

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 640  
Tuesday, September 14, 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 S. White	T. White	Gardner Moore Russell	Jackere, Legal Parnell, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, September 10, 1993, at 1:48 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 **S. WHITE**, the Board voted 3-0-0 (Chappelle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; Bolzle, T. White, "absent") to **APPROVE** the Minutes of August 24, 1993 (No. 639).

**NEW APPLICATIONS**

**Case No. 16507**

**Action Requested:**

Variance of the required setback from the centerline of East 10th Street and South Utica Avenue from 50' to 30', and a variance of the required screening fence - **SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 10, located north of the NW/c of South Utica and East 11th Street.

**Presentation:**

The applicant, **Rainbo Baking Co.**, 1650 East 11th Street, was represented by **Dave Milam**, who submitted a plot plan (Exhibit A-1) and informed that the parking lot is being covered with a hard surface material, and use was previously approved by the Board. He requested that parking be permitted within the required setback, and explained that it would not be feasible to install the parking lot if 20' of parking would be lost. Mr. Milam stated that the setback for the existing parking is 30', instead of the required 50'.

Case No. 16507 (continued)

**Comments and Questions:**

Mr. Doverspike asked Mr. Milam if he is requesting that all screening requirements be waived, and he replied that the waiver is requested on 10th Street where the exit gate will be located.

Mr. Gardner explained that the parking lot was previously approved; however, additional relief was required to permit parking at the same setback as the existing parking lot to the east.

In response to Mr. Gardner, Mr. Milam stated that the parking lot in question abuts an existing parking area to the east, which is on Utica Avenue, and a residence is located to the west. He informed that screening will be installed on the west boundary and on the portion of the lot along 10th Street that is not used for a driveway.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Chappelle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; Bolzle, T. White, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of East 10th Street and South Utica Avenue from 50' to 30', and a variance of the required screening fence on the north boundary only - **SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 10; per plan submitted; finding that a parking lot has been at this location for several years, and the hard surface parking lot will not extend closer to the street than the existing one to the east; on the following described property:

Lots 5 and 6, Block 9, Park Dale Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16425**

**Action Requested:**

Appeal the decision of the administrative official and/or for a variance to permit a home occupation which was existing before the ordinances prohibited such a use as a home occupation - **SECTION 1604. APPEALS FROM AN ADMINISTRATIVE OFFICIAL, SECTION 404.B**, located 5022 South 30th West Avenue.

**Presentation:**

The applicant, **Tom Affeldt**, 601 South Boulder, Suite 1100, requested that his clients be permitted to park two business vehicles at their home in a residential district. He explained that they have owned the property since 1977, and have had a home office for their septic tank cleaning business since that time. Mr. Affeldt stated that his client has also parked two business vehicles on the property during the past 17 years, with no neighborhood complaints. It was noted by the applicant that there is no business activity on the property, with the exception of telephone calls for scheduling appointments. Mr. Affeldt submitted a petition of support (Exhibit B-1), and pointed out that the trucks used in the business are similar to those customarily found in a residential neighborhood. Photographs (Exhibit B-2) were submitted.

**Comments and Questions:**

Mr. Chappelle asked Mr. Affeldt if his client has employees in the home, and he replied that there are no employees in the home.

In response to Mr. Doverspike, the applicant stated that there are no hazardous chemicals stored on the trucks, and they are thoroughly cleaned before they are parked.

Mr. Doverspike asked if the business has been in operation for 17 years, and the applicant stated that his clients have owned the business for 17 years, and a parent operated the business prior to 1977.

Mr. Jackere advised that, in order to establish nonconformity, Mr. Affeldt's clients would have to submit proof that the business was in operation prior to 1970. He further advised that the application also involves storage of vehicles in a residential area that would customarily be found at a business or industrial location. He pointed out that truck storage has never been approved by the Board as a home occupation; however, if the applicant could prove the use is lawfully nonconforming, the business could continue operation. Mr. Jackere informed that scheduling business appointments by telephone is permitted by right.

Ms. White asked the applicant if documents can be provided that verify the existence of the business prior to 1970, and he replied that he has to rely on his clients statement as to the beginning of the operation.

Case No. 16425 (continued)

Ms. Parnell stated that there are two problems concerning the business. She pointed out that Mr. Affeldt's client has one employee, and also parks his business trucks at his residence, neither of which is permitted in a home occupation.

Mr. Jackere advised that Ms. Parnell has cited Mr. Affeldt's client, and the Board must decide if the business is operating in violation of the Code.

**Board Action:**

On **MOTION** of **S. WHITE**, the Board voted 3-0-0 (Chappelle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; Bolzle, T. White, "absent") to **UPHOLD** the **decision** of the administrative official; and **DENY** a **Variance** to permit a home occupation which was existing before the ordinances prohibited such a use as a home occupation - **SECTION 1604. APPEALS FROM AN ADMINISTRATIVE OFFICIAL, SECTION 404.B**; finding that the applicant could not provide documents proving the existence of the business prior to 1970; finding that the business does not comply with the Home Occupation Guidelines in regard to employees; and finding that the storage of business trucks is not a customary accessory use in a residential neighborhood; on the following described property:

Lot 32, Block 12, Carbondale Addition to the City and County of Tulsa, Oklahoma.

**Case No. 16426**

**Action Requested:**

Variance of the setback from the centerline of East 61st Street from 50' to 40' to permit a ground sign - **Section 1221.C.6. - General Use Conditions for Business Signs** - Use Unit 13, located 1115 East 61st Street.

**Presentation:**

The applicant, **Claude Neon**, 533 South Rockford, was represented by **James Adair**, 8014 South 79th East Avenue, submitted sign plans (Exhibit C-2), and explained that the sign in question is for the last of the Git-N-Go businesses that are being revitalized. He informed that the sign is being changed, and the two existing signs will be replaced with one new sign. Mr. Adair stated that the new sign will be placed at approximately the same setback as one of the existing structures (42'), and pointed out that moving the sign farther to the north would place it in the area of the curb cut for the driveway to the side street.

Case No. 16426 (continued)

**Comments and Questions:**

Mr. Doverspike inquired as to the distance from the corner of the lot to the curb cut, and Mr. Adair submitted photographs (Exhibit C-1) depicting the location of the driveway.

**Board Action:**

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Chappelle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; Bolzle, T. White, "absent") to **APPROVE** a **Variance** of the setback from the centerline of East 61st Street from 50' to 40' to permit a ground sign - **Section 1221.C.6. - General Use Conditions for Business Signs** - Use Unit 13; per plans submitted; subject to the execution of a removal contract; and subject to the removal of the two existing signs; finding that the sign will be installed at the approximate location of one of the existing signs, and that it would interfere with the entry to property if installed at the required 50' setback; on the following described property:

Lots 10 - 14, west 75' from the vacated street adjoining on east, Lots 10 - 12, Block 7, Broadview Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16427**

**Action Requested:**

Special Exception to permit automobile sales in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located 402 South Lewis.

