

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 613
Tuesday, July 28, 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 S. White T. White		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 Thursday, July 24, 1992, at 9:44 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 T. WHITE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the Minutes of June 23, 1992.

UNFINISHED BUSINESS

Case No. 16081

Action Requested:

Special Exception to permit an existing beauty shop in an OL District - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** - Use Unit 15, located 1601 South Utica.

Presentation:

The applicant, **Sharon Crandall**, 1601 South Utica Avenue, Tulsa, Oklahoma, was represented by **Malcom Hammond**, 2506 East 21st Street, Tulsa, Oklahoma, who explained that he and Ms. Crandall are property managers for the tract in question. He informed that the existing beauty shop began operation approximately 6 years ago and it was not known at that time that the use did not comply with the Code. Mr. Hammond requested permission to expand the existing shop and utilize the entire building.

Case No. 16081 (continued)

Comments and Questions:

Mr. Chappelle inquired as to the days and hours of operation, and Mr. Hammond stated that the shop will be open from 9:00 a.m. to 6:00 p.m., Monday through Saturday.

Protestants:

None.

Board Action:

On MOTION of CHAPPELLE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit an existing beauty shop to use the entire building in an OL District - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** - Use Unit 15; subject to the days and hours of operation being Monday through Saturday, 9:00 a.m. to 6:00 p.m.; finding that there are mixed uses in the area, and approval of the request will not violate the spirit and intent of the Code; on the following described property:

Lots 15 and 16, Block 16, Orcutt Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16083

Action Requested:

Special Exception to permit off-street parking in an RM-2 district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 10; and for a variance of the required setback from an abutting R district to permit off-street parking - **SECTION 1302. SETBACKS** - Use Unit 10, located 1505 South Carson.

Presentation:

The applicant, **Kevin Coutant**, 320 South Boston, Suite 500, Tulsa, Oklahoma, stated that this application was continued from the previous meeting to allow a five-member Board to hear the case. He informed that the application concerns a vacant lot, which is abutted by RM-2 properties on the west and south, with OM zoning on the north and east. He stated that there is office use across the street, a rent house to the south and a Texaco parking lot to the north, with screening in place. It was noted by the applicant, that United Way has contracted to purchase the lot for future parking needs. Mr. Coutant asked the Board to consider the fact that this area of the City is in transition, with mixed uses, and it is doubtful that this lot will be used for residential purposes. He asked that the parking lot be

Case No. 16083 (continued)

permitted to extend to the sidewalk. Mr. Coutant stated that one of the neighborhood concerns at the last meeting was the preservation of large trees along the street, and informed that the existing trees will not be disturbed. He further noted that the fence along the south property line will be moved back 5' to accommodate the resident living in the house to the south.

Protestants:

Robin Johnson, 1522 South Carson, Tulsa, Oklahoma, stated that she lives in the neighborhood and owns the rental property to the south. She informed that residents of the area are opposed to the parking lot and further encroachment into the historic neighborhood. She pointed out that the existing parking lots in the area are virtually empty, and the Texaco fence is not in good repair and is often littered with broken bottles. Ms. Johnson stated that additional paving at this location could result in a drainage problem for the neighborhood, as well as add to an existing traffic problem. She further noted that the parking lot would create a hazardous situation for the children in the area. A location map (Exhibit A-1) was submitted. Ms. Johnson stated that the United Way has sufficient parking on their parking lot and on the street to accommodate their employees.

Comments and Questions:

Mr. T. White asked Ms. Johnson how long she has lived at the current address, and she replied that she has lived there for one year and owned property in the neighborhood for three years.

Robert Holland, 1315 South Carson Avenue, Tulsa, Oklahoma, District 7 Planning Chairman, stated that the Comprehensive Plan states that the primary goal for the Stonebraker Heights area is improvement and maintenance of the area for residential purposes, with the second goal being preservation and maintenance of buildings constructed as single family dwellings. He pointed out that the third goal is the establishments of small offices. He voiced a concern with access to the parking lot from Carson Avenue and suggested that, if approved, the lot be required to have an access only on the alley. Mr. Holland stated that the neighborhood is very stable, and is not experiencing decay, as suggested by Mr. Coutant.

Case No. 16083 (continued)

Applicant's Rebuttal:

Mr. Coutant stated that the United Way has numerous meetings of volunteers, as well as employees, and street parking is not an appropriate solution to their parking needs. He pointed out that the subject property is abutted on two sides by OL property, and the intended use is appropriate for the area.

