

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 610
Tuesday, May 26, 1992, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bolzle, Chairman Chappelle Doverspike T. White	S. White	Gardner Jones Moore	Jackere, Legal Department Parnell, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, May 22, 1992, at 11:28 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Bolzle called the meeting to order at 1:00 p.m.

MINUTES:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-1 (Bolzle, Chappelle, Doverspike, "aye"; no "nays"; T. White, "abstaining"; S. White, "absent") to **APPROVE** the Minutes of May 12, 1992.

UNFINISHED BUSINESS

Case No. 16001

Action Requested:

Variance of the maximum square footage for a wall sign from 390 sq ft to 469 sq ft to permit an existing backlit awning - **Section 1221.D.2 CS Conditions for Business Signs** - Use Unit 12, located 3637 South Memorial Drive..

Presentation:

The applicant, **Bob Dail**, 2720 East King Street, Tulsa, Oklahoma, stated that he is representing **Oklahoma Sign Company**, who installed the sign at the Harvest Restaurant. He informed that his company does not consider the portion of the backlit awning without lettering to be signage. Mr. Dail stated that the sign will be made to comply with the maximum 25 footcandle requirement.

Comments and Questions:

Mr. Bolzle stated that the application was continued to permit the City Council an opportunity to act on the portion of the Sign Ordinance that related to backlit awnings.

Case No. 16001 (continued)

Mr. Gardner informed that the City Council has not received a recommendation from the Sign Advisory Committee, regarding the proposed amendments.

Mr. Doverspike stated that he is not inclined to support the application.

Mr. Chappelle stated that the Board recently approved a similar sign at 38th Street and Memorial Drive.

Mr. Doverspike stated that the current Zoning Code does not give the Board the authority to approve the sign, and the City Council should amend the law regarding the type of sign under consideration.

Mr. Dail stated that the sign was designed to match the contour of the building, which peaks in the middle of the structure. He pointed out that the attempt to make the sign aesthetically pleasing has caused the restaurant to exceed the permitted signage.

In response to Mr. Gardner, the applicant stated that the awning is currently lighted until the Board renders a decision on the variance.

Mr. Gardner noted that the Planning Commission studied the sign issue three years and sent the Council a comprehensive package. He stated that the Council has had TMAPC's recommendation for over a year.

Mr. Bolzle asked the applicant if Code Enforcement has cited the restaurant, and he stated that they have received a letter from that department.

Mr. Jackere advised that the restaurant is in violation of the Code if the sign has been installed and is being lighted. He pointed out that, after the Sign Advisory Board passes their recommendations to the City Council, it will take approximately 120 days for Council approval and Legal Department review and final drafting of the amendments.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-1-0 (Bolzle, Chappelle, T. White, "aye"; Doverspike, "nay"; no "abstentions"; S. White, "absent") to **APPROVE** a **Variance** of the maximum square footage for a wall sign from 390 sq ft to 469 sq ft to permit an existing backlit awning - **Section 1221.D.2 CS Conditions for Business Signs** - Use Unit 12; per plan and photographs submitted;

Case No. 16001 (continued)

finding that the actual lettering does not exceed the Code requirement, but the lighting of the remainder of the sign causes the structure to exceed the permitted amount; and finding that there are similar backlit awning signs in the area; on the following described property:

Lots 1, 2 and 3, Block 1, Lazy Circle Acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16007

Action Requested:

Variance of the required number of off-street parking spaces from 133 to 101 - **Section 1208.D. Off-Street Parking and Loading Requirements** - Use Unit 8, located 5170 South Vandalia.

Presentation:

The applicant, **Southern Hills Nursing**, 5170 South Vandalia, Tulsa, Oklahoma, was not represented.

Comments and Questions:

Mr. Gardner advised that he has been in contact with the applicant, and this issue is being considered by the Planning Commission. He stated that there is a possibility that this item will not be heard by this Board, and suggested that the application be continued for 30 days.

Board Action:

On **MOTION** of **T. WHITE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye" no "nays"; no "abstentions"; S. White, "absent") to **CONTINUE** Case No. 16007 to June 23, 1992 to allow TMAPC sufficient time to consider the application.

