

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 625
Tuesday, January 26, 1993, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Doverspike S. White T. White	Chappelle Bolzle	Gardner Jones Moore	Linker, Legal Department Hubbard, Public Works Parnell, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, January 22, 1993, at 12:41 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to **APPROVE** the Minutes of January 12, 1993 (No. 624).

UNFINISHED BUSINESS

Case No. 16171

Action Requested:

Special Exception to permit mobile home sales in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located NE/c East Admiral and North Garnett Road.

Presentation:

The applicant, **Steve Radley**, Route 4, Box 169-B, Claremore, Oklahoma, requested permission to continue a mobile home sales business on the subject tract. Mr. Radley stated that he began operation of the business in 1979, and purchased the property in 1985. He pointed out that state law requires that the sales operation provide proof that the lot is properly zoned for the use.

Comments and Questions:

Mr. Doverspike asked if a site plan is available, and the applicant submitted photographs and a plan (Exhibit A-1) depicting the layout of the mobile homes, the office location and the area reserved for customer parking.

Case No. 16171 (continued)

Mr. Jones informed that CS zoning has recently been approved by the City Council for the RS-3 portion of the tract.

Protestants:

None.

Board Action:

On MOTION of T. WHITE, the Board voted 3-0-0 (Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to **APPROVE** a **Special Exception** to permit mobile home sales in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; finding that the property has been used for mobile home sales for many years, and has proved to be compatible with the surrounding uses; on the following described property:

W/2, W/2 of Lot 4, less .43 acres for highway, Section 5, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No 16206

Action Requested:

Variance to exceed the maximum display surface area of 150 sq ft and exceed the .2 sq ft of display surface area per linear foot of street frontage - **Section 602.B.4.a.** - Use Unit 11, located 7060 South Yale Avenue.

Presentation:

The applicant, **Bruce Anderson**, 9520 East 55th Place, was represented by **Stephen Jech**, property/facility manager for the Bank of Oklahoma. He noted that there are six buildings in the complex, and it is difficult for customers to find their business location. Mr. Jech requested that a wall sign be permitted at the top of the east side of the westernmost building. He stated that one nearby business has complained that customers seeking directions to the bank disrupt their work four or five times daily. A packet was submitted, which contained a plot plan, a letter of complaint from a nearby business and photographs (Exhibit B-1). Mr. Jech informed that the building in question is approximately 1000' from Yale Avenue, and 440' from 71st Street, and both streets are below the elevation of the lot. He stated that the sign would not be visible from a residential neighborhood. Mr. Jech pointed out that the Bank of Oklahoma has attempted to solve the problem of locating the business with directional signs on the property, and with a sign over the entrance; however, this did not seem to help customers find their way to the rear of the complex. He

Case No. 16206 (continued)

pointed out that the shape and grade of the lot and the location of the building to the rear of the complex constitute a hardship.

Comments and Questions:

In response to Ms. White, Mr. Jech stated that the proposed sign will face Yale (east side of the building), with no signage on 71st Street.

Mr. Doverspike asked if the sign will be illuminated, and Mr. Jech answered in the affirmative.

Mr. Doverspike asked why the other tenants in the building do not have a problem with customers finding their location, and Mr. Jech replied that most of the other offices do not have walk-in customers.

In response to Mr. Doverspike, Mr. Jech stated that the directional signs previously used were 3' cubes, which had the logo and arrows pointing to the building.

Mr. Doverspike asked if the lighting is in compliance with the Code requirement, and Mr. Jech answered in the affirmative.

Mr. Gardner advised that a distinction between this building and the others in the complex is the fact that it is located on the rear portion of the property, approximately 1000' from Yale Avenue.

Mr. Doverspike asked Mr. Linker if the Board could require removal of the sign if the business moved to another location, and he replied that, if the sign is proper for this business, it would be proper for other businesses. Mr. Doverspike stated that he is not suggesting that a sign be prohibited for another business, but an unlit sign on the building would be unsightly. Mr. Linker stated that the Board can require that the sign for the mortgage company be removed if they should vacate the premises.

Interested Parties:

Harry Durels, 7023 South Sandusky, informed that his residential property abuts the Copper Oaks Complex on the west, and requested that signs for the complex be limited. He pointed out that a lighted sign on top of the building would reflect back into the residential neighborhood.

Additional Comments:

Ms. White clarified that the sign will be placed on the east side of the building, and will not be visible from the residential area.