Comments and Questions:

Mr. Bolzle asked if there would be screening installed along Carson Avenue, and the applicant replied that the Code would require screening except at the drive.

Mr. Bolzle stated that he is not supportive of a parking lot encroaching into this stable residential neighborhood.

Mr. Doverspike stated that the parking lot would have a negative impact on the integrity of the neighborhood.

Board Action:

On MOTION of S. WHITE, the Board voted 3-2-0 (Bolzle, Doverspike, S. White, "aye"; Chappelle, T. White "nay"; no "abstentions"; none "absent") to **DENY** a **Special Exception** to permit off-street parking in an RM-2 District - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 10, and to **DENY** a **Variance** of the required setback from an abutting R District to permit off-street parking - **SECTION 1302. SETBACKS** - Use Unit 10; finding that the proposed parking lot would be a detrimental encroachment into a stable residential neighborhood; on the following described property:

North 20' of Lot 10, and all of Lot 11, Block 2, Stonebraker Heights Amended, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16085

Action Requested:

Special Exception to permit t-shirt printing as a home occupation in an R District - **SECTION 402.B.6.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 5820 South 32nd West Avenue.

Case No. 16085 (continued)

Presentation:

The applicant, **Nancy Westfall**, 5820 South 32nd West Avenue, Tulsa, Oklahoma, stated that she and her husband have been operating the t-shirt printing business in their home for approximately 6 years. She pointed out that it is not apparent from the street that a business is being conducted in the house.

Comments and Questions:

Ms. White asked the applicant if the work is completed inside the garage, and she answered in the affirmative.

In response to Mr. Doverspike, the applicant stated that she is continuing to operate the beauty shop, which was previously approved by the Board. Ms. Westfall informed that she has a limited amount of beauty shop customers (Thursday and Friday), and the t-shirt customers come to the residence to pick up orders between 9:00 a.m. and 5:00 p.m.

Ms. White inquired as to the total number of customers, and she replied that the business has approximately 200 customers.

The applicant stated that there is ample parking for 8 vehicles in the driveway.

Mr. T. White inquired as to the type of equipment used in the silk screening business, and Ms. Westfall informed that all printing is done manually.

Interested Parties:

Eva Walker, 5815 South 32nd Street, Tulsa, Oklahoma, stated that she lives near the Westfall property and was not aware a business was being operated in the home.

Additional Comments:

Ms. Parnell stated that a complaint was received regarding the business and, when site checking the property, she found one chair in the beauty salon and a sign advertising the t-shirt business. She informed that the applicant was advised that a sign is not permitted and it was removed. Ms. Parnell stated that she has driven by the property on several occasions and has not observed an unusual amount of traffic.

There was discussion concerning two home occupations in the residence and the disposal of solvents used in the silk screening business. Mr. Jackere pointed out that the home occupation is to be an accessory use and it could reach a point where it would become the principal use.

Case No. 16085 (continued)

In response to Mr. Jackere, the applicant stated that the paint thinners are recycled and used. Mr. Jackere stated that this issue could be addressed by the Health Department.

In reply to Mr. Jackere, Mr. Gardner stated that all quick prints are permitted in offices and studios, and this seems to be similar to the use in question, rather than a professional printing company that would be classified under Use Unit 15.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a home occupation t-shirt printing business in an R District - **SECTION 402.B.6.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; per Home Occupation Guidelines; subject to the beauty shop being restricted to one chair **only**, with days and hours of operation being Wednesday through Thursday, 9:00 a.m. to 5:00 p.m.; subject to the operation of the print shop being restricted to 9:00 a.m. to 7:00 p.m., Monday through Friday; subject to no expansion of the businesses; and subject to Health Department approval of the print shop; finding the use, with conditions, to be compatible with the residential neighborhood; on the following described property:

North 50' of Lot 27, and south 50' of Lot 28, Block 1, Summit Parks addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16086

Action Requested:

Special Exception to permit an existing public school in an R District - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 2138 East 48th Street North.

Presentation:

The applicant, **Tulsa Public Schools**, was represented by **Jim Choate**, 1555 North 77th East Avenue, Tulsa, Oklahoma, who submitted a plot plan (Exhibit C-1), and requested approval of an existing school at the above stated location. He informed that temporary mobile classrooms are being placed on the school property.

