

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 580
Tuesday, February 12, 1991, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bolzle Bradley Fuller White, Chairman	Chappelle	Gardner Jones Moore	Jackere, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Monday, February 11, 1991, at 9:25 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 22, 1991.

UNFINISHED BUSINESS

Case No. 15631

Action Requested:

Special Exception to permit a Use Unit 17 (mini-storage business) in a CS District - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17.

Special Exception to permit a single-family dwelling to be used as a manager's residence in a CS District - **Section 702. ACCESSORY USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17.

Special Exception to waive the screening wall or fence requirements along the lot lines abutting R Districts (north and west lot lines) - **Section 1217.C.1 Use Conditions** - Use Unit 17, located SE/c 127th East Avenue and East 40th Street South.

Presentation:

The applicant, **Jim Schwers**, 3032-F South 136th East Avenue, Tulsa, Oklahoma, was not present.

Comments and Questions:

Mr. Jones informed that the applicant has requested that Case No. 15631 be continued to allow sufficient time to redesign a proposed mini-storage facility.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 15631 to February 26, 1991.

Case No. 15607

Action Requested:

Variance to reduce the lot area requirement from 9000 sq ft to 8500 sq ft; and variance to reduce the rear yard from 25' to 20' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6.** Both variances to permit Lot Split L-17328, located SW/c East 26th Place South and South Boston Avenue.

Presentation:

The applicant, **Ted Sack**, 110 South Hartford, Suite 131, Tulsa, Oklahoma, stated that the property in question was purchased in 1990, and a lot split was subsequently approved by the Planning Commission in error. A plat (Exhibit A-4) was submitted. The applicant informed that the sanitary sewer (Exhibit A-3) was relocated around the newly created lot to the south after the lot split approval. Mr. Sack pointed out that the garage of the existing duplex, which was removed from the property, was located near the rear boundary line, as are other existing garages in the area. He explained that the curvature of the street at the northeast corner of the property causes the entire tract to be 36 sq ft short of the Code requirement for two 9000 sq ft lots. He pointed out that the radius on the corner would only have to be reduced by 1.7' to acquire the needed lot area. A plot plan (Exhibit A-2) for two proposed dwellings was submitted. Mr. Sack informed that the south lot complies with the lot area requirement if the lot line is moved 5' further to the north, and asked the Board to approve a reduction of 36 sq ft for the north lot, along with a 5' reduction of the rear yard setback for each lot. He pointed out that the 100' depth of the lots, and the curvature of the street on the north lot constitute a hardship for the variance requests.

Protestants:

Pierre Anderson, 2661 South Boston Avenue, Tulsa, Oklahoma, stated that the only change in the plans that were originally submitted were minor architectural changes. He stated that the neighborhood is concerned with the distance between the two proposed structures, and the fact that they will be too close to the lot lines. Mr. Anderson stated that the houses will have garages in front and will be completely out of character with the Boston Avenue homes. He pointed out that the proposed homes are too large to place on the small lots; however, the plans could have been revised to address some of the issues that concern the neighborhood. Photographs (Exhibit A-5) of the surrounding area were submitted.

Ms. White noted that there are a variety of lot sizes on Boston Avenue, and asked Mr. Anderson if his main objection to the project is the architecture of the houses and the placement of the garages.

Mr. Anderson stated that he is not concerned with the architecture, but the placement of the garage is a definite concern.

Case No. 15607 (continued)

Ms. Bradley pointed out that there are 50' lots across the street on 26th Place.

Pat Foxx, 116 East 26th Place, Tulsa, Oklahoma, who submitted a layout of the area (Exhibit A-1), stated that he lives to the east of the subject property and feels the architectural design of the homes is appropriate for the neighborhood. He informed that he is in the business of shoehorning developments on small lots; however, the variances requested in this case will make the property comparable to RS-3 zoning. He pointed out that the existing houses on the south side of 26th Place, on an average, are approximately 40' from the property line, and the houses in question will be constructed at a 25' setback.