**Presentation:**

The applicant, **Eugene Case**, 7359 East 25th Place, stated that he has operated a used car sales business at the current location for approximately 15 years, and requested permission to continue the operation.

**Comments and Questions:**

In response to Ms. White, Mr. Case informed that he is seeking the special exception in order to acquire a zoning clearance permit for renewal of his license to operate a used car sales lot in the State.

Mr. Doverspike inquired as to the maximum number of cars displayed on the lot, and the applicant stated that he has approximately 10 vehicles.

In reply to Mr. Doverspike, Mr. Case stated that he does not do any type of repair work or painting.

Case No. 16427 (continued)

**Protestants:**

**Allan Stewart**, District 4 Planning Chairman, stated that he is opposed to automobile sales in the CS zoned area along Lewis Avenue. He remarked that this area has reached its saturation level with automobile sales and related activities, which are inconsistent with the adopted Kendall-Whittier redevelopment plan.

**Applicant's Rebuttal:**

Mr. Case pointed out that a car lot has been in operation at this location since 1946, and approval of the request would not be adding an additional lot.

**Additional Comments:**

Mr. Doverspike noted that approval of the request would not increase the intensity, because the use has been in existence for many years.

**Board Action:**

On **MOTION** of **CHAPPELLE**, the Board voted 2-1-1 (Chappelle, Doverspike, "aye"; S. White, "nay"; Bolzle, "abstaining"; T. White, "absent") to **APPROVE\*** a **Special Exception** to permit automobile sales in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17; subject to no repair and no outside storage of parts or supplies.

North 72' of Lot 1, Block 1, Hillcrest Ridge Addition, City and County of Tulsa, Oklahoma.

\*The application was denied for lack of three affirmative votes.

**Case No. 16428**

**Action Requested:**

Variance of the all-weather surface requirement for off-street parking to permit a gravel lot - **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 10, located 1419 East 15th Street.

**Presentation:**

The applicant, **Domestic Violence Intervention**, 1419 East 15th Street, was represented by Bobbie Henderson, who requested permission to permit parking on the gravel lot to the rear of the existing building. She noted that the lot was gravel when the organization purchased the building.

**Comments and Questions:**

In response to Mr. Doverspike, Ms. Henderson stated that the parking lot extends from the alley to Rockford Avenue.

Ms. White asked if there are future plans to cover the lot with a hard surface material, and Ms. Henderson stated that additional gravel is proposed. She added that the agency does not have sufficient funds to cover the lot with a hard surface material.

In response to Mr. Doverspike, Ms. Henderson stated that a vacant lot is located to the north of the property in question.

Ms. White asked if the parking lot is leased out, and Ms. Henderson stated that DVIS leases the parking area to a local restaurant for a small monthly fee.

Mr. Gardner asked Ms. Henderson if DVIS uses the parking lot for their agency, and she replied that they only need the parking until 7 p.m., and the restaurant uses the lot primarily on the weekends.

**Protestants:**

Ms. Parnell submitted photographs and a copy of the violation notice (Exhibit D-1).

**Steven Walker**, 1428 South Rockford, stated that he lives 100' north of the parking lot in question, and stated that he is opposed to the application. He pointed out that Chimi's Restaurant uses the lot for parking, which creates a lot of noise and dust in the neighborhood.

**Elsa Allen**, 1412 South Rockford, requested that the lot be covered with a hard surface material. She stated that the gravel lot causes dusting in the area, and cars are often parked over the sidewalk along Rockford Avenue.

**Nelson Dean**, 1728 South Erie, stated that he is a property owner in the area, and pointed out that he was required to install hard surface material on his lots. He asked that the application be denied.

**Applicant's Rebuttal:**

Ms. Henderson noted that the parking lot has always been gravel, and pointed out that Chimi's Restaurant is moving to another location, and the agency has no immediate plans to rent the lot to another business. She reiterated that DVIS does not have sufficient funds to install a hard surface parking lot at this time.

Case No. 16428 (continued)

**Additional Comments:**

There was discussion concerning a hardship, and Ms. White stated that she does not find a hardship for the variance request.

**Board Action:**

On MOTION of BOLZLE, the Board voted 2-2-0 (Chappelle, Bolzle, "aye"; Doverspike, S. White, nay"; no "abstentions"; T. White, "absent") to **APPROVE\*** a **Variance** of the all-weather surface requirement for off-street parking to permit a gravel lot for one year only - **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 10.

\*The motion failed for lack of three affirmative votes.

On MOTION of S. WHITE, the Board voted 2-2-0 (Chappelle, Bolzle, "aye"; Doverspike, S. White, nay"; no "abstentions"; T. White, "absent") to **APPROVE\*** a **Variance** of the all-weather surface requirement for off-street parking to permit a gravel lot for six months only - **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 10.

\*The motion failed for lack of three affirmative votes.

On MOTION of CHAPPELLE, the Board voted 3-1-0 (Bolzle, Chappelle, Doverspike, "aye"; S. White, "nay"; no "abstentions"; T. White, "absent") to **APPROVE** a **Variance** of the all-weather surface requirement for off-street parking to permit a gravel lot for 13 months only - **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 10; finding that the parking lot has been gravel for several years, and the temporary approval of the variance will not cause substantial detriment to the public good, or violate the spirit and intent of the Code; on the following described property:

Lots 10, 11 and 12, Block 6, Bellview Addition, City of Tulsa, Tulsa County, Oklahoma.



**Case No. 16430**

**Action Requested:**

Variance of the maximum square footage for a detached accessory building from 750 sq ft to 1800 sq ft - **SECTION 402.B.1.d Accessory Use Conditions** - Use Unit 6, located 7340 East 24th Street.

**Protestants:**

Letters and a petition of opposition (Exhibit E-1) were submitted.

**Presentation:**

The applicant, **Marshall Farr**, 7340 East 24th Street, stated that he has requested an 1800 sq ft accessory building to house his recreational vehicles. Mr. Farr stated that he was not aware of the neighborhood opposition, and requested that the application be withdrawn.

Chairman Doverspike opted to strike Case No. 16430 from the agenda.

**Case No. 16431**

**Action Requested:**

Special Exception to permit a public park in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 1622 North Main.

**Presentation:**

The applicant, **City of Tulsa**, 707 South Houston, Suite 201, was represented by **Joe Robinson**, who informed that a tennis court, jogging trail and water fountains are being added to the park at the above stated location. He stated that there will be no building expansion, and only exterior improvements are being made. A site plan (Exhibit F-1) and renovation documents (Exhibit F-2) were submitted.

**Comments and Questions:**

Ms. Russell noted that the park is nonconforming.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; T. White, "absent") to **APPROVE** a **Special Exception** to permit a public park in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; finding the park to be nonconforming; and finding that there will be no alterations to the existing structures,

Case No. 16431 (continued)

and the proposed exterior improvements will be in harmony with the spirit and intent of the Code; on the following described property:

All of Block 1, Englewood Second, City and County of Tulsa, Oklahoma.