Protestants:

None.

Case No. 16086 (continued)

Comments and Questions:

Mr. Bolzle asked if the existing school will be expanded, and Mr. Choate stated that there will be no construction on the property.

Ms. Hubbard advised that the school complies with all other Code requirements.

Board Action:

On MOTION of S. WHITE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit an existing public school in an R District - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; finding that the school has been at the current location for many years, and that the use is compatible with the area; on the following described property:

Lots 13, 14, 15 and 16 of Block 1, and Lots 1, 2, and 3 of Block 2, and the east 210' of Lots 10, 11, and 12, Block 2, North Highland Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16087

Action Requested:

Special Exception to permit a home occupation (beauty shop) in an R District - **SECTION 402.B.6.b. ACCESSORY USES PERMITTED IN THE RESIDENTIAL DISTRICT** - Use Unit 6, located 27 South Toledo.

Presentation:

The applicant, **Laura Alberty**, 27 South Toledo, Tulsa, Oklahoma, requested permission to operate a hair styling shop in her home. She informed that the neighbors are supportive of the proposal. Ms. Alberty noted that the exterior of the dwelling will not be changed and the 100' driveway will provide sufficient parking.

Comments and Questions:

Ms. White inquired as to the days and hours of operation, and the applicant stated that the shop will be open Tuesday through Friday, 9:00 a.m. to 5:00 p.m., and Saturday, 9:00 a.m. to 2:00 p.m.

Case No. 16087 (continued)

In response to Ms. White, Ms. Alberty stated that she currently has one chair. The applicant explained that she would like to request a second chair for her daughter, who lives at the same address. She pointed out that, although there will be two work stations, either she or her daughter would be caring for her grandchild, and would not work at the same time.

Protestants:

None.

Board Action:

On MOTION of S. WHITE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a home occupation (beauty shop) in an R District - **SECTION 402.B.6.b. ACCESSORY USES PERMITTED IN THE RESIDENTIAL DISTRICT** - Use Unit 6; per Home Occupation Guidelines; subject to two chairs **only**; and subject to days and hours of operation being Tuesday through Friday, 9:00 a.m. to 5:00 p.m., and Saturday, 9:00 a.m. to 2:00 p.m.; finding the proposed beauty shop to be compatible with the residential neighborhood; on the following described property:

Lot 191, Block 2, Rodgers Heights, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16088

Action Requested:

Variance of the setback from an abutting R district - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 13, located SW/c of East 31st Street and South 129th East Avenue.

Comments and Questions:

Mr. Jones pointed out to the Board that the case map indicates that the zoning line curves and follows the north line of the subdivision; however, it actually follows the easement line straight to the north. He noted that part of the abutting property is zoned residential, but the applicant does not have uses in that area. Mr. Jones also pointed out that the proposed trash enclosure is very near the residential neighborhood, which should be considered by the Board.

Case No. 16088 (continued)

Presentation:

The applicant, **QuikTrip Corp.**, was represented by **Joe Westervelt**, 901 North Mingo Road, Tulsa, Oklahoma, who submitted a plot plan (Exhibit D-1), and informed that Ms. Hubbard had previously advised him that the property line and the R District zoning line were not the same. He stated that the Board of Adjustment application was filed to request a variance of the required 10' setback to 1'. He pointed out that the curved property line is currently fenced, and it is proposed in the site plan that it be replaced with a 6' screening fence. Mr. Westervelt noted that the zoning line follows the easement line, and asked if the screening fence could be placed on the property line, and not the zoning line. In regard to the trash container, Mr. Westervelt pointed out that the building is against the building setback lines on the other side of the property. He stated that the trash enclosure could be screened with an extension of the masonry wall to 6' and buffered with evergreen trees on the back side. Mr. Westervelt pointed out that it is the zoning line that is close to the trash container, and not the property line. He noted that the side of the residential dwelling is approximately 65' from the fence line.

Comments and Questions:

Mr. Doverspike asked why the trash enclosure could not be moved to the east of the building, and Mr. Westervelt stated that the east side of the building is on the setback line.

Mr. Westervelt pointed out that the plans were drawn up in this manner to allow tanker trucks to negotiate the necessary turns when making deliveries, but the trash container can be relocated if the Board finds the current location to be detrimental to the residential area. He informed that it will be necessary to relocate vendor parking if the trash container is moved.