Case No. 16206 (continued)

Mr. Doverspike stated that the complex has a high profile on the hilltop, and he would not be in favor of multiple signage on the property. He noted that his support of this sign will not set a precedent for his approval of additional signage on the property. He stated that there is a limit as to the number of signs that could be installed without destroying the character of the office complex.

Protestants:

None.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 3-0-0 (Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to **APPROVE** a Variance to exceed the maximum display surface area of 150 sq ft and exceed the .2 sq ft of display surface area per linear foot of street frontage - **Section 602.B.4.a. - Use Unit 11**; per plan submitted; subject to removal of the sign if the business is moved to another location; finding that the depth of the tract and location of the office building is unique and the sign installed on the east building wall 1000' from Yale Avenue, will not be visible from the residential neighborhoods, and will not be detrimental to the area; on the following described property:

Lot 1, Block 1, Copper Oaks, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 16217

Action Requested:

Variance of the required 30' of frontage on a public street to permit a lot split - **Section 206. - Use Unit 6**, located 10509 South 71st East Avenue.

Presentation:

The applicant, Roy Johnsen, was not present.

Comments and Questions:

Mr. Jones informed that Mr. Moody, counsel for the interested parties, has requested by letter (Exhibit C-1) that Case No. 16217 be continued to February 9, 1993. He explained that Mr. Moody is involved in a court case that prevents his attendance at this meeting, and that Mr. Johnsen is aware of the continuance request.

Case No. 16217 (continued)

Board Action:

On MOTION of DOVERSPIKE, the Board voted 3-0-0 (Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to **CONTINUE** Case No. 16217 to February 9, 1993, as requested.

Case No. 16240

Action Requested:

Variance of the required setback from the centerline of South Mingo Road from 50' to 42' to permit a sign - **Section 1221.C.6. General Use Conditions for Business Signs** - Use Unit 17, located 4424 South Mingo Road.

Presentation:

The applicant, **Amax Sign**, 9520 East 55th Place, was not represented.

Comments and Questions:

Mr. Jones advised that the applicant has requested by letter (Exhibit D-1) that Case No. 16240 be continued to February 9, 1993.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 3-0-0 (Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to **CONTINUE** Case No. 16240 to February 9, 1993, as requested.

Case No. 16245

Action Requested:

Variance to waive the screening requirement along the south property line - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, located 2325 South 129th East Avenue.

Presentation:

The applicant, **Leonard Hendrickson**, 12725 South 129th East Avenue, Broken Arrow, Oklahoma, informed that church use was approved at the previous meeting. He stated that the abutting property owner, **Jack Lewis**, is opposed to the installation of a screening fence, and requested that the required fencing for the church be waived.

Comments and Questions:

Ms. White asked the applicant if he has a letter from the abutting property owner, and he replied that he and Mr. Lewis are friends, but he did not ask him to write a letter of support.

Case No. 16245 (continued)

Mr. Doverspike asked if the acreage to the south is vacant land, and Mr. Hendrickson stated that the land is used for a horse pasture, and he is not aware of any planned development.

Protestants:

None.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 3-0-0 (Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to **APPROVE** a Variance to waive the screening requirement along the south property line - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5; subject to the screening being waived until changes or development occur on the property to the south; finding that the residence to the south is located to the rear of a large tract and the owner is opposed to the installation of a screening fence between his property and the church use; and finding that 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:

South 144' of the north 288' of the west 300' of the W/2, NW/4, SW/4, NW/4 of Section 16, T-19-N, R-14-E of the Indian Base and Meridian, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16250

Action Requested:

Special exception to permit church use in an AG District - **Section 301. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** - Use Unit 5, located 8861 East 91st Street South.

Presentation:

The applicant, **Central Assembly of God**, 1228 East 5th Street, was not represented.

Comments and Questions:

Mr. Jones advised that the applicant is no longer in need of the requested relief, and has asked that the application be withdrawn.

Case No. 16250 (continued)

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to **WITHDRAW** Case No. 16250, as requested by the applicant.

MINOR VARIANCES AND EXCEPTIONS

Case No. 16261

Action Requested:

Minor Variance of the required 5' side yard to 4.3' to permit an existing encroachment - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 5329 East 89th Place South.