**Case No. 16432**

**Action Requested:**

Special Exception to permit a mobile home on Lot 31 and Lot 32, and for a variance of the one year time limitation to permanent - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9, located 101 and 105 South 36th West Avenue.

**Presentation:**

The applicant, **Paul Campbell**, 104 South 36th West Avenue, informed that he owns two lots, and requested permission to install a mobile home on each lot. Mr. Campbell explained that one lot is vacant, and the other has a dilapidated house that will be removed. A plot plan (Exhibit F-1) was submitted.

**Comments and Questions:**

Mr. Bolzle asked if there are other mobile homes in the area, and Mr. Campbell answered in the affirmative.

In response to Mr. Doverspike, the applicant stated that the mobile homes will be skirted and tied down.

**Protestants:**

**Roy Pyle**, 152 South 36th West Avenue, stated that he is opposed to mobile units being moved into the established residential neighborhood.

**Marie Menkoff** stated that she owns property in the area, and fears that the addition of mobile homes will only further deteriorate the neighborhood.

**Dr. George Menkoff** stated that the placement of the mobile homes in the area would set a precedent for others to locate in the neighborhood.

In response to Mr. Bolzle, Dr. Menkoff stated that he is not aware of a mobile home in the immediate neighborhood.

**Jeanette Sharp**, 160 South 36th West Avenue, stated that the old house referred to by the applicant is in bad repair and should be removed; however, the installation of mobile homes would be detrimental to the neighborhood. She asked the Board to deny the application.

Case No. 16432 (continued)

**John Brady**, 140 South 36th West Avenue, informed that there is a mobile home park approximately three-fourths mile away, but no mobile homes in the immediate area.

**Applicant's Rebuttal:**

Mr. Campbell informed that there is a mobile home approximately one block from his property, and others to the south and west. He pointed out that the removal of the old house and the installation of the mobile homes will improve the neighborhood.

**Additional Comments:**

Mr. Bolzle pointed out that the only mobile home that has been approved by the Board was for one year only, and that approval has expired.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; T. White, "absent") to **DENY** a **Special Exception** to permit a mobile home on Lot 31 and Lot 32, and for a **variance** of the one year time limitation to permanent - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9; finding that there are no mobile homes in the established residential neighborhood, and mobile home use would not be compatible with the area; on the following described property:

Lots 31 and 32 Block E Joe Subdivision, City and County of Tulsa, Oklahoma.

**Case No. 16433**

**Action Requested:**

Variance of the number of required parking spaces from 24 to 19 to permit the construction of an outdoor seating area, and a variance of the required setback from the centerline of East 15th Street to 17.5' to place a sign on an existing pole - **SECTION 1212.D. Off-Street Parking and Loading Requirements**, and **SECTION 1221.C.6. General Use Conditions for Business Signs** - Use Unit 12, located 1503 East 15th Street.

**Presentation:**

The applicant, **Hideaway II, Inc.**, was represented by **Fred Buxton**, 4100 Bank of Oklahoma Tower, informed that the restaurant in question is proposing to add 440 sq ft of outdoor seating area (Exhibit G-4), which will result in a shortage of five required parking spaces. He explained that his client is proposing to supply the additional parking by leasing five spaces from an adjacent property owner. In regard to signage, Mr. Buxton stated that a 5'

Case No. 16433 (continued)

by 6' sign will be attached to an existing pole. A site plan (Exhibit G-3) and photographs (Exhibit G-1) were submitted.

**Comments and Questions:**

Mr. Jackere inquired as to the size of the existing building, and Mr. Buxton stated that the building contains 1900 sq ft of floor space, with 19 required spaces available on site.

**Interested Parties:**

**Nelson Dean**, 1728 South Erie, stated that he owns abutting property, and is supportive of the installation of a new sign at this location.

**Protestants:**

One letter of opposition (Exhibit G-2) was submitted.

**Steven Walter**, 1428 South Rockford, voiced a concern with the construction of the outdoor eating area and the impact that it could have on the nearby residential neighborhood. He pointed out that the use of the eating area at night could create a noise problem for the residents that live near the restaurant.

**Elsa Allen**, 1412 South Rockford, stated that she is concerned that the restaurant parking will overflow into the residential neighborhood.

**Allan Stewart**, District 4 Chairman, stated that he is supportive of the parking variance if sufficient parking is supplied on the adjacent lot. He pointed out that he was not provided with a sign plan and cannot adequately assess the impact the sign could have on the area. He asked the Board to continue that portion of the application until the sign plan can be reviewed.

Mr. Doverspike advised that the sign will be installed on an existing pole, and Mr. Stewart stated that he could support the sign at that location.

**Applicant's Rebuttal:**

Mr. Buxton informed that the sign will not block the line of sight for motorists entering 15th Street from Rockford Avenue. He stated that his client will attempt to renegotiate the lease on the parking lot if it does not agree with the lease on the building.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; T. White, "absent") to **APPROVE** a **Variance** of the number of required parking spaces from 24 to 19 to

Case No. 16433 (continued)

permit the construction of an outdoor seating area, and a **variance** of the required setback from the centerline of East 15th Street to 17.5' to place a sign on an existing pole - **SECTION 1212.D. Off-Street Parking and Loading Requirements,** and **SECTION 1221.C.6. General Use Conditions for Business Signs** - Use Unit 12; per plan submitted; subject to the lease for 5 additional off-site parking spaces running concurrently with the building lease; subject to proposed sign being 5' high by 6' wide; and subject to a removal contract; finding that the sign will be installed on an existing pole; 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 51.4' of Lot 12, Block 5, Bellview Addition,  
City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16434**

**Action Requested:**

Special Exception to permit church use and customary accessory uses in an RS-3 zoned district, a variance of the 50' setback from abutting streets to permit parking within 25' of the centerlines (72nd and 73rd East Avenues), and a variance of the screening requirement - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located south of the southwest corner of East Admiral Place and south 73rd East Avenue.

**Presentation:**

The applicant, **John K. Davis**, 7518 East 4th Street, was represented by **Tom Watts**, 7216 East Admiral Place. Mr. Watts informed that the church is proposing to extend the existing parking lot to the south, which would include two lots owned by the church. He pointed out that the new parking area (57 spaces) will not be a part of the existing lot, but will be connected to that area by sidewalks (Exhibit H-2). Mr. Watts informed that the existing fence to the south will remain, or be replaced with a new one. He added that proper drainage will be installed. A plat of survey (Exhibit H-1) was submitted.

**Comments and Questions:**

In response to Mr. Doverspike, Mr. Watts stated that access points are on 72nd and 73rd East Avenue.

In regard to screening, Mr. Watts explained that the two properties will be tied together and asked that the screening requirement be waived on the east and west property lines. He reiterated that screening will remain on the south boundary. Mr. Watts stated that a resident

Case No. 16434 (continued)

on 73rd Street has requested that screening be eliminated near her driveway.