Ms. White pointed out that trash trucks arrive early in the morning and create a great deal of noise.

In response to Mr. Bolzle, Mr. Jackere stated that the screening fence depicted on the plot plan is along the lot lines in common, and not on the lot line. He stated that there is a difference between the words **along** and **on**, and it is his view that the intent of the Code is that the fence be **along** the lot lines in common.

Protestants:

None.

Case No. 16088 (continued)

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the setback from 10' to 1' from an abutting R District - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 13; per plot plan submitted; subject to the trash container being relocated to the east of the building; and subject to the screening fence being located **along** the property line; finding a hardship demonstrated by the irregular shape of the lot and street setbacks on two sides of the property; and finding that approval of the variance, with conditions, will not be detrimental to the abutting residential neighborhood, or violate the spirit and intent of the Code; on the following described property:

A tract of land situated in the NE/4, NE/4, NE/4, of Section 20, T-19-n, R-14-E, Tulsa, County, Oklahoma, being more particularly described as follows to wit: Beginning at the northeast corner of said Section 20, Thence S 0°04'47" E and along the east line of said Section 20 a distance of 250.00', thence N 89°41'45" W a distance of 201.34', thence N 0°18'15" E a distance of 0.00', thence along a curve to the left with a radius of 50.00' and a central angle of 90° distance of 78.54', thence N 0°18'15" E for a distance of 200.00' to a point on the north line of Section 20, thence S 89°41'45" E and along the north line of said Section 20 a distance of 249.67' to the point of beginning, less and except the north 50.00' thereof dedicated to the City by instrument filed in Book 4001 at Page 832, and the east 50.00' thereof dedicated to the City by instrument filed in Book 4001 at Page 832, containing 38,170.5 sq ft or 0.87 acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16089

Action Requested:

Special Exception to permit a transmitting tower in an AG zoned district - **Section 1204.C.1. - Use Conditions** - Use Unit 4, located east of Sheridan, south side of 71st Street.

Comments and Questions:

Councilor Benjamin requested that Case No. 16089 be continued to August 11, 1992 to permit a City representative to explain the application to the surrounding neighborhood and interested citizens.

Case No. 16089 (continued)

Mr. Jones informed that **Mayor Savage** (Exhibit E-1) and **Jim Moon** (Exhibit E-2) have requested by letter that Case No. 16089 be continued.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **CONTINUE** Case No. 16089 to August 11, 1992, as requested.

Case No. 16090

Action Requested:

Variance of the maximum 750 sq ft for a detached accessory building to 765 sq ft - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6, located 2848 East 49th Street.

Presentation:

The applicant, **Patti Kuck**, 2848 East 49th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-1) for a three-car garage. She explained that the old garage will be removed and the new structure will be placed at the same location, with the addition of garage space for a third vehicle. Ms. Kuck noted that the other structure on the lot, which might appear to be an accessory building, is used for a residence.

Comments and Questions:

Mr. T. White asked the applicant if the house to the west has a three-car garage, and she answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the maximum 750 sq ft for a detached accessory building to 765 sq ft - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6; per plot plan submitted; finding that the lot is large enough to support the added garage space, and there are other three-car garages in the immediate area; and finding that granting of the variance request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 3, Block 3, Villa Grove, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16091

Action Requested:

Special Exception to permit a mobile home in an RM-1 District - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9, located 1923 North Darlington Place.

Presentation:

The applicant, **Steve Goettelman**, 102 South Wheeling, Tulsa, Oklahoma, informed that the mobile home in question was approved at the current location for one year in 1976. He stated that he was not aware the mobile was not permitted permanently at the time he purchased the property. Mr. Goettelman pointed out that there are numerous mobile units in the area.

Comments and Questions:

Mr. Gardner pointed out that the residential area is surrounded by industrial zoning, and the Comprehensive Plan states that the long range plan for the area is industrial.

In response to Mr. Bolzle, Ms. Parnell informed that a complaint was received concerning the mobile home (Exhibit G-2). Mr. Goettelman stated that a previous renter was building boats at this location, which could have initiated the complaint.

Mr. Bolzle asked the applicant if he would like to continue a portion of the application and file for permanent mobile home use on the property, and he informed that Mr. Morris, his attorney, had suggested that he file for only one year.

