

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 637
Tuesday, July 27, 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 Chappelle Doverspike, Chairman T. White	S. White	Gardner Moore Russell	Jackere, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, July 23, 1993, at 2:35 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** the Minutes of July 13, 1993 (No. 636).

UNFINISHED BUSINESS

Case No. 16347

Action Requested:

Special exception to permit a public park which will include a private health club, variance to waive the screening requirement or an extension of time to erect a screening fence and variances of the setback from the centerline of the streets for building and parking - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located south and east of the SE/c of South 91st East Avenue and East Admiral Place.

Presentation:

The applicant, **City of Tulsa**, was represented by **Pat Hoggard**, 200 Civic Center, who submitted a site plan (Exhibit A-1) and a letter (Exhibit A-2) that was mailed to property owners in the neighborhood. He pointed out that the letter was mailed to numerous homeowners beyond the 300' required notification radius, and all citizen concerns have been addressed.

Case No. 16347 (continued)

Comments and Questions:

Mr. Doverspike inquired as to the arrangement for removing the road blockade that was a previous concern to the neighborhood.

Mr. Hoggard stated that the existing gates will remain. He added that Rockwell will conduct one annual picnic, and could have one or two additional events, which would require closing of the gates. Mr. Hoggard stated that he has encouraged the bicycle club to meet with the neighborhood and attempt to work out a satisfactory arrangement to eliminate the gating problem.

In response to Mr. Doverspike, Mr. Hoggard stated that an engineering firm has been hired to consider drainage problems in the area.

Mr. Bolzle noted that the City has handled the neighborhood concerns in a commendable manner, and the lack of citizen attendance tends to prove that these concerns have been addressed.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Special Exception** to permit a public park which will include a private health club, **variance** to waive the screening requirement and **variances** of the setback from the centerline of the streets for building and parking - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; finding the use to be compatible with the surrounding neighborhood, and in harmony with the spirit and intent of the Code; on the following described property:

Lots 6-13 and the westerly 120' of Lot 14, and the westerly 90' of Lot 15, and the westerly 25' of Lot 16, Block 1, Meadowood Addition to the City of Tulsa, Tulsa County, Oklahoma and Lots 23-26, Block 2, all of Blocks 3 and 4, Lots 1-8, Block 5, Lots 3-17, Block 6, and 50' of closed street adjacent and abutting the north, east, south and west lines of Block 3, and 50' of the closed street adjacent and abutting the westerly, south and easterly lines of Block 4, and 50' of closed street adjacent and abutting the westerly line of Lots 4-6, Block 1, and 50' of closed street adjacent and abutting the easterly line of Lot 1, Block 5, and 50' of closed

Case No. 16347 (continued)

street adjacent and abutting the eastern line of Lot 17, Block 6, Meadowood Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof and Lots 15-22, Block 2, Meadowood Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 16383

Action Requested:

Special Exception to permit a transitional living center (Use Unit 5) in an RM-1 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 1006 North Quaker Avenue.

Comments and Questions:

Ms. Russell informed that she has received a letter (Exhibit B-1) from the applicant requesting that Case No. 16383 be tabled until the offer for purchase has been accepted or rejected.

In response to Mr. Chappelle, Mr. Jackere advised the item could be tabled until some unknown date if the applicant is agreeable to paying future advertising expenses.

Presentation:

The applicant, **Offering Hope, Inc.**, was not represented.

Protestants:

Virginia Taylor, 819 North Owasso, asked if the neighborhood will be notified of the future hearing date, and Mr. Doverspike stated that a notice of the hearing will be mailed to all property owners within 300' of the subject property.

Additional Comments:

Mr. Chappelle stated that he prefers to strike the application.

Mr. Gardner advised that, if the Board strikes the application, the applicant could still use the same application number for a future hearing and would only be required to pay advertising costs, if the Board desired.

Case No. 16383 (continued)

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **STRIKE** Case No. 16383 from the agenda; giving the applicant permission to request future relief by paying for new advertising and notification of property owners (no filing fee); finding that the applicant is not the owner of the property, and is not at liberty to seek a special exception until there is a contract to purchase the property, or the property has been purchased.

