

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 583  
Tuesday, March 26, 1991, 1:00 p.m.  
City Council Room, Plaza Level  
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, March 25, 1991, at 11:20 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 **BOLZLE**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the Minutes of March 12, 1991.

**UNFINISHED BUSINESS**

**Case No. 15675**

**Action Requested:**

Variance of the required front yard from 25' to 23', variance of the required livability space from 4000 sq ft to 3579 sq ft - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6**, located east of the NW/c East 28th Street South and South Cincinnati Avenue.

**Presentation:**

The applicant, **Architectural Resources**, was represented by **Jack Arnold**, who submitted a rendering (Exhibit A-1) and plot plan (Exhibit A-3) for a proposed dwelling. He stated that the lot was platted prior to the adoption of the current Zoning Code. Mr. Arnold requested a variance of the 4000 sq ft livability space requirement to 3579 sq ft to allow construction of a 2600 sq ft house on the lot (1800 sq ft lower level and 800 sq ft upstairs). He explained that the house design is similar to those existing in the older neighborhood, and the hip roof will prevent a massive appearance. It was noted that the house has been arranged on the lot to protect the privacy of the abutting property owner. Mr. Arnold pointed out that other variances of livability space have been granted in the area.

Case No. 15675 (continued)

**Comments and Questions:**

Ms. Bradley asked why the size of the house cannot be reduced, and Mr. Arnold stated that his client requested a downstairs bedroom.

**Protestants:**

**Pat Gordon**, 225 East 28th Street, Tulsa, Oklahoma, stated that he lives to the east of the lot in question, and submitted a petition (Exhibit A-4) signed by property owners in the area that oppose the application. Mr. Gordon pointed out that the construction of a large house on the small lot will affect light and air space on his property, as well as producing a negative affect on the entire neighborhood.

Ms. Bradley asked Mr. Gordon if he has viewed the proposed building plans, and he answered in the affirmative.

**Nick Pottala**, 220 East 27th Place, Tulsa, Oklahoma, stated that he lives to the rear of the property in question, and approval of the variances would violate the guidelines previously set forth and create a negative impact by degrading the aesthetic character of the neighborhood.

**Richard Hale**, 214 East 27th Place, Tulsa, Oklahoma, voiced a concern that the proposed construction would contribute to the water runoff and create flooding problems in the area.

**Interested Parties:**

**Richard Mason**, 211 East 28th Street, Tulsa, Oklahoma, stated that he is the owner of the vacant lot in question and the house next door. He informed that unsuccessful attempts have been made to sell the two lots together. Mr. Mason submitted photographs and letters of support (Exhibit A-2), and pointed out that numerous property owners in the area are supportive of the application. He explained that the proposed construction will not cause a water problem for the nearby residents, as the runoff water will be caught in a gutter and piped to 28th Street. Referring to the submitted photographs, Mr. Mason pointed out that there are numerous encroachments in the older area, with some garages being within 1' of the property line.

**Gail Shallcross**, 204 East 28th Street, Tulsa, Oklahoma, pointed out that the new construction will destroy large trees and cause substantial detriment to the neighborhood. She stated that a new home will not be compatible with the older homes in the neighborhood.

**Joanne Hale**, 214 East 27th Place, Tulsa, Oklahoma, pointed out that the existing houses and garages were constructed prior to the adoption of the current Zoning Code, and the vacant space should be retained for water absorption and air space.

Case No. 15675 (continued)

**Applicant's Rebuttal:**

Mr. Arnold explained that his client has no intention of doing anything that would be detrimental to the neighborhood. He pointed out that every attempt has been made to design a house that is compatible with the existing homes.

Ms. Bradley asked Mr. Arnold to state the hardship for the variance request, and he pointed out that a hardship is demonstrated by the the peculiar shape of the lot, the curvature of the street and the fact that the lots in the area do not conform to current Code requirements. He stated that only one tree will be removed during construction, and that only a small portion of the house extends into the required setback.

Ms. White explained to the protestants that the small lots were created many years ago when the property was platted, and are not the result of lot splits. She pointed out that some property owners purchased extra lots to be used for side yards.

In response to Mr. Bolzie, Mr. Arnold stated that the garage portion of the home could be moved closer to the street, which would shorten the driveway, and a variance of the livability would not be required. He pointed out that this was not proposed because it would be less desirable to the area residents.

Mr. Chappelle pointed out that other requests for greater variances of livability space have been granted in the area.