Protestants:

None.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RM-1 District for one year only - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9; finding that the mobile home has been at the current location for several years, and there are numerous mobiles in the neighborhood; and finding that approval of the special exception request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 21, Block 28, Dawson Amended, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16092

Action Requested:

Appeal from the determination of the Code Enforcement officer that the storage of boats, recreation vehicles and passenger vehicles was an "off-street parking area" and that "all-weather material" is limited to concrete or asphalt - **SECTION 1605. APPEAL FROM THE ADMINISTRATIVE OFFICIAL** - Use Unit 17 and, alternatively,

Variance to permit surfacing other than concrete or asphalt - **SECTION 1303.D. - DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 17, located 5447 South Mingo Road.

Protestants:

Mr. Bolzle informed that the Board has received one letter of protest (Exhibit H-1) from an abutting property owner.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, Tulsa, Oklahoma, submitted photographs (Exhibit H-3) and explained that his client owns the property in question, as well as the mini-storage facility across the street. He pointed out that the lot in question has a gravel surface and has been used for a lumber yard storage area for many years. Mr. Johnsen stated that the property is fenced and locked, and there is a limited amount of traffic on the property. He further noted that the Code requires off-street parking areas to be covered with a hard surface material; however, this lot is reserved for storage of large items that are not moved often. Mr. Johnsen stated that the storage lot is located in an industrial area, and is not near a residential district. He pointed out that the storage lot has always had a gravel surface, and asked the Board to find that the lot in question is not a typical off-street parking lot, and does not require a hard surface covering. The applicant stated that he was unable to contact the protestant that owns the abutting property; however, that property is apparently used to store oil drums and would not be negatively impacted by the lack of hard surface material on the lot in question.

Comments and Questions:

Mr. Doverspike asked how long the lot has been utilized for this type of storage, and the applicant stated that his client has operated the lot for 3 years.

Case No. 16092 (continued)

Councilor Robert Nelson stated that his business is one block north of the subject property. He pointed out the lot is well maintained and an impervious surface in the Mingo floodplain could have a negative impact on flooding conditions in the area. He asked that the lot be permitted to remain gravel.

Ms. Parnell stated that the report of violation came from a previous applicant whose permit for motor home storage was denied by the Board (Exhibit H-2).

Ms. Parnell stated that she does not have a problem with the storage lot; however, it does not meet the requirements set forth in the Code regarding the parking of vehicles.

Mr. Jackere stated that there might be a distinction in the types of parking; however, if approved, automobile sales operations would be permitted to park on grass or dirt. He pointed out that the Code does not make a distinction between parking and storage.

Mr. Doverspike stated that he is supportive of upholding the determination of the Code Enforcement officer and granting the variance.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **UPHOLD** the **Determination** of the Code Enforcement office; and **DENY** an **Appeal** from the determination of the Code Enforcement officer that the storage of boats, recreation vehicles and passenger vehicles was an "off-street parking area" and that "all-weather material" is limited to concrete or asphalt - **SECTION 1605. APPEAL FROM THE ADMINISTRATIVE OFFICIAL - Use Unit 17**; and to **APPROVE** a **Variance** to permit surfacing other than concrete or asphalt - **SECTION 1303.D. - DESIGN STANDARDS FOR OFF-STREET PARKING AREAS - Use Unit 17**; finding that the storage lot is not a typical off-street parking area and does not generate enough traffic to cause a dust problem; and finding that the installation of a hard-surface parking lot at this location could be injurious to the neighborhood and create a potential flooding problem; on the following described property:

Lot 2, Block 5A, Southeast Industrial District
Blocks 5A, 6, 7 and 8, City of Tulsa, Tulsa County,
Oklahoma.

Case No. 16093

Action Requested:

Variance of the required setback from the centerline of East 4th Street to 30' - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 23, located 1404 East 4th Street.

Presentation:

The applicant, **Resco, Inc.**, 2844 East 26th Street, Tulsa, Oklahoma, was represented by **Ralph Smith**, 2844 East 26th Street, who submitted a plot plan (Exhibit J-2) and noted that numerous buildings in the older area were constructed on the lot line. He pointed out that the owner of the property in question also owns the two abutting properties, and has previously acquired Board approval. Photographs were submitted (Exhibit J-1).

Mr. Gardner informed that the buildings were constructed under an earlier and less restrictive Zoning Code.