Presentation:

The applicant, **Larry Young**, 6933 South 66th East Avenue, was represented to **Robert Miles**, 6304 East 79th Street, who explained that the minor variance for the side yard is required to clear the title to the property. A survey (Exhibit E-1) was submitted, which showed that only one corner of the house is encroaching into the required yard.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to **APPROVE** a **Minor Variance** of the required 5' side yard to 4.3' to permit an existing encroachment - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per survey submitted; finding a hardship imposed on the applicant by the cul-de-sac location and the irregular shape of the lot; on the following described property:

Lot 26, Block 1, Bradford Place, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16232

Action Requested:

Variance to exceed the maximum 4' fence height in a required front yard and the maximum fence height of 8' in rear and side yards, a variance of the maximum square footage allowed for a detached accessory building from 750 sq ft to 2520 sq ft and a variance of the required side yard from 5' to 0' to permit a building to be built across interior lot lines - **Section 210. YARDS and**

Case No. 16232 (continued)

Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6, located SW/c of Admiral Court and North Columbia Avenue.

Presentation:

The applicant, **Daniel Dawson**, PO Box 54038, requested that his application be continued (Exhibit G-1) to March 8, 1993. He informed that additional relief is required before the case can be heard.

Comments and Questions:

Mr. Jones advised that the case can be heard on February 23, 1993, and Mr. Dawson stated that he is in agreement with the proposed hearing date.

Protestants:

There were interested parties present.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to **CONTINUE** Case No. 16232 to February 23, 1993.

Case No. 16251

Action Requested:

Variance of the minimum spacing requirement of 1200' between outdoor advertising signs - **Section 1221.G.2. - Use Conditions for Outdoor Advertising Signs** - Use Unit 21, located 5201 South Mingo Valley Expressway.

Presentation:

The applicant, **Donrey Outdoor Advertising**, 7777 East 38th Street, was represented by **David Paulson**, who submitted a drawing (Exhibit F-1) depicting the current sign location and the proposed location. He informed that the Donrey sign was permitted by the State in 1980, and a variance of the height limitation was approved in 1985. Mr. Paulson explained that the State then informed Donrey that the sign permit was issued in error, and asked that they move the sign to comply with the 500' State spacing requirement. He requested permission to move the sign 150' to the north to comply with the State law regarding spacing for outdoor advertising signs.

Comments and Questions:

Mr. Gardner informed that the Code presently states that all outdoor advertising signs that do not comply with the spacing requirements must be removed by 1995, and Mr. Paulson stated that he is not opposed to this being made a condition of approval.

Case No. 16251 (continued)

Mr. Doverspike asked if the height and size of the sign or the topography of the land will be different at the new location, and Mr. Paulson replied that they will remain the same.

Mr. Doverspike advised that he will abstain, due to a conflict of interests.

It was the consensus of the Board that, since there are only three Board members present and one member is abstaining, it would be appropriate to continue the application to the February 9th meeting.

Board Action:

On MOTION of T. WHITE, the Board voted 3-0-0 (Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to **CONTINUE** Case No. 16251 to February 9, 1993.

Case No. 16253

Action Requested:

Special Exception to permit a mobile home in an RM-2 District, and a variance of the one year time limitation - Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 9, located 6123 West 9th Street.

Presentation:

The applicant, Ralph Berg, 6125 West 9th Street, informed that he is proposing to install a mobile home on property adjacent to his residence to be used as a rental unit. Mr. Berg stated that he is handicapped and the rent will supplement his income. The applicant submitted a plot plan (Exhibit H-1) and photographs (Exhibit H-2) of other mobile homes in the area.

Protestants:

Art Maimbourg, 6100 West 9th Street, stated that he is concerned that the installation of additional mobile homes in the neighborhood could decrease property values.

Comments and Questions:

Ms. White asked Mr. Maimbourg if he would be opposed to the mobile home if it was properly installed, and he replied that he does not have a problem with the mobile home, but only with the impact it could have on properties being bought for the upcoming expressway project.

Case No. 16253 (continued)

Applicant's Rebuttal:

Mr. Berg stated that his parents have owned property in the neighborhood for many years, and he is concerned with the appearance of the neighborhood and would not want to contribute to further deterioration. The applicant stated that the vacant lot is currently a maintenance problem, and the establishment of a residence would improve the neighborhood.

Additional Comments:

Mr. Doverspike stated that mobile home use seems to be appropriate for the area.

Mr. Gardner noted that the area is blanket zoned for multi-family use, and an apartment building could be constructed by right.

