requirements imposed from two street and that similar setback relief has been granted in the area; on the following described property:

Lot 1, Block 1; Lots 1 and 13, Block 2; Lot 1, Block 3; Lots 1, 11 and 12, Block 4; and Lots 3 and 13, Block 5, Southern Pointe Second Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15357**

**Action Requested:**

Special exception to permit use of approximately 4000 sq ft in an existing building as a center for the homeless of the City of Tulsa without limitation as to hours of operation - **Section 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 5, located NW/c Denver and Brady Streets.

**Presentation:**

The applicant, **Tulsa Metropolitan Ministries, Inc.**, was represented by Maynard Ungerman, PO Box 701917, Tulsa, Oklahoma, who explained that the organization was previously granted permission to operate a center for the homeless from 7:30 a.m. to 7:30 p.m., at the above stated location. He pointed out that there is a severe need for a night shelter, and requested that the hours of operation be lengthened to include the nighttime hours, 7:30 p.m. to 7:30 a.m. Mr. Ungerman noted that a similar around-the-clock facility is operating in Oklahoma City.

**Protestants:**

**Les Pearce**, Trust Company of Oklahoma, 5727 South Lewis Avenue, Tulsa, Oklahoma, stated that the trust company is a service agent for the owners of adjacent property belonging to Moulder-Oldham. He referred to a portion of a letter (Exhibit F-1) he submitted to the Board, which requested that, if approved, precautions be taken to provide 24-hour security on the subject property, sanitation facilities be provided, an overhead sprinkler system be installed in the building and the approval be temporary.

**Comments and Questions:**

In response to Ms. Bradley, Mr. Gardner advised that the difference between the Salvation Army and the Tulsa Metropolitan Ministries is the fact that that one is a 24-hour facility and one is limited to daytime use only. He pointed out that some of the requests made by Mr. Pearce could be satisfied if the operation is expanded to include nighttime use and conditions are imposed.

There was discussion as to the length of time the ministry might be at this location, and Mr. Ungerman informed that they have a three year lease and no immediate plans to move from this location.

Ms. Bradley asked if the center will be staffed during the nighttime hours, and Mr. Ungerman replied that there will be two employees present at all times during the night.

**Arnold Lucas**, 4167 East 47th Place, Tulsa, Oklahoma, stated that he is involved in the ownership of the property adjacent to the day care center. He voiced a concern with the fire hazard that overnight use of the facility might cause, since their warehouses are very close to the center.



Case No. 15357 (continued)

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 **Special Exception** to permit use of approximately 4000 sq ft in an existing building as a center for the homeless of the City of Tulsa without limitation as to hours of operation - **Section 910. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 5; subject to staff being on the premises at all times; finding that there is a similar facility operating in the area, and approval of the special exception request will not be detrimental to the area, or violate the spirit, purposes and intent of the Code; on the following described property:

The S/2 of Lot 2, and all of Lot 3, Block 32, Original Town Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15358

Action Requested:

Variance of the 35' maximum structure height to 42' to permit construction of multi-family - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 8, located east side of Riverside Drive, south of East 66th Place.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma, stated that the application in question was approved by the Board in 1986, but the approval has now expired, due to a three-year time lapse. He informed that the application has not changed, and asked the Board to grant a second approval. A site plan (Exhibit M-1) was submitted.

Comments and Questions:

It was the consensus of the Board that the present application and the one previously approved are identical.

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 **Variance** of the 35' maximum structure height to 42' to permit construction of multi-family - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 8; per site plan submitted; finding that there are buildings with similar elevations in the immediate vicinity; and finding that the identical application was approved approximately three years ago but, due to the economy, was not utilized during the three-year approval period; on the following described property:

A part of Government Lot 7, and all of Lots 4, 5, 6, 7, 8, 9 and 10, Block 1, Raintree II Amended, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, all located entirely within Section 1, T-18-N, R-12-E, Tulsa County, Oklahoma, being more particularly described as follows, to-wit:

Case No. 15358 (continued)

Commencing at the NW/c of Lot 1, Block 1, Raintree II, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof as the point of beginning:

Thence due south a distance of 196.46' to a point; thence due west a distance of 16.29' to a point; thence due south a distance of 60' to a point; thence due east a distance of 43.59' to a point; thence due south a distance of 151' to a point; thence due west a distance of 72' to a point; thence due south a distance of 30' to a point; thence due west a distance of 6.09' to a point; thence due south a distance of 32' to a point; thence due west a distance of 238' to a point; thence due south a distance of 98' to a point; thence due west a distance of 255.77' to a point on the right-of-way for the proposed Riverside Parkway; thence N 18°29'14" W a distance of 502.62' to a point of curvature; thence along a 5,656.51' radius curve to the right, having a central angle of 1°7'28" for an arc distance of 111.01' to a point; thence S 88°50'59" E, a distance of 738.28' to the point of beginning.