Board Action:

On **MOTION** of **S. WHITE** the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of East 4th Street to 30' - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 23; per plot plan submitted; finding that the building setbacks for the structures in the older area were established under a previous Zoning Code; and finding that approval of the request will not be injurious to the area, or violate the spirit, purpose or intent of the Code; on the following described property:

W 40' of Lot 10 and Lot 9, Block 19, Lynch Forsythe Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16094

Action Requested:

Special Exception to permit a church in a residential district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, located 439 East Ute.

Comments and Questions:

Mr. Jones informed that it was found that the applicant needed additional relief and the case was readvertised. He suggested that Case No. 16094 be continued to August 11, 1992.

Case No. 16094 (continued)

Presentation:

The applicant, **Joe White**, 4801 North Lewis, Tulsa, Oklahoma, was not present.

Interested Parties:

Corinne Alexander, 431 East Ute, Tulsa, Oklahoma, stated that she will return on August 11.

Board Action:

On MOTION of **CHAPPELLE**, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **CONTINUE** Case No. 16094 to August 11, 1992.

Case No. 16095

Action Requested:

Variance of the setback from the centerline of East 21st Street from 50' to 40' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1947 South Florence Avenue, Tulsa, Oklahoma.

Presentation:

The applicant, **Gloria Huckaby**, 562 South Allegheny, Tulsa, Oklahoma, stated that she is part owner of the property in question, and submitted a plot plan (Exhibit K-1) for a proposed dwelling. She pointed out that the property was platted many years ago, and strict adherence to the current setback requirements would limit construction to a 25' wide house. Ms. Huckaby informed that the houses and garages along 21st Street do not comply with the current 50' setback. The applicant stated that she has met with the Florence Park neighborhood and there was no opposition to the project.

Comments and Questions:

In response to Mr. Doverspike, Ms. Huckaby stated that the size of the house would be restricted if the driveway is placed on Florence Avenue instead of 21st Street. She added that the driveway will have a turnaround to prevent vehicles from backing out on 21st Street.

Interested Parties:

Chuck Harris, 1924 South Florence Avenue, Tulsa, Oklahoma, asked if approval of the variance will change the required square footage of the house, or permit a duplex.

Mr. Gardner advised that the lot is only adequate for a single-family dwelling, since 9000 sq ft of lot area is required for construction of a duplex.

Case No. 16095 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the setback from the centerline of East 21st Street from 50' to 40' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding a hardship imposed on the applicant by the fact that the Code has been revised since the property was platted, and the corner lot location has major setbacks from two streets; and finding that the proposed dwelling will not extend further toward 21st Street than existing dwellings in the area; on the following described property:

Lot 24, Block 7, Florence Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16096

Action Requested:

Special Exception to permit a church in an R District - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 13240 East 21st Street.

Presentation:

The applicant, **Bill Rutherford**, 8545 East 41st Street, Tulsa, Oklahoma, stated that he is representing the church in question. He informed that there is an existing church across the street and the property to the west is vacant and is zoned OL. Mr. Rutherford stated that the church will contain 7800 sq ft of floor space and adequate parking is available.

Comments and Questions:

Mr. Doverspike inquired as to the location of the parking lot, and the applicant informed that the parking lot will be located to the rear of the building.

Mr. Jones advised that a plat or plat waiver from TMAPC will be required.

In response to Mr. Bolzle, Mr. Rutherford stated that there is a dwelling approximately 200' east of the proposed building site.

Mr. Doverspike asked if the church will be served by one access point on 21st Street, and the applicant answered in the affirmative.

Case No. 16096 (continued)

It was the consensus of the Board that a site plan should be available for Board review.

Protestants:

None.

Board Action:

On MOTION of S. WHITE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to CONTINUE Case No. 16096 to August 11, 1992 to allow the applicant to provide a site plan for Board review.

Case No. 16097

Action Requested:

Variance of the required frontage on an arterial street from 150' to 120' to permit an existing lot split - SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS - Use Unit 13, located 5150 South Memorial Drive.

Presentation:

The applicant, George Logan, 2021 South Lewis, Tulsa, Oklahoma, was represented by John Moody, 550 Oneok Plaza, Tulsa, Oklahoma, who informed that he is representing the purchaser of the subject property. He explained that, although a lot split was previously approved in 1972, the owner failed to obtain a variance of the frontage requirement on South Memorial Drive. Mr. Moody stated that, in the 1970s, it had been the position of the zoning officers that a commercial zoned property having the required frontage on one street would be in compliance with the Code. He pointed out that the lot in question is located at the northwest corner of East 53rd Street and South Memorial, with 281' of frontage on 53rd Street and 120' on Memorial Drive. It was noted by the applicant, that a strip shopping center was constructed on the lot after the lot split approval. Mr. Moody informed that the lender in the sale transaction has required that the variance of the required frontage be acquired. A plat of survey (Exhibit L-1) was submitted.