Case No. 16036

Action Requested:

Variance of the 150' setback requirement from an R District to permit an outdoor advertising sign - **Section 1221.G** - Use Unit 21, located 5770 East Skelly Drive.

Presentation:

The applicant, **Stokely Outdoor Advertising**, 10111 East 45th Place, Tulsa, Oklahoma, was represented by **Jim Bohannon**, 1512 South Denver, who explained that there was an existing outdoor advertising sign on the property at the time of purchase, which the owner determined to move closer to the building. He informed that a permit was

Case No. 16036 (continued)

acquired to install a sign on the east side of the property; however, it was found that this would obstruct traffic flow in the parking lot and remove two parking spaces. Mr. Bohannon stated that another application was filed to move the sign to the west side of the building and that request was denied. He pointed out that there is a 50' RS-3 zoned parking lot between the building and the residences; however, this space will never be developed for residential purposes. Photographs and a location map (Exhibit A-1) were submitted.

Comments and questions:

Mr. Bolzle asked if the previous sign was illuminated, and Mr. Bohannon stated that it has been removed, but it did not have lights.

In response to Mr. Bolzle, Mr. Bohannon stated that the proposed sign will be 10' by 40', instead of 14' by 48' (672 sq ft) which would be permitted by right.

Protestants:

Paul Wilson, president of 21st Properties, stated that their company recently purchased Corporate Place, and suggested that the R District where the parking lot is located was to provide a buffer to protect the residential district, and to prevent ingress and egress from the property in question to the residential area. He pointed out that the 150' setback from an R District is the minimum standard to meet, and noted that the elevation of the land at this location is approximately 40' higher than the abutting Residential District. Mr. Wilson stated that the applicant failed to present a hardship for the variance request, and added that the tenants of Corporate Place are opposed to the sign location. He stated that the sign, at the proposed location, is not compatible with the residential neighborhood.

Nancy Hoyle, owner of the office building at 5450 East Skelly Drive, Tulsa, Oklahoma, stated that the subject property is to the east of her two-story building. She stated that she is opposed to a large billboard overlooking her property.

Mr. Chappelle stated that the applicant will be permitted by right to install an outdoor advertising sign on the property, and the question is whether or not the requested location on the east side of the building will be a more or less desirable location than the west side.

Mr. Gardner advised that Hudson Place is the street leading from the service road to the residential neighborhood.

Case No. 16036 (continued)

Ms. Hoyle pointed out that her office building was designed to blend with the residential character of the neighborhood.

Ralph Risley, 5450 East Skelly Drive, Tulsa, Oklahoma, stated that he is opposed to the sign because it will be dangerous during windstorms, and pigeon droppings will become a health hazard for area property owners. Mr. Risley stated that he considers the proposed billboard to be more offensive than a radio transmission tower.

Less Lowden, 6105 East 46th Street, Tulsa, Oklahoma, informed that he is president of the Robert Lewis Stevenson Homeowners Association, and that the residents of the area are opposed to the sign, because it will be detrimental to the area and result in a financial loss to nearby property owners. Letters of protest (Exhibit A-2) were submitted.

In regard to the permitted height of the sign, Mr. Gardner advised that it will be restricted to 50' since the expressway is not elevated at this point. He stated that the parking lot was previously approved by the Board; however, it could not be approved under the current Code since a use variance is no longer permitted. He pointed out that the Board must determine if the sign would be more compatible with the residential neighborhood at the proposed location or the location permitted by right. He added that the sign cannot be placed in required parking spaces.

Applicant's Rebuttal:

Mr. Bohannon stated that a sign is permitted on the property, and the issue before the Board is whether or not it can be relocated.

