

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 628
Tuesday, March 9, 1993, 1:00 p.m.
Francis F. Campbell, City Council Room
Plaza Level of City Hall
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, Public Works

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, March 5, 1993, at 2:29 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 **S. 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 February 23, 1993 (No. 627).

UNFINISHED BUSINESS

Case No. 16267

Action Requested:

Appeal the decision of the Administrative Official that a business is being conducted on the property, and that there is outside parking of vehicles and equipment, storage of supplies and an accessory building in an RS-3 district - **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL**, located 8717 South Vandalia Avenue.

Presentation:

The applicant, **E. L. Parker**, 8717 South Vandalia Avenue, was represented by **John Moody**, 550 Oneok, who requested that Case No. 16267 be continued to March 23, 1993. Mr. Moody stated that he has recently been retained as counsel for the applicant, and requested the continuance to allow sufficient time for review of the application.

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 **CONTINUE** Case No. 16267 to March 23, 1993.

Case No. 16272

Action Requested:

Special Exception to permit a children's nursery in an RS-3 District - SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 5, located SW/c of North Yorktown Place and East 50th Street North.

Presentation:

The applicant, Mount Galloway, was represented by Felicia Porter, 267 East 52nd Street North, who submitted a layout (Exhibit A-1) of an existing residence, which will be remodeled and used as a day care center.

Comments and Questions:

Mr. Bolzle inquired as to the number of cars that will be parked on the lot, and Ms. Porter replied that she will have no more than four cars. In response to Mr. Bolzle's question concerning the driveway, Ms. Porter informed that the cars will probably back out into the street, but could turn around on the lot.

Ms. White asked Ms. Porter to state the days and hours of operation and the size of the enrollment, and she replied that the center will be open from 6:30 a.m. to 12 midnight, seven days each week. She added that the center will accommodate approximately 30 children, from the age of 5 months to 12 years.

Protestants:

Kay Keith, 2011 East 50th Street North, stated that she is opposed to commercial activity in the neighborhood, and pointed out that the proposed day care operation would only add to the traffic created by a nearby park. She pointed out that the property does not have a circular drive to provide ingress and egress, and the street is very narrow at this location. Ms. Keith stated that many senior citizens live in the area, and the day care center will disrupt the quiet atmosphere of the neighborhood.

Joyce Evans, 2036 East 50th Street North, stated that she lives next door to the subject property and is not opposed to a day care center; however, is concerned that some other business might begin operation there in the future. She informed that the business across the street already generates a lot of traffic.

Mr. Bolzle clarified that only nursery use is before the Board at this time and, if approved, only that specific use could be conducted on the subject property.

Case No. 16272 (continued)

Applicant's Rebuttal:

Ms. Porter informed that she will install adequate parking on the lot, and a walkway for the children will be provided on Yorktown Place.

Ms. White asked Ms. Porter if she has made an application for a day care license, and she answered in the affirmative.

In response to Mr. Chappelle, Ms. Porter informed that she is amenable to installing a turn-around on the lot to provide better street access.

Ms. White remarked that the use is appropriate at this location, but shares Mr. Chappelle's concern about cars backing out into the street.

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 children's nursery in an RS-3 District - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; subject to the applicant returning with a site plan for Board approval, depicting ingress and egress, parking spaces and play areas; subject to hours of operation being 6:30 a.m. to 9 p.m., seven days each week; subject to a maximum enrollment of 30 children; subject to the installation of a circle driveway or one that would provide an on-site turnaround; finding the use, with conditions, to be compatible with the area, and in harmony with the spirit and intent of the Code; on the following described property:

The north 185' east 165' W/2 SW/4 NE/4 SE/4, Section 7, T-20-N, R-13-E, unplatted, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 16283

Action Requested:

Minor Special Exception to amend a previously approved plot plan to allow a canopy over existing pumps, located 7515 Riverside Drive.

Case No. 16283 (continued)

Presentation:

The applicant, **City of Tulsa**, 2317 South Jackson Avenue, was represented by **Tom Devlin**, who requested permission to install a canopy over existing gas pumps to protect the policemen from the weather while servicing their vehicles. A plot plan (Exhibit B-1) was submitted.

Comments and Questions:

In response to Mr. Bolzle, Mr. Devlin stated that the proposed canopy will match the exterior of the existing police station.

