

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 642
Tuesday, October 12, 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 Parnell, Code Enforcement Hubbard, Public Works

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, October 8, 1993, at 3:05 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 1:02 p.m.

MINUTES:

On **MOTION** of **T. WHITE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; none abstaining"; S. White, "absent") to **APPROVE** the Minutes of September 28, 1993 (No. 641).

UNFINISHED BUSINESS

Case No. 16501

Action Requested:

Variance of the required setback from the centerline of West 41st Street from 50' to 35' to permit a sign - **SECTION 1221.C.6. General Use Conditions for Business Signs** - Use Unit 17, located 2422 West 41st Street.

Presentation:

The applicant, **Oklahoma Neon**, 6550 East Independence, was represented by **Glen Tucker**, who submitted a plot plan (Exhibit A-1), and requested that the sign in question be installed 35' from the centerline of the street. He pointed out that strict adherence to the Code would cause the sign to be located in the driveway, and interfere with automobile access.

Comments and Questions:

Mr Doverspike asked if there are existing signs on the property, and Mr. Tucker replied that there is no signage in place.

Case No. 16501 (continued)

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 West 41st Street from 50' to 35' to permit a sign - **SECTION 1221.C.6. General Use Conditions for Business Signs - Use Unit 17; per plan submitted; subject to a license agreement with the City; finding that the sign would be located in the driveway if installed at the required setback; and finding that approval of the request would not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:**

Lots 6-11, Block 2, Highland Addition to Red Fork, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16503

Action Requested:

Special Exception to permit a water treatment plant in an RS-3 and AG zoned district - **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** and **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 2, located 3710 Mohawk Boulevard.**

Presentation:

The applicant, **Clayton Edwards**, 2317 South Jackson, was represented by **Al Hamlett**, Department of Public Works, who explained that he has attempted to meet with the concerned citizens that previously protested the proposed water treatment plant, but was unsuccessful. He informed that Mr. Williams, a resident of the area, visited his office and was given a set of plans outlining the project. Mr. Hamlett stated that he has not had further contact with the area residents. He submitted a packet containing a location map, elevations and photographs (Exhibit B-1), and explained that the immediate plan calls for the construction of a sludge dewatering facility. It was noted that this process has previously been accomplished by using portable equipment; however, the new dewatering system will be more economical, because solid dried out material can be more easily transported and disposed of than wet material. Mr. Hamlett informed that all proposed structures will be widely separated from the nearest residence, and the architectural design will be comparable to that of the existing buildings. He pointed out that the processing equipment will remain the same, but will function

Case No. 16503 (continued)

differently in order to comply with Federal regulations, which will include monitoring to determine compliance.

Comments and Questions:

Mr. Bolzle asked if there is noise or odor associated with the treatment process, and Mr. Hamlett replied that there will be no more noise than is generated by the existing facility, because most of the motors are underground. He stated that there is no chemical odor.

In reply to Mr. White, Mr. Hamlett stated that all motors used on the site will be electric.

Protestants:

Lloyd Williams, 3646 North New Haven, stated that he met with Mr. Edwards and Mr. Hamlett, and sees the problem with the project is the fact that the neighborhood has not been informed of the City's intentions. He voiced a concern that an environmental impact study has not been performed. Mr. Williams stated that he is not opposed to the project, but is concerned with the lack of communication between City officials and the surrounding property owners.

Mr. Bolzle asked Mr. Williams if the water facility is visible from his residence, and he answered in the affirmative.

In response to Mr. Bolzle, Mr. Williams stated that the treatment plant does not emit any type of odor, or cause a noise problem.

Mr. Bolzle explained that the application being considered consists of the construction of two small buildings, which will not be closer to the residences than the existing buildings. He pointed out that the proposed expansion of the water treatment plant is not being considered at this time.

Applicant's Rebuttal:

Mr. Hamlett informed that there will be no change in treatment capacity when the new plant is constructed, but it will be merely updated to meet current requirements. He informed that underground water storage will be increased from two million gallons to 14 million.

Mr. Bolzle asked if there is a requirement for an environmental impact study, and Mr. Hamlett stated that he is not aware of a need for this type of study.