Additional Comments:

Mr. Chappelle voiced a concern that the proposed location of the sign is closer to the residences, as well as the street leading into the residential neighborhood, than the permitted location.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-1 (Bolzle, Chappelle, T. White, "aye" no "nays"; Doverspike "abstaining"; S. White, "absent") to **DENY** a **Variance** of the 150' setback requirement from an R District to permit an outdoor advertising sign - **Section 1221.G - Use Unit 21**; finding that a hardship was not demonstrated

Case No. 16036 (continued)

that would warrant the granting of the variance request; and finding the placement of the advertising sign closer to the residential area would be injurious to the neighborhood and violate the spirit and intent of the Code; on the following described property:

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

Case No. 16040

Action Requested:

Appeal of the Administrative Official that the property is being used for commercial uses - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 6**

or in the alternative

Special exception to permit an office as a home occupation - **Section 402.B.6. Home Occupations - Use Unit 11**, located 3514 South Yale Avenue.

Presentation:

The applicant, **G. D. Jonson**, 3514 South Yale, Tulsa, Oklahoma, submitted photographs (Exhibit B-2), and stated that a complaint has been filed that he is running a commercial business from his home. He explained that he is a petroleum writer and has set aside approximately 500 sq ft of office space in his home, with the remainder of the structure being a dwelling. Mr. Jonson stated he was not aware that a typist could not come to his home and type. He stated that he has done this for years, but has not had a typist since the last Board of Adjustment hearing. The applicant requested permission to hire a personal assistant to do research and typing. He informed that the property in question has been previously occupied by a church and a pre-school, but is now his home. Mr. Jonson stated that he has a lot of friends that visit the site, and it is not uncommon to have three or four cars parked in the driveway at any given time. The applicant stated that his home occupation will not have a sign, and is in compliance with the Code except for the typist. Letters of support (Exhibit B-2) were submitted.

Comments and Questions:

Mr. Doverspike asked the applicant if customers or vendors visit the property on a regular basis, and he replied that he is a writer; and his clients do not visit the residence.

Case No. 16040 (continued)

In response to Mr. Doverspike, the applicant stated that the entrances to his property are on Yale Avenue, and the back yard is used primarily for residential purposes.

Mr. Jackere advised that the Board can vary provisions of the Code pertaining to a home occupation permitted by right; however, there must be something unique about the property that would cause an employee to be needed. He informed that the request for an employee is not properly before the Board at this time. Mr. Jackere noted that an author is permitted to work out of his home by right, but an employee is not permitted by right in any home occupation.

Protestants:

Marcus Wright, 3531 South Winston, Tulsa, Oklahoma, stated that he has lived to the rear of the subject property for approximately two years, and on one occasion Mr. Stauss stated that he and Mr. Jonson were partners and used the home for office space. He question whether or not the property was occupied as a dwelling at the time of his conversation with Mr. Stauss. Mr. Wright stated that his wife does not work away from home and has noted numerous vehicles visiting the home during the day. He submitted a petition (Exhibit B-4) signed by homeowners in the immediate area.

Interested Parties:

Bill Stauss, 5520 South Urbana, Tulsa, Oklahoma, stated that he is a petroleum engineering consultant and a friend of Mr. Jonson. He stated that he visits Mr. Jonson's home on a regular basis to use his library for research purposes. He stated that there is not a business being operated at this location.

Mr. Jackere asked Mr. Stauss how long he has been using the library at Mr. Jonson's home, and he replied that he began to use the library in September 1991.

In response to Mr. Jackere, Mr. Stauss stated that the library is very large, covering two walls from the ceiling to the floor.

Mr. Jackere asked Mr. Stauss if he uses the library daily or weekly, and he replied that he visits the property in question on a weekly basis, and other friends also use the library.

Case No. 16040 (continued)

Mike McGraw, 4564 South Harvard, Tulsa, Oklahoma, stated that he sold Mr. Jonson the property to be used as his dwelling.

Margaret Connor, 4827 East 35th Court, Tulsa, Oklahoma, stated that she lives in the neighborhood and the applicant lives on the property and is an asset to the area.

Wesley McDorman, 1244 North Darlington, Tulsa, Oklahoma, a friend of the applicant, stated that Mr. Jonson purchased the property for his dwelling and there is not a business being conducted on the premises. He informed that Mr. Jonson has access to the top floor of his office building if he ever needs office space.

