

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 566
Thursday, July 5, 1990, 1:00 p.m.
City Commission Room, Plaza Level
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, July 3, 1990, at 8:45 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 3-1-0 (Bolzle, Bradley, White, "aye"; no "nays"; Chappelle, "abstaining"; Fuller, "absent") to **APPROVE** the Minutes of June 21, 1990.

UNFINISHED BUSINESS

Case No. 15449

Action Requested:

Variance of the front yard setback requirement measured from the centerline of East 26th Place from 50' to 43'6", and variance of the side yard setback requirement from 5' to 1' to permit a carport - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6, located 6781 East 26th Place.**

Presentation:

The applicant, **Stan Draayer**, requested by letter (Exhibit A-1) that Case No. 15449 be heard at a later date, due to a continuing health problem.

Protestants:

The property owner at 6775 East 26th Place pointed out that this is the second request for continuance, and that he will be out of town for the next scheduled Board of Adjustment meeting. After discussion, he was agreeable to continuing the case to August 2, 1990.

Case No. 15449 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to CONTINUE Case No. 15449 to August 2, 1990, as requested by the applicant.

Case No. 15463

Action Requested:

Variance of the maximum building height limitation from 35' to 39' to permit construction of a university student center - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 5, located 432 and 434 South Florence.

Presentation:

The applicant, **James Niedermeyer**, 1810 Mid-Continent Tower, Tulsa, Oklahoma, stated that a portion of the application concerning the student center was approved at the previous Board meeting; however, it was discovered that the peak of the chapel will exceed the building height limitation, which also requires a variance. He informed that the peak of the chapel will be 4' taller than the maximum 35' height limitation. Mr. Niedermeyer pointed out that the chapel is located near the center of the property, and away from the residences to the north. A floor plan and elevations (Exhibit B-1) were submitted.

Comments and Questions:

Ms. Bradley asked if the protestant that appeared at the previous meeting has been notified of the variance request, and Mr. Gardner informed that the application has been properly advertised, and all surrounding property owners have received notice of this hearing.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to APPROVE a **Variance** of the maximum building height limitation from 35' to 39' to permit construction of a university student center - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 5; per plot plan and building elevations submitted.

After approval of the application, it was discovered that a protestant in the audience had been overlooked.

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to RESCIND the motion for approval of Case No. 15463.

Protestants:

Jack Sylvester, owner of property at 3016 East 4th Place, stated that his property is 22' from the proposed building and inquired as to the height of the privacy fence on the north. He stated that his house has two stories.

Case No. 15463 (continued)

Ms. White replied that a 6' screening fence will be installed on the north property line, and pointed out that a 35' apartment building would be allowed by right at this location.

Mr. Jackere noted that the chapel is located toward the center of the property, and away from the north property line.

Mr. Niedermeyer informed that the height of the building along the north side of the property is much less than 35'.

Mr. Gardner pointed out that activities on the ground would be screened by the 6' screening fence, but it would not be practical to screen the second story of a two-story building.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a Variance of the maximum building height limitation from 35' to 39' to permit construction of a university student center - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 5; per plot plan and building elevations submitted; finding that the chapel is located to the interior of the tract and the 4' addition to the height will not adversely affect the residences to the north; and finding that there are existing buildings in the general area that are taller than the proposed chapel; on the following described property:

Lots 2, 3 and 4, Block 4, College Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15472

Action Requested:

Minor Variance of the minimum setback requirement measured from the centerline of Peoria from 50' to 36' to permit replacement of an existing sign - **Section 1221.C.6 General Use Conditions for Business Signs** - Use Unit 21, located 3646 South Peoria.

Presentation:

The applicant, **Terry J. Howard**, 6550 East Independence, Tulsa, Oklahoma, who submitted a sign plan (Exhibit C-2) and photograph (Exhibit C-1), requested permission to replace a Texaco sign at the above stated location. He explained that the company has designed a new sign to be placed in the middle of the existing pole, which will not extend as close to the street as the old one.

Protestants: None.

Case No. 15472 (continued)

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Boizle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Minor Variance** of the minimum setback requirement measured from the centerline of Peoria from 50' to 36' to permit replacement of an existing sign - **Section 1221.C.6 General Use Conditions for Business Signs** - Use Unit 21; per sign plan submitted; finding that the replacement sign will be located in the center of the existing pole and will not extend as close to the street as the previous one; and finding there are numerous sign structures in the area that are closer to the street than the one proposed at this location; on the following described property:

East 90' of the south 45' of Lot 6, and the east 90' of Lot 7, Block 6, Peoria Gardens Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15474

Minor Variance of the rear yard setback requirement from 25' to 20' to permit construction of an attached garage - **Section 403 BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 5146 East 107th Place South.