Case No. 16384

Action Requested:

Variance of the structure setback from the centerline of South Peoria Avenue from 50' to 30' - **Section 1212.D., 1213.D. and 1214.D OFF-STREET PARKING AND LOADING REQUIREMENTS - SECTION 1212.C., 1213.C. and 1214.C.. Use Conditions** - Use Units 12, 13 and 14, located southeast corner of East 15th Street and South Peoria Avenue.

Presentation:

The applicant, **Orcutt Development**, 4129 South Peoria, Suite 203, was represented by **Tim Clark**, who explained that a prior application was approved at the July 13th meeting and it was then discovered that additional relief was required on Peoria Avenue. He stated that the variance will permit a parking area that does not extend closer to the street than the existing building.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Variance** of the structure setback from the centerline of South Peoria Avenue from 50' to 30' - **Section 1212.D., 1213.D. and 1214.D OFF-STREET PARKING AND LOADING REQUIREMENTS - SECTION 1212.C., 1213.C. and 1214.C.. Use Conditions** - Use Units 12, 13 and 14; per plan submitted; finding a hardship demonstrated by the fact that the older buildings were constructed closer to the street than the current Code permits, and the parking area will not extend closer than the existing structures; on the following described property:

Lots 1-16, inclusive, Block 8, and vacated alley lying within said Block 8, Orcutt Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 16396

Action Requested:

Minor Special Exception of the required front yard setback from the centerline of East 100th Place South from 50' to 47' to permit an existing residence - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 8937 East 100th Place South.

Presentation:

The applicant, **Glen Fell**, 9708 East 55th Place, was represented by **Jeff Lower**, 2431 East 61st Street, who requested that the Board approve a 3' variance to permit the existing structure and clear the title to the property. A plat of survey (Exhibit D-1) was submitted.

Comments and Questions:

Mr. Bolzle asked if the porch encroaches into the required setback, and Mr. Lower stated that a small portion of the porch and garage are encroaching.

In response to Mr. Bolzle, Mr. Lower stated that the dwelling is newly constructed.

Protestants:

Mike Summer, 8943 East 100th Place, stated that he lives to the southeast of the subject property and asked if the house could have been moved back and made to comply with the Code.

Mr. Gardner noted that, due to the curvature of the street, the irregular shape of the lot and the location of a utility easement, construction on the lot is difficult.

Mr. Bolzle asked the protestant if the placement of the house creates a particular problem, and Mr. Summer stated that moving the house forward caused the floor to be higher. He pointed out that this resulted in his having to install a 10' privacy fence to provide screening for his back yard.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Minor Special Exception** of the required front yard setback from the centerline of East 100th Place South from 50' to 47' to permit an existing residence - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per survey submitted; finding that the lot is

Case No. 16396 (continued)

difficult to develop, as demonstrated by the curvature of the street, the irregular shape of the lot and the fact that a utility easement bisects the property:

Lot 37, Block 6, Cedar Ridge Park Phase I, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16405

Action Requested:

Minor Special Exception to permit an accessory building on an abutting lot under common ownership.

Presentation:

The applicant, **Dexter Brison**, 3007 North Garrison Place, was represented by **Dorothy Hunter**, who submitted a plot plan (Exhibit E-1) and requested permission to construct a 24' by 24' garage.

Comments and Questions:

In response to Mr. Doverspike, Ms. Hunter stated that the garage will be accessed from the existing driveway, which is paved.

Mr. Doverspike asked if the garage will be used for personal storage only, and Ms. Hunter answered in the affirmative. She also stated that the garage will not have a kitchen or bath.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Minor Special Exception** to permit an accessory building on an abutting lot under common ownership; per plan submitted; and subject to the execution of a tie contract; finding that approval of the minor special exception would not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lots 11 and 12, Block 1, Standard Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16406

Action Requested:

Minor Variance of the required side yard from 10' to 9.4'
- **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 5126 East 107th Place South.