Candy Parnell, Code Enforcement, stated that she received a complaint regarding the subject property in February and, after checking the dwelling, has no reason to believe the applicant does not live at this location. However, upon entry to the house, she stated that the two front rooms had the appearance of an office, with desks, chairs and bookcases. She stated that the applicant was not at home, and the two women that spoke with her were very evasive when questioned about the type of home occupation being conducted on the premises. She added that there were several vehicles on the property that were not registered in Mr. Jonson's name. Ms. Parnell stated that she later contacted the applicant by mail, and he informed her that he is an author. She stated that the fact that there were two women in the home that obviously did not live there, and automobiles parked on the property that did not belong to the applicant, caused her to believe that some type of business was being conducted at this location.

Additional Comments:

Mr. Doverspike stated that there has been sufficient evidence presented that an enterprise of some nature is going on at this location, although it may not be improper for the area. He stated that the part-time employee seems to be the issue, since an author is permitted to have a home occupation by right.

Mr. Gardner advised that a consulting business, with clients visiting the home, would be required to have a special exception.

Case No. 16040 (continued)

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye" no "nays"; no "abstentions"; S. White, "absent") to **UPHOLD** the decision of the Administrative Official that the property is being used for commercial uses - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; to **APPROVE** a **Special Exception** to permit an office (consulting business) as a home occupation - **Section 402.B.6. Home Occupations** - Use Unit 11; to **CONTINUE** a portion of the application to permit the applicant to file for a variance to permit an employee who does not live in the home; subject to the home occupation being limited to editing, publication, and research; and subject to the Home Occupation Guidelines; finding that there are mixed zoning classifications along Yale, and approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Part SE NE Beg NEC N/2 S/2 SE NE TH W280 S 195.11
E280 N195.11 POB Less E 50 Thereof for road SEC 21
T-19-N, R-13-E, 1.03 Acres Unplatted, Addition to
the City of Tulsa, Tulsa County, State of Oklahoma.

NEW APPLICATIONS

Case No. 16043

Action Requested:

Special Exception to amend a condition of approval to a previously approved variance, located 3901 South Harvard Avenue.

Presentation:

The applicant, **Ted Wilson**, 4038 East 27th Street, Tulsa, Oklahoma, stated that he previously received approval to have a greenhouse at the current location until May 1, 1992, at which time it was to be moved to the rear of the property. He explained that he has been making improvements to the garden center and has had numerous expenses since the previous approval. Mr. Wilson requested an extension of the time limitation previously imposed by the Board.

Comments and Questions:

Mr. Chappelle inquired as to the amount of time need to move the greenhouse, and Mr. Wilson requested a two-year extension.

Case No. 16043 (continued)

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-1 (Chappelle, Doverspike, T. White, "aye" no "nays"; Bolzle, "abstaining"; S. White, "absent") to **APPROVE** a **Variance** to amend a condition of approval to a previously approved variance; subject to the greenhouse being moved to the rear of the property no later than May 1, 1993; finding that the temporary use at this location will not be detrimental to the area; on the following described property:

West 140' of Lot 11, Block 5, Eisenhower Third Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16047

Action Requested:

Special Exception to permit a public school in an R District - **Section 401 PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 1205 West Newton.

Presentation:

The applicant, **Tulsa Public Schools**, 1555 North 77th East Avenue, Tulsa, Oklahoma, was represented by **Jim Choate**, who requested permission to install a portable classroom on the property for a period of one year.

Comments and Questions:

Mr. Bolzle noted that the portable classrooms are permitted by right if school use is approved for the property.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye" no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Special Exception** to permit a public school in an R District - **Section 401 PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; finding school use to be appropriate for the area, and in harmony with the spirit and intent of the Code; on the following described property:

North 150' of Lots 6, 7, 8 and 9, Block 8, and the north 150' of the east 15' of Block 7, Amended Plat of **WA-SAH-SHE** Subdivision, City of Tulsa, Osage County, Oklahoma.

Case No. 16048

Action Requested:

Special Exception to permit an existing muffler shop in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located SW/c East 31st Street South and South Mingo Road.

Presentation:

The applicant, **First City Bank**, 7625 East 51st Street, Tulsa, Oklahoma, was represented by **Steve Kennedy**, who informed that the bank received the property back as a result of a foreclosure, and the prospective buyer is proposing to operate a muffler shop at this location.