Mr. Jackere advised that a house could be constructed on the lot that would conform to current Code requirements, but may not be compatible with the existing homes in the area.

**Bill Carpenter** stated that he is Mr. Arnold's client, and that he was initially proposing a 3000 sq ft home on the lot. He pointed out that he has altered the plans several times in an attempt to please the neighborhood, and that many houses in the area are much larger than the one proposed.

**Protestants:**

**Bob Westfield**, 220 East 28th Street, Tulsa, Oklahoma, informed that he lives across the street and requested that the Board concentrate only on the lot in question. He stated that the proposed dwelling is much too large for the lot.

Ms. White pointed out that Mr. Arnold could construct the house by right if it is moved back 2' and the garage is aligned with the front of the house to produce additional livability space. She asked Mr. Westfield if he would be supportive of this revision.

Mr. Westfield stated that he is not sure Mr. Arnold can rearrange the house to meet Code requirements.

Case No. 15675 (continued)

Ms. Hubbard advised that she has not reviewed plans with the garage moved forward, but with the information that has been presented, it appears that Mr. Arnold would have approximately 4011 sq ft of livability space if the plan is revised.

Mr. Jones informed that the Staff comments on the case report reflect that a house could be constructed on the lot; however, is the fact that a structure could be redesigned the basis for granting a variance.

**Board Action:**

On **MOTION** of **FULLER**, the Board voted 4-1-0 (Bolzie, Chappelle, Fuller, White, "aye"; Bradley, "nay"; no "abstentions"; none "absent") to **DENY** a Variance of the required front yard from 25' to 23', and **APPROVE** a Variance of the required livability space from 4000 sq ft to 3579 sq ft - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per revised plan, with the house complying with the 25' required front yard; finding a hardship imposed on the applicant by the irregular shape of the lot, the curvature of the street and the fact that the lots were platted prior to the adoption of the current Zoning Code; on the following described property:

Lot 14, Block 18, Sunset Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

**NEW APPLICATIONS**

**Case No. 15677**

**Action Requested:**

Variance of the required side yard from 3' to 2', and a variance of the maximum required rear yard lot coverage for a detached accessory building from 20% to approximately 23.4% to permit a residential accessory building - **Section 210. YARDS**, and **Section 402.B.1.c. Accessory Use Conditions - General Conditions** - Use Unit 6, located 3945 East Admiral Court.

**Presentation:**

The applicant, **Harold L. Hickman**, 3940 East Archer, Tulsa, Oklahoma, requested by letter (Exhibit B-1) that Case No. 15677 be withdrawn.

**Board Action:**

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bradley, Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **WITHDRAW** Case No. 15677, as requested by the applicant.

Case No. 15679

Action Requested:

Special Exception to permit a Use Unit 5 (children's nursery and care center) in an OL District - **Section 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 5, located NE/c East 25th Place South and South Sheridan Road.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma, stated that he is representing Day Schools, Inc., (Exhibit C-2), which operates four day care centers in the east Tulsa area. He submitted a plot plan (Exhibit C-1) for a new facility at the above stated location. Mr. Norman explained that day care has previously been operating in surplus classrooms in the two nearby elementary schools; however, due to the implementation of House Bill 1017, the rooms will no longer be available for this use. He pointed out that the property in question is zoned OL and the lot across the street is used for commercial purposes. The applicant stated that the children being served at this location will be from six months to ten years old, and preschool educational services will be provided for the children between the ages of two and four. Mr. Norman stated that a kindergarten will also be in operation, with before and after school care available. The applicant informed that the existing dwelling will be removed and a 9600 sq ft building will be constructed approximately 95' from 25th Place, with the building being located north of the residence next door to the east. Mr. Norman noted that the building will be of masonry and wood construction, with a pitched roof not exceeding 26', which is lower in height than residential requirements. He informed that the traffic circulation plan, which provides for incoming traffic on 25th Place and 30 parking spaces along the 290' driveway, has been approved by the Traffic Engineering Department. Mr. Norman stated that all traffic will exit on Sheridan Road.

Comments and Questions:

Ms. Bradley inquired as to the number of children that will be cared for at this location, and Mr. Norman replied that the proposed facility will be licensed for 150 to 200 children. He further noted that the peak period for dropping off the children is between 7:15 a.m. and 7:45 a.m., at which time approximately 40 cars will enter and leave the facility. Mr. Norman pointed out that the proposed parking spaces will be more than adequate for the anticipated number of vehicles.