Daniel Hitzman, 32 East 26th Place, Tulsa, Oklahoma, stated that he lives to the west of the property in question, and the two proposed dwellings will be immediately adjacent to his lot. He pointed out that, in the past, only the garage for the duplex was less than 20' from the boundary line; however, the character of the lot would greatly change if two dwellings were constructed within 20' of his property.

Ms. Bradley remarked that the proposed construction will not align with the houses on Boston Avenue or 26th Place.

Mr. Gardner noted that a house could be constructed on the north lot to within 5' of Mr. Hitzman's property, with the western portion of the lot being designated as the side yard.

In response to Mr. Bolzle, Mr. Hitzman stated that he would be opposed to similar construction if it was taking place on the northeast corner of Boston Avenue and 26th Place.

Mr. Fuller remarked that the proposed construction will be closer to the street than other homes in the area.

Ms. White pointed out that the homes can be constructed 25' from the property line by right.

Mr. Gardner advised that the applicant would have two residential lots that comply with Code requirements, except for the curvature of the street on the north lot. In regard to the rear yard setback, he pointed out that the lots are only 100' deep, which is exceptionally shallow for a residential area.

Case No. 15607 (continued)

Mr. Sack pointed out that the front yard setback complies with Code requirements, and the actual distance from the curb to the house will be consistent with RS-2 zoning. He stated that the sewer was relocated in good faith, and the house on the south lot could be moved 5' to the north, which would be up to the sewer easement.

In response to Mr. Bolzie, Mr. Sack stated that the house on the north lot could face 26th Place and extend to within 5' of the west property line.

Ms. Hubbard noted that a detached garage like those in the neighborhood would require a longer driveway, and a variance of livability space would probably be needed.

Mr. Bolzie inquired as to the size of the proposed dwellings, and Mr. Sack replied that they will contain approximately 3000 sq ft of floor space.

Protestants:

Margaret Pray, 105 East 26th Place, Tulsa, Oklahoma, stated that the location of the garage is a neighborhood concern, and suggested that the garage be moved to the rear of the lot. She pointed out that the house could then be moved further back on the lot.

Bob Duenner, PO Box 701500, Tulsa, Oklahoma, stated that he previously lived in the area, and the area has nice houses and large lots. He pointed out that, regardless of the required zoning, the proposed project will be detrimental to the neighborhood.

Applicant's Rebuttal:

Mr. Sack stated that the rearrangement of the house on the lot would not allow the installation of a small pool next to the patio. He informed that a 11' utility easement is also required, which would also prevent any change in the placement of the house.

Mr. Jackere pointed out that there are two variances to be considered in this issue and, if the curvature of the street is found to be a hardship for granting a variance on the north lot, one part of the application can be approved and the other denied.

Board Action:

On **MOTION** of FULLER, the Board voted 3-1-0 (Bradley, Fuller, White, "aye"; Bolzie, "nay"; no "abstentions"; Chappelle, "absent") to **DENY a Variance** to reduce the lot area requirement from 9000 sq ft to 8964 sq ft; and to **DENY a Variance** to reduce the rear yard from 25' to 20' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6**; finding that the proposed structures will not align with the existing homes along Boston Avenue and 26th Place, and the granting of the requests will be detrimental to the neighborhood; on the following described property:

Lot 5, Block 16, Third Amended Plat of Riverside Drive Addition,
City of Tulsa, Tulsa County, Oklahoma.

Case No. 15638

Action Requested:

Special Exception to permit a private social and dining club - Section 1608. SPECIAL EXCEPTION, and Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5, located 1414 South Galveston.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma, stated that he is requesting a continuance of Case No. 15638, to allow the City Attorney sufficient time to review the legality of amending the architectural facade easement. A letter (Exhibit B-1) from Mayor Randle, which requested the review, pointed out that, while the Board will hear the special exception request to operate the private club, any change in the scenic open space and facade easement would require City Council approval.

Comments and Questions:

Ms. Bradley stated that the Board will only determine if the land use is appropriate, and voiced a concern with a second continuance of the application.

Ms. White pointed out that a determination by the Council prohibiting the amendment of the existing easement would make land use a moot issue.