Comments and Questions:

Mr. Doverspike asked if all business inventory is kept inside the building, and Mr. Kennedy answered in the affirmative.

In response to Mr. Chappelle, Mr. Kennedy stated that the business is in operation at this time, and there will be no changes.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye" no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Special Exception** to permit an existing muffler shop in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17; subject to no outside storage of materials on the property; and subject to all work being performed inside the building; finding that the use, with conditions, will not be detrimental to the area; on the following described property:

North 250' of the east 250' of the NE/4, Section 24, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16049

Action Requested:

Variance of the required 75' setback from an R District to 50' to permit construction of a storage building - **Section 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25, located 2707 West 40th Street.

Presentation:

The applicant, **Tom Doyle**, 2707 West 40th Street, Tulsa, Oklahoma, explained that he operates a business on the subject property and recently constructed a storage building, which was found to be 25' into the required setback. He pointed out that the building is 110' from the nearest residence, and a privacy fence has been installed along that boundary.

Comments and Questions:

Mr. Doverspike asked if a privacy fence has been erected along the northwest boundary abutting the residential area, and Mr. Doyle answered in the affirmative.

In response to Mr. Doverspike, the applicant stated that the storage building is used only for materials associated with his business.

Mr. Bolzle asked if the storage facility is open-sided, and Mr. Doyle replied that the building is enclosed.

Mr. Doyle stated that a chemical business has been operating at this location since 1963, and that he discussed his building plans with the resident to the northwest prior to construction.

Protestants:

None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye" no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Variance** of the required 75' setback from an R District to 50' to permit construction of a storage building - **Section 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25; per plot plan submitted; subject to the applicant maintaining the privacy fence along the northwest boundary abutting the residentially zoned area; subject to the structure being enclosed, and used only for storage of materials associated with the business on site; finding that the storage facility will be approximately 110' from the nearest residence, and will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property;

Case No. 16049 (continued)

A tract of land that is part of the SW/4 of Section 22, T-19-N, R-12-E, in the City of Tulsa, Tulsa County, State of Oklahoma, said tract of land being more particularly described as follows, to-wit: starting at the most easterly southeast corner of Lot 3 in Block 40 of Red Fork, an Addition in the City of Tulsa, Tulsa County, State of Oklahoma; thence northeasterly along the southeasterly line of said Block 40 for 230' more or less to the Point of Beginning of said tract of land; thence continuing along the southeasterly line of Block 40 and a projection thereof for 300.00'; thence southeasterly at a right angle for 200.00'; thence southwesterly parallel with the southeasterly line of said Block 40 for 311' more or less to a point on the easterly projection of the southerly line of said Block 40; thence west along said easterly projection for 125.00'; thence north 155' more or less to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16051

Action Requested:

Variance of the setback from the centerline of East 31st Street South to 48' - **Section 211.D. Existing Building Encroachment on Front Yards or Building Setbacks** - Use Unit 6, located 3045 South Boston Place.

Presentation:

The applicant, **Jason Brimer**, 1920 South Cheyenne, Apartment A, Tulsa, Oklahoma, submitted a plat of survey (Exhibit E-1), and stated that he is proposing to purchase the property in question and renovate the existing dwelling, which encroaches into the required major street setback area. He informed that the setback is consistent with others in the neighborhood.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye" no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Variance** of the setback from the centerline of East 31st Street South to 48' - **Section 211.D. Existing Building Encroachment on Front Yards or Building Setbacks** - Use Unit 6; per plat of survey submitted; finding that the existing house was constructed closer to the street than the proposed addition, and the setback is consistent with others in the area; on the following described property:

Case No. 16051 (continued)

Lot 13 and south 15' of Lot 14, Block 10, Travis Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16052

Action Requested:

Special Exception to permit hospital use in an OL zoned district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 5, located north of the NE/c of East 71st Street and South Granite.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, Tulsa, Oklahoma, stated that St. Francis Hospital is proposing to construct a laundry on a four-acre tract near the main building. He submitted a plot plan (Exhibit H-1) and noted that the subject property is zoned OL, as is the property to the immediate west and east. Mr. Johnsen pointed out that numerous structures in the area are under common ownership of the Warren Foundation. The applicant stated that St. Dunstan's Episcopal Church is located 450' south of the proposed site, and there will be a 10' drop in elevation from the laundry to the church building. Mr. Johnsen informed that he has met with representatives from the church and they were agreeable with the proposal to install landscaping along the boundary line abutting the recreation area for the church. Mr. Johnsen explained that the loading ramp will be located on the southeast corner of the building and away from Granite Avenue. He informed that the new laundry facility will provide service for Laureate Psychiatric Hospital and St. Francis Hospital. He stated that one semitrailer will make three trips each day to the facility, and all trips, including smaller truck deliveries, will total approximately 24. It was noted by the applicant that the laundry will be in operation Monday through Friday during daylight hours, and there is sufficient parking on site for 60 employees. Mr. Johnsen stated that expansion potential is proposed, and 60,000 sq ft of floor space is planned for the laundry on the first level, with an additional 60,000 sq ft on the second level for uses unknown at this time. He informed that there will be no patient care at this location, and future use of the second level will be a nonpublic part of the hospital's current operation, and could be inactive storage of some type. Mr. Johnsen stated that four women are involved in an upholstery operation for repair of hospital items, and this use will also be conducted in the building.

Case No. 16052 (continued)

Comments and Questions:

Mr. Chappelle asked if the facility will be open to the public, and Mr. Johnsen stated that the laundry will be for hospital use only

Mr. Bolzle inquired as to the total area of the subject tract, and the applicant stated that it is 4.25 acres, less right-of-way, or 168,000 sq ft.

In response to Mr. Bolzle, Mr. Johnsen stated that the proposed structure will contain 120,000 sq ft of floor area.

Mr. Bolzle pointed out that the building will exceed more than 30% FAR, and Mr. Johnsen stated that the Code is silent on this subject in an OL District. He pointed out that the low intensity of the use could be considered.

In reply to Mr. Bolzle's question concerning proposed uses for the additional area, Mr. Johnsen excluded public uses such as patient care, and requested that the Board approve the upholstery shop (limited to 4 employees) and inactive storage.

In regard to the truck route, Mr. Johnsen informed that the trucks will drive down the newly opened 66th Street to Granite Avenue and proceed to 71st Street. He stated that the opening of 66th Street will also provide the church with a second access point.

Mr. Jackere stated that the Code is not silent concerning FAR in OL Districts, and advised that the issue is addressed under General Bulk and Area Requirements in Office Districts, which states that the FAR is limited to .30.

Mr. Johnsen pointed out that the FAR for a hospital in an RS District is .50 and, if this issue was addressed under OL zoning, it would rightly state .50 FAR, with Board approval.

Mr. Gardner noted that .50 FAR calculation would permit the use of 83,421 sq ft of floor area in the building, or 60,000 sq ft for the laundry and 23,000 sq ft for storage and the upholstery operation.

Mr. Bolzle stated that the remainder of the building can be utilized in the future if additional land is added to the tract.

Protestants:

None.

Case No. 16052 (continued)

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye" no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Special Exception** to permit hospital use in an OL zoned district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 5; per plot plan submitted; subject to the facility not being open for public use; subject to no medical services or patients; subject to the facility being used only in conjunction with St. Francis Hospital and its affiliated operations; subject to the use being restricted to laundry services, inactive storage and an upholstery shop (maximum of 4 employees); and subject to a maximum .50 FAR; finding the use to be compatible with the surrounding area, and in harmony with the spirit and intent of the Code; on the following described property:

A tract of land, that is part of the Northerly 561.00' of the East Half of the East Half of the Southeast Quarter of the Southwest Quarter (E/2 E/2 SE/4 SW/4) of Section 3, Township 18 North, Range 13 East, City of Tulsa, Tulsa County, State of Oklahoma, said tract of land being described as follows, to-wit: starting at the Northeast corner of the SE/4 of the SW/4 of Section 3, T-18-N, R-13-E; thence Southerly along the Easterly line of the SE/4 of the SW/4 of said Section 3 for 296.70' to the Point of Beginning" of said tract of land; thence continuing Southerly along said Easterly line for 264.30'; thence Westerly along a deflection angle to the right of 90°09'46" and parallel to the Northerly line of the SE/4 of the SW/4 of said Section 3 for 299.74'; thence Northerly along a deflection angle to the right of 89°49'55" and parallel to the Westerly line of the E/2 of the E/2 of the SE/4 of the SW/4 of Section 3 for 264.30'; thence Easterly along a deflection angle to the right of 90°10'05" and parallel to the Northerly line of the SE/4 of the SW/4 of Section 3 for 299.76' to the Point of Beginning" of said tract of land, containing 1.8187 acres, and a tract of land, containing 2.2462 acres, that is part of the Northerly 561' of the E/2 of the E/2 of the SE/4 of the SW/4 of Section 3, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma. Said tract of land being described as follows, to-wit: Beginning at a Point, said point being the Northeast corner of the SE/4 of the SW/4 of Section 3, T-18-N, R-13-E; thence Southerly along the Easterly line of the SE/4 of the SW/4 of Section 3 for 296.70'; thence Westerly along a deflection angle to the right of 90°09'46" and parallel to the Northerly line of the

Case No. 16052 (continued)

SE/4 of the SW/4 of Section 3 for 299.76'; thence Westerly along a deflection angle to the right of $00^{\circ}00'36''$ for 30.00' to a point on the Westerly line of the E/2 of the E/2 of the SE/4 of the SW/4 of Section 3; thence Northerly along a deflection angle to the right of $89^{\circ}49'19''$ and along said Westerly line for 296.69' to a point on the Northerly line of the SE/4 of the SW/4 of Section 3; thence Easterly along a deflection angle to the right of $90^{\circ}10'05''$ and along said Northerly line for 329.79' to the Point of Beginning of said tract of land; City of Tulsa, Tulsa County, Oklahoma.

Case No. 16053

Action Requested:

Variance of the required front yard from 35' to 18'6" to permit a porte cochere - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2807 South Florence Avenue.

Presentation:

The applicant, **Roger Johnson**, PO Box 35238, Tulsa, Oklahoma, was represented by **Gary Tatum**, who submitted a plot plan (Exhibit F-1) and requested permission to construct a porte cochere at the above stated location.

Comments and Questions:

Mr. Bolzle inquired as to the hardship, and Mr. Tatum stated that there is already a circle drive on the front portion of the lot. He pointed out that the curvature of the street at this location makes backing out of the driveway very hazardous.

In response to Mr. Bolzle, Mr. Tatum stated that the porte cochere has not been constructed.

Mr. Jackere stated that the irregular shape of the lot or the curvature of the street would not prevent the construction of a dwelling that would comply with the required setbacks.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye" no "nays"; no "abstentions"; S. White, "absent") to **DENY** a **Variance** of the required front yard from 35' to 18'6" to permit a porte cochere - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the applicant failed to present a hardship that would justify granting the variance request; and finding that the proposed 17' encroachment would be detrimental to the neighborhood; on the following described property:

Lot 6, Block 6, Lakewood Amended, City of Tulsa, Tulsa County Oklahoma.

Case No. 16054

Action Requested:

Special Exception to permit automobile painting in a CH zoned district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 25, located 6746 East 11th Street.

Presentation:

The applicant, **David Sanders**, 624 South Denver, Tulsa, Oklahoma, stated that he is president of Commercial Properties, and informed that the former tenant at this location repaired foreign vehicles. Mr. Sanders stated that the current occupant has a ten-year lease and is requesting permission to paint cars on the property.

Comments and Questions:

Mr. Bolzle asked if all work will be completed inside the building, and Mr. Sanders answered in the affirmative.