Mr. Bolzle asked if the property in question will be used for parking only, and Mr. Watts answered in the affirmative.

**Protestants:**

**Betty Brown**, 43 South 72nd East Avenue, stated that she does not object to the proposed parking lot; however, would like to have a curb installed that would prevent flooding on her property. She also requested that a new 6' stained privacy fence, with 3' tapered ends, be installed on church property along the south boundary. Ms. Brown requested that there be no bus parking along that lot line, and that the church maintain the property between the privacy fence and her lot

**Helen Brook**, 210 South 73rd East Avenue, informed that she is opposed to the expansion of parking in the area, because her property flooded after a previous addition to the church parking lot. If approved, she requested that a green area be reserved, that the trees be retained and that water runoff be controlled.

**Applicant's Rebuttal:**

Mr. Watts advised that the church is not opposed to tapering the fence to 3' on the ends, and informed that bus parking is provided at another location. He stated that only two trees will be removed, and there will be a 12' green area on the south property line. Mr. Watts explained that, due to the slope of the land, and the new curbing, all water runoff flows to 73rd West Avenue.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; Bolzle, T. White, "absent") to **APPROVE** a **Special Exception** to permit church use and customary accessory uses in an RS-3 zoned district, a **variance** of the 50' setback from abutting streets to permit parking within 25' of the centerlines and a **variance** of the screening requirement - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; subject to the property being used for church parking only; subject to required screening being waived on the east, west and north property lines; subject to a 6' screening fence tapered to 3' on both ends being installed on the south property line; subject to Stormwater approval of drainage plans; subject to the execution of a tie contract; finding that access points are located on the east and west boundaries, and that church property is located to the north of the proposed

Case No. 16434 (continued)

lot; and finding the use to be compatible with the area;  
on the following described property:

Lot 10 and Lot 13, Block 4, Crestview Estates Third,  
City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16435**

**Action Requested:**

Special Exception to permit a transitional living center or a residential treatment center in an RM-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 1220 South Trenton.

**Presentation:**

The applicant, **Kevin Coutant**, 320 South Boston, explained that the treatment center was constructed approximately 10 years ago, and has been operating since that time. He informed that it was recently discovered that the property is zoned RM-2, which does not permit the current use, and asked the Board to approve the application to clear the records. He pointed out that his request is for both a transitional living center and residential treatment center, because the treatment period could reach beyond the 120 day limitation for a transitional living center. Mr. Coutant noted that there have been no complaints from surrounding property owners, and this action is requested to clear the records. Photographs (Exhibit J-1) were submitted. The applicant pointed out that the use is located in the Hillcrest Medical Special District.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; T. White, "absent") to **APPROVE** a **Special Exception** to permit a transitional living center and a residential treatment center in an RM-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; finding that there are numerous medical uses in the area; finding that the center has been at the current location for several years, and has proved to be compatible with the neighborhood; and finding that the use is in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 27 - 32, Block 6, Forest Park Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16436**

**Action Requested:**

Variance of the required setback from the centerline of South Sheridan from 85' to 60' to line up with an existing building, and a variance of the structure setback from the centerline of South Sheridan from 50' to 24.75' to allow for existing parking and proposed signage - **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURAL DISTRICTS** - Use Unit 5, located 7607 South Sheridan Road.

**Comments and Questions:**

Ms. Russell submitted a letter of protest (Exhibit K-1) from **Russell Dixon**, Public Works Department.

**Presentation:**

The applicant, **Henry Penix**, Box 8010, informed that he is currently operating a learning center on the subject property, and is proposing to expand the use to include an accessory building and parking area. He informed that the parking lot will be moved to the north side of the building. The applicant informed that the property owner to the north and east, Violet Mangrum, is supportive of the expansion project. A plot plan (Exhibit K-2) was submitted.

**Comments and Questions:**

Mr. Doverspike informed that the letter from Public Works expresses a concern that the proposed improvements will be a concern in the future widening of Sheridan Road.

Mr. Bolzle pointed out that some of the improvements designated on the plot plan will continue to be in the City right-of-way.

Mr. Doverspike inquired as to the number of required parking spaces, and Mr. Penix stated that 10 spaces are required, and only nine will be available if parking is not permitted along Sheridan.

Mr. Gardner asked if a parking area could be provided to the rear of the building, and Mr. Penix stated that this space is needed to meet State play area requirements.

In response to Mr. Gardner, the applicant stated that the new addition will align with the existing structure.

Mr. Gardner noted that the existing structure encroaches into the required building setback, but not into the major street planned right-of-way (50' from centerline).



Case No. 16436 (continued)

In regard to the requested signage, the applicant stated that he is withdrawing the sign portion of the application.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 3-0-1 (Bolzle, Chappelle, S. White, "aye"; no "nays"; Doverspike, abstaining"; T. White, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of South Sheridan from 85' to 60' to line up with an existing building, and a **variance** of the structure setback from the centerline of South Sheridan from 50' to 24.75' to allow for existing parking and to **WITHDRAW** a **Variance** of structure setback from the centerline of South Sheridan to permit a sign - **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURAL DISTRICTS** - Use Unit 5; per plan submitted; subject to the new addition aligning with the face of the existing building; subject to Traffic Engineering and City Council approval of any parking or driveways in the planned right-of-way; subject to the execution of a removal contract; finding a hardship demonstrated by the fact that the existing building encroaches into the required setback, and the new addition will align with the existing structure; finding that approval of the variance requests will not cause substantial detriment to the public good, or violate the spirit and intent of the Code; on the following described property:

A tract of land in the NW/4, SW/4, Section 11, T-18-N, R-13-E of the IBM Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows to wit: Beginning 300' east and 58' north of the SW/c of said tract described as the north 12 acres of the NW/4, SW/4 of said Section 11, thence south 58' thence west 300', thence north 140', thence east 190', thence southeasterly 137.2' to the POB, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16437**

**Action Requested:**

Special Exception to permit a mobile home in an RS-3 zoned district, and for a variance of the one year time limitation to permanent - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9, located 5914 South 30th West Avenue.

**Presentation:**

The applicant, **Lewis Elliott, Jr.**, 5914 South 30th West Avenue, requested permission to permanently install a mobile home on his property. He explained that the mobile unit has been in place for nine years, and the property has been in his wife's family for approximately 50 years. A petition of support (Exhibit L-2) and photographs (Exhibit L-4) were submitted.

**Protestants:**

**Melva Shelton**, 5912 South 31st West Avenue, asked the Board to deny the mobile home request and protect the property values in the neighborhood.

**Betty Cartwright**, 5909 South 31st West Avenue, stated that the area is being upgraded, and noted that approval of mobile home use on the subject property could set a precedent for similar requests.