Protestants:

Norma Turnbo, chairman of the Historic Preservation Commission, pointed out that two different issues are to be decided in this case, and that many neighborhood residents have left their jobs to attend this meeting, which will determine the land use issue. Ms. Turnbo stated that the Mayor met with several individuals interested in the proposed use of the McBirney Mansion, and he did not indicate that the City Council should hear the case before the Board of Adjustment made a land use determination. She asked the Board to make a land use decision at this time.

Kent Schell, Department of City Development, remarked that the Mayor's letter did not state that a continuance of the Board of Adjustment hearing would be necessary.

Additional Comments:

Mr. Jackere advised that the issue of granting a continuance is one of practical consideration. He pointed out that the land use question could be considered at this time; however, it would be very time consuming for everyone involved, and could become a moot issue if the City finds that it does not have the power to amend the easement agreement, or does not choose to do so.

Case No. 15638 (continued)

Mr. Norman suggested a continuance for six to eight weeks, as the legal department would require approximately four weeks to review the application prior to the City Council hearing. Mr. Norman advised that the application will be withdrawn if the City Council rules that the facade easement cannot be amended.

In response to Ms. White, Mr. Jackere stated that he has not reviewed the original easement agreement recently, but is of the opinion that any document that is signed by two, three or more parties can be changed by the mutual agreement of those parties.

Ms. Turnbo noted that the prospective operator of the club, **Fletcher McCusker**, requested the legal opinion, and further noted that the continuance request seems to be a delay tactic to wear down the neighborhood.

Mr. Norman assured the Board and the protestants that it is not his intent to request a continuance to harass the neighborhood, as he is prepared to present the case at any time.

Ms. Bradley suggested that the Board hear the application as it appears on the agenda.

Board Action:

On **MOTION** of **FULLER**, the Board voted 2-1-1 (Fuller, White, "aye"; Bradley, "nay"; Bolzie, "abstaining"; Chappelle, "absent") to **CONTINUE** Case No. 15638 to April 9, 1991, to allow legal sufficient time to review the legality of amending the existing easement, and City Council action on the amendment.

NEW APPLICATIONS

Case No. 15644

Action Requested:

Variance to permit a roof sign - **Section 1221.C.11. General Use Conditions for Business Signs - Use Unit 21.**

Variance of the maximum number of signs allowed per lot from two signs to three signs - **Section 1221.C.9.a. General Use Conditions for Business Signs - Use Unit 21, located at 6702 South Lewis Avenue.**

Presentation:

The applicant, **Phillip Lieberman**, 6702-E South Lewis Avenue, Tulsa, Oklahoma, was represented by **Steve Collins**, who submitted a brochure and newspaper article (Exhibit D-1) explaining the use of the big screen (approximately 7' x 10') video projection unit. He stated that the screen is manufactured in Tulsa, and asked that the screen be allowed to remain on the roof for customer demonstration purposes only. Mr. Collins explained that his client does not have a building large enough to accommodate the screen and, if he is permitted to leave the structure on the roof, it will remain blank unless being used for a sales demonstration.

Case No. 15644 (continued)

Comments and Questions:

Mr. Gardner pointed out that the applicant is using the screen to advertise merchandise for sale and, in that regard, it is a sign.

Mr. Jackere advised that the Building Inspector made the determination that the screen is an illegal roof sign, and the applicant has the right to appeal that ruling. He pointed out that Mr. Collins has not filed for an appeal of the Building Inspector's determination, but is requesting permission to allow the screen to remain.

Ms. White asked Mr. Collins to address the hardship for the variance request, and he replied that the sign weighs approximately 550 pounds, and requires a large storage facility. He asked that his client be allowed two months to find another location for the screen if the Board is not supportive of the application.

Ed Rice, chief building inspector, stated that there is no doubt the structure is a roof sign, and his office has had numerous complaints regarding the screen. He requested that the application be denied.