In response to Mr. Bolzle, the applicant stated that there will be no outside storage of materials on the property.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye" no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Special Exception** to permit automobile painting in a CH zoned district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 25; subject to no outside storage of materials or inventory of any nature, other than automobiles awaiting service; subject to all work being completed inside the existing structures; and subject to City/County Health Department approval; finding the automobile painting business to be compatible with existing uses in the area, and in harmony with the spirit and intent of the Code; on the following described property:

Lot 2, Block 3, Sheridan Industrial District, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 16044

Action Requested:

Refund of fees.

Comments and Questions:

Mr. Jones informed that **Ken McMahan**, 1715 South Peoria, Tulsa, Oklahoma, had requested permission to have a produce sales business in a tent, and Ms. Hubbard determined that it was not the tent, but the items that are sold that is the issue. Mr. Jones informed that produce sales are permitted by right in a CH zoned district, and suggested that the applicant be refunded the entire \$150.00 filing fee.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye" no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **REFUND** of the \$150.00 filing fee; finding that the applicant was not in need of the relief requested..

Case No. 16045

Action Requested:

Reconsider case denied on May 12, 1992.

Comments and Questions:

Mr. Jones informed that the Board uses Robert's Rules of Order as a guideline for conducting meetings, and it states that the applicant can request a rehearing of a case at the next scheduled meeting.

Mr. Jackere stated that standards for a rehearing should be based on newly discovered evidence or errors of law that may have been made.

Mr. Jones stated that a notice of appeal to District Court has not been received within the required 10-day filing period.

Presentation:

Eric Bolusky, counsel for **Cheri Linetta**, 9225 East 58th Street, Tulsa, Oklahoma, stated that an INCOG representative advised him that a letter of reconsideration was filed and that the request would be placed on the agenda.

Mr. Jackere advised that a new notice to all property owners within 300' will be required if the Board chooses to rehear the case.

Case No. 16045 (continued)

Mr. Bolusky stated that letters of support (Exhibit G-1) from neighbors bring new factual evidence to the case. He stated that the applicant's back yard is a quasi-community facility, and in order to park the RV in the back yard the shuffleboard court or the swimming pool would be eliminated. He stated that the pool was purchased by the neighborhood association in 1991 for neighborhood use. Mr. Bolusky explained that his client had not gathered all of the supportive information at the previous meeting.

Mr. Bolzle stated that there was evidence presented at the last meeting which substantiated the fact that two RVs have been parked in the back yard in the past. He pointed out that the applicant made the determination to use available space in the back yard for a shuffleboard court instead of RV storage. He further noted that there are numerous rental facilities for this type of storage.

Mr. Bolusky informed that the shuffleboard court was constructed prior to the adoption of the ordinance dealing with RV parking requirements, and there would be a question as to whether the parking of the vehicle in the front yard would be a lawful nonconforming use. He stated that the RV complies with the 12' distance requirement from the RV to the curb.

Mr. Bolzle asked Mr. Bolusky if the new evidence is the fact that the back yard is used by the neighborhood, and he replied that the neighborhood facilities that are there do not allow space for the RV to be parked there. He stated that the shuffleboard court is not strong enough to support a recreational vehicle over a long period of time.

Ms. Parnell stated that she has photographs in her file to verify the fact that the applicant has continually parked motor homes on the slab in the back yard. She pointed out that in April 1992 a large bus and a motor home were parked in the back yard and another motor home was parked in the driveway in front of the residence.

Case No. 16045 (continued)

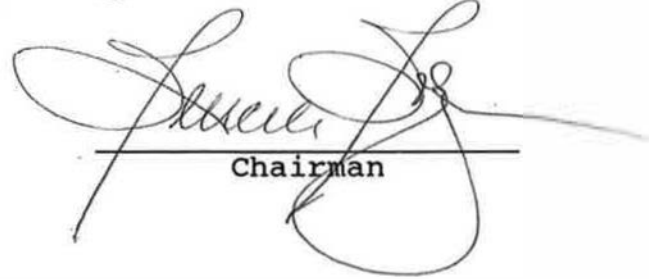
Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye" no "nays"; no "abstentions"; S. White, "absent") to **DENY** reconsideration of Case No. 16045, based on the evidence presented.

There being no further business, the meeting was adjourned at 3:55 p.m.

Date Approved

June 9 1992


Chairman

