

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 611
Tuesday, June 9, 1992, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, June 4, 1992, at 1:43 p.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 **T. WHITE**, the Board voted 2-0-1 (Bolzle, T. White, "aye"; no "nays"; S. White, "abstaining"; Chappelle, Doverspike, "absent") to **APPROVE** the Minutes of May 26, 1992.

NEW APPLICATIONS

Case No. 16055

Action Requested:

Variance of the rear yard setback from 25' to 17' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6.

Variance of the maximum permitted eaves overhang from 2' to 3' - **SECTION 210.B. Permitted Obstructions in Yards** - Use Unit 6, located 2825 East 33rd Street South.

Presentation:

The applicant, **Charles Hanson**, 2825 East 33rd Street, Tulsa, Oklahoma, stated that he is the owner of the subject property, and requested permission to remove an existing shed and extend the two-car garage (Exhibit A-1). He pointed out that there are numerous homes in the area that encroach into the required rear yard. Mr. Hanson stated that the garage on the property next door is 17' from the lot line and has a 4' overhang. A petition of support and photographs (Exhibit A-3) were submitted.

Case No.16055 (continued)

Comments and Questions:

Mr. Bolzle inquired as to the width of the new addition, and the applicant stated that the garage will be extended 18'.

Board Action:

On MOTION of S. WHITE, the Board voted 3-0-0 (Bolzle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, Doverspike, "absent") to **APPROVE** a Variance of the rear yard setback from 25' to 17' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6;** and to **APPROVE** a Variance of the maximum permitted eaves overhang from 2' to 3' - **SECTION 210.B. Permitted Obstructions in Yards - Use Unit 6;** per plan submitted; finding that the addition was developed approximately 30 years ago, and the requested setback is in conformity with that of existing dwellings in the neighborhood; on the following described property:

Lot 7, Block 4, Charlane Estates of Blocks 3, 4 and 5, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16056

Action Requested:

Special exception to permit a mobile home in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 9.**

Variance of the one year time limitation to permanent - **SECTION 404.E.1 SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS - Use Unit 9,** located 2535 East 29th Street North.

Presentation:

The applicant, **David Hayes,** 2535 East 29th Street North, Tulsa, Oklahoma, stated that his mobile home was previously approved for one year, and requested permission to install it permanently.

Comments and Questions:

Ms. White asked if the mobile home is skirted, and the applicant answered in the affirmative. Mr. Hayes added that he is proposing to place the mobile home on a permanent foundation if the application is approved.

Mr. Bolzle asked the applicant if there are other mobile homes in the neighborhood, and he replied that there are no individual mobile homes in the area, but there is a mobile home park nearby.

Case No. 16056 (continued)

Protestants:

None.

Board Action:

On MOTION of S. WHITE, the Board voted 3-0-0 (Bolzle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, Doverspike, "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9; and to **APPROVE** a **Variance** of the one year time limitation to permanent - **SECTION 404.E.1 SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9; subject to the mobile being placed on a permanent foundation; finding that the unit has been at the current location for approximately one year and has proved to be compatible with the neighborhood; on the following described property:

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

Case No. 16057

Action Requested:

Variance of the required livability space from 5000 sq ft to 3040 sq ft; and a Variance of the required 30' front yard - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1347 East 27th Street.

Presentation:

The applicant, **Steven Ganzkow**, 1347 East 27th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit B-1) and explained that he is proposing to enclose and screen an existing deck. He informed that an additional 20% of floor space will be added to the deck.

Comments and Questions:

Mr. Bolzle asked if the existing deck is covered, and the applicant stated that it is not covered.

Mr. Gardner pointed out that the size of the lot does not comply with the RS-2 zoning, and is 150' under the requirements for RS-3.

Protestants:

None.

Case No. 16057 (continued)

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 3-0-0 (Bolzle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, Doverspike, "absent") to **APPROVE** a **Variance** of the required livability space from 5000 sq ft to 3040 sq ft; and a **Variance** of the required 30' front yard - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding a hardship imposed on the applicant by the size of the lot and the fact that it does not comply with the current Code requirement for an RS-2 lot; and finding that approval of the request will not violate the spirit, purpose or intent of the Code; on the following described property:

The east 50' of Lot 14, Block 1, Sunset View Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16058

Action Requested:

Variance of the maximum height for a sign that is not behind the building setback from 25' to 40' to permit two signs - **Section 1103.B.2.b.4. General Use Conditions** - Use Unit 14, located northwest corner East 71st Street and Mingo Valley Expressway.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, Tulsa Oklahoma, stated that he is representing the developers of Mingo Market Place, which is a large development located on the north side of 71st Street, west of the Mingo Valley Expressway. He explained that the CS zoned portion of the property is located on the front 330' of the tract, with the balance along the expressway being zoned CO. Mr. Johnsen stated that the entire development has been the subject of a Planned Unit Development (PUD). The applicant explained that the sign height limitation is 30' in CS zoned districts, with the height increasing one foot for each foot the sign is moved back, up to a maximum height of 50'. He added that the Corridor District references the CS District, therefore, the same requirements would apply. Mr. Johnsen stated that two of the proposed signs are 40' in height. He noted that the height limitation in a PUD is 25'; however, a 40' sign is permitted behind the building setback line. Referring to the Case Summary (Exhibit C-2), Mr. Johnsen pointed out that the center will have twelve different establishments and there could be a total of twelve signs. It was noted by the applicant that 1100 sq ft of sign display surface area is permitted on 71st Street and 1300 sq ft on the expressway. He stated that one large

Case No. 16058 (continued)

center sign, four monument signs and three pylon signs (1188 sq ft total) were initially proposed for the development; however, that number has now been reduced to six signs. Mr. Johnsen advised that four pylon and two center signs (1300 sq ft total) are now being proposed. He noted that the center signs will have space for seven tenants, and pointed out that 40' signs are needed in order serve the tenants and maintain sufficient ground clearance. Mr. Johnsen stated that one large sign will be located on 71st Street and the other will be placed at the northeast corner of the project. He noted that the sign could be 40' in height if it was placed 50' from the 71st Street right-of-way; however, the height is reduced to 25' in front of the 50' setback line. Mr. Johnsen stated that the sign on 71st Street will be set back 30' from the right-of-way (90' from centerline), and the additional 500 sq ft sign located on the expressway will be west of the service road. A plot plan (Exhibit C-1) and photographs (Exhibit C-3) were submitted.

Comments and Questions:

In response to Mr. Bolzle, the applicant stated that the pylon signs are proposed for the peripheral properties.

Mr. Gardner advised that it is important that the proposed sign at the northeast corner of the property be west of the private service road and not overhang the right-of-way easement.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 3-0-0 (Bolzle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, Doverspike, "absent") to **APPROVE** a **Variance** of the maximum height for a sign that is not behind the building setback from 25' to 40' to permit two signs - **Section 1103.B.2.b.4. General Use Conditions** - Use Unit 14; per plan and case summary submitted; subject to the 500 sq ft sign on 71st Street being setback a minimum of 90' from the centerline of 71st Street; subject to the 500 sq ft sign near the expressway being west of the service road, having a minimum 30' setback and no overhang of the right-of-way easement; and subject to the number of signs being reduced from 8 to 6, per the signs listed on Exhibit C-2; finding a hardship demonstrated by the size of the tract, the topography of the land and the proximity of the development to the expressway; on the following described property:

All of Mingo Market Place, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16059

Action Requested:

Variance of the required setback from the centerline of East Apache Street from 100' to 85' - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 17.

Variance of the required 50' setback from the centerline of East Apache Street to 40' to permit two signs - **Section 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 17, located 2605 North Cincinnati.

Presentation:

The applicant, **Wilbert Collins**, 2605 North Cincinnati, Tulsa, Oklahoma, stated that he is proposing to convert an abandoned gas station to a convenience store and gasoline outlet. Photographs (Exhibit D-1) were submitted. Mr. Collins stated that the required building setback at this location is 100'; however, he asked that an 85' setback be permitted to allow the construction of a car wash, which is a requirement of the rebate program offered by the Phillips 66 Company. He pointed out that compliance with the 100' setback would not allow sufficient turning space for entry into the car wash. Mr. Collins stated that the two proposed signs for the business will be located in the major street setback area and, if permitted to remain, will be removed if the street is ever widened.

Comments and Questions:

In response to Mr. Bolzle, Mr. Gardner advised that, if there is a concern with visibility at the corner, any approval should be made subject to Traffic Engineering approval.

Mr. Collins stated that the sign at the corner is a pole sign and will not interfere with motorists line of sight.

Protestants:

None.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 3-0-0 (Bolzle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, Doverspike, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of East Apache Street from 100' to 85' - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 17; and to **APPROVE** a **Variance** of the required 50' setback from the centerline of East Apache Street to 40' to

No. 16059 (continued)

permit two signs - **Section 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 17; per plan submitted; subject to the execution of a removal contract; subject to the two signs being single pole signs, with any other type sign structures being approved by Traffic Engineering; finding a hardship imposed on the applicant by the narrow shape of the lot; and finding that approval of the request will not violate the spirit and intent of the Code, or be detrimental to the area; on the following described property:

A tract of land in Section 24, T-20-N, R-12-E, being more particularly described as follows, to wit: Beginning at the NW/c of Lot 16, Block 4, Devonshire Place 4th Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, thence west 150', south 140', east 150', north 140', to the point of beginning, all in Section 24, T-20-N, R-12-E, according to the US Government Plat thereof, and Lots 16, 17, 18 and 19, Block 4, Devonshire Place 4th Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16060

Action Requested:

Special Exception to permit automobile sales in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located 10120 East 31st Street South.