Case No. 16503 (continued)

Mr. Hamlett remarked that he would welcome a meeting with the surrounding property owners, and attempted to arrange such a meeting prior to this hearing, but was unsuccessful.

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 an existing water treatment plant and two new buildings containing a sludge dewatering system; and to **CONTINUE** a **Special Exception** for a new water treatment plant to November 9, 1993 - **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** and **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; finding that the proposed buildings housing the sludge dewatering system will not be closer to the residential area than the existing structures; and finding that approval of the request will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

NW/4, SW/4 and NE/4, SW/4 and NW/4, SE/4,
Section 16, T-20-N, R-13-E, City of Tulsa, Tulsa
County, Oklahoma.

Case No. 16505

Action Requested:

Variance of the number of required parking spaces - **SECTION 1212.a.D. Off-Street Parking and Loading Requirements** - Use Unit 12a, located 3415 South Peoria.

Presentation:

The applicant, **T. Michael Smith**, 3042 South Boston Place, was not present.

Comments and Questions:

Ms. Russell advised that the applicant was not successful in acquiring a lease on the property in question, and has withdrawn the application.

Case No. 16506

Action Requested:

Variance of the required livability space from 5000 sq ft to 4225 sq ft, and for a special exception to reduce the required front yard from 30' to 25' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2717 East 23rd Street.

Case No. 16506 (continued)

Presentation:

The applicant, **Michael Sposato**, 2605 East 23rd Street, submitted a brochure (Exhibit C-1) depicting the type of dwelling to be constructed on the lot. He pointed out that the lots in the area were created prior to the adoption of the current Zoning Code, and the 50' width and the required front yard setback severely restrict construction on the property. He informed that an old house was removed from the lot.

Comments and Questions:

Mr. Doverspike asked if the house that was removed encroached into the setback, and the applicant answered in the affirmative. Photographs (Exhibit C-4) were submitted.

In response to Mr. Doverspike, Mr. Sposato stated that the house cannot be moved farther back, because there would not be sufficient space to access the garage, and the garage would be over the rear setback line if it is moved farther back.

Mr. Bolzle inquired as to the setback for houses to the east, and Mr. Sposato replied that they set back approximately 10' farther than the building setback line.

One letter of support (Exhibit C-2) was submitted.

Protestants:

A letter of protest (Exhibit C-3) was received from the property owner to the west of the lot in question.

Don Walker, 9168 South Florence Place, informed that his parents live to the east of the subject property, and it is the request of the neighborhood that the applicant comply with the required setback for the front yard.

Applicant's Rebuttal:

Jay Nicholas, 1624 East 36th Street, stated that he is the real estate person involved in this issue, and stated that the proposed residence will be an asset to the neighborhood.

Additional Comments:

Ms. Russell pointed out that moving the garage farther to the rear would result in more than 20% coverage, which would result in the need for an additional variance.

Case No. 16506 (continued)

After discussion, it was the consensus of the Board that the house could be set back farther from the street if the garage was moved to the edge of the utility easement. They agreed that, due to the width of the lot, a decrease in the livability space would not be out of character with the neighborhood.

Mr. Sposato requested that the application be continued to allow sufficient time to advertise for a variance of the 20% coverage of the minimum rear yard requirement.

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. 16506 to October 26, 1993, to permit readvertising.

Case No. 16509

Action Requested:

Special Exception to permit Use Unit 14 in an IL zoned district, and a variance of the number of required off-street parking spaces - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS and SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 14, located NE/c of East 61st Street and South 99th East Avenue.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, represented Roy and Candy Ferguson, operators of Roy and Candy's Music Store. He informed that a music store was previously approved on the property, and a single-family dwelling is also located on the lot. Mr. Johnsen stated that he is requesting Use Unit 14 uses for the existing dwelling. It was noted that the parking for the music store does not comply with Code requirements, and this is also before the Board at this time. He informed that access to the music store (east 95' of property) will be on 61st Street, and there are customarily no more than three shoppers in the store at any given time. The applicant stated that 16 parking spaces are required, and 11 will be provided; however, additional paving could be installed near the dwelling if the parking variance is denied by the Board. He informed that a survey was conducted by the owner of the store, and on Monday there were 17 customers, 23 on Saturday and 27 on Friday.