**Kay Price**, 5815 South 31st West Avenue, submitted a petition of protest (Exhibit 1-3), and pointed out that many homes in the area are being renovated, and the area is experiencing some new growth. She explained that the applicant requested mobile home use on the property approximately 10 years ago, and the Board granted a five-year approval. Ms. Price stated that there are abandoned vehicles and all types of debris on the property, and the applicant did not comply with conditions imposed by the Board when the mobile home was approved. She informed that the old dwelling on the property was to be removed, and the mobile home was to be enclosed and made to look like a permanent dwelling.

**Roy Heim**, District 8 Chairman, noted that there have been many improvements in the neighborhood, and stated that he is opposed to the permanent location of the mobile home at the proposed location.

**Applicant's Rebuttal:**

Mr. Elliott informed that he has made some improvements to the property, but the lack of funds has hindered the completion of the project. Photographs (Exhibit L-4) and a petition of support (Exhibit L-2) were submitted. Mr. Elliott stated that all work on the dwelling will be completed in approximately two years.

Case No. 16437 (continued)

**Comments and Questions:**

Mr. Gardner pointed out that a mobile home is not a permitted use in a residential zone, because it does have a negative impact on areas that have only conventional built dwellings. He pointed out that a variance of the one-year time limitation requires a hardship finding. Mr. Gardner stated that the neighborhood is being revitalized, and the protestants have given an accurate representation of the condition of the area.

Mr. Chappelle stated that there was limited residential development in the area when the application was initially approved for five years.

Ms. White stated that the applicant has had more than ample time to comply with the conditions imposed by the Board.

**Board Action:**

On **MOTION** of **CHAPPELLE**, the Board voted 3-1-0 (Chappelle, Doverspike, S. White, "aye"; Bolzle, "nay"; no "abstentions"; T. White, "absent") to **DENY** a **Special Exception** to permit a mobile home in an RS-3 zoned district, and for a **variance** of the one year time limitation to permanent - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9; finding that the area is being revitalized, and mobile home use is not compatible with the residential neighborhood; on the following described property:

North 50' of Lot 23 and south 50' of Lot 24,  
Block 3, Summit Parks, City of Tulsa, Tulsa County,  
Oklahoma.

**Case No. 16438**

**Action Requested:**

Special Exception to permit church and accessory uses in an AG zoned district - **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURAL DISTRICTS** - Use Unit 5, located north of the northwest corner of 101st Street South and South Yale Avenue.

**Presentation:**

The applicant, **Bradford McMains**, 8801 South Yale, Suite 460, was represented by **Bob Moody**, 9252 South 88th East Avenue, who informed that the church has purchased the subject property for future construction of a new church facility. Photographs (Exhibit M-1) and a site plan (Exhibit M-2) were submitted.

Case No. 16438 (continued)

**Protestants:**

None.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; T. White, "absent") to **APPROVE** a **Special Exception** to permit church use in an AG zoned district - **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURAL DISTRICTS** - Use Unit 5; subject to the applicant submitting a detail site plan for Board approval prior to construction; finding church use to be compatible with the surrounding area; on the following described property:

NE/4, SE/4, SE/4, SE/4, and the South 132' of the SE/4, NE/4, SE/4, SE/4, Section 21, T-18-N, R-13-E of the Indian Base and Meridian, City of Tulsa, Tulsa County, Oklahoma, according to the ULS. Survey thereof.

**Case No. 16439**

**Action Requested:**

Variance of the required number of parking spaces from 19 to 12, and a variance of the 50' setback from the centerline of South Peoria Avenue to 40'6" to permit outdoor seating - **SECTION 1212.D. Off-Street Parking and Loading Requirements** - Use Unit 12, located 3310 South Peoria Avenue.

**Presentation:**

The applicant, **Wayne Alberty**, 201 West 5th Street, Suite 120, stated that he is representing the lessee and the owner of the subject property. He explained that the existing building was constructed 44' from the centerline of Peoria Avenue, and that temporary outdoor seating is proposed under the existing awning. Mr. Alberty pointed out that strict enforcement of the Zoning Code in the older area, which was developed prior to the adoption of the current Zoning Code, will result in an unnecessary hardship for the property owners. The applicant informed that the business formerly consisted of the retail sale of coffee; however, the owner is now proposing to sell coffee, desserts and sandwiches. Mr. Alberty stated that 18 parking spaces are required for the proposed business, with 12 spaces being provided on the site, and 10 spaces on the Alfalfa Video parking lot to the south (Exhibit N-1). He noted that street parking is also available in the area. Mr. Alberty pointed out that business will be in operation from 7 a.m. to 11 p.m., and the peak business hours for the proposed use is not the same as

Case No. 16439 (continued)

other businesses in the area. A site plan (Exhibit N-2) and a letter advising parking realignment (Exhibit N-3) were submitted.

**Comments and Questions:**

Ms. White asked if the business will be in operation seven days each week, and the applicant answered in the affirmative.

Mr. Bolzle asked if the business would be classified as a coffee shop, and the applicant replied that the use requires the same number of parking spaces as a restaurant. He added that restaurant use is much more intense than the proposed business.

Mr. Bolzle asked if coffee is the only drink that is served, and the applicant answered in the affirmative. Mr. Alberty noted that the business is required to obtain a liquor license, because certain types of liquor are added to the coffee. He added that it is not the intent of his client to operate a bar or serve mixed drinks. Liquor will be used only as additives to the coffee.

**Protestants:**

**Dr. Gordon Skinner**, 3312 South Peoria stated his office is next door to the property and he has been in practice at this location since 1975. He explained he is opposed to a restaurant that seats patrons on the sidewalk beside his office, particularly if they will be selling liquor. He added he is also concerned about the tables on the sidewalk which sometimes are shoved over and end up partially blocking access to the front of his office. In addition, there is an overhang in this area which provides protection from the weather and if the restaurant places tables in this area and ropes it off, there will not be a place for people to walk and they will be forced to walk out into the street. He also thought this proposal would hurt the image of other businesses located in the area. Mr. Skinner noted he is also against the variance being requested to change the required number of parking spaces from 19 to 12 as parking at the present time is a very difficult situation. He noted that at the present time there are also parking problems at the rear of the businesses in the area.

**Howard Smith** stated he owns property across the street which houses S & J Oyster Company Seafood Cafe Bar at 3301 South Peoria and manages the parking lot that is behind this establishment and the adjacent strip center to the south. Mr. Smith read the last portion of a letter written by Mr. Peter Walter, who was unable to attend today's meeting. The letter requested that, until

Case No. 16439 (continued)

a solution can be found to the parking problems in the Brookside area, there should be no parking variances allowed. He stated that , if this variance is allowed, it will be most difficult to deny future pleas. Mr. Smith stated he would like to add to Dr. Skinner's comments in that he did a basic walkoff survey in that area and, in his estimation, there is approximately 8,000 sq. ft. of retail space, and 12 parking spaces. He noted that there should be 40 spaces for the retail space that is presently there. Mr. Smith noted that the entire 8,000 sq. ft. strip requires 60 spaces and they presently have 19. Mr. Smith detailed the history of "double-dipping" parking spaces in the area in which business owners manipulate parking spaces by laying claim to them when in reality they are already allocated to other businesses. He added the Board of Adjustment has been advised in the past that there is an approximate 400 space parking shortfall between 33rd Street and 36th Street, and requested that the application be denied.