Ms. Bradley voiced a concern that the cars might stack up on Sheridan, and Mr. Norman stated that the driveway could be moved to the east if this becomes a problem.

Mr. Bolzle asked if both curb cuts could be made on Sheridan Road to prevent traffic from filtering into the residential neighborhood to the east, and Mr. Norman stated that this arrangement would shorten the stacking space and necessitate relocation of some parking to the area along 25th Place.

Case No. 15679 (continued)

**Protestants:**

**Dan Butchee**, 6520 East 24th Street, Tulsa, Oklahoma, stated that the property in question has been considered by the Board on numerous occasions, and suggested that the day care center be placed in one of the empty buildings in the area. He pointed out that there is an existing traffic problem at the corner of 25th Place and Sheridan, and the day care center would further impact that area and cause the traffic to be routed through the residential area. Mr. Butchee stated that he is concerned that the added traffic would create a safety hazard for the children living in the neighborhood, and be detrimental to the area. Mr. Butchee added that there is also an existing sewer problem in the area.

Ms. White stated that the Board has received several letters of opposition (Exhibit C-4) to the special exception request.

**Cindy McNeely**, 7347 East 24th Street, Tulsa, Oklahoma, stated that she is in agreement with Mr. Butchee, and asked the Board to deny the application. She stated that the neighbors have been promised that the property will be used for office purposes only.

Mr. Jones informed that the property may have been designated Low Intensity Residential, but when the property was rezoned by the City Commission the Comprehensive Plan was updated to reflect the OL zoning. He stated that it was probably amended at that time to Medium Intensity after the OL zoning was approved.

**Betty Wheaton**, 6715 East 25th Place, Tulsa, Oklahoma, voiced a concern with the sewer system in the area. She stated that sewage is currently backing up in the manholes and improvements to the system are to begin soon. Ms. Wheaton stated that added hookups to the sewer would be detrimental to the area.

Ms. White informed Ms. Wheaton that the Health Department will review any problem regarding sewage disposal.

**Interested Parties:**

**Joyce Chillingworth**, 6547 East 25th Place, Tulsa, Oklahoma, stated that a properly supervised day care center is a valuable asset to any neighborhood. She pointed out that the property is on the fringe of the neighborhood and will provide a service that is needed. Ms. Chillingworth stated that parents are already driving in the area to take their children to a day care and the proposed facility will not add to neighborhood traffic.

**Jeff Hammer**, 6573 East 25th Place, Tulsa, Oklahoma, stated that he is not opposed to office use on the subject property, but is opposed to the proposed use, as it will increase traffic in the neighborhood and decrease property values in the area.

Case No. 15679 (continued)

**Willcine Stover**, 6536 East 25th Place, Tulsa, Oklahoma, pointed out that many of the residents of the area are retired and would like to preserve the quiet atmosphere in the neighborhood. She stated that cars on Sheridan Road back up beyond 25th Place during peak traffic hours, and it is very difficult to enter that street.

**John VonGonten**, 6548 East 25th Place, Tulsa, Oklahoma, stated that traffic is a tremendous problem in the area, and the proposed entry to the child care center will cause traffic to back up on Sheridan Road.

**Marcella English**, 6730 East 24th Street, Tulsa, Oklahoma, pointed out that the Firestone business across the street from the subject property has never been in Johanson Acres. Ms. English stated that the day care center is a needed use in the area, but the proposed location is not appropriate.

Mr. Bolzle stated that he has called the City Water and Sewer Department, and Mr. Bellanger advised that, if application is made, a permit to build would be issued in this area. He pointed out that the sewer problem would not prohibit the construction of the day care center. Mr. Bolzle stated that Mr. Bellanger informed that funding is available for the sewer project, with work beginning in June of 1991 and being completed in two years. He pointed out that water infiltration into the sewer lines is the source of the problem.

**Rosie Moon**, who stated that she lives on 25th Place, asked Mr. Bolzle to clarify his conversation with the City Water and Sewer Department.

Mr. Bolzle repeated that the sewer lines in this area will be repaired during a two-year period, and that sewer service will not be denied to anyone making application.

**Karen Harris**, 7374 East 25th Place, Tulsa, Oklahoma, stated that she lives closer to Memorial Drive than Sheridan Road, but would like to see the rural character of the neighborhood preserved.