Presentation:

The applicant, **Robert Acklin**, 5126 East 107th Place South, submitted a site plan (Exhibit F-1) and explained that a new garage is proposed, because the existing garage has a side entrance (90°) and is not easily accessible. He informed that a previous application for a larger setback variance was denied. Mr. Acklin submitted photographs (Exhibit F-2) and an architectural rendering (Exhibit F-4).

Comments and Questions:

Mr. Doverspike asked if the homes in the area have wood roofs, and the applicant answered in the affirmative.

In response to Mr. Bolzle, the applicant stated that the garage will accommodate two cars and will have a work bench and storage.

Mr. Bolzle inquired as to the use of the existing garage, and Mr. Acklin stated that it will be used as a room for recreational purposes.

Protestants:

Letters and a petition of opposition (Exhibit F-4) were submitted.

Randy Sansone, 5134 East 107th Place, submitted photographs of the area (Exhibit F-3) and stated that he is the property owner to the east of the lot in question. He explained that most of the homes in the area contain approximately 3800 sq ft of floor space, and that he is opposed to the construction of an additional 639 sq ft garage. Mr. Sansone stated that he is concerned with aesthetics, a possible negative impact on property values, water drainage and the possibility of creating a fire hazard. He added that there is no apparent hardship to support the approval of a variance request, and asked the Board to deny the application.

Applicant's Rebuttal:

Mr. Acklin stated that the proposed construction will not be detrimental to the neighborhood, and will actually enhance property values in the area. The applicant stated that the existing water run-off problem will be improved by directing roof water underground to the street, and by collecting surface water in a grated

Case No. 16406 (continued)

underground collection box. Mr. Acklin stated that there will be 27' of open space between the wall of the proposed garage and the nearest residence, while there are numerous homes in the area that have 5' side yards on the same side and are only 10' apart. He pointed out that his neighbor's house to the east does not have windows on the wall that will face his garage.

Additional Comments:

In response to Mr. Bolzle, Mr. Jackere advised that a hardship must be found to approve a minor variance.

Mr. Gardner advised that the topography of the land and the existing retaining wall could be considered.

Board Action:

On MOTION of T. WHITE, the Board voted 3-1-0 (Chappelle, Doverspike, T. White, "aye"; Bolzle, "nay"; no "abstentions"; S. White, "absent") to **APPROVE** a **Minor Variance** of the required side yard from 10' to 9.4' - **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 slope of the lot in relationship to the access to the garage; and finding that the approval of a 8" variance of the side yard requirement will not cause substantial detriment to the public good, or violate the spirit, purpose and intent of the Code; on the following described property:

Lot 4, Block 4, Southern Oaks Estates, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16359

Action Requested:

Special Exception to permit a children's learning center in an R District, and a variance of the 25' setback from abutting R Districts - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 3rd Street between College Avenue and Evanston Avenue.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, informed that the University of Tulsa is proposing to construct a children's day-care and learning center, which will be an accessory use to the university. Mr. Norman stated that the center, which will accommodate 140 children, will meet the child care needs of students, members of the faculty and employees. The applicant submitted photographs (Exhibit G-2) and noted that the property is partially divided by an L-shaped alley. Mr. Norman advised that the property in question is within the Master Plan for the University of Tulsa campus, which was approved by TMAPC and the City and County Commissions in 1986. Mr. Norman noted that the requested variance of the 25' setback from an abutting R District is not required, because the building is separated from the residentially zoned area (university property) by the alley. The applicant informed that Ms. Hubbard has advised that Section 1301.D. of the Zoning Code states that the required parking be located on the lot containing the principal use. He pointed out that the plot plan depicts that the location of parking for the day care facility is on both the lot containing the building and an adjacent lot; however, the plan can be revised to place the nine required spaces on the lot with the building. Mr. Norman informed that additional parking will be provided on the lot across the alley, and a tie contract will be executed. In regard to required parking setbacks, the applicant stated that all parking will be made to comply with the Code requirement on the revised site plan (Exhibit G-1). Mr. Norman stated that Ms. Hubbard has determined that a 6' screening fence is required along the property line of the additional parking lot and the university owned property to the south. He stated that the university will install the fence between the two lots, if found to be a Code requirement, or file for a waiver of screening if needed. In regard to landscaping (Exhibit G-3), Mr. Norman stated that the original plan has been revised to eliminate the hedges and low shrubs, which could provide secluded hiding places along sidewalks.