**Charles Culbreath**, Mecca Coffee Company, 1143 East 33rd Place, stated his business is at the south end of this business strip. He stated he has good parking, but parking is a problem in Brookside. He stated he is open on Mondays contrary to what was reported earlier that most of the businesses in that area are closed on that day. He stated the applicant's business is encroaching on his parking; therefore, he is requesting that the Board deny the application.

**Jim Glass**, 1325 East 35th Place, stated he is in agreement with Dr. Skinner and Mr. Smith. He noted that, he is a retail landlord, in both the 34th and 35th street areas of Brookside. He pointed out that the business operator should provide sufficient parking for the restaurant. Mr. Glass noted that the Planning 6 District is heavily involved in planning some long-term solutions to this situation with the possibility of using available property in the area to alleviate the problem permanently. He asked that the variance be denied on basis of setting a precedence.

**Henry Avers** represented the Consortium Shopping Center (ATBLC is the owner of the center). He stated they have represented several plans to alleviate parking situations in the area, and pointed out that the Brookside parking situation needs to be brought under control with a program that will satisfy retailers as well as residents of the area.

Case No. 16439 (continued)

**Sandy Skinner**, Dr. Skinner's wife, stated she assists her husband in his business and would like to add some additional comments regarding the parking situation. She stated there was an instance in which she was coming in their back door (their parking lot is on the west side of the building) and there were two gentlemen in their parking space marking it off. She inquired as to what they were doing and they said they were interested in renting space from Mr. Heatherly and were counting the parking spaces. She added she informed them that Dr. Skinner owned the south half of the building and that was their parking and not Mr. Heatherly's. They stated they were lead to believe that Mr. Heatherly owned all of the parking behind the building. She informed them that Dr. Skinner sold Mr. Heatherly the north part of the building in 1984. Ms. Skinner added her husband will be bringing an associate chiropractor into the business and they will have Saturday office hours. Their clinic is presently open five days each week, and many times from 6:30 a.m. to 7:00 p.m.

**Applicant's Rebuttal:**

Mr. Alberty stated that his client is aware of the parking problems that Brookside has incurred; however, it is his position that most of the parking problems are associated with properties farther to the south. He suggested that a reasonable solution to the parking problem has been presented. The Building Inspector has determined that the requirement for their business is 19 spaces. Mr. Heatherly currently has parking for 12 behind the building, and 2 vacated spaces make a total of 14 spaces. Of those 14 spaces, he has committed 9 off-street spaces to Java Dave's, which does not include any parking spaces on the street or adjacent properties. In addition to that, they have secured a lease from Alfalfa Video for 10 additional spaces for Java Dave's, which comes to a total of 19 spaces. Therefore, they are not requesting a variance of the required parking, only that it is not actually on site. He noted they are not going to compete for parking spaces during regular business hours, when other businesses in the area are open. He pointed out he may have inadvertently mislead the Board when he was speaking of the hours of operation, but it was only for those four uses that is within Mr. Heatherly's operation. He noted Mr. Heatherly not only has an interest in the ownership but is one of the proprietors of the businesses (antique store on extreme north part of center). Therefore, the only thing they are requesting of the Board of Adjustment is to give them consideration of the hardship that the Zoning Code has placed on them with its 1984 amendment, and also the

Case No. 16439 (continued)

physical impossibility to provide any parking spaces on adjacent properties due to the built-up nature of the area.

**Comments and Questions:**

Chairman Doverspike stated he is confused in terms of designation of the parking spaces. He stated to arrive at a total of 19 there are the 10 off-site spaces that would be leased behind Alfalfa Video and they are then designating 9 of the 12 that are to the rear of the building.

Mr. Doverspike inquired as to the location of the required parking for the other businesses, and Mr. Alberty stated that there are 2 spaces each for the Hair Design and for the Gallery.

Mr. Bolzle stated that, based on the architect's information the seating area is 44.7 ft. from the centerline of the street, and the Zoning Code requires that any outdoor seating be 50 ft. from the centerline.

Mr. Doverspike stated he is somewhat concerned about the seating out on the sidewalk and the encroachment there.

Ms. White stated she is also concerned about the outdoor seating, and is greatly concerned about the parking. She pointed out that there are all kinds of ways to manipulate the parking in this area.

Mr. Doverspike stated that, although the applicant has done a good job in trying to address the issue, he is hesitant to approve the application without some degree of effort being made to reduce the congestion that it is creating. He stated he does not find the outdoor seating to be as detrimental to the area as the parking request.

Ms. White stated there is no doubt that this is going to increase the traffic and the parking problem.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bolzle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; Chappelle, T. White, "absent") to **DENY** a **Variance** of the required number of parking spaces from 19 to 12, and to **DENY** a **Variance** of the 50' setback from the centerline of South Peoria Avenue to 40'6" to permit outdoor seating - **SECTION 1212.D. Off-Street Parking and Loading Requirements** - Use Unit 12; finding that approval of the requests would be detrimental to the area, and would add to an existing parking problem; and finding that outdoor



Case No. 16439 (continued)

seating would not be appropriate at this location; on the following described property:

West 115' of Lot 1, Block 5, and part of the vacated street beginning on the NW/c of Lot 1, thence north 20' east to a point southwest to a point west 115' to the Point of Beginning, Brookside Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16440**

**Action Requested:**

Variance of the required setback from the centerline of South Union Avenue from 50' to 25' to permit parking, variance of the required 25' setback from an abutting R District, variance of the minimum 1-acre requirement, variance to permit parking in a required front yard, variance of the required screening fence, variance of the number of required parking spaces and a variance of the required setback from the centerline of South Union Avenue from 85' to 77' - SECTION 215., SECTION 404.F.4., SECTION 1205.C.1.a. and b., SECTION 1302., SECTION 1303., SECTION 1205.D., SECTION 403. - Use Unit 5, located 4301 South Union Avenue.

**Presentation:**

The applicant, **Living Waters Chruch**, PO Box 9602, was represented by Pastor Glenn Short, 1717 West 45th Street, who requested that the variance of screening be withdrawn. He pointed out that the subject property has gone undeveloped for over 30 years and it was an overgrown eyesore. Mr. Short stated that there have been substantial improvements made in its appearance. He pointed out that completion of the proposed church facility will be an asset to the community, and church use has been previously approved by the Board. Mr. Short stated that the church has been made aware of City ordinances that would cause undue hardship and restrictions on their ability to build a facility and parking to meet their needs. He pointed out that the ordinances, as they currently stand, would make it very difficult to build even an average size building on this property. He informed that they have realigned their building and now have 33 parking spaces. He stated that there is additional space that can be converted to parking. A plot plan (Exhibit P-2) was submitted.