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 **DENY** a **Variance** to permit a roof sign - **Section 1221.C.11. General Use Conditions for Business Signs** - Use Unit 21; and to **DENY** a **Variance** of the maximum number of signs allowed per lot from two signs to three signs - **Section 1221.C.9.a. General Use Conditions for Business Signs** - Use Unit 21; subject to use of the screen ceasing at this time, and removal of the structure completed within a 60-day period from this date; finding the TV advertising screen to be a sign; finding the use to be in violation of the Sign Code, and a distraction to passing motorists on Lewis Avenue; and finding that a hardship was not demonstrated to warrant the granting of the variance requests; on the following described property:

Lot 1, Block 2, Southern Cross Addition Blocks 2 and 3, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15646

Action Requested:

Special Exception to permit a heliport in an IL District (pending) -
Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS - Use Unit 2.

Special Exception to modify a previously approved plot plan -
Section 1608. SPECIAL EXCEPTION - Use Unit 2, located at 5624 South 107th East Avenue, located 5624 South 107th East Avenue.

Presentation:

The applicant, **David D. Cannon**, 10301 East 51st Street, Tulsa, Oklahoma, requested by letter (Exhibit E-1) that Case No. 15646 be continued to February 26, 1991.

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. 15646 to February 26, 1989, as requested by the applicant.

Case No. 15647

Action Requested:

Special Exception to permit a day care center in a residential district - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5, located at 6236 East Marshall Street.**

Presentation:

The applicant, **Brenda Hannah**, 6236 East Marshall Street, Tulsa, Oklahoma, stated that she is presently operating a day care home, and requested permission to begin operation of a day care center in her home.

Comments and Questions:

In response to Mr. Bolzie, the applicant stated that the day care center will be open from 6:30 a.m. to 11:30 p.m., with a maximum of 15 children.

Ms. White asked the applicant if she will have employees, and Ms. Hannah stated that she will have two employees.

Mr. Bolzie asked if the exterior of the residence will be changed, and the applicant stated only interior changes will be made to her home.

Ms. Bradley pointed out that the driveway is short, and sufficient off-street parking may not be available.

Case No. 15647 (continued)

Protestants:

Ruth Koch, 6217 East Marshall, Tulsa, Oklahoma, stated that the the operation of a child care center, with limited parking and additional traffic, will be detrimental to the residential neighborhood.

Darlene Garaham, 7615 North 122nd East Avenue, Tulsa, Oklahoma, stated that she and her mother live in the area, and with street parking on both sides, Marshall is virtually a one-way street. She explained that she is not opposed to a day care center, but feels that the interior of the neighborhood is not an appropriate site.

Ruby Erichsen, 6249 East Marshall, Tulsa, Oklahoma, stated that she has no objection to the presently operating day care home, but feels the expansion to a day care center will decrease property values in the area.

Ms. Hurst, 6245 East Marshall Street, Tulsa, Oklahoma, pointed out that the house is not large enough to convert to a day care center.

Interested Parties:

Kathy Guerrero, 6921 East 5th Place, Tulsa, Oklahoma, stated that she does not live on the street, but is supportive of the application. She pointed out that the children can be dropped off at the curb, and there is sufficient space in the driveway for employee parking.

Ms. Bradley pointed out that loading and unloading children in the street would create a safety problem in the neighborhood.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Special Exception** to permit a day care center in a residential district - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5; finding that the location of a day care center in the interior of a residential neighborhood would further aggravate an existing traffic problem and create a safety hazard for the children being loaded and unloaded in the street; on the following described property:

Lot 11, Block 16, Maplewood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15648

Action Requested:

Variance of the minimum setback requirement, as measured from the centerline of 145th East Avenue, from 60' to 40' to permit a sign - **Section 1221.C.6. General Use Conditions for Business Signs - Use Unit 21**, located at 3121 South 145th East Avenue.

Presentation:

The applicant, **Bill Rideout**, 8712 South Oswego, Tulsa, Oklahoma, stated that he is representing the property management company for Boulder Ridge Apartments. He informed that the sign company erected the sign in question without a permit (Exhibit F-1). Mr. Rideout explained that his client contracted with the sign company to install the sign structure, and was under the impression that they would apply for a permit before construction began. He pointed out that the sign would have to be installed in the parking lot if made to comply with Code requirements. A plot plan (Exhibit F-2) was submitted.