Interested Parties:

Marialice Worden, 7511 East 53rd Street, Tulsa, Oklahoma, stated that she lives to the west of the property in question, and is opposed to a more intense use than the businesses that are currently in operation. She pointed out that the current use has long hours and is noisy.

Case No. 16097 (continued)

In response to Ms. Worden's concerns, Mr. Moody informed that a retail fabric business will be replacing the current tenant.

Board Action:

On MOTION of T. WHITE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required frontage on an arterial street from 150' to 120' to permit an existing lot split - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 13; finding that the lot split was approved by TMAPC many years ago, and the owner failed to acquire Board of Adjustment approval of the required street frontage at that time; finding that the relief is required to clear title; on the following described property:

South 120' of Lot 1, less east 10' thereof, Block 13, Southern Plaza Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16098

Action Requested:

Special Exception to permit a tent revival in a CS zoned district from August 20, 1992 through September 10, 1992 - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, located NW/c 36th Street North and North Peoria.

Presentation:

The applicant, **New Testament Revival Church**, was represented by **Anthony Smith**, 1158 West 49th Place North, Tulsa, Oklahoma, requested permission to have a one week tent revival. He informed that the church anticipates an attendance of approximately 300, and there will be one self-contained mobile unit on the lot to provide 24-hour security. Mr. Smith stated that the function will be conducted similar to the one approved two years ago.

Comments and Questions:

Mr. Bolzle inquired as to the schedule for the services, and Mr. Smith informed that the morning service will be conducted from 10:30 a.m. to 1:00 p.m., and the evening service will be 7:30 p.m. to 10:00 p.m., Sunday through Saturday.

Case No. 16098 (continued)

Protestants:

Lewis Bumpas, 1530 East 56th Street North, Tulsa, Oklahoma, stated that he is representing Comanche Christian Center, which is located on the corner near the proposed tent site. He pointed out that he is not protesting the tent, but would like to have it placed at another location on the lot. He stated that the previous activities in the tent were disruptive to their church services.

Board Action:

On MOTION of **CHAPPELLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a tent revival in a CS zoned district from August 20, 1992 through September 10, 1992 - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2; subject to hours of services being from 10:30 a.m. 1:00 p.m. and 7:30 p.m. to 10:00 p.m., Sunday through Saturday; subject to the tent location being restricted to the south side of the existing building, with no speakers being placed outside the tent; and subject to Health Department approval; finding the temporary use to be compatible with the area; on the following described property:

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

Case No. 16099

Action Requested:

Variance of the permitted square footage for a wall sign from 384 sq ft to 635 sq ft - **SECTION 1221.D.2. Use Conditions for Business Signs** - Use Unit 15, located 1337 East 71st Street.

Presentation:

The applicant, **Oklahoma Neon**, 6550 East Independence, Tulsa, Oklahoma, was represented by **Duane Gooding**, who requested permission to install a back-lit awning. He stated that he is not sure what requirements are to be met while the City Council determines whether or not to approve the proposed sign ordinance. A sign plan (Exhibit M-1) was submitted.

Comments and Questions:

Mr. Doverspike stated that he will abstain from acting on this case, or any other cases related to back-lit awnings, until the Council adopts or rejects the proposed amendments to the sign ordinance.

Case No. 16099 (continued)

Mr. Bolzle noted that the Sign Advisory Committee has recommended approval, and he is concerned with penalizing businesses because of the inaction of the City Council.

Mr. Gooding stated that all Blockbuster Video stores have standardized graphics, and this sign application is no different than previous applications.

Mr. Bolzle asked Mr. Gooding if the sign in question would comply with the proposed amendments, and he answered in the affirmative.

Protestants:

None.