Ms. White asked if the proposed mobile home will be comparable to other mobiles in the area, and Mr. Berg informed that he has not purchased the unit, but it will be an attractive 14' by 60' mobile home.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RM-2 District, and a variance of the one year time limitation - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; subject to the mobile home being skirted, tied down and a minimum size of 14' by 60'; finding mobile home use to be compatible with the area; on the following described property:

Lot 25, Block 3, Lawnwood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16254

Action Requested:

Variance of lot width from 60' to 57.64' to permit an existing platted lot in an RS-3 District - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 9612 South 89th East Avenue.

Presentation:

The applicant, **Cedar Ridge Park Development Company**, 4404 East 111th Street, was represented by **Dwight Claxton**, who advised that the development was platted in 1984, and the lot in question was overlooked during the approval process. He stated that it was platted at 57.64', which

Case No. 16254 (continued)

is less than the 60' minimum lot width; however, the lot size is more than twice the minimum square footage for RS-3 zoning.

Protestants:

None.

Board Action:

On MOTION of T. WHITE, the Board voted 3-0-0 (Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to **APPROVE** a Variance of lot width from 60' to 57.64' to permit an existing platted lot in an RS-3 District - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the lot is in compliance with the Code in regard to square footage, but is only 57.64' in width, due to a platting error; and finding that approval of the request will not be detrimental to the neighborhood; on the following described property:

Lot 5, Block 6, Cedar Ridge Park (Phase I), City of Tulsa, Tulsa County, Oklahoma.

Case No. 16255

Action Requested:

Special Exception to permit an auto repair shop in a CS District - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 5255 South Peoria.

Presentation:

The applicant, Leon Culver, 13816 Birch Street, Glenpool, Oklahoma, was represented by Charles Norman, 2900 Mid-Continent Tower. He requested permission for his client to operate an automotive repair business in an existing metal structure. Mr. Norman informed that the building was previously occupied by a beer sales business, but has been vacant for approximately one year. He stated that there is an existing automobile repair shop to the east of the proposed use, which was approved by the Board in 1990. Mr. Norman informed that a Jiffy Lube is in operation to the north of the subject property, and a filling station, which offers repair services, is located across the street to the west. A plot plan (Exhibit J-2) and photographs (Exhibit J-1) were submitted.

Case No. 16255 (continued)

Comments and Questions:

Mr. Doverspike asked Mr. Norman if he would be opposed to a condition that would prohibit outside storage of materials and inoperable vehicles, other than those being repaired, and a condition requiring all work to be performed inside the building. Mr. Norman replied that he is not opposed to the stated conditions.

In response to Mr. Doverspike, Mr. Norman stated that the applicant is not requesting automobile sales on the lot.

Mr. White asked Mr. Norman if his client will repair and paint automobiles on the site, and he replied that there will be no substantial body repair or painting.

Protestants:

None.

Board Action:

On MOTION of T. WHITE, the Board voted 3-0-0 (Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to **APPROVE** a **Special Exception** to permit an auto repair shop in a CS District - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; subject to no outside storage of materials and inoperable vehicles, other than those awaiting repair; subject to all work being performed inside the building; and subject to no substantial body repair or painting; finding that there are similar uses in the immediate area, and that approval of the request will not be detrimental to surrounding businesses, or violate the spirit and intent of the Code; on the following described property:

The south 35' of the west 150' of Lot 6, and the west 150' of Lot 7, Cantrell addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 16256

Action Requested:

Special exception to permit church use and customary accessory uses in an RS-3 district, a variance of the all-weather surface requirement for parking and a variance of the screening requirement - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS AND Section 1303. DESIGN STANDARDS FOR OFF-STREET PARKING** - Use Unit 5, located 1514 North Lewis Place.

Case No. 16256 (continued)

Presentation:

The applicant, **Kenny King**, 1302 South Denver, stated that he is representing Springdale Baptist Church, and requested permission for the church to use a vacant lot for parking. He informed that a dilapidated house was removed and the lot is currently being used as a parking area for the elderly and handicapped. Photographs (Exhibit K-3) were submitted, which verified the fact that other churches in the area use gravel parking lots. Letters and a petition of support (Exhibit K-2) were submitted.

Comments and Questions:

Ms. White asked the applicant to address the request for a variance of the screening requirement, and he replied that the church does not have sufficient funds to comply with the two requirements for the parking lot. Mr. King stated that the primary parking lot is covered with a hard surface, and the other parking will be upgraded as soon as funds are available.

Mr. Doverspike asked if the only entrance to the parking lot is from Lewis Place, and the applicant answered in the affirmative.

Protestants:

A copy of the Code Violation Notice and a photograph (Exhibit K-4) were submitted by Code Enforcement.