Protestants:

Bruce Gaither, 316 South College, stated that the proposed development is an L-shaped tract around his grandmother's property. He pointed out that the applicant has not satisfied the hardship requirement for a variance, or shown that approval of the application will not be contrary to public interest. Mr. Gaither noted that the Police Department has designated this area as having the highest crime rate in the City, and it may not be a safe location for the day-care center. He

Case No. 16359 (continued)

stated that his grandmother's property has been vandalized several times, and the proposed center is contrary to her economic interest.

Paul Thomas, 216 South Florence, informed that he is president of the Kendall-Whittier Neighborhood Association, and that the neighborhood has been advised of the projects progression; however, the plans have been changed since the last meeting with the task force. He voiced a concern that the change in landscaping removed screening that would screen properties to the east. Mr. Thomas noted that changes have also been made to the structure, and dormers were removed that would make the building more compatible with the residential area. He encouraged that more attention be given to screening the parking lots, and that the exterior building design be changed to make it more in character with the residential dwellings across the street.

Mr. Bolzle suggested that extra consideration be given to the protection of the residents to the east and south.

Applicant's Rebuttal:

Mr. Norman informed that the changes that occurred were the moving of the parking lot on the east lot further from 3rd Street to allow sufficient space for the berm, and the revision of the initial landscape plan to remove the low hedges around the parking area. He stated that the low shrubs were replaced with berms and trees on the perimeter of the lot to eliminate hiding places and provide a safer parking area for users of the parking lot. Mr. Norman advised that the architectural consultant recommended that the gable roof be on the north and south entries only and not at the window openings.

In response to Mr. Norman, Mr. Jackere advised that a variance of setback from the parking lot across the alley is not required.

Mr. Gardner pointed out that the day-care center would require 17 parking spaces on the lot containing the principal use, instead of the nine spaces that was referred to in Mr. Norman's presentation.

Mr. Norman requested that the two parking lots be tied together with a tie contract in order to comply with the required parking.

Case No. 16359 (continued)

Board Action:

On MOTION of BOLZLE, the Board voted 3-0-1 (Bolzle, Doverspike, T. White, "aye"; no "nays"; Chappelle, "abstaining"; S. White, "absent") to **APPROVE** a **Special Exception** to permit a children's learning center in an R District - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per building and landscape plans (as revised); and subject to the execution of a tie contract; finding that the setback variance is not required; and finding the use to be compatible with the area and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 1, 6, 7 and 8, Block 9, Pleasant View Addition,
City of Tulsa, Tulsa County, Oklahoma.

Case No. 16387

Action Requested:

Variance of the required side yard from 5' to 2.5', and a variance of the maximum square footage permitted for a detached accessory building from 750 sq ft to 972 sq ft - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Section 402.B.1.d. Accessory Use Conditions** - Use Unit 6, located 1114 East 25th Street.

Presentation:

The applicant, **Mary Irvin**, 1114 East 25th Street, stated that she recently moved to the Tulsa area and purchased the subject property in January 1993. The applicant explained that she is an artist and the existing accessory building is suitable for painting and conducting art classes. Ms. Irvin stated that she is proposing to construct a garage in front of the existing accessory building. A survey (Exhibit H-1), photographs (Exhibit H-2) and elevations (Exhibit H-3) were submitted.

Comments and Questions:

Mr. Jackere asked if the existing 30' by 18' detached building will be enlarged by adding a 24' by 18' garage, and the applicant answered in the affirmative.