Comments and Questions:

In response to Ms. Bradley, Mr. Rideout stated the sign has been installed 43' from the centerline of 145th East Avenue, and aligns with the trees along the street. He pointed out that the purpose of the sign is to designate the entrance to the apartment complex.

In response to Mr. Jackere, Mr. Rideout stated that he was not aware the sign has been installed on City right-of-way. Mr. Jackere pointed out that approval from the City Council will be required.

Mr. Gardner confirmed that the sign is in the City right-of-way, and advised that it would have to be installed in the parking lot in order to comply with the current setback requirements. He pointed out that it could be elevated on a pole to gain visibility from the street.

Protestants:

Robert Duenner, PO Box 701500, Tulsa, Oklahoma, stated that he owns property on the southeast corner of 145th East Avenue and 31st Street and is opposed to the application. A letter of protest (Exhibit F-3) was submitted.

Additional Comments:

Mr. Gardner stated that the applicant could comply with the setback requirement if the sign was installed in the island. He pointed out that he could then have a 30' lighted pole sign, which would provide more competition for the north property owners than the existing sign. Mr. Gardner stated that the small wood ground sign is much less obtrusive than a 30' tall lighted pole sign at the required setback with 400 sq ft of display surface area, which is permitted by the zoning.

Case No. 15648 (continued)

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-1-0 (Bradley, Fuller, White, "aye"; Bolzle, "nay"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the minimum setback requirement, as measured from the centerline of 145th East Avenue, from 60' to 40' to permit an existing sign - **Section 1221.C.6. General Use Conditions for Business Signs** - Use Unit 21; per plan submitted; subject to City Council approval; finding that the landscaping would block visibility of the ground sign if installed at the required setback; and finding that the small wood sign is less obtrusive than a large pole sign, which is permitted, installed at the required setback; on the following described property:

All of Block 1, Woodland Hills Center Addition to the City and County of Tulsa, Oklahoma, according to the recorded plat thereof, Less and Except the following portions thereof, to-wit:

(a) That portion of said Block 1, more particularly described as beginning at the southwest corner of Said Block 1, thence north along the west line of Block 1 a distance of 200'; thence due east a distance of 150'; thence due south a distance of 196.67' to a point on the north right-of-way line of East 33rd Street South; thence westerly along the northerly line of said street right-of-way to the POB; and (b) the west 100' of the north 200' of Said Block 1, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15649

Action Requested:

Variance of the required rear yard from 20' to 13', and a variance of the required livability space from 4000 sq ft to 3195 sq ft - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located west of the NW/c 51st Place and South Oswego.

Comments and Questions:

Mr. Gardner informed that, in the past, the City rezoned the rear portion of the lot for office purposes, to be added to the office to the north; therefore, the lot does not have adequate rear depth.

Ms. Bradley asked if only the west lot is to be under consideration at this time, and the applicant answered in the affirmative.

Presentation:

The applicant, **Hunter Homes, Inc.**, 8034 South Yale, Suite 147, Tulsa, Oklahoma, was represented by **Bret Erie**, who submitted a plot plan (Exhibit G-1), and stated that they have also purchased the lot to the east, but the proposed construction on that lot complies with the Code requirements. He pointed out that at one time the lots were significantly deeper; however, they are now approximately 100' deep, which constitutes a hardship for this case. Mr. Erie stated that neighborhood meetings have been conducted, and a petition of support (Exhibit G-2) was submitted.

Case No. 15649 (continued)

Interested Parties:

Burl Burnett, 5133 South Marlon, Tulsa, Oklahoma, stated that he lives across the street from the property in question, and is supportive of the application.

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** of the required rear yard from 20' to 13', and **APPROVE** a **Variance** of the required livability space from 4000 sq ft to 3195 sq ft - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding a hardship demonstrated by the shallow depth of the lot; and finding that the granting of the variance requests will not violate the spirit, purposes and intent of the Code; on the following described property:

Lot 2, Block 1, Woodland Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15650

Action Requested:

Special Exception to permit off-street parking in an RM-2 District - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 10.