Case No. 16509 (continued)

Comments and Questions:

Mr. Doverspike asked Mr. Johnsen if he would exclude automobile parts and accessories, medical and dental supply, pawn shop, pet store and veterinary clinic from his Use Unit 14 request, and he answered in the affirmative.

Protestants:

Gerald Hicks, 5945 South 99th East Avenue, stated that he is representing the neighborhood, and lives on abutting property to the north. He pointed out that Mr. Ferguson assured him that only a music store would be placed on the property, and Mr. Johnsen is requesting Use Unit 14 uses, as well as a variance of the number of parking spaces. Mr. Hicks suggested that the variance of required spaces would force parking to overflow into the residential neighborhood. He asked that the Board adhere to the previous approval of a music store only.

Applicant's Rebuttal:

Mr. Johnsen stated that long term planning for the area is industrial. He pointed out that the variance of the required parking spaces is for the music store only, and any future uses will require Board approval. Mr. Johnsen stated that the neighborhood has been protected by limiting access to 61st Street.

Additional Comments:

Mr. Bolzle asked Mr. Johnsen to state the hardship for the variance request, and he stated that the music store use does not generate the same amount of traffic as a normal retail use. He pointed out that literal enforcement of the Code would necessitate the paving of the front yard of the dwelling, which is also zoned industrial. Mr. Johnsen stated that retaining the yard in its natural condition would make the property more compatible with the residential neighborhood.

Mr. Gardner pointed out that the decision to zone the area for industrial uses was made approximately 33 years ago (1960 Comprehensive Plan), and the single-family housing addition (approximately 10 acres) was constructed in the County prior to the time the area began to develop industrial. He noted that the system has attempted to provide the residents as much protection as possible, yet recognizing the fact that 630 acres of the 640-acre section is industrial/commercial type land.

Mr. Jackere asked if the music store sells only musical instruments and related supplies, and Mr. Johnsen answered in the affirmative.

Case No. 16509 (continued)

Mr. Johnsen stated that, in respect to the issues raised by the protestant, he is withdrawing the request for Use Unit 14 uses at this time.

Mr. Gardner advised that leaving the residence intact is beneficial to the residential neighborhood to the north. He pointed out that paving the front yard would destroy the residential character of the dwelling.

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 **WITHDRAW** a **Special Exception** to permit Use Unit 14 in an IL zoned district, and to **APPROVE** a **Variance** of the number of required off-street parking spaces from 16 to 11 for a musical instrument store only - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** and **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 14; finding that approval of the variance of the off-street parking spaces would allow the front yard of the existing dwelling to remain a grassy area; finding that a musical instrument store would generate less traffic than normal retail uses; and finding the use to be compatible with the area, and in harmony with the spirit and intent of the Code; on the following described property:

East 95' of Lot 7, Block 2, Guy Cook Subdivision,
City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 16476

Action Requested:

Minor Special Exception to reduce the required front yard from 35' to 30' - **SECTION 403 - BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located south of the SW/c of East 111th Street and South Yale Avenue.

Presentation:

The applicant, **Adrian Smith**, 5157 East 51st Street, submitted a plat (Exhibit F-1), and requested approval of a 30' front yard setback for the Lexington Addition. He informed that the development work has been completed, and noted that a similar request was approved for a development to the northwest of the subject property.

Case No. 16476 (continued)

Comments and Questions:

Mr. Gardner advised that it has been under consideration to change the RS-1 front yard setback from 35' to 30'; however, older areas, which were developed at 35' would have irregular setbacks if infill occurred in these developments. He advised that the City chose to amend the Zoning Code to allow the 5' reduction in the front yard as a special exception to address this type of relief rather than requiring the filing of a PUD.

Protestants:

Harley Mangels, 11390 South Winston, stated that he lives to the south of the addition in question. He pointed out that the three surrounding additions consist of large lots, with 35' setback requirements; however, most homes have been constructed even farther back on the lots. Mr. Mangels stated that, if approved at 30', the addition would not be compatible with other developments in the area. He informed that the original plat should have been changed to reflect a 35' front yard setback. A petition of protest (Exhibit F-2) was submitted.