Presentation:

The applicant, **Jon Vrooman**, 6138 South Louisville, Tulsa, Oklahoma, stated that he has sold a house on the property in question, contingent upon Board of Adjustment approval of the minor variance. He submitted a plot plan (Exhibit D-1) and a preliminary plat (Exhibit D-2), and explained that the garage will be constructed on the side of the corner lot to prevent removal of several trees.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Boizle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Minor Variance** of the rear yard setback requirement from 25' to 20' to permit construction of an attached garage - **Section 403 BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding a hardship demonstrated by the corner lot location, with required major setbacks from two streets; on the following described property;

Lot 7, Block 4, Southern Oaks Estates Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15475

Action Requested:

Minor Variance of the required 3' setback from an interior lot line to 2.4' to permit an existing detached garage - **Section 401.B.1.C Accessory Use Conditions** - Use Unit 6, located 1203 East 25th Street.

Presentation:

The applicant, **James A. Brackett**, 1203 East 25th Street, Tulsa, Oklahoma, submitted photographs (Exhibit E-3) and a plot plan (Exhibit E-1) for an existing garage. He explained that the lot is irregular in shape and an error was made during construction, which resulted in one corner of the garage extending into the required setback on the east. Letters of support (Exhibit E-2) were submitted.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Minor Variance** of the required 3' setback from an interior lot line to 2.4' to permit an existing detached garage - **Section 401.B.1.C Accessory Use Conditions** - Use Unit 6; per plot plan submitted; finding that the lot is irregular in shape, and granting of the minor variance request will not be detrimental to the neighborhood; on the following described property:

Part of Lot 11, Block 2, Sunset Terrace, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, being more particularly described as follows, to-wit:

Beginning at the northwesterly corner of Said Lot 11; thence south 42°52'36" east along the northerly line of said Lot 11, a distance of 102.36'; thence south 67°22'20" west a distance of 27.63'; thence south 2°37'55" east a distance of 5.2'; thence south 18°33'04" west a distance of 90.59'; thence south 20°00'21" west parallel to and 17.97' west of the east line of said Lot 11, a distance of 16.0' to a point on the southwesterly line of said Lot 11, said point being 17.97' northwesterly of the southeasterly corner of said Lot 11; thence north westerly along the southwesterly line of said Lot 11 on a curve to the right having a radius of 235.38', a distance of 135.0' to the southwesterly corner of said Lot 11; thence northeasterly along the westerly line of said Lot 11 on a curve to the left having a radius of 1,540.76', a distance of 134.95' to the Point of Beginning.

NEW APPLICATIONS

Case No. 15467

Action Requested:

Variance of the required number of parking spaces to be provided per efficiency or one bedroom multifamily unit from 1.5 to .75 spaces per unit - **Section 1208. MULTIFAMILY DWELLING AND SIMILAR USES - Use Unit 8**, located SW/c Oklahoma Street and Hartford Avenue.

Presentation:

The applicant, **First Baptist Church of North Tulsa**, 1414 North Greenwood, Tulsa, Oklahoma, requested that Case No. 15467 be withdrawn, as they are not in need of the relief requested.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Boizle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **WITHDRAW** Case No. 15467, as the applicant is no longer in need of the relief requested.

Case No. 15470

Action Requested:

Special Exception to permit a mobile home in an AG zoned district - **Section 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT - Use Unit 9**, located 655 South 156th East Avenue.

Presentation:

The applicant, **Ron Wilson**, 635 South 156th East Avenue, Tulsa, Oklahoma, stated that temporary approval for a mobile home at this location was previously approved by the Board, and asked that the mobile be allowed to remain permanently.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Boizle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a Special Exception to permit a mobile home in an AG zoned district - **Section 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT - Use Unit 9**; finding that the mobile home has been located at the present address for a period of three years and has proved to be compatible with the neighborhood; on the following described property:

Beginning at the NE/c of the W/2 of SE/4; thence south 390', west 439.92', north 390', east 440' to the Point of Beginning, less the west 25' and the north 30' of the east 415' for street, Section 3, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma, 3.429± acres.

Case No. 15473

Action Requested:

Variance to increase the maximum allowable display surface area of a business sign from 114 sq ft to 126.5 sq ft - Section 1221.D.2 CS District Use Conditions for Business Signs - Use Unit 21, located 12563 East 21st Street.