A tract of land in Lot 7, Section 1, T-18-N, R-12-E, Tulsa County, Oklahoma, more particularly described as follows: Beginning 1485' north and 760' west of the SE/c of Section 1; thence west 300'; thence northwesterly 382' to a point; thence east and parallel to the south line of Section 1, 422'; thence south 362' to the point of beginning, containing three acres, more or less; less the following tract conveyed to the City of Tulsa as follows:

A piece or parcel of land located in the SE/4 of Section 1, T-18-N, R-12-E of the Indian Base and Meridian, Tulsa County, Oklahoma, which is more particularly described as follows, to-wit: Beginning at the SE/c of The Keys subdivision, an addition to the City of Tulsa, Oklahoma; thence N 19°35'09" W along the easterly boundary thereof, a distance of 382.00'; thence S 89°57'27" E parallel to the south line of said Section 1, a distance of 159.25'; thence S 19°35'09" E a distance of 301.57'; thence S 23°07'05" E a distance of 82.39'; thence N 89°57'35" W a distance of 164.64' to the point of beginning, containing 1.3201 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15359**

**Action Requested:**

Special Exception to allow the expansion of a school in an RM-2 zoned district - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5.

Varience to permit off-street parking spaces within the required front yard in a residential district - **Section 1205. COMMUNITY SERVICES AND SIMILAR USES** - Use Unit 5.

Varience of the required 50' building setback from the centerline of East 15th Street to permit required off-street parking within 34' of the centerline - **Section 280. STRUCTURE SETBACKS FROM ABUTTING STREETS** - Use Unit 5.

Varience of the required 85' building setback from the centerline of East 15th Street to permit the construction of school buildings within 71' of the centerline - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 5.

Varience of the maximum floor area ratio permitted from .5 to .63 for all of the church and school buildings within Tract A - **Section 440. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 5.

Special Exception to permit a school playground and park in RS-3 and RM-2 zoned districts - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, Tract A located between East 15th Street and East 16th Street, and Tract B located on the SW/c 16th Street and Rockford Avenue.

**Presentation:**

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma, who submitted a site plan (Exhibit G-2), an alternate site plan (Exhibit G-4) and photographs (Exhibit G-3), stated that he is representing Marquette School, which is owned and operated by Christ The King parish. Mr. Norman explained that the Marquette School was constructed in 1932, and Fletcher Hall became a part of the parish in the 1950's. He informed that the property in question is 300' by 400', with Tract A being located between 15th and 16th Streets, and Quincy and Rockford. It was noted that Tract B is 300' by 150', and is located south of 16th Street. Mr. Norman stated that the site plan and the alternate site plan have been submitted because of budget purposes, as the smaller building will be constructed if the larger facility is not within the school's budget. It was noted by the applicant that the long range development plan (Exhibit G-5) calls for the closing of 16th Street between Quincy and Rockford and the connecting of the two properties. He pointed out that the parish owns property located on the west side of Quincy, which is used for a child development center and parking for the school staff. It was noted by Mr. Norman, that all of the original buildings were constructed under the 1925 Zoning Code and do not conform to current Zoning Code requirements in regard to setbacks and parking. He remarked that it is not the intent of the school to increase the 335 enrollment, but

Case No. 15359 (continued)

the construction is proposed to provide an indoor activity center for the students. Mr. Norman mentioned that the site plan depicts the 50 off-street parking spaces that will be provided, which is an increase of 30 spaces. He stated that he has met with surrounding property owners, and it has been suggested that any action on Tract B be continued to a future Board of Adjustment meeting (Exhibit G-1, Swan Lake Neighborhood Association), to allow further consideration and neighborhood discussion. It was noted that the Tract B plan calls for the removal of Fletcher Hall after the completion of the new addition.

**Protestants:**

**Frank Patton** represented Mr. and Mrs. Paul Gilling, who live to the south of the playground area on Tract B. He stated that his clients oppose the location of the recreation area directly across from their residence, and noted that this use clearly falls under Use Unit 20, Commercial Recreation.