**Lou Ann Mosley**, 7360 East 25th Place, Tulsa, Oklahoma, stated that there are three schools in the immediate vicinity, and feels that that the neighborhood is saturated with traffic generated by these facilities.

**Applicant's Rebuttal:**

Mr. Norman stated that he has discussed the application with Terry Wilson, District 5 cochairman, and he was aware that the funding for the sewer project is available and the repairs will begin in 1991. He pointed out that the building will be constructed 95' from 25th Place and will not be detrimental to the residential property to the east. It was noted that the front yard will remain as green space, and the intended use will generate much less traffic than a medical or dental office. Mr. Norman stated that a much larger building could be constructed by right for office use. He pointed out that the proposed facility will service children that are already being transported to nearby schools, and will not generate additional traffic in the neighborhood.

Case No. 15679 (continued)

**Additional Comments:**

After discussion concerning ingress and egress, the Board concurred that all curb cuts should be located on Sheridan Road.

Mr. Norman stated that the Traffic Engineering Department has approved the proposed plan; however, he is not opposed to submitting a revised plan for their review. He again pointed out that two curb cuts on Sheridan could result in relocating some parking spaces to the southern portion of the lot.

Ms. Hubbard advised that approximately 11 parking spaces are required and Mr. Norman's plan provides 30 spaces; therefore, the displacement of some of these spaces would not have a significant impact on the parking proposal.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bradley, Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a Use Unit 5 (children's nursery and care center) in an OL District - **Section 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 5; subject to no ingress or egress on 25th Place; finding the day care center to be compatible with the existing uses in the area; and finding that the residential neighborhood to the east will not be negatively affected by traffic, as all curb cuts are restricted to Sheridan Road only; on the following described property:

Lot 16, Block 4, Johansen Acres Amended Addition, City of Tulsa, Tulsa County, Oklahoma.



**Case No. 15681**

**Action Requested:**

Variance to enlarge a nonconforming structure - **Section 1405. STRUCTURAL NONCONFORMITIES** - Use Unit 6.

Variance of the required side yards from 5' and 10' to 5.5' and 8.9' to permit construction of an attached carport - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 2527 South Birmingham Place.

**Presentation:**

The applicant, **Richard L. Phillips**, was represented by **Bill Stoskopf**, 115 West 3rd Street, Tulsa, Oklahoma, architect for the project in question. Mr. Stoskopf stated that his client is proposing to attach a 17' by 23 1/2' carport to an existing house. He informed that the current Zoning Code requires one 10' and one 5' side yard setback, and the existing house was constructed with 5 1/2' and 8 1/2' setbacks. He pointed out that the garage has been converted to living space and there is no protective covering on the lot for automobiles. Photographs (Exhibit D-1) and a plot plan (Exhibit D-2) were submitted. Mr. Stoskopf stated that the carport will align with the building wall of the house, and will not extend closer to the street than the existing structure. He pointed out that there are numerous carports in the area.

**Comments and Questions:**

In response to Mr. Bolzie, Mr. Jackere informed that the house was apparently in compliance with the Code at the time of construction. He advised that the first variance to enlarge a nonconforming structure is not needed, as the second variance request contains all the relief required for the proposed construction.

**Protestants:** None.

**Board Action:**

On **MOTION** of **BOLZIE**, the Board voted 5-0-0 (Bradley, Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **WITHDRAW** a Variance to enlarge a nonconforming structure - **Section 1405. STRUCTURAL NONCONFORMITIES** - Use Unit 6; and to **APPROVE** a Variance of the required side yards from 5' and 10' to 5.5' and 8.9' to permit construction of an attached carport - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the carport will align with the existing building wall, and will not extend closer to the street than the house; and finding that there are numerous carports in the area and the proposed construction will not be detrimental to the neighborhood, or violate the spirit, purposes or intent of the Code; on the following described property:

Lot 5, Block 1, Peragen Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15682

Action Requested:

Special Exception to permit a Use Unit 14 (antique and collector's market) in an IM District - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS - Use Unit 14.**

Variance of the required number of off-street parking spaces from 54 to 18 spaces - **Section 1214.D USE UNIT 14. SHOPPING GOODS AND SERVICES. Off-Street Parking and Loading Requirements - Use Unit 14.**

Variance to permit required off-street parking spaces to be located on a lot not containing the principal use - **Section 1301. OFF-STREET PARKING AND OFF-STREET LOADING - General Requirements - Use Unit 14, located 1924 East 6th Street.**