Variance of the required setback for unenclosed off-street parking, as measured from the centerline of Quaker Avenue, from 50' to 25'; and a Variance of the setback, as measured from the centerline of 10th Street, from 55' to 30' - **Section 1302.B. SETBACKS** - Use Unit 10.

Variance to waive the screening requirements along the property lines in common with R Districts for unenclosed off-street parking areas which are principal uses - **Section 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 10, located SW/c 10th Street and Quaker Avenue.

Presentation:

The applicant, **Louis Levy**, 5314 South Yale Avenue, Suite 310, Tulsa, Oklahoma, advised Staff (Exhibit H-1) that Mr. Dave Strader, East Lynn Neighborhood Association, has requested that Case No. 15650 be continued to allow the neighborhood to gather additional information concerning the possible impact the application would have on the area.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 15650 to February 26, 1991 to allow further neighborhood research concerning the application.

Case No. 15651

Action Requested:

Special Exception to permit a mobile home as a dwelling -
Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 9.

Variance of the one year time period for mobile homes to permanent approval - **Section 404.F. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS - Use Unit 9, located at 2535 East 29th Street North.**

Presentation:

The applicant, **David Hayes**, 2535 East 29th Street North, Tulsa, Oklahoma, requested permission to permanently install a mobile home on the subject property.

Comments and Questions:

Ms. White explained to Mr. Hayes that the Board customarily approves mobile home use for only one year at the first request and, if the use proves to be compatible with the area, a permanent approval could be considered.

Mr. Hayes informed that the surrounding property owners are supportive of the application.

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 Special Exception to permit a mobile home as a dwelling - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 9;** and to **DENY** a Variance of the one year time period for mobile homes to permanent approval - **Section 404.F. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS - Use Unit 9;** finding that temporary mobile home use will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 21, Block 8, Amos T. Hall Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15652

Action Requested:

Variance of the required setback, as measured from the centerline of South Delaware, from 55' to 28' to permit the enclosure of an existing canopy and the erection of a new canopy - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located at 2744 East 12th Street.

Presentation:

The applicant, **Jim Graber**, 5200 South Harvard, Suite 5-E, Tulsa, Oklahoma, architect for the project, submitted a plot plan (Exhibit J-1) and photographs (Exhibit J-2). He explained that the church, which was initially constructed closer to the street than current Code requirements permit, is proposing to enclose the existing canopy and construct an extension along the building to the parking lot. Mr. Graber pointed out that the new construction will not extend closer to the street than the existing canopy.

Comments and Questions:

Mr. Fuller asked if the entire length of the canopy will be enclosed, and Mr. Graber stated that only the existing portion will be enclosed.

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 of the required setback, as measured from the centerline of South Delaware, from 55' to 28' to permit the enclosure of an existing canopy and the erection of a new canopy to the south - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plot plan submitted; finding that the new construction will not extend closer to the street than the existing canopy, and the approval of the variance request will not violate the spirit, purposes or intent of the Code; on the following described property:

lots 22, 23 and 24, Block 2, Hi Pointe Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15653

Action Requested:

Special Exception to permit a Use Unit 15 (greenhouse and landscaping business) in a CS District - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 15.**

Variance to waive the screening requirements along property line abutting an R District, and a variance to permit open air storage or display of merchandise offered for sale within 300' of an adjoining R District - **Section 1215. OTHER TRADES AND SERVICES - Use Unit 15;** located at 5929 South Peoria.

Presentation:

The applicant, **Elvin Neal**, 7542 South Urbana Place, Tulsa, Oklahoma, stated that his parents previously operated a flower sales business in the area, and requested permission to construct one greenhouse and begin operation of a plant sales business at the above stated location. Mr. Neal stated that he plans to expand the business over the years, with a maximum of 10 greenhouses.

Comments and Questions:

In response to Ms. Bradley, the applicant stated that the boats will be removed from the property within the next 10 days.

Ms. Bradley inquired as to the type of merchandise that will be stored on the property, and Mr. Neal stated that plants and fertilizer will be stored outside the building.