Board Action:

On MOTION of CHAPPELLE, the Board voted 3-1-1 (Bolzle, Chappelle, T. White, "aye"; S. White, "nay"; Doverspike, abstaining"; none "absent") to **APPROVE** a Variance of the permitted square footage for a wall sign from 384 sq ft to 635 sq ft - **SECTION 1221.D.2. Use Conditions for Business Signs** - Use Unit 15; per sign plan submitted; finding that, although there has been no official Council action on the proposed Sign Code amendments, the Sign Advisory Committee is supportive of the revisions which would allow the awning by right; on the following described property:

Lot 1, Block 1, Riverbridge Center, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16100

Action Requested:

Variance of the required rear yard from 20' to 8' to permit an existing building - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1152 East 49th Place.

Presentation:

The applicant, **Merl Helterbrand**, 1152 East 49th Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit N-1) and informed that he was not aware that a building permit was required to construct an accessory building. Mr. Helterbrand pointed out that the building was approximately 90% complete when he found that a permit was needed. He stated that he applied for the permit and Ms. Hubbard found the structure to be too close to the back lot line. The applicant explained that his house backs up to property owned by the Camelot Inn, and there is a laundry room and mechanical building directly behind his house.

Case No. 16100 (continued)

Comments and Questions:

Ms. Hubbard pointed out that the accessory building would be permitted by right if it was not attached to the house by a breezeway.

Ms. S. White stated that she site checked the property and was not able to see the building from the street.

Protestants:

None.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a Variance of the required rear yard from 20' to 8' to permit an existing building - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6; per plot plan submitted; subject to the breezeway remaining open; finding that the rear of the lot abuts commercial property, and approval of the request will not be injurious to the neighborhood, or violate the spirit, purpose and intent of the Code; on the following described property:

Lot 3, Block 16, Riverview Village, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16101

Action Requested:

Variance of the required side yard from 5' to 4'; variance of the lot width from 60' to 43'6"; variance of lot area from 6,900 sq ft to 5,089 sq ft; variance of land area; and a variance of livability space from 4,000 sq ft to 2,347 sq ft to permit a lot split - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6, located east of Xanthus, south side of 14th Street.

Presentation:

The applicant, Honey Karr, was not present.

Comments and Questions:

Mr. Jones informed that the applicant has requested by letter (Exhibit P-1) that Case No. 16101 be continued to August 11, 1992, to permit further negotiations with the protestants. He stated that both the applicant and the protestants are in favor of the continuance.

Case No. 16101 (continued)

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to CONTINUE Case No. 16101 to August 11, 1992, as requested.

Case No. 16103

Action Requested:

Special exception to amend a previously approved site plan (Case No. 12603) and a variance of the number of required off-street parking spaces from 189 to 185 - SECTION 1205.D. Off-Street Parking and Loading Requirements - Use Unit 5, located 5511 South Harvard.

Presentation:

The applicant, Bobby Holloran, 6327 South 107th East Avenue, Tulsa, Oklahoma, stated that he is project manager for the church contractor. He submitted a revised site plan (Exhibit R-1) depicting the 189 required parking spaces for church parking, and requested that the Board approve the amended plan.

Comments and Questions:

Mr. Jackere asked how the revised site plan differs from the initially submitted plan, and the applicant stated that four spaces have been added to comply with the Code. He added that the church sanctuary is being renovated, but is not being enlarged.

Protestants:

None.

Board Action:

On MOTION of CHAPPELLE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception to amend a previously approved site plan (Case No. 12603); and WITHDRAW a Variance of the number of required off-street parking spaces from 189 to 185 - SECTION 1205.D. Off-Street Parking and Loading Requirements - Use Unit 5; per revised plot plan; finding that the revised site plan is appropriate and compatible with the area, and the four additional required parking spaces have been added; on the following described property:

Case No. 16103 (continued)

A tract of land located in the SW/4 of the NW/4 of Section 33, T-19-N, R-13-E of the Indian Base and meridian, Tulsa County Oklahoma, more particularly described as follows: Beginning at the SW corner of the SW/4 of the NW/4 thereof: Thence N 0°02'00" E a distance of 736.0'; thence S 89°58'00" E a distance of 50.0' to the point of beginning; thence S 89°58'00" E a distance of 30.0'; Thence to the left on a curve of arc radius of 1,697.39' and arc angle of 8°30'26" an arc distance of 252.03'; thence S 11°30'03" E a distance of 504.36'; thence S 64°54'53" W a distance of 71.74'; thence N 89°58'25" W a distance 317.0'; thence N 00°02'00" E a distance of 505.98' to the point of beginning; containing 3.92 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:32 p.m.

Date approved

Aug 11, 1992

Sharry White
Chairman