Mr. Jackere asked if he agrees that playgrounds associated with schools would be classified as a school activity, rather than a commercial activity. Mr. Patton stated that the playground would be akin to a commercial activity, since it will not be located on the lot with the school and could be used by groups, either organized or unorganized. He pointed out that his clients moved to the neighborhood approximately four years ago, and had houses as a buffer between their residence and the playground at that time.

**Teresa Newham**, 1515 South Rockford, Tulsa, Oklahoma, stated that the neighborhood is already plagued with parking and traffic problems, and that the existing problem will be worsened if the application is approved. She pointed out that the on-site parking lot will only replace parking spaces which are eliminated by closing 16th Street. Ms. Newham stated that some measures should be taken by the church and school to alleviate some of the parking problems in the neighborhood.

**Gene Maxey**, 1518 South Quincy, Tulsa, Oklahoma, stated that he is representing his mother who lives across the street from the school. He pointed out that he, too, is concerned with the ongoing traffic, parking and noise problem in the area.

**Comments and Questions:**

Mr. Jackere asked Mr. Norman if his client would be agreeable to the execution of a tie contract on Tract A and Tract B, and he answered in the affirmative.

**Applicant's Rebuttal:**

Mr. Norman clarified that the early child development center was previously approved by the Board, and the parish owns other property to the north. He stated that they are attempting to purchase the other lots on the west side of Quincy, which will be converted to a parking area. He pointed out that parking and traffic are always problems in the older neighborhoods where schools and churches have been allowed without parking. He reiterated that there will not be additional enrollment or additional traffic generated by the addition to the school.

1.18.90:555(20)

Case No. 15359 (continued)

**Additional Comments:**

It was noted by Mr. Bolzle that the application is complex, and that the Board has had a limited amount of time to review the plans.

After a lengthy discussion, it was the consensus of the Board that action on Tract A and Tract B should be continued to allow sufficient time for further review of the application.

**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 CONTINUE Case No. 15359 to February 15, 1990, to allow sufficient time for additional Board review of the case.

**Case No. 15360**

**Action Requested:**

Special Exception to allow an electrical contracting business as a home occupation in a single-family residence - **Section 440. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 6, located 10185 East 22nd Place.

**Presentation:**

The applicant, Jerry Metz, 10185 East 22nd Street, Tulsa, Oklahoma, who submitted photographs (Exhibit H-2) and letters of support (Exhibit H-1), stated that he operates an electrical contracting business from his home. He requested permission to have an office and a small amount of storage on the premises.

**Comments and Questions:**

In response to Mr. Gardner's inquiry, the applicant stated that he has two business trucks parked at his residence, which are occasionally picked up by his employees.

Mr. Fuller asked if there is outside storage on the property, and he replied that all materials are kept inside.

In response to Ms. White, Mr. Metz replied that he has three employees.

**Protestants:**

David St. John, 10159 East 22nd Place, Tulsa, Oklahoma, stated that there is a lot of traffic in the area and a school bus stop across the street from the subject property. He pointed out that there is poor visibility around the curve and any added traffic is a hazard to the school children walking in the area.

In response to Ms. Bradley, Mr. Jackere pointed out that the applicant could have an employee drive one truck home in the evening, thus eliminating the need for employees to visit the subject property.

Case No. 15360 (continued)

**Nelda Denegan**, 10171 East 23rd Street, Tulsa, Oklahoma, stated that she lives approximately one block from the property in question, and is opposed to Mr. Metz parking his vehicles on South 104 East Avenue.

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bozile, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Special Exception** to allow an electrical contracting business as a home occupation in a single-family residence - **Section 440. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 6; finding that the home occupation does not comply with the Home Occupation Guidelines, as there are three employees that visit the property to pick up business trucks; and finding that the added traffic will be detrimental to the neighborhood; on the following described property:

Lot 18, Block 5, Charyl Lynn Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15361**

**Action Requested:**

Variance to permit open air storage or display of merchandise within 300' of an R District - **Section 1217. AUTOMOTIVE AND ALLIED ACTIVITIES** - Use Unit 17.

Variance of required off-street parking for open-air storage area - **Section 1217. AUTOMOTIVE AND ALLIED ACTIVITIES** - Use Unit 17.

Variance of required frontage on an arterial street - **Section 730. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located east of NE/c East 11th Street and 123rd East Avenue.