Ms. White asked the applicant why he is requesting a waiver of the screening requirement along the residential boundary, and he stated that a wire fence is already in place along the residential boundary line. Ms. White pointed out that the Code requires solid screening between the commercial use and the residential area.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bozile, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a Special Exception to permit a Use Unit 15 (greenhouse and landscaping business) in a CS District - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 15; APPROVE** a Variance to permit open air storage or display of merchandise offered for sale within 300' of an adjoining R District - **Section 1215. OTHER TRADES AND SERVICES - Use Unit 15; and DENY** a Variance to waive the screening requirements along property line abutting an R District - **Section 1215. OTHER TRADES AND SERVICES - Use Unit 15;** finding the greenhouse and landscaping business, as presented, to be compatible with the surrounding uses in the area; on the following described property:

Lots 8 and 9, Southlawn Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15654

Action Requested:

Special Exception to allow 1426 sq ft of office space for a beauty shop - **Section 602. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS -** Use Unit 13, located at 2828 East 51st Street.

Presentation:

The applicant, **Charles N. Gish**, 1601 South Main, Suite 104, Tulsa, Oklahoma, was represented by **Cynthia Hetter**, who requested permission to operate a beauty shop in approximately 25% of the ground floor of an existing office building. A plot plan (Exhibit K-1) was submitted.

Comments and Questions:

Ms. Bradley inquired as to the number of chairs in the shop, and Ms. Hetter informed that there will be 10 chairs, but only six operators.

In response to Ms. White, Ms. Hetter stated that the shop will be open from approximately 8:00 a.m. to 7:00 p.m.

In regard to parking, Ms. Hetter stated that there are 83 available spaces for the office building, and Mr. Gardner pointed out that there is ample parking for the use (81 spaces required for office and beauty shop as proposed).

Ms. Hetter stated that a small two square foot sign will be installed to designate the location of the salon.

Mr. Jackere suggested that the applicant contact the Sign Inspector to determine if the proposed sign is in accordance with Code requirements.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-1 (Bolzle, Bradley, White, "aye"; no "nays"; Fuller, "abstaining"; Chappelle, "absent") to **APPROVE** a **Special Exception** to allow 1426 sq ft of office space for a beauty shop - **Section 602. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS -** Use Unit 13; per plan submitted; subject to days and hours of operation being 8:00 a.m. to 7:00 p.m., Monday through Saturday; finding a beauty salon to be compatible with the existing office use; on the following described property:

Lot 1, and the north 190' of Lot 2, Block 1, Villa Grove Gardens Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15655

Action Requested:

An appeal from the decision of the Building Inspector in determining that the existing signage is in violation of the Zoning Code - **Section 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 11.

Variance to permit more than one business sign on each street frontage of a lot, and variance to exceed the permitted square footage of display surface area per lineal foot of street frontage - **Section 602.B.4. Signs** - Use Unit 11, located at 6711 South Yale.

Presentation:

The applicant, **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma, explained that he is requesting permission to permit existing signs to remain on the subject property, and, although the owner of the property is aware of this hearing, the tenants were not notified. He asked that Case No. 15655 be continued to February 26, 1991.

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. 15655 to February 26, 1991, to allow sufficient time for the applicant to contact the operators of the business concerning the hearing date for the sign proposal.

Case No. 15657

Action Requested:

Special Exception to permit Use Unit 5 and Use Unit 11 uses, as per list submitted, in an RM-1 District - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Units 5 and 11.

Special Exception to waive the screening requirement along the property lines abutting R Districts - **Section 1211.C. USE UNIT 11. OFFICES AND STUDIOS, Use Conditions** - Use Unit 11, located at 4225 West 5th Street.

Presentation:

The applicant, **Neighbors Along the Line, Inc.**, was represented by **Rita Icenogle**, 5140 South Marion, Tulsa, Oklahoma. She explained that the nonprofit organization is proposing to purchase the subject property if the proposed uses (Exhibit L-2) are approved by the Board. She informed that some of the services offered at this location would be a credit and job counseling service, and medical clinic. Ms. Icenogle submitted photographs (Exhibit L-3) and a plot plan (Exhibit L-1), and stated that the existing screening fence is in bad repair and will be removed or replaced. In regard to the primary use for the building, she explained that a head start program will be conducted at this location on a full time basis.