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 **Minor Special Exception** to amend a previously approved plot plan to allow a canopy over existing pumps; finding that the exterior of the canopy will be similar to the architecture of the existing police station; and that the approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Part of Lots 1-3, River Grove Subdivision, described as follows: Beginning SE/c Lot 1, thence west 72.89', northwest 545.06', thence on a curve to the left a distance of 166.89', thence north a distance of 495', thence south a distance of 611.6' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16275

Action Requested:

Variance of the maximum square footage permitted for a detached accessory building from 750 sq ft to 1600 sq ft, a variance of the maximum rear yard coverage from 20% to 64%, and a variance of the required livability space from 4000 sq ft to 3422 sq ft - **Section 210.B.5. Permitted Obstruction in Yards, Section 402.B.1.d. Accessory Use Conditions, and Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 219 South 89th East Avenue.

Case No. 16275 (continued)

Presentation:

The applicant, **Jon Strimple**, 219 South 89th East Avenue, submitted a plat (Exhibit C-1), and explained that he is proposing to construct an accessory building in his rear yard, which will provide storage space for his three motorcycles, two vehicles and a boat. He informed that he has been cited by City officials for outside storage.

Comments and Questions:

In response to Mr. Doverspike, the applicant stated that the proposed building will be a 12' wood frame building, with one outside light directed toward the dwelling.

Mr. Bolzle asked if the building will have plumbing, and Mr. Strimple replied that the new structure will only be used for personal storage, and there will be no plumbing installed.

In reply to Ms. White, Mr. Strimple informed that he repairs his personal vehicles, but does not do repair work for others.

Mr. Doverspike asked if the land to the east of the subject property is undeveloped, and the applicant answered in the affirmative.

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 maximum square footage permitted for a detached accessory building from 750 sq ft to 1600 sq ft, a **Variance** of the maximum rear yard coverage from 20% to 64%, and a **Variance** of the required livability space from 4000 sq ft to 3422 sq ft - **Section 210.B.5. Permitted Obstruction in Yards, Section 402.B.1.d. Accessory Use Conditions, and Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plat submitted; subject to the applicant filing a covenant with the Clerk's office prohibiting all nonresidential use of the property; and subject to all exterior lighting being installed on the wall facing the existing dwelling; finding that the surrounding land is sparsely populated, and approval of the requests will not be injurious to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

North 50' of west 150' of Lot 2, less the west 5', Block 6, Day Suburban Acres Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 16278

Action Requested:

Special Exception to permit church use on property abutting an existing church - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 5723 East 32nd Street South.

Presentation:

The applicant, **Highland Park Christian Church**, 5708 East 31st Street, was represented by **Jerry Wade**, 12554 East 38th Street, who explained that the church has been at the current location for approximately 35 years and is in need of additional space for youth activities and classroom space on Sunday and Wednesday nights. He informed that the church has purchased the house directly behind the church, on 32nd Street, to alleviate the classroom problem and provide space for youth activities. A plot plan (Exhibit D-2) and photographs (Exhibit D-1) were submitted.

Comments and Questions:

Mr. White asked Mr. Wade if the church operates a day care center on the premises, and he replied that a day school for pre-kindergarten children meets two days each week, but the property in question will not be used for child care. He added that the newly acquired property will provide classrooms for the junior and senior high school students.

Mr. White pointed out that there is a drastic slope to the rear of the property, and asked if the back yard will be filled. Mr. Wade stated that a boardwalk is proposed to provide access to the back yard of the 32nd Street property.

Mr. Bolzle asked if fencing will be installed, and Mr. Wade stated that additional fencing is not planned.

Mr. Gardner advised that the residential character of the dwelling will not change, and it will be used for classroom purposes two days a week.

In response to Mr. Bolzle, Ms. Hubbard stated that a parking lot within 50' of a residential district requires screening; however, church use only does not require screening.

Mr. Gardner stated that the neighborhood is in transition, and many of the homes are not being properly maintained. He pointed out that a parking lot on this one lot would not be appropriate, but Mr. Wade has stated that there will be only foot traffic entering from the rear of the property.

Case No. 16278 (continued)

Mr. Bolzle asked how late the dwelling will be used on Sunday and Wednesday nights, and Mr. Wade replied that all activities should be over by 8:30 p.m.