Presentation:

The applicant, **Dolores Bedingfield**, 229 Woodward Boulevard, Tulsa, Oklahoma, owner of the property, was represented by **Attorney Bill Elliott**, 2251 East Skelly Drive, who submitted a plot plan (Exhibit E-1) and photographs (Exhibit E-2) of the property in question. He informed that the vacant 12,000 sq ft office building has limited parking; however, 15 spaces are available along the dead end street beside the building, and additional off-street parking will be provided on a lot to the west. He stated that the street beside the building could be vacated, as the City does not maintain it. Mr. Elliott stated that a sign company was the last occupant of the building. He pointed out the proposed business will not be a flea market, but will be more like an antique mall.

Comments and Questions:

Mr. Fuller inquired as to the amount of space devoted to office use and the amount that will be used for display area, and he replied that this would depend on the clients that rent spaces.

Ms. White asked the Mr. Elliott to differentiate between a collectors market and a flea market, and he replied that a flea market is an area of booths and tables where small inexpensive items are sold; however, a collectors market has antiques and some large more expensive items for sale.

Mr. Fuller asked if auctions will be held at this location, and Mr. Elliott stated that an auction could take place, but it would be unusual.

Mr. Jackere stated that he would be concerned if a flea market began operation at this location, and Ms. White agreed with Mr. Jackere, pointing out that auctions and flea markets generate a great deal of traffic.

**Dolores Bedingfield**, 229 Woodward Boulevard, Tulsa, Oklahoma, stated that it is not her intent to operate a flea market at this location. She informed that the market will be open every day from 10:00 a.m. to 5:00 p.m.

Case No. 15682 (continued)

Protestants:

**Merschel Wood**, 3131 East 84th Street, Tulsa, Oklahoma, stated that he owns the property to the east and is opposed to vacating the street, as the street is used to access his property. He informed that adequate off-street parking is provided for the 22 employees on his property, and is concerned with the operation of the proposed business with limited parking spaces. Mr. Wood stated that he is also opposed to auctions being conducted at this location.

Ms. Bradley asked if the building between the proposed business and the parking lot to the west is occupied, and Mr. Wood answered in the affirmative.

Ms. Hubbard stated that a collector's market requires one space for every 225 sq ft of floor area, or 54 parking spaces.

Additional Comments:

Ms. White asked Mr. Elliott if his client owns the 15 parking spaces along the east wall of the building, and he replied that the spaces are located on City right-of-way, but have always been used by the tenants in the building.

Mr. Fuller stated that antique businesses do not normally generate a large amount of traffic.

Ms. Bradley asked if the parking lot to the west is paved, and Mr. Elliott replied that the lot is not paved.

Ms. White advised the applicant that the Code requires a hard surface covering on all parking lots.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bradley, Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a Use Unit 14 antique and furniture store only, in an IM District - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS - Use Unit 14: to APPROVE a Variance** of the required number of off-street parking spaces from 54 to 18 spaces - **Section 1214.D USE UNIT 14. SHOPPING GOODS AND SERVICES. Off-Street Parking and Loading Requirements - Use Unit 14; and to APPROVE a Variance** to permit required off-street parking spaces to be located on a lot not containing the principal use - **Section 1301. OFF-STREET PARKING AND OFF-STREET LOADING - General Requirements - Use Unit 14; subject to the prohibition of a flea market operation, as well as any auctions being conducted on the property; and subject to the parking lot to the west being retained as parking for the antique and furniture store during the term of the lease; finding the use, as presented, to be compatible with the area; and finding a hardship imposed by the size of the building in an IM zoned district, and the fact that the building has limited parking and almost any use made of the building would require relief by this Board; on the following described property:**

Lots 1, 2, 4 and 5, Block 4, Abdo's Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15683**

**Action Requested:**

Variance of the number of business signs permitted on each street frontage of a lot from 1 to 2; variance of the permitted display surface area per lineal foot of street frontage from .200 to .607 sq ft per lineal foot of frontage; and a variance of the total display surface area permitted from 150 sq ft to 209 sq ft - **Section 602.B.4 ACCESSORY USES PERMITTED IN OFFICE DISTRICTS - Signs - Use Unit 11.**

**Presentation:**

The applicant, **Amax Sign Company**, was represented by **Brian Ward**, 9520 East 55th Place, Tulsa, Oklahoma, who submitted a site plan (Exhibit F-1) for the proposed sign. He explained that the current Zoning Code would permit two signs for the property in question, one on the Broken Arrow Expressway and one on 45th Place. He requested permission to install a sign on the west side of the building, as this location will have greater visibility from both the Mingo Valley and Broken Arrow Expressways. Mr. Ward stated that each sign contains 88 sq ft (176 sq ft total) of display surface area, and not 209 sq ft as reflected by the case report.