**Comments and Questions:**

Chairman Doverspike asked how many parking spaces are required, and Mr. Short stated that 35 spaces are required, and 33 are available. He pointed out that the building has been moved back 5', which reduces the requested 77' setback to approximately 83', or a 2' variance. He informed that the requested setback from Union Avenue is from 50' to 35'.

**Protestants:**

**Mike Riley**, 1544 West 44th Street, stated that he lives to the east of the subject tract, and pointed out that the church is asking for variances from every direction and will be encroaching farther into the residential neighborhood. He noted that the nearby creek could become a flood problem if the lot is covered with a hard surface material. Mr. Riley stated that the church does not have the required acre of land, and has insufficient parking.

**Stanley Short** stated he is with ABC Plans, an affiliate with Architectural Unlimited. He stated they were involved in the planning stages for complying with what the city has requested. He informed that the plan indicates a method whereby the water would be retained by curbing the parking lot, and held back for a period of time to give the runoff the ability to flow out slowly. He suggested that this may be solving a current problem, rather than causing additional flooding. The applicant is dedicating a 30' wide easement all along that creek so that control can be obtained.

Mr. Short submitted photographs (Exhibit P-2) of the subject property.

Mr. Doverspike asked if the applicant is withdrawing the variance of the screening fence, and requesting a variance of the parking requirement from 35' to 33', setback from 85' to 83' and setback from 50' to 35', and Mr. Short answered in the affirmative.

**Comments and Questions:**

Mr. Bolzle stated his biggest concern is related to how close the building and the parking is to the abutting R districts. He pointed out that the structure will be within 5' of an abutting R district and the code requires 25'. Mr. Bolzle noted that the lot is undersized for the proposed use.

Case No. 16440 (continued)

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; Chappelle, T. White, "absent") to **DENY** a **Variance** of the required setback from the centerline of South Union Avenue from 50' to 35' to permit parking, to **DENY** a **Variance** of the required 25' setback from an abutting R District, to **APPROVE** a **Variance** of the minimum 1-acre requirement, to **APPROVE** a **Variance** to permit parking in a required front yard, to **WITHDRAW** a **Variance** of the required screening fence, to **APPROVE** a **Variance** of the number of required parking spaces from 35 to 33, and to **APPROVE** a **Variance** of the required setback from the centerline of South Union Avenue from 85' to 82' - **SECTION 215., SECTION 404.F.4., SECTION 1205.C.1.a. and b., SECTION 1302., SECTION 1303., SECTION 1205.D., SECTION 403.** - Use Unit 5; subject to the applicant returning with a detail site plan for Board approval prior to seeking a building permit; finding that, although the use is appropriate for the area, the proximity of the building to the surrounding residential districts would be detrimental to the neighborhood; on the following described property:

West 150' of Lot 7 and Lot 8, Block 1, Rose Hill Ranch, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16441**

**Action Requested:**

Variance of the required side yard from 10' to 4', and a variance of the required 5000 sq ft of livability space - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2116 East 24th Street.

**Presentation:**

The applicant, **Sharon Voskuhl**, 2116 East 24th Street, stated that she has contracted Cottage Homes to build an addition to her existing dwelling. She informed that the new construction will replace an existing porch, balcony and deck. She informed that the new addition will consist of a den or a TV room and an additional bedroom. She stated that a representative of Cottage Homes is in attendance at today's meeting to answer specific construction questions. She explained that her house was built in 1932, prior to the adoption of the current zoning ordinance. Ms. Voskuhl noted that numerous home additions have been completed in the area as well as in the immediate neighborhood. She stated that the addition will not cause substantial detriment to the public as you have listed in the City guidelines. She added they do

Case No. 16441 (continued)

feel like their addition will enhance property values in the area; however, the proposed construction will block afternoon sunlight from the neighbor to the east. A plot plan (Exhibit R-1) was submitted.

**Protestants:**

**Trish and Dick Lieser**, 2120 East 24th Street. Ms. Lieser stated they are neighbors of Mr. and Mrs. Voskuhl. They informed that they bought their house 27 years ago knowing there was little space between the houses. It was noted that they have lived with hall windows upstairs and downstairs, bathroom windows, front hall windows blocked by the house to the west with only a 4' side yard, where zoning said it needed to be 10'. They knew this when they bought the house and it was not a problem for them. That house is on a 50' x 129' lot and has approximately 2200 sq. ft. now. Their proposal is to build a two-story addition of 900 sq. ft that will block all light to their kitchen and to the bedrooms on the west. This will allow no light to any part of the west side of their house. They feel this decreases their property value and definitely impacts their life style. There are already two variances allowed. There is a 50' lot in a RS-2 zone which should be 75', and the lot area is already 6600 sq. ft. instead of the zoning requirement of 9000 sq. ft. of lot area. They are asking for less than 5,000 sq. ft. of livability space. On this basis, they are asking that this application be denied. Photographs (Exhibit R-2) were submitted.

**Applicant's Rebuttal:**

Ms. Voskuhl stated that there are no other neighbors here protesting their home addition, and the variance will not cause a substantial detriment to the public.

In response to Ms. White, Ms. Voskuhl stated no one in the neighborhood complies with the livability space requirement.

**Additional Comments:**

Mr. Bolzle asked Mr. Jackere if an individual could construct an addition above an existing covered deck by right, and Mr. Jackere stated he thought they still would need a variance of 4'.

Ms. White noted that the applicant has demonstrated a hardship by the size of the lot.

Bolzle stated that the applicant basically has an RS-3 lot in an RS-2 district.

Case No. 16441 (continued)

Jackere pointed out that, assuming that they did not need a reduction in livability space, they could build a building that would take away their neighbors light if it met the City requirements.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; Chappelle, T. White, "absent") to **APPROVE** a **Variance** of the required side yard from 10' to 4', and a **variance** of the required 5000 sq ft of livability space - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding the lot is nonconforming as to size; finding that the existing house was constructed 4' from the property line, and that the older development was constructed prior to current Code requirements regarding livability space; on the following described property:

Lot 8 and the east 1' of Lot 9, Block 3, Wildwood Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16442**

**Action Requested:**

Special Exception to permit automobile service in a CS zoned district - **SECTION 601. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located south of the southwest corner of East 45th Place and South Peoria Avenue.

**Presentation:**

The applicant, **William Eagleton**, 900 Oneok Plaza, requested by letter (Exhibit S-1) that Case No. 16442 be continued to September 28, 1993.

**Board Action:**

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Chappelle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; Bolzle, T. White, "absent") to **CONTINUE** Case No. 16442 to September 28, 1993.

**Case No. 16443**

**Action Requested:**

Special Exception to permit restaurant use in an IL zoned district, and a variance to permit required parking on a lot other than the lot containing the principal use - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 12, located 14 West Brady.