Ms. Irvin stated that the existing accessory building is 2½' from the property line, instead of the required 5', and asked that the new structure be permitted to align with that building wall. She pointed out that numerous houses in the neighborhood have similar encroachments.

Case No. 16387 (continued)

Mr. Doverspike asked the applicant if the garage apartment is used for commercial purposes, and she replied that she is proposing to paint and teach art lessons in the building.

In reply to Mr. Doverspike, Mr. Gardner advised that the applicant would be permitted to teach art lessons to one student at a time, but art classes for more than one student would not be permitted without BOA approval for a home occupation.

Mr. Gardner inquired as to the size of the house, and Ms. Irvin stated that her home contains 3000 sq ft of floor space. Mr. Gardner advised that the applicant would be permitted to construct a 1200 sq ft (40% of the principal structure) accessory building by right.

Protestants:

Letters of opposition (Exhibit H-4) were submitted.

David Chernicky, 1120 East 25th Street, submitted photographs (Exhibit H-5) and pointed out that the existing 18' by 30' garage is larger than most of the garages in the neighborhood. He noted that the extension of the existing building would cause the structure to be 54' long and would block the entire western view from his deck. Mr. Chernicky stated that all art school traffic would access the art studio from the east and would infringe upon his privacy. He asked that the access be moved to the other side of the garage.

Harold Lewis, 1123 East 25th Street, stated that the proposed addition would be adding a full size garage to an existing garage, which has been converted. He pointed out that the addition will cause the garage to be moved closer to the street than others in the area. Mr. Lewis stated that the applicant has failed to present a hardship for the variance request.

Russ Parenti stated that he is a licensed real estate agent, and the value of the property is negatively affected by the fact that there is not a garage (Exhibit H-6). He pointed out that the size of the dwelling would permit the applicant to construct an accessory building larger than those surrounding the property.

Applicant's Rebuttal:

Ms. Irvin stated that she understands the concerns of the neighbors, and is amenable to revising the site plan to alleviate some of their concerns.

Case No. 16387 (continued)

Additional Comments:

After discussion, it was the consensus of the Board that the application should be continued to allow the applicant to meet with the neighborhood and attempt to resolve the issues of concern.

Board Action:

On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **CONTINUE** Case No. 16387 to August 10, 1993 to allow the applicant to meet with the protestants and attempt to resolve differences concerning the location of the proposed garage.

Case No. 16388

Action Requested:

Variance of the required rear yard from 20' to 5' to permit the construction of a garage, and for a variance of the required side yard from 45' to 37' to permit an existing encroachment - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 3001 South Cincinnati Avenue.

Presentation:

The applicant, **Steve Olsen**, 324 East 3rd Street, was represented by **Tim Hewett**, owner of the property in question. He informed that an identical application was approved in 1986; however, the construction did not proceed as planned during the three year period and the approval lapsed. Mr. Hewett stated that he is now proposing to begin the construction project. Copies of the previous plot plan (Exhibit J-1) and the current plan (Exhibit J-2) were submitted.

Protestants:

None.

Board Action:

On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Variance** of the required rear yard from 20' to 5' to permit the construction of a garage, and for a **variance** of the required side yard from 45' to 37' to permit an existing encroachment - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the back yard is actually used as a side yard, which only requires a 5' setback; and that

Case No. 16388 (continued)

approval of the variances will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lots 23 and 24, Block 8, Travis Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16389

Action Requested:

Variance of the maximum permitted ground signs from one to three, and a variance to exceed the maximum 103.6 sq ft of total signage - **Section 602.B.4. Accessory Use Conditions - Signs** - Use Unit 11, located 6660 South Sheridan Road.

Presentation:

The applicant, **Craig Neon**, 1889 North 105th East Avenue, was represented by **Ray Toraby**, who submitted a sign plan (Exhibit K-1) and explained that a new tenant, Liberty Mortgage, is proposing to move to the second floor of the two-story office building. He informed that the major tenant in the building is Liberty Tulsa, and a secondary tenant is Computerland. He requested permission to install lettering for Liberty Mortgage on an existing retention wall, which is near the driveway on the south end of the property. Photographs (Exhibit K-2) were submitted. Mr. Toraby stated that an existing pylon sign is located approximately 50' from the wall. He informed that Liberty Tulsa previously had a sign on each side of the retention wall, and asked that Liberty Mortgage be permitted to use the wall for signage.