Victoria Blanco, 1520 North Lewis Place, stated that the church has adequate parking on the primary parking lot. She pointed out that children play in the area, and their safety would be jeopardized because of the additional traffic that would be generated by the parking lot. She further noted that the vacant lot would be a place for individuals in cars to congregate during the evening and nighttime hours.

Alta Spruzzola, 1520 North College, informed that she owns the rent house to the north of the subject tract, and five other rental properties in the block. She stated that all of her tenants complain of dust from the vacant lot. Ms. Spruzzola noted that customers visiting the hamburger stand use the parking area, and many of them drive over her driveway to access the lot. She informed that the parking lot has made it difficult to rent her adjoining property. Photographs (Exhibit K-3) and a petition of protest (Exhibit K-1) were submitted.

Case No. 16256 (continued)

Interested Parties:

Brant Wise stated that he is the pastor for the church, and the parking lot is needed for the elderly people of the congregation. He pointed out that the church wants to be a good neighbor and is not opposed to others using the lot during the week. Mr. Wise stated that the elderly people using the lot do not drive fast enough to create dust, and the only other use for the lot is for overflow parking.

Ms. White asked Mr. Wise if the lot can be secured so it can only be used during church activities, and he answered in the affirmative.

Dorothy Dewitty, 2415 North Wheeling, stated that she is involved with the Springdale Development Council (Exhibit K-5) and is concerned with economic development. Ms. Dewitty informed that she is concerned with the quality of improvements in the area. She complimented the church for their efforts in the neighborhood.

Mr. Doverspike asked Ms. Dewitty if she considers the proposed use to be compatible with the area, and she replied that it is not highly compatible, but screening and paving would help.

Councilor Mike Patrick advised that he has a church parking lot next door to his home and it is not a problem for the neighborhood. He suggested that the church be permitted a designated period of time to comply with the parking and screening requirements.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to **APPROVE** a **Special Exception** to permit church use and customary accessory uses in an RS-3 district; to **APPROVE** a **Variance** of the all-weather surface requirement for parking for one year, at which time the lot is to be paved; and to **APPROVE** a **Variance** of the screening requirement for one year - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS AND Section 1303. DESIGN STANDARDS FOR OFF-STREET PARKING** - Use Unit 5; subject to the parking lot being covered with a hard surface material within one year, and all lot access points being secured (chain, cable, or similar device), except during church activities, in order to prevent the lot from being used for other than church purposes; and subject to a solid screening fence being erected no later than one year from this date, which will extend along the north boundary line of the parking lot, beginning at the front of the house to the north and extending west to the rear of the

Case No. 16256 (continued)

parking lot; finding that the use is existing, and approval of the requests, per conditions, will not be detrimental to the area; on the following described property:

Lot 656, Block 50, Tulsa Heights, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16257

Action Requested:

Variance of the required number of off-street parking spaces - **Section 1219.D. Off-Street Parking and Loading Requirements** - Use Unit 19, located 3415 South Peoria.

Comments and Questions:

Mr. Jones informed that Staff has received several letters requesting continuance of the case (Exhibit L-1).

Interested Parties:

Dorothy Watson, president of the Brookside Neighborhood Association, requested that Case No. 16257 be continued to allow sufficient time to prepare a presentation stating neighborhood objections to the proposed use.

Jim Glass stated that he is the owner of property adjacent to the property in question, and requested that the application be continued.

Pam Deatherage, chairman for Planning District 6, requested a continuance of the application to permit the merchants and residential property owners to meet and discuss the proposed use.

Presentation:

The applicant, **T. Michael Smith**, 3042 South Boston Place, pointed out that he is proposing to establish a business and meet upcoming deadlines, and requested that the application be heard as scheduled.

Additional Comments:

Ms. White stated that it has been Board policy to approve one timely request for a continuance to either the applicant or interested parties.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to **CONTINUE** Case No. 16257 to February 9, 1993, as requested by the interested parties.

Case No. 16258

Action Requested:

Variance to exceed the maximum permitted display surface area for a sign - Section 602.B.4.a. Signs - Use Unit 11, located 2027 East 21st Street.