Presentation:

The applicant, Glenn Cunningham, C. R. Signs, PO Box 580395, Tulsa, Oklahoma, submitted a photograph (Exhibit F-1) and sign plan (Exhibit F-2) for the sign in question. He stated that the intent of the awning was to improve the appearance of the building and the surrounding area. Mr. Cunningham explained that an error in computation was made and the drawings were sent to the City, who also failed to detect the error and issued a permit for the sign. He stated that the sign was constructed, per plan, and the sign inspector in the field discovered that the sign was in violation of the Code. He informed that the lettering "Cash Corner" at the bottom of the sign causes the sign to exceed the allowable display surface area. The applicant pointed out that the total signage (existing pole sign and canopy sign) do not exceed the allowable amount for the property. Mr. Cunningham stated that the lot contains 150' of street frontage and is owned by one individual, with two businesses being operated on the property. He asked the Board to allow the words "Cash Corner" to remain at the bottom of the sign.

Comments and Questions:

In response to Mr. Bolzie, the applicant stated that the owners are not attempting to exceed the total amount of permitted signage for the property.

Ms. Bradley asked Mr. Jackere how an error made by the Sign Inspector should affect the Board's consideration, and he replied that the Board is free to consider all facts involved in the case. Mr. Jackere further noted that it is not clear at this point who actually made the mistake; however, the Board should make their judgment based on the facts presented and the ordinance.

Tony Long, 3130 South Sheridan, Tulsa, Oklahoma, operator of the business, stated that he is not attempting to push the limits of the law, but is trying to improve the appearance of the building. He pointed out that signage is not proposed for the sides of the building.

Mr. Jackere inquired as to the length of the lease on the building, and Mr. Long stated that he now has a three-year lease, with two three-year options and option to purchase.

Mr. Jackere advised that, if inclined to approve the application, the Board should impose a condition that the next owner of the business would be required to comply with the Code in regard to signage.

Case No. 15473 (continued)

Ms. White noted that a letter (Exhibit F-3) from **Wilfred Sanditen** pointed out that the legal description on the Hearing Notice includes parcels of land that are not owned by the applicant.

Mr. Bolzle stated that it appears that the additional amount of signage requested would be approximately 3" across the entire front of the sign.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** to increase the maximum allowable display surface area of a business sign (wall sign) from 114 sq ft to 126.5 sq ft - **Section 1221.D.2 CS District Use Conditions for Business Signs - Use Unit 2i**; per sign plan and photograph submitted; and subject to the approval being limited to the canopy sign in question **only**; finding that the increase in signage will only amount to a strip 3" in height across the width of the sign, and the total amount of display surface area for signs on the property will not exceed the permitted amount; on the following described property:

East 1' Block 1, Shannon Park Plaza and part of Lot 1, Stacey Lynn Third Annex, Beginning at the SW/c Lot 1, thence north 190', east 150', south 190', west 150' to the Point of Beginning Block 1, less and except the west 75' thereof, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15476

Action Requested:

Special Exception to permit a children's day care center in an OL zoned district - **Section 601 PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS - Use Unit 5**, located 1812 East 15th Street.

Comments and Questions:

Ms. White informed that she and Mr. Bolzle will abstain from hearing Case No. 15476.

Presentation:

The applicant, **Christine White**, 1412 South Knoxville, Tulsa, Oklahoma, submitted a site plan (Exhibit H-1) for a proposed day care center. She informed that the center will operate Monday through Friday between the hours of 6:30 a.m. and 6:30 p.m., and will be licensed to care for 21 children. The applicant, stated that the property will be fenced and will have two required parking spaces.

Comments and Questions:

Ms. Bradley asked if the house will be altered in any way, and the applicant replied that one door will be added on the porch, but no other exterior alterations are planned.

Case No. 15476 (continued)

The applicant stated that the original plan has been slightly altered, and she noted and initialized the changes.

In response to Ms. Bradley, the applicant stated that there are offices and medical facilities in the area. Ms. Bradley remarked that there is an adult day care center in the area.

Protestants: None.

Board Action:

On **MOTION** of **CHAFFELLE**, the Board voted 3-0-0 (Bradley, Chappelle, Fuller, "aye"; no "nays"; Bolzle, White "abstaining"; none "absent") to **APPROVE** a **Special Exception** to permit a children's day care center in an OL zoned district - **Section 601 PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 5; per plot plan submitted; subject to days and hours of operation being Monday through Friday, 6:30 a.m. to 6:30 p.m.; finding that there are other day care centers in the vicinity, and the granting of the special exception request will not be detrimental to the surrounding area; on the following described property:

North 120' of Lot 11, Block 1, Terrace Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15477

Action Requested:

Special Exception to allow the existing Will Rogers High School buildings, parking and related facilities and relocation of their baseball field to the southwest corner of South Pittsburg Avenue and East 4th Place, and football field and track to the new stormwater detention facility - **Section 401 PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, located 3909 East 5th Place.