Toby Armellini, 11151 South Sandusky, stated that he lives to the west of the property in question, and is opposed to the reduction of the front yard setbacks for the addition. Mr. Armellini noted that developments with smaller lots are occurring to the south faster than the streets are being improved.

Applicant's Rebuttal:

Lindsay Perkins, developer of the subject property, stated that the 30' setback is requested in order to add an additional 5' to the back yards. He informed that, with a 30' setback, the houses will set back 42' from the curb. Mr. Perkins stated that he had previously requested RS-2 zoning in order to take advantage of the 30' setback; however, it had always been his intent to develop according to RS-1 size lots.

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 reduce the required front yard from 35' to 30' - **SECTION 403 - BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plat submitted; finding that the addition complies with all other RS-1 requirements and approval of the minor special exception will not be detrimental to the area; on the following described property:

All of Lexington, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 16477

Action Requested:

Minor Special Exception for an amended site plan approval
- Use Unit 5, located 7727 East 41st Street.

Presentation:

The applicant, **Guts Ministries**, 4500 South Garnett, Suite 900, was represented by **Bill Scheer**, who requested permission to erect a temporary tent behind the existing building (Exhibit G-1). He informed that it will be used for a Halloween outreach, which includes church services and counseling. Mr. Scheer requested that the tent be approved through November 14, 1993.

Comments and Questions:

In response to Mr. Doverspike, Mr. Scheer informed that the tent will be located to the north of the lot (Exhibit G-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 **Minor Special Exception** for an amended site plan approval - Use Unit 5; per amended site plan; subject to the tent being temporarily located on the lot from October 12, 1993 to November 14, 1993; finding that the temporary use will not be detrimental to the area; on the following described property:

E/2, SW/4, SE/4, SE/4, Section 23, T-19-N, R-13-E,
City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16450

Action Requested:

Appeal the decision of the administrative official that equipment being used is not in accordance with the approval to operate a trade school - **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 15, located 222 South Memorial Drive.

Case No. 16450 (continued)

Presentation:

The applicant, **Sertoma**, 222 South Memorial Drive, was represented by **Roy Johnsen**, 201 West 5th Street, who explained that a use variance to permit the use was approved by the Board in 1979. Mr. Johnsen stated that his client is appealing the decision of the Code Enforcement officer that activities are being conducted at the shop that were not permitted by the previous approval for the operation of a trade school (Use Unit 15). He pointed out that the trade school is an existing lawful nonconforming use, and the issue before the Board is whether or not the use of certain equipment and certain activities exceed the intent of the previous approval. Mr. Johnsen remarked that the major concern at this time is the noise impact on the neighborhood and, due to complaints, the Code Enforcement office has issued a cease and desist order. He pointed out that a cedar mulcher was in use when the complaint was filed, and a table saw was being operated inside the open door on the west wall of the building. Mr. Johnson informed that the Board recently denied the use of the mulcher, finding that it was not within the contemplated activities originally approved in 1979, and it was removed. Mr. Johnsen advised that Sertoma, in an attempt to alleviate the noise problem, will operate with the west door closed when the saw is in use. He informed that the door has been insulated to further reduce the sound, and the saw dust collector, located outside the building, has been encased with plywood and insulation (Exhibit H-4). He stated that a noise level survey (Exhibit H-5) has been conducted, and it was determined that the noise created by the saw and dust collector measured 68-71 decibels in the back yard of the nearest neighbor, which is equivalent to the sound created by an air-conditioning unit cooling a 7500 sq ft one-story office building. He requested that the Board visit the site and make an assessment of the noise level created by the equipment. Mr. Johnsen stated that, at his request, Mr. Gardner visited the site during the operation of the equipment in question, and reported that the noise was not bad. A video of a news report, which stated that the noise created by the equipment is minimal, was shown to the Board. In summary, Mr. Johnsen pointed out that the uses are within the parameters of the originally approved use. He informed that one forklift (Exhibit H-3) is used to transport material on the site.