**Presentation:**

The applicant, **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma, submitted photographs (Exhibit J-1), and stated that he is representing Tulsa Boat Sales. He informed that the use was approved by the Board in 1982, with an expansion to the building being approved in 1986. Mr. Johnson explained that the business is very successful and the owner has entered into a contract to purchase additional space to the east, which will be used for boat storage and sales. He stated that his client is proposing to purchase 150' of a tract that has a total street frontage of 250', therefore, the remaining lot will have 100' of frontage. Mr. Johnsen pointed out that an existing dwelling will remain on this lot, which has street access and is zoned CS. It was noted by the applicant that the storage area will not generate additional traffic, but will only allow the owner to order a sufficient number of boats to serve his customers for the entire boating season. Mr. Johnsen pointed out that the north boundary will be screened; however, the property to the north of the subject tract is vacant.

1.18.90.555(22)

Case No. 15361 (continued)

**Comments and Questions:**

Ms. Bradley Inquired as to the number of boats that will be stored on the lot, and Mr. Johnsen stated that 250 boats could be stored on the lot.

**Protestants:** None.

**Board Action:**

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Bradley, Fuller, White, "aye" no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** to permit open air storage or display of boats for sale within 300' of an R District - **Section 1217. AUTOMOTIVE AND ALLIED ACTIVITIES** - Use Unit 17; to **APPROVE** a **Variance** of required off-street parking for open-air storage area **Section 1217. AUTOMOTIVE AND ALLIED ACTIVITIES** - Use Unit 17; and to **APPROVE** a **Variance** of required frontage on an arterial street - **Section 730. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 17; subject to boat sales only on the west 150'; finding that the business has been in operation at this location for several years and has proved to be compatible with the area; and finding that the granting of the variance request will not violate the spirit, purposes or intent of the Code and the Comprehensive Plan; on the following described property:

East 250.4' of Block 3, Pennant Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15364**

**Action Requested:**

Variance of the number of required parking spaces from 240 to 236, due to a City of Tulsa street right-of-way acquisition - **Section 1211.4 Off-Street Parking and Loading Requirements** - Use Unit 11, located SW/c 51st Street and Yale Avenue.

**Presentation:**

The applicant, **Ann Hochberg**, requested by letter (Exhibit K-1) that Case No. 15364 be withdrawn.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzie, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **WITHDRAW** Case No. 15364, as requested by the applicant.

**Case No. 15367**

**Action Requested:**

Varience of the required building setback requirement measured from the centerline of North Cheyenne from 65' to 41' to permit an addition to an existing building - **Section 930. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25, located NW/c West Cameron and North Cheyenne.

**Presentation:**

The applicant, **John Bouchard**, 223 East Archer, Tulsa, Oklahoma, who submitted a plot plan (Exhibit L-2) and photographs (Exhibit L-3), stated that he is representing the Meadow Gold Dairy. He explained that a new freezer addition is proposed, which will align with the existing building. Mr. Bouchard pointed out that all buildings to the north and south have been constructed at the requested 41' setback line, and this setback would allow the delivery trucks to park off the street.

**Comments and Questions:**

Ms. White stated that the Board has received a letter (Exhibit L-1) from Downtown Tulsa Unlimited, which stated that the proposed construction would not be detrimental to the area.

**Protestants:** None.

**Board Action:**

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Varience** of the required building setback requirement measured from the centerline of North Cheyenne from 65' to 41' to permit an addition to an existing building - **Section 930. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25; per plot plan submitted; finding that the existing buildings in the area have similar setback; and that the granting of the request will not cause substantial to the area or impair the spirit, purposes or intent of the Code; on the following described property:

Lots 2 and 3, Block 16, original townsite of Tulsa, Tulsa County, Oklahoma.



OTHER BUSINESS

Case No. 15330

Action Requested:

The applicant, **Richard Preston**, 715 South Sheridan, Tulsa, Oklahoma, requested a refund of filing fees.

Comments and Questions:

Mr. Richards explained that the applicant withdrew the case prior to the public hearing; however, the application has been fully processed, and he suggested that the public hearing portion of the fees, in the amount of \$25.00, be refunded.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Boizle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a refund of \$25.00 to the applicant, Richard Preston; finding that the case has been fully processed except for the public hearing portion.

There being no further business, the meeting was adjourned at 5:20 p.m.

Date Approved

Feb 1, 1990

Harry White  
Chairman