Comments and Questions:

In response to Mr. Doverspike, Mr. Toraby stated that the wall is facing north and runs perpendicular to Sheridan Road.

In reply to Mr. Bolzle, Mr. Toraby suggested that signage on the retention wall does not have an exact classification in the Zoning Code, but should be classified somewhere between a wall sign and a pylon sign.

Mr. Gardner stated that the brick wall could be considered a sign support, or the same as a pole, which is not calculated in the display surface area.

In response to Mr. Bolzle's statement that, including the proposed wall sign, there will be 210 sq ft of signage, Mr. Toraby noted that the proposed sign, the Computerland sign and the pylon sign total 116 sq ft of signage.

Case No. 16389 (continued)

After reviewing the minutes of a previous application concerning the placement of a second sign, Mr. Bolzle pointed out that those minutes state that the existing pylon sign contains 70 sq ft of display surface area, and the Computerland sign would use approximately 36 sq ft. He noted that the total square footage of the two signs would be 2 sq ft over the permitted amount, and the requested sign would further increase that amount.

Mr. Toraby stated that the previous applicant was obviously not aware of the actual size of the existing sign, which is 5' by 10'.

Mr. Doverspike stated that there is no evidence of a hardship that would warrant the granting of a variance.

Mr. Bolzle remarked that the increased signage will be approximately 25' over the permitted amount.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 2-2-0 (Bolzle, Chappelle, "aye"; Doverspike, T. White "nay"; no "abstentions"; S. White, "absent") to **APPROVE*** a **Variance** of the maximum permitted ground signs from one to three, and a **variance** to exceed the maximum 103.6 sq ft of total signage - **Section 602.B.4. Accessory Use Conditions - Signs** - Use Unit 11; on the following described property:

Lot 1, Block 1, Oxford Place, City of Tulsa, Tulsa County, Oklahoma.

*The application was denied, due to the lack of three affirmative votes.

Additional Comments:

Mr. Toraby asked if the application can be continued until all Board members are present, and Mr. Jackere stated that the Board has already voted, and their judgment stands today as the final decision. Mr. Jackere advised that the application can be changed and filed again, but that he will not be permitted to file the same request.

Case No. 16390

Action Requested:

Special Exception to permit a home occupation beauty shop in an RS-3 zoned district - **Section 402.B.6.b. Home Occupations** - Use Unit 13, located 12321 East 16th Street.

Presentation:

The applicant, **Sheila Morris**, 12321 East 16th Street, submitted a site plan (Exhibit L-3) and requested permission to operate a one-chair beauty shop in a portion of her garage. She stated that the exterior of the dwelling will not be altered and the business will not be advertised. A letter of support (Exhibit L-4) was submitted.

Comments and Questions:

Mr. Doverspike asked the applicant if she will schedule only one customer at a time, and she answered in the affirmative.

In response to Mr. Doverspike, Ms. Morris stated that there is sufficient space for her customers to park in the driveway.

Protestants:

James Mundy, 12330 East 16th Street, stated that he lives across the street to the east of the proposed business. He submitted a petition of opposition (Exhibit L-2) to the home occupation, and explained that the use would negatively impact property values in the area. Mr. Mundy pointed out that the beauty shop will add to the existing traffic problem in the neighborhood.

Nita Mundy, 12330 East 16th Street, requested that the residential character of the neighborhood be preserved, and that the applicant operate her business in a commercial area.

Norma Flory, 12327 East 16th Street, noted that there will not be sufficient space for customer parking, because the two family cars are parked in the driveway. She stated that the business will be detrimental to the neighborhood, and many residents of the area are opposed to the request.

Letters of opposition (Exhibit L-1) to the application were submitted.