Comments and Questions:

Mr. Doverspike inquired as to the hours of operation, and Mr. Johnsen stated that work begins at 7 a.m. and concludes at 4 p.m., Monday through Friday.

Case No. 16450 (continued)

In response to Mr. Doverspike, Mr. Johnsen stated that a pallet is brought in through the west door and moved out again after it is loaded. He stated that the forklift enters the building from the west door approximately one time each day.

Mr. White informed that he has visited the site, but the machinery was not in operation.

Protestants:

Vicki Potts, 219 South 80th East Avenue, stated that her property abuts the subject tract, and the addition of the insulation does quiet the noise created by the saw; however, the forklift is noisy when it enters the west entrance. Ms. Potts informed that she is highly allergic to the cedar dust that drifts to her yard from the subject property, and pointed out that a saw that is in the process of cutting wood is considerably louder than an idling saw.

Victor Catlett, 305 South 80th East Avenue, informed that his dwelling is directly behind the Sertoma building, and stated that the neighborhood should not be subject to eight hours of noise that is generated by the operation of the saw. He submitted a tape (Exhibit H-2) of the noise created by the saw, as heard from his back yard with the door raised approximately one foot.

Evelyn Wallace, 325 South 80th East Avenue, submitted a location map of the dwellings occupied by retired citizens (Exhibit H-1), and stated that the manufacturing operation is not compatible with the abutting residential neighborhood. She stated that large trucks make deliveries over a gravel driveway, which creates a dust problem for the nearby residents.

Arthur Barber, 8017 East 2nd Street, stated that a manufacturing business is being operated on the premises and, although he does not live on a lot that is impacted by the operation, he is supportive of his neighbors that are experiencing a problem with the uses on the subject property. He pointed out that, during a meeting with the neighborhood, Sertoma representatives agreed that the noise created by the saw was excessive; however, it is now being reported that the sound level is acceptable.

Interested Parties:

Councilor Robert Nelson stated that the neighborhood has a right to peace and quiet in their back yards, and hopefully a favorable solution can be found that will satisfy Sertoma and the neighbors. He stated that he has visited the site and would compare the sound created by the saw to a household air conditioner. Councilor Nelson

Case No. 16450 (continued)

remarked that moving all units to the front of the building could eliminate all noise along the west boundary, with the exception of the forklift. He suggested that Sertoma might qualify for community development block grant funds to relocate the equipment; however, the funding has just been completed for this year. Councilor Nelson noted that funds to move the equipment could be available in late 1993, or early 1994. He suggested that a major portion of the problem could be eliminated at this time by keeping the west door closed.

Applicant's Rebuttal:

Mr. Johnsen informed that the Code Enforcement officer issued a citation that required the executive director of Sertoma to appear in Municipal Court. He asked that the operation be permitted to resume while awaiting this Board's decision.

Additional Comments:

In response to Mr. Doverspike, Mr. Jackere advised that the only issue before the Board at this time is the appeal of the decision of the administrative official. He stated that it must be determined if a saw is classified as heavy equipment, which was not permitted in the initial approval of the use.

Mr. Johnsen stated that the use has always been a workshop for retarded and handicapped individuals, and continues to be so today.

After discussion, it was the consensus of the Board that the application should be continued to allow the Board members sufficient time to tour the facility and determine if the equipment being used is in accordance with the initial 1979 approval.

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. 16450 to October 26, 1993; to permit the Board to tour the facility at 1:00 p.m., October 19, 1993, to determine if the equipment being used is in accordance with the application as initially approved in 1979.

Case No. 16451

Action Requested:

Variance to permit two ground signs and one wall sign in an OM District for a period of five years - **SECTION 602.B.4.b. Accessory Use Conditions** - Use Unit 11, located SE/c of East 51st Street and South Columbia Place.

Presentation:

The applicant, **John Moody**, 6846 South Canton, explained that there are two 4' by 8' monument signs (Exhibit J-1) currently located on the subject property. He requested permission to install a wall sign on the north face of the building, which will consist of 30" lettering, 22' in length. Mr. Moody pointed out that this application is substantially different from the one previously denied by the Board. He explained that all signage on the two existing monument signs is being utilized by tenants currently leasing space in the building. Mr. Moody advised that the sign in question would be permitted by right if one of the monument signs was removed. The applicant stated that one tenant does not have signage, and requested permission to install the wall sign and remove one of the monument signs in five years, at which time several leases will have expired.