Presentation:

The applicant, **Kenneth Crump, Jr.**, 2200 Williams Center Tower II, Tulsa, Oklahoma, was represented by **Mike Flynn**, owner of the property in question. Mr. Flynn stated that he is proposing to lease the subject tract for a used car sales operation, and pointed out that he also owns the abutting property to the east, which is used for the sale of automobiles. He stated that there was a question as to whether or not the property is in the floodplain, and that question is being investigated. Mr. Flynn stated that the City has previously dredged the drainage ditch and placed that soil on the subject property. He informed that the long range plan is to replace the car lots with a strip center if the flood classification is changed. Photographs (Exhibit E-1) and a location map (Exhibit E-2) were submitted.

Case No. 16060 (continued)

Comments and Questions:

Ms. White inquired as to the reason for the denial of a similar request in 1983, and Mr. Jones informed that there were several nearby apartment dwellers and property owners that were opposed to the previous application.

Mr. Flynn stated that the property had been vacant for two years before he bought it, and noted that many of the residents of the nearby apartments are customers of the existing car lot to the east, which is operated by his brother.

Mr. Gardner inquired as to the reason for the U-Haul trucks on the lot, and Mr. Flynn stated that the trucks are on the lot his brother operates, and will not be on the property in question.

Mr. Flynn asked if the parking of trucks at this location is a zoning violation, and Mr. Gardner stated that storing or renting trucks at this location is not a permitted use.

In response to Mr. Jones' comment concerning all-weather parking, Mr. Flynn stated that he intends to have the parking surface paved.

Mr. Bolzle asked Mr. Flynn if a building will be constructed on the property, and he answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 3-0-0 (Bolzle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, Doverspike, "absent") to **APPROVE** a **Special Exception** to permit automobile sales in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17; subject to automobile sales only, no trucks other than pickups; finding that a similar business is operating next door to the subject property, and the granting of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 1, Block 1, Mingo Valley Estate Amended, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16061

Action Requested:

Special Exception to permit a day care in an AG zoned district - **Section 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS - Use Unit 5.**

Variance of the all-weather surfacing for parking to permit a gravel lot - **Section 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS - Use Unit 5, located 3201 North Cincinnati.**

Presentation:

The applicant, **Teresa Shields**, 2436 North Main, Tulsa, Oklahoma, stated that she is proposing to extend her day care center at 3237 North Cincinnati to include the subject property. She explained that it is her intent to provide a summer camp for school age children (5 years to 12 years) during the summer, and the new addition serve 4 and 5-year-old children after school begins. Ms. Shields stated that days and hours of operation will be Monday through Friday, 6:00 a.m. to 6:00 p.m. She pointed out that the building is located in a remote area, and will provide a safe environment for the children.

Comments and Questions:

Mr. Bolzle asked why a hard surface parking area is not proposed, and the applicant stated that she is not the land owner and the property has always had a gravel driveway.

In response to Mr. Bolzle, the applicant stated that she has been operating the existing day care center since 1984.

Protestants:

None.

Board Action:

On **MOTION** of **T. WHITE**, the Board voted 3-0-0 (Bolzle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, Doverspike, "absent") to **APPROVE** a **Special Exception** to permit a day care center in an AG zoned district - **Section 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS - Use Unit 5; and to APPROVE a Variance** of the all-weather surfacing for parking to permit a gravel lot - **Section 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS - Use Unit 5; per plan submitted; subject to days and hours of operation being Monday through Friday, 6:00 a.m. to 6:00 p.m.; finding that an existing day care center has been in operation**

Case No. 16061 (continued)

next door to the subject property for approximately 7 years; and finding the use to be compatible with the area and in harmony with the Code; on the following described property:

Part of the S/2 N/2 SW/4 NW/4 of Section 24, T-20-N-R-12-E, more particularly described as follows to-wit: Beg. at the SW/c of said S/2 N/2 SW/4 NW/4 thence N 78'; thence E 341.64'; thence N 127.5'; thence E 158.36'; thence S 205.5' to the south line of the S/2 N/2 SW/4 NW/4 thence W 500' to POB; City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Election of Officers

Board Action:

On **MOTION** of **T. WHITE**, the Board voted 3-0-0 (Bolzle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, Doverspike, "absent") to **ELECT** **Bruce Bolzle** to the office of chairman for the City Board of Adjustment.

On **MOTION** of **T. WHITE**, the Board voted 3-0-0 (Bolzle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, Doverspike, "absent") to **ELECT** **Sharry White** to the office of vice-chairman for the City Board of Adjustment.

On **MOTION** of **S. WHITE**, the Board voted 3-0-0 (Bolzle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, Doverspike, "absent") to **ELECT** **Terry Doverspike** to the office of secretary for the City Board of Adjustment.

There being no further business, the meeting was adjourned at 1:54 p.m.

Date Approved

June 23, 1992


Chairman