Case No. 16390 (continued)

Applicant's Rebuttal:

The applicant stated that one of the two vehicles that parks in the driveway is her husbands work van, which is away from the home during the day.

Additional Comments:

In response to Mr. Bolzle, the applicant stated that the distance from the garage to the curb is 39'.

Mr. Bolzle inquired as to the entrance to the beauty shop, and Ms. Morris stated that clients will enter the beauty shop through the existing side door of the garage.

There was Board discussion concerning the long-term impact the home business could have on the neighborhood, and it was their consensus that a limited approval to test compatibility would be appropriate.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Special Exception** to permit a home occupation beauty shop in an RS-3 zoned district for **two years only - Section 402.B.6.b. Home Occupations** - Use Unit 13; per plan submitted; subject to days and hours of operation being Tuesday through Saturday, 10 a.m. to 6 p.m.; subject to all scheduling being made to allow a fifteen minute interval between the departure and arrival of customers; subject to Home Occupation Guidelines and subject to the applicant requiring her customers to park in the driveway; finding that the temporary approval will allow the Board to determine if the use, as conditioned, is compatible with the surrounding residential neighborhood; on the following described property:

Lot 18, Block 14, Cherokee Village Second Addition,
City of Tulsa, Tulsa County, Oklahoma.

Case No. 16391

Action Requested:

Variance of the required setback from the centerline of South Peoria Avenue from 50' to 36' to permit a sign - **Section 1221.C.6. General Use Conditions for Business Signs** - Use Unit 21, located 1007 South Peoria.

Presentation:

The applicant, **Barry Moydell**, 1221 Charles Page Boulevard, requested permission to install a 5' by 5' nonilluminated pole sign at the above stated location. He informed that the street setbacks have changed since the property was developed, and there is not sufficient space to install the sign and comply with the setback requirement. He pointed out that the sign could not comply with the setback requirement if it was placed on the building wall. A sign plan (Exhibit M-1) was submitted.

Comments and Questions:

In response to Mr. Bolzle, the applicant stated that the sign will not overhang the retaining wall more than 2'.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of South Peoria Avenue from 50' to 36' to permit a sign - **Section 1221.C.6. General Use Conditions for Business Signs** - Use Unit 21; per plan submitted; subject to City Council approval, if needed, and the execution of a removal contract; finding a hardship demonstrated by the fact that the ordinance has changed since the original commercial development was approved; and finding that approval of the variance request will not cause substantial detriment to the area, or violate the spirit and intent of the Code; on the following described property:

Lots 12, 13 and 14, East Lynn Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16392

Action Requested:

Variance of the required setback from the centerline of 28th Street North to permit an addition to an existing encroachment, a variance of the all-weather surface requirement for off-street parking to permit a gravel lot and a special exception to permit accessory church use (parking) on Lot 22 - Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS and SECTION 1303.D. Off-Street Parking Conditions - Use Unit 5, located 1842 East 28th Street North.

Presentation:

The applicant, Willie McHenry, 1617 East Jasper, requested permission for an existing church to construct a new sanctuary on an existing slab. He asked that the church be permitted to park on a gravel surface. A plot plan (Exhibit N-1) was submitted.

Comments and Questions:

Mr. Bolzle asked if a gravel lot is currently being used for parking, and the applicant stated that the southern lot does not have parking at this time, but the existing parking lot is gravel.

Interested Parties:

Robert Marshall, church pastor, stated that the church is consistently improving the property, and the parking lot will be covered with a hard surface material when funds are available.

Wilhelmina Easley stated that she is present to find out more about the application. She informed that she is affiliated with the church around the corner from the proposed construction. After a review of the site plan, Ms. Easley did not voice an objection to the project.

Protestants:

None.