Case No. 15657 (continued)

Comments and Questions:

There was discussion concerning the traffic that would be generated by the proposed services, and Ms. Bradley stated that she would not be agreeable to permitting all Use Unit 5 and 11 uses at this location.

Ms. Icenogle stated that the medical clinic is currently in operation at a nearby location, and is open on Monday nights from 6:30 p.m. to 9:00 p.m.; however, other programs will be incorporated into the current offered services, such as Alcoholics Anonymous and a library literacy program.

Mr. Jackere suggested that the case be continued until the applicant can provide an approximate number of people that will be coming into the neighborhood, and a list of the proposed uses under Use Units 5 and 11.

In response to Ms. Icenogle, Mr. Gardner suggested that a list of all programs be compiled, with the days and hours of operation and the number expected to attend. He pointed out that this would help the Board in making a determination as to how many hours each week the facility would be open, and how many people would be coming into the residential neighborhood.

Charles Ayers, owner of the building, informed that the sanctuary will seat approximately 350 people, and the parking lot will accommodate 60 vehicles.

Protestants:

Cecil Harrison, 444 South 43rd West Avenue, Tulsa, Oklahoma, stated that he lives across the street from the subject property and is not opposed to the Head Start Program, but feels that the other proposed uses may be detrimental to the residential neighborhood.

Ms. Cecil Harrison, 444 South 43rd West Avenue, Tulsa, Oklahoma, stated that she is opposed to meetings dealing with alcohol related problems being held at this location.

Additional Comments:

Ms. Bradley suggested that a representative of the organization explain the various programs to the residents of the neighborhood.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 15657 to March 12, 1991 to allow the applicant to determine the types of services offered, and the number of people enrolled in each program.

Case No. 15658

Action Requested:

Variance of the number of required off-street parking spaces from 60 spaces to 53 spaces to permit a second floor addition to an existing building - **Section 1211.D. Off-Street Parking and Loading Requirements** - Use Unit 11, located 6140 South Memorial Drive.

Presentation:

The applicant, **Darrell Byrd**, Route 1, Box 309, Wagoner, Oklahoma, submitted renderings (Exhibit M-1) and a plot plan (Exhibit M-2) for a second story addition to the existing structure. Mr. Byrd stated that the Triad Eye Clinic is proposing to increase the size of their building, which will increase the number of required parking spaces to 60. He pointed out that approximately 60% of the total number of patients are brought to the clinic in the five courtesy vans provided for the elderly patients. Mr. Byrd stated that, due to the operation of the vans, 10 to 17 parking spaces are vacant on the busiest days at the clinic.

Comments and Questions:

Mr. Bolzle inquired as to the size of the existing facility, and the applicant stated that it contains approximately 11,000 sq ft, with 3850 sq ft being added on the second floor.

Mr. Byrd stated that the second story will be used for administrative space, with the offices on the first floor being converted to patient space.

Christopher Greer, 6140 South Memorial Drive, Tulsa, Oklahoma, stated that some of the first floor will be utilized for administrative purposes, as well as the entire second floor.

Ms. Bradley asked if patients remain at the facility over night, and Mr. Greer stated that the patients are only treated on an outpatient basis.

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** of the number of required off-street parking spaces from 60 spaces to 53 spaces to permit a second floor addition to an existing building - **Section 1211.D. Off-Street Parking and Loading Requirements** - Use Unit 11; per plot plan submitted; subject to a minimum of five vans being maintained for patient transportation; subject to the second floor addition being used for administrative offices only; finding that approximately 60% of all patients receiving treatment are transported to and from the clinic by courtesy vans; and finding that the granting of the variance request will not violate the spirit and intent of the Code; on the following described property:

Case No. 15658 (continued)

Lots 9 - 16, Block 3, Southbridge East Office Park Addition,
City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 4:32 p.m.

Date Approved Feb. 26, 1991

Shary White
Chairman