**Presentation:**

The applicant, **W. Douglas Jones**, 4400 One Williams Center, stated the property in question is in the heart of the Brady Village area which has been designated on current City plans as the arts and entertainment district for the downtown area of Tulsa. He added they have another restaurant in mind for the area and that is what this application is all about. He stated the Board has before them several letters (Exhibit T-1) from our friends and neighbors in the area including Tulsa Development Authority (TDA) and Downtown Tulsa Unlimited (DTU). He stated he has another letter of support from Roger Randle at the University Center of Tulsa. All of the property involved in their petition is included in the single lease with the respective restaurant companies so that the variance on the parking does coincide with the restaurant lease.

**Comments and Questions:**

Mr. Jackere asked if the owners would object to tying the lots together so that one could not be encumbered, sold or leased separately, and Mr. Jones stated that was part of the lease negotiations, they are a unit.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; Chappelle, T. White, "absent") to **APPROVE** a **Special Exception** to permit restaurant use in an IL zoned district, and a **variance** to permit required parking on a lot other than the lot containing the principal use - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 12; per plan submitted; subject to the execution of a tie contract; finding the restaurant use to be consistent with the area; on the following described property:

Lots 1, 6 and 7, Block 40, Original Town of Tulsa, Tulsa County, Oklahoma.

**Case No. 16444**

**Action Requested:**

Special Exception to permit park use in an RS-1 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 1404 South 145th East Avenue.

**Presentation:**

The applicant, City of Tulsa - Parks Department, was represented by Gary Lindaman. He stated the City of Tulsa is requesting a special exemption to permit park use in an RS-1 District. This is a new park, they have done a mail-out of the Master Plan and held a public meeting concerning the development of this park. This park would be developed in normal fashion with basic facilities and they are proposing Phase 1 consisting of a parking lot, playground, picnic tables, benches, foot trail and security lighting. A plot plan (Exhibit V-1) was submitted.

**Comments and Questions:**

Mr. Chairman Doverspike stated this is much like the application previously considered.

Ms. Russell informed that the park under consideration is a new park, and is in accordance with the Comprehensive Plan.

Mr. Bolzle asked if there were any structures planned at this time, and Mr. Lindaman stated that there are none proposed at this time.

**Protestants:**

None

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; Chappelle, T. White, "absent") to **APPROVE** a **Special Exception** to permit park use in an RS-1 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; finding the park 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:

A tract of land in Section 9, T-19-N, R-14-E, Tulsa County, Oklahoma, more particularly described as follows:

Case No. 16444 (continued)

Beginning at a point on the east boundary of said Section 9, N 0°07'00" E 550.00' from the southeast corner of the NE/4 of said Section 9; thence due west 810.52'; thence N 30° W 730.57'; thence S 60° W 355.00'; thence N 5°17'04" W 0.00'; thence on a curve to the left, having a central angle of 6°10'00", an arc distance of 21.53'; thence N 60° E 120.15'; thence due N 235.00'; thence S 89°58'33" E 683.90'; thence S 0°07'00" W, parallel to and 700.00' west of the east boundary of said Section 9, 725.00'; thence S 89°58'33" E 700.00' to a point in the east boundary of said Section 9; thence S 0°07'00" W along said east line 45.97' to the POB, containing 7.523 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16445**

**Action Requested:**

Special Exception to permit a mobile home in an RS-3 zoned district, and a variance of the one-year time limitation to permanent - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9, located 10141 East 62nd Street South.

**Presentation:**

The applicant, **H. D. Surface**, 10224 East 61st Street, stated he and his wife are on a fixed income and they have no other place to locate their mobile home. The current location of the mobile is Highland Trailer Park, which is closing for the airport expansion. With the trailer located on this lot their daughter will be able to help them.

**Protestants:**

None

**Comments and Questions:**

Mr. Doverspike asked if they had any plans to indicate where the home would be located on the property, and Mr. Surface stated it will probably be placed parallel to the fence on the east side, approximately 10 feet from the fence line.

Mr. Doverspike asked if there are any homes currently located on the lots that abut this lot, and Mr. Surface stated there is one house across the street, but the school has bought it, and also owns everything south of them.



Case No. 16445 (continued)

Mr. Doverspike stated this area, due to the location of Mingo Valley and 61st Street, has seen considerable activity and overall development is not certain.

Mr. Bolzle stated that he would not be amenable to approving permanent mobile home use at this location.

Mr. Doverspike stated he is in agreement with Mr. Bolzle, and pointed out that the area is changing rather quickly to a point where the mobile home may not be appropriate in the near future. He asked Mr. Surface if his daughter owns this property, and he replied that he owns the property.

Mr. Jackere informed that, if the mobile home unit is approved for one year, it will be necessary to come before the Board for further approval.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Bolzle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; Chappelle, T. White, "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RS-3 zoned district, and to **DENY** a **Variance** of the one-year time limitation to permanent - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9; per plan submitted; subject to Health Department approval, tie downs and skirting; finding that, although the area is redeveloping, temporary use would not be detrimental to the surrounding neighborhood; on the following described property:

South 150' of Lot 5, Block 1, Union Gardens, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16446**

**Action Requested:**

Special Exception to permit a 30' required front yard on all lots in Southern Park Estates - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located between East 106th Street South and East 108th Street South between South Fulton Avenue and South Irvington Avenue.

**Comments and Questions:**

Mr. Bolzle stated he was advised by Staff to instruct the Board that the Planning Commission had approved this plat understanding that the applicant would be seeking an exception of the front yard requirement and it was INCOG's preference that the plat be handled this way as opposed to an RS-2 zoning.

Case No. 16446 (continued)

Mr. Smith stated that Mr. Bolzle's statement is correct. He informed that they had applied for RS-2 and were advised by Staff that they were supportive of building set-back waivers for the entire plat. He requested an approval of a 30' building setback line, instead of the required 35'.

**Presentation:**

The applicant, **Adrian Smith**, 5157 East 51st Street, Suite 100, submitted a plat (Exhibit W-1), and stated that the plat shows 30' building setback lines and 15' on the side yards on the corner. Mr. Smith stated that Mr. Bolzle's statement is correct. He informed that they had applied for RS-2 and were advised by Staff that they were supportive of building set-back waivers for the entire plat. He requested an approval of a 30' front building setback line, instead of the required 35'.

Mr. Doverspike stated the only consideration before the Board is the request for 30' front yards in the development.

**Board Action:**

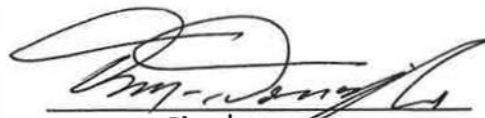
On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; Chappelle, T. White, "absent") to **APPROVE** a **Special Exception** to permit a 30' required front yard on all lots in Southern Park Estates - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plat submitted; finding that the new development abuts an RS-2 development with 30' front yards; and finding that approval of the request will not be detrimental to the area; on the following described property:

W/2, NW/4, SE/4 and the E/2 of the NE/4, SW/4, Section 27, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 5:30 p.m.

Date approved

Sept 28, 1993

  
Chairman