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 **Special Exception** to permit church use on property abutting an existing church - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; subject to the lot accessed by a boardwalk from the existing church property; subject to the property being used for classroom purposes on Sundays and Wednesdays, with all activity ceasing at 9 p.m.; subject to no parking on the south portion of the property; subject to the dwelling remaining residential in nature, with no exterior changes being made; and subject to no signage; finding that the residential area is in transition, and the temporary classroom use on Sunday and Wednesday will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lot 12, Block 2, Lorraine Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16279

Action Requested:

Variance of the required 50' setback from the centerline of West 12th Street to 40' to permit the replacement of an existing sign - **Section 1221.C.6. General Use Conditions for Business Signs** - Use Unit 21, located 634 West 12th Street.

Presentation:

The applicant, **Oklahoma Neon**, 6550 East Independence, was represented by **Tom Pacewicz**, 8316 East 73rd Street, who requested permission to replace an existing Git-N-Go single-pole sign, containing a price sign and logo, with a two-pole sign, which has a Phillips logo, price sign and a marquee. He explained that the current sign is located inside a curbed asphalt median in the parking lot and, if moved back to the required setback, it would be in the middle of the parking lot. Photographs (Exhibit E-1) were submitted.

Case No. 16279 (continued)

Comments and Questions:

Mr. Jones asked if the existing sign will be removed, and Mr. Pacewicz answered in the affirmative.

In response to Ms. White, Mr. Pacewicz stated that the new sign will be installed in the same curbed area reserved for the single-pole sign.

Protestants:

Jack Williamson, 1224 South Galveston, stated that he lives around the corner from the Git-N-Go store, and is not objecting to the change in signage. He voiced a concern with the nearby liquor store, which has attracted many transients, and is not supportive of a sign that would benefit the liquor store in any way.

Mr. Bolzle asked Mr. Pacewicz if the sign in question will be for the exclusive use of Git-N-Go, and he answered in the affirmative.

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 50' setback from the centerline of West 12th Street to 40' to permit the replacement of an existing sign - **Section 1221.C.6. General Use Conditions for Business Signs - Use Unit 21**; per presentation and photograph submitted; subject to the sign in question being installed in the curbed area reserved for the existing one-pole sign; and subject to the sign being used for the Git-N-Go store only; finding that the replacement of the sign will not be injurious to the area, or violate the spirit and intent of the Code; and finding that strict compliance with the Code would result in the sign being located in the middle of the parking lot; on the following described property:

South 40' of west 97.5' of Lot 2, north 40' of west 97.5' of Lot 3, Block 15, Lindsey 3rd Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 16280

Action Requested:

Variance of the required 60' setback from the centerline of South Memorial Drive to 50' to permit the replacement of an existing sign - **Section 1221.C.6. General Use Conditions for Business Signs** - Use Unit 13, located 1605 South Memorial Drive.

Presentation:

The applicant, **Oklahoma Neon**, 6550 East Independence, was represented by **Tom Pacewicz**, 8316 East 73rd Street, who requested permission to replace an existing Git-N-Go single-pole sign, containing a price sign and logo, with a two-pole sign, which contains the logo, price sign and a marquee. Photographs (Exhibit F-1) were submitted.

J. W. Wakefield informed that Git-N-Go is a tenant in his shopping center and requested that the application be approve.

Comments and Questions:

Mr. Doverspike asked if the replacement sign will be as tall as the existing sign, and Mr. Pacewicz replied that the replacement sign is shorter.

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 60' setback from the centerline of South Memorial Drive to 50' to permit the replacement of an existing sign - **Section 1221.C.6. General Use Conditions for Business Signs** - Use Unit 13; per photographs submitted; subject to the execution of a removal contract; finding that the replacement sign will be lower than the existing sign, and will be installed at the same location on the lot; finding that approval of the application will not be injurious to the neighborhood or violate the spirit and intent of the Code; on the following described property:

Lots 2, 3 and 4, Block 1, Rill Addition, a resub of Lot 3, Block 4, O'Connor Park, City of Tulsa, Tulsa County.

OTHER BUSINESS

Case No. 16276

Action Requested:

Refund of filing fees in the amount of \$228.00.

Presentation:

The applicant, Donald Perry, PO Box 4773, was not present.

Comments and Questions:

Mr. Jones advised that, after Mr. Perry filed the application, it was found that he did not need the relief requested; however, the application was partially processed, and suggested a refund of \$178.00.

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 refund of \$178.00 to Donald Perry.

There being no further business, the meeting was adjourned at 1:55 p.m.

Date Approved

March 23, 1993


Chairman