Presentation:

The applicant, **Robert Yadon**, 3227 East 31, Suite 200, Tulsa, Oklahoma, architect for the project, submitted an aerial photograph (Exhibit G-1) depicting the site for a new baseball facility at Rogers High School. He informed that a portion of the school property will be used for stormwater detention, and the proposed location is the only available space large enough for the project. Mr. Yadon explained that there is a need for 10' fencing in front of the bull pen and dugout, with a 21' being necessary behind home plate to prevent foul balls from falling in the residential area across the street. He informed that the proposed buildings are 55' from the centerline of Pittsburg and 4th Place. The applicant stated that the slope of the land causes home plate to be 5' lower than the top of the curb at the intersection of 4th Place and Pittsburg. In regard to parking, Mr. Yadon requested a variance of the required 408 spaces to 358, and pointed out that school would not be in session when the baseball field is in use.

Case No. 15477 (continued)

Bobby Jones, director of building and planning for Tulsa Public Schools, stated that the forecasted attendance for Will Rogers High School for the 90/91 school year is 1422 students, or approximately 70 less than last year's enrollment.

Ms. Bradley inquired as to the average number of people that attend the baseball games at Will Rogers, and Mr. Jones replied that there are usually approximately 100 spectators.

Mr. Jones remarked that students park along the street even if there are sufficient parking spaces available in the parking lot.

Protestants:

Aaron Phelps, 521 South New Haven, Tulsa, Oklahoma, stated that several events are conducted at the school during the evening hours, and those attending always park on the street. He remarked that the parking area is littered with debris and is not lighted, which encourages street parking. He pointed out that the back doors to the school are locked, which further discourages parking in the lot. Mr. Phelps stated that he has viewed other schools in the City and has not found street parking a problem. He stated that the new facility is designed to accommodate a large number of spectators, and is opposed to the application.

Ms. Aaron Phelps, 521 South New Haven, Tulsa, Oklahoma, stated that parking in the area and trash in the neighborhood continue to plague the residents that live near the school.

Warren Atwell, 467 South Pittsburg, Tulsa, Oklahoma, stated that he is not opposed to the ball park, but is concerned with the trash that is left in the neighborhood by the school patrons.

Ms. Bradley asked if the proposed construction will bring added neighborhood problems, and he replied that trash has always been a problem around the school.

Mr. Jones informed that the school principal is to schedule all clean-up operations and monitor parking on the school grounds.

Mike Mitchell, 414 South Pittsburg, Tulsa, Oklahoma, voiced a concern that foul balls will hit his home, as he lives directly behind home plate.

Mr. Chappelle asked if home plate could be placed nearer the school, as there will be more foul balls than home runs, and Mr. Jones stated that a shift of the field would be impossible, due to the slope of the land.

Mr. Fuller initiated discussion as to the customary height of other fences around the City, and it was determined that a 21' fence behind home plate is the customary height for other ball fields.

Case No. 15477 (continued)

Mr. Bolzle asked if there will be access to the ball field along the east and north fence lines, and Mr. Jones stated that there is a maintenance gate on the north.

Mr. Bolzle remarked that the distance between the parking lot and the entrances seem to discourage parking in the parking lot. He stated that he could not support the application as presented.

It was the consensus of the Board that parking is encouraged along the street by the location of the entrance gates.

There was discussion as to the reason for beginning construction before the neighbors were notified of the proposed construction.

After discussion, the Board determined that they could not support the application as presented, and agreed that a continuance to allow the school officials to confer with the neighbors would be in order. They requested that Mr. Cox, the school principal, be present at the next meeting to answer questions concerning the proposed facility.

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. 15477 to July 19, 1990.

OTHER BUSINESS

Case No. 15467

Action Requested:

Refund of filing fees in the amount of \$192.00.

Presentation:

The applicant, **First Baptist Church of North Tulsa**, requested that filing fees in the amount of \$192.00 be refunded, as they are no longer in need of the relief requested.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a Refund of fees in the amount of \$192.00; finding that the applicant was not in need of the relief requested.

Case No. 15469

Action Requested:

The applicant, **Herman Watson**, requested by letter (Exhibit K-1) that Case No. 15469 be withdrawn and all fees refunded.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Boizle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **WITHDRAW** Case No. 15469 and **REFUND** application fees in the amount of \$175.00.

There being no further business, the meeting was adjourned at 2:34 p.m.

Date Approved July 19, 1990

Mary White
Chairman