Board Action:

On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to APPROVE a Variance of the required setback from the centerline of 28th Street North to permit an addition to an existing building, which encroaches into the required setback, a variance of the all-weather surface requirement for off-street parking to permit a gravel lot and a special exception to permit accessory church use (parking) on Lot 22 - Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS and SECTION 1303.D. Off-Street Parking Conditions - Use Unit 5; per plan submitted;

Case No 16392 (continued)

subject to a tie contract; finding that the building is to be constructed on an existing slab, and will not encroach further into the required setback than the slab and existing building; and finding that the gravel parking lot has been in existence for a long period of time, and approval of the requests will not be detrimental to the neighborhood; on the following described property:

Lots 1, 2, 3 and 22, Block 2, Henshaw Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16394

Action Requested:

Variance to permit required off-street parking on a lot other than the lot containing the principal use, and variance of the required setback from the centerline of East 15th Street from 50' to 30' to permit outdoor seating - **Section 1212.C.1.a. Use Conditions and Section 1301.D. GENERAL REQUIREMENTS** - Use Units 12 and 14, located 1520 East 15th Street.

Presentation:

The applicant, **Rachel Zebrowski**, 320 South Boston, #1400, stated that she is representing the New York Bagel Company, and requested that parking be permitted on a lot other than the one containing the principal use. She pointed out that the buildings along 15th Street have been constructed up to the property line, and requested that the business be permitted to have outdoor seating for customers. Ms. Zebrowski stated that her client is amenable to the execution of a tie contract, tying the parking lot to the lot containing the principal use. A plot plan (Exhibit P-1) was submitted.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Variance** to permit required off-street parking on a lot other than the lot containing the principal use, and **variance** of the required setback from the centerline of East 15th Street from 50' to 30' to permit outdoor seating - **Section 1212.C.1.a. Use Conditions and Section 1301.D. GENERAL REQUIREMENTS** - Use Units 12 and 14; per plan submitted; subject to the execution of a tie contract; finding that the older buildings were constructed up to the sidewalk, without sufficient parking; finding that the building will adhere to the 50' setback, with only the temporary

Case No. 16394 (continued)

awning and seating extending into the required setback; and finding that approval of the requests will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

East 100' of Lots 1 and 2 and all of Lot 3, Block 5, Orcutt Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16395

Action Requested:

Special Exception to permit retail sales (Use Units 13 and 14) in an IL zoned district, and a variance of the required setback from the centerline of East 51st Street from 100' to 94' to permit a 6' canopy - **Section 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS - Section 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Units 13 and 14, located 4971 South Memorial.

Presentation:

The applicant, **Larry Kester**, 4200 East Skelly Drive, Suite 750, was represented by **Joe McCormick**, who submitted a site plan (Exhibit R-1) and explained that an existing gas station will be replaced with a new building, which will house a Wallgreens Drugstore. He stated that an L-shaped shopping center wraps around the property. Mr. McCormick stated that the encroaching portion of the building consists of a 6' canopy, which will be attached to the building.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Special Exception** to permit retail sales (Use Units 13 and 14) in an IL zoned district, and a **variance** of the required setback from the centerline of East 51st Street from 100' to 94' to permit a 6' canopy - **Section 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS - Section 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Units 13 and 14; per plan submitted; finding that the use is compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

Lot 7, Block 4, Resub of Second Research and Development Center, City of Tulsa, Tulsa County Oklahoma.

Case No. 16397

Action Requested:

Variance of the required side yard from 10' to 4.2' to permit an addition to an existing structure - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2544 East 22nd Street.

Presentation:

The applicant, **Thomas Gangel**, 2544 East 22nd Street, was represented by Ms. Gangel, who submitted a plot plan (Exhibit S-1) and explained that the existing garage will be demolished and a new one will be attached to the dwelling.

Comments and Questions:

Mr. Bolzle asked if the east face of the garage addition is the same length as the existing garage, and Ms. Gangel answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Variance** of the required side yard from 10' to 4.2' to permit an addition to an existing structure - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the new construction will not encroach further into the required side yard setback than the existing detached garage; on the following described property:

Lot 4, west 25' of Lot 5, Block 1, Harter's Fourth Resubdivision, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 4:21 p.m.

Date Approved

August 10, 1993


Chairman