Presentation:

The applicant, James Adair, 533 South Rockford, submitted a sign plan (Exhibit M-2) and explained that a sign company employee mistakenly installed the sign in question when all of the other Bank IV signs were installed, but before it was approved by the Board. He informed that the existing Sooner Federal sign was removed and replaced by the new Bank IV sign, and asked that it be permitted to remain at its current location. Mr. Adair submitted a drawing (Exhibit M-1) depicting the dimensions and colors of the sign. He explained that the Sooner Federal sign contained 90 sq ft of display surface area and was 24'6" high, while the new sign will be 20' in height, with 49 sq ft of display surface area. Mr. Adair pointed out that only the 12" by 7' copy portion of the new sign will be illuminated, while the previous 90 sq ft sign had a 60 sq ft lighted area. He noted that the bank is permitted to install two 32 sq ft signs on the corner lot, and further noted that the sign manufacturer read the Code and determined that the sign in question would comply with all requirements. He stated that similar signs have been installed at other locations. He asked that the burgundy sheet metal area of the sign be allowed, which is 15.5 sq ft over Code.

Comments and Questions:

In response to Ms. White, Mr. Gardner explained that the gray portion of the sign (sign base) is not considered "attention-getting", although it is more massive than a pole. He stated that the red and burgundy stripes and the lettering are considered signage. He stated that Mr. Adair has noted that two signs would be permitted, and that the sign in question would have less square footage than the total of the two.

Mr. Jones stated that it appears that the Transfund sign may be a second sign on the lot.

Ms. White remarked that the sign in question is very large for the area.

Mr. Doverspike asked if the location of the proposed sign is the same as the previous Sooner Federal sign, and Mr. Adair stated that the new Bank IV sign is approximately 3½' further from the street.

Case No. 16258 (continued)

Mr. Gardner advised that the new sign is built using a solid base structure instead of a pole, and if the Board is inclined to approve the request, Traffic Engineering approval should be a condition.

Mr. Jones informed that one Bank IV directional sign at the southwest corner of the lot appears to be in the City right-of-way.

Protestants:

Charley Mills, 2015 East 20th Street, stated that the sign is not appropriate for the area, and is not in keeping with the style of the neighborhood. He pointed out that the sign is too large and blocks the view of motorists stacked on Yorktown. Photographs (Exhibit M-3) were submitted.

Bob Stewart informed that he owns property adjacent to the bank, and pointed out that the sign could be extremely large if the gray portion is not calculated as signage. He stated that the sign is larger than any other sign in the area, and it interferes with the line of sight when entering 21st Street from Yorktown.

In response to Mr. Stewart's comment concerning the gray and red sign on Yorktown, Mr. Jones informed that he is not sure of the size of that sign, but a 3' directional sign is permitted by right.

Applicant's Rebuttal:

Mr. Adair stated that all other Bank IV signs in Tulsa are much larger than the one in question, and Bank of Oklahoma signs are taller and larger than the one proposed at this location. He requested a 2'4" increase in the burgundy portion of the Bank IV sign.

In response to Mr. White, Mr. Adair replied that the metal based is the least expensive way to construct a monument sign.

Comments and Questions:

Ms. White remarked that a hardship has not been stated, and that she has a problem with approving a sign of this size at this particular location.

Mr. Doverspike stated that the sign in question is not compatible with this area of the City.

Case No. 16258 (continued)

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to **DENY** a **Variance** to exceed the maximum permitted display surface area for a sign - **Section 602.B.4.a. Signs - Use Unit 11**; finding that the applicant failed to demonstrate a hardship; and finding the proposed sign, as presented, to be incompatible with the area; on the following described property:

Lots 4 and 5, Block 9, Woodward Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 13883

Action Requested:

Amended site plan review.

Presentation:

The applicant, **Monte Cassino School**, was represented by **Bob Hughes**, 2200 South Lewis, who submitted an amended site plan (Exhibit N-1), and requested permission for the school to install a roof covering over fourteen existing parking spaces.

Mr. Jones stated that the construction is on the interior portion of the lot and Staff is not opposed to the application from a planning standpoint.

Protestants:

None.

Board Action:

On **MOTION** of **T. WHITE**, the Board voted 3-0-0 (Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to **APPROVE** the amended site plan as submitted.

Case No. 16224

Action Requested:

Site plan approval

Presentation:

The applicant, **Frank McDonald**, 10607 East Admiral Place, explained that he received approval to operate a mobile home sales business at the last Board of Adjustment meeting. He stated that a condition of approval required

Case No. 16224 (continued)

that he return with a plot plan depicting the location of the mobile homes, office and visitor parking area (Exhibit P-1).

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to **APPROVE** the site plan as submitted.

There being no further business, the meeting was adjourned at 3:25 p.m.

Date Approved February 9, 1993


Chairman