Mr. Jackere asked Mr. Ward if he is requesting a total of 176 sq ft of signage, and he answered in the affirmative.

Mr. Jones informed that Staff calculated the permitted signage by measuring the area contained in the sign block.

Mr. Ward stated that the building is changing tenants, however, the amount of signage will not change. He informed that signs are permitted on the north and south ends of the building, and requested that the signage permitted on the north wall be moved to the west wall.

After Board discussion as to the amount of permitted signage, Mr. Bolzle pointed out that amount of signage on the property is in compliance with Code requirements, and the issue to be determined is the location of the signs.

**Protestants:** None.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bradley, Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the number of business signs permitted on each street frontage of a lot from 1 to 2; and a variance of the total display surface area permitted from 150 sq ft to 176 sq ft - **Section 602.B.4 ACCESSORY USES PERMITTED IN OFFICE DISTRICTS - Signs - Use Unit 11**; per plan submitted; subject to a limit of two signs only, one 88 sq ft sign on the south wall of the building and one 88 sq ft sign on the west wall; finding that the signage does not exceed the permitted amount for the lot, and moving the sign from the north wall to the west wall will not be detrimental to the area; and finding a hardship demonstrated by the irregular shape of the lot and the fact that the building is visible from the Broken Arrow Expressway and the Mingo Valley Expressway; on the following described property:

Case No. 15683 (continued)

Lot 2, Block 2, Towne Center II Addition, City of Tulsa, Tulsa County, Oklahoma.

**OTHER BUSINESS**

**Case No. 15564 - J.W. Smith** - NW/c of 8th Street and Lewis Avenue.

**Presentation:**

**Alan Jackere**, City Legal Department, advised that Mr. Smith has filed an appeal of the previous Board denial. Mr. Jackere pointed out that neighbors had reported a problem with spray painting and numerous cars parked in the street. He stated that the business did not close after the Board hearing; however, after reviewing the location on several occasions since that time, he found the operation to be contained within the building and very "low key". Mr. Jackere informed that, during his preparation for trial, he visited with the protestants and found that many of their complaints stemmed from previous problems with the operation. He stated that, if approved by the Board, the protestants and the attorney for the applicant have agreed to the operation of the present garage, with the following conditions:

1. The use of Lot 30 shall be limited to automotive repair. No transmission overhauls, no complete motor rebuilding and no compressor spray painting will be performed. Lot 29 cannot be used in conjunction with the business on Lot 30.
2. Parking shall be provided and designated (striped) and used only as shown on Exhibit A attached. Parking and access thereto shall be paved. Parking shall be used for employees and customers only. No parking shall be permitted by customers or employees on 8th Street, nor shall cars awaiting repairs be parked on 8th Street.
3. No sale of motor vehicles from the lot.
4. Work on automobiles shall be done inside the building; provided, however, that one oversize vehicle may be worked on outside of, and, on the north side of the building at any one time and inspections may be performed outside the building. Such outside inspections shall be performed only in designated parking spaces shown on Exhibit A attached.
5. No outside storage of equipment, parts or supplies are permitted on the lot.
6. The existing masonry screening wall shall be maintained along the west boundary of Lot 30, beginning at the northwest corner of the building and extending to the northwest corner of the lot.
7. Signage on the property shall be limited to the existing pole sign and a 3' high wall sign to be painted on the east building wall.

Case No. 15564 (continued)

8. The repair shop shall not operate between the hours of 11:00 p.m. and 6:00 a.m.
9. Vehicles shall not be road tested on 7th or 8th Streets.
10. The foregoing conditions may be modified by the Board of Adjustment upon application for a special exception or variance as specified in the Zoning Code.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bradley, Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** submitted conditions for approval to be incorporated in a Journal Entry of Judgment for Case No. 15564, J. W. Smith.

There being no further business, the meeting was adjourned at 4:05 p.m.

Date Approved April 9, 1979

Harry White  
Chairman