Comments and Questions:

Mr. Bolzle asked if there are current leases that extend over a five year period, and Mr. Moody replied that they are for four years and seven months.

Mr. Doverspike asked if the names of any tenants listed on the two existing signs are duplicated, and Mr. Moody stated that they are all different.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Doverspike, T. White "aye"; no "nays"; no "abstentions"; Chappelle, S. White, "absent") to **APPROVE** a **Variance** to permit two ground signs and one wall sign in an OM District for a period of five years only - **SECTION 602.B.4.b. Accessory Use Conditions** - Use Unit 11; subject to one of the two existing monument signs being removed at the end of five years; finding that the temporary use will not be detrimental to the area; on the following described property:

Lot 1, Block 1, Elmcrest Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16452

Action Requested:

Special Exception to permit a manufactured 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 DISTRICT and SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 6, located east of southeast corner of North Delaware Avenue and East 39th Court North.

Presentation:

The applicant, **Ricky Scott**, 4317 North Mingo Road, requested permission to permanently install a mobile home on the subject property.

Comments and Questions:

In response to Mr. Doverspike, the applicant stated that the lot is vacant, and the 14' by 70' mobile home will be placed on the west side of the property.

Mr. Doverspike asked Mr. Scott if there are other mobile homes in the area, and he replied that there are approximately three units on Mohawk Boulevard, but none on Delaware Avenue.

Mr. Doverspike inquired as to the use of the property to the east, and the applicant stated that it is undeveloped.

Protestants:

Betty Dickson stated that she is co-owner of the property located at 3922 North Delaware, and stated that she is primarily opposed to the application because of the drainage problem in the area.

Mr. Bolzle asked if she is opposed to the placement of a manufactured home on the lot, and she replied that she is opposed to the mobile unit, because the development was intended to be a single-family housing addition.

Ms. John Stand, 2806 East 39th Court North, stated that she lives to the west of the lot in question, and is opposed to the mobile home, because of the negative impact it would have on property values in the area.

Applicant's Rebuttal:

Mr. Scott stated that his mobile home will be connected to a City sewer and will not contribute to water runoff in the neighborhood.

Case No. 16452 (continued)

Additional Comments:

Mr. White inquired as to the reason for placing the mobile unit 5' from the property line, and the applicant replied that the location is not an issue, because it can be installed at another location on the lot.

Mr. Doverspike stated that he is reluctant to approve the application for more than two years, because the mobile unit may not be compatible with the area.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Doverspike, T. White "aye"; no "nays"; no "abstentions"; Chappelle, S. White, "absent") to **APPROVE** a **Special Exception** to permit a manufactured home in an RS-3 zoned district for **two years only**, and to **DENY** a **variance** of the one-year time limitation to permanent - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICT** and **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 6; subject to Health Department approval and a building permit; and subject to the manufactured home being skirted and tied down; finding that the temporary use will not be detrimental to the neighborhood; on the following described property:

Lot 14, Block 3, Lakeview Heights Second Addition,
City of Tulsa, Tulsa County, Oklahoma.

Case No. 16453

Action Requested:

Variance to permit an outdoor advertising sign outside a freeway corridor district - **SECTION 1800. DEFINITIONS** - Use Unit 21, located southeast corner of East 93rd Street and South Memorial Drive.

Presentation:

The applicant, **G. W. Newton**, 15 West 6th Street, Suite 2900, requested that his client be permitted to install a temporary advertising sign at the above stated location. He submitted a location map (Exhibit L-1) and a plot plan (Exhibit L-2), and explained that the proposed sign is to assist potential buyers in locating a developing subdivision that is located on an interior tract. Mr. Newton requested that the sign be permitted for 18 months.

Comments and Questions:

Mr. Bolzle inquired as to the size of the sign in question, and the applicant replied that it is 10' by 12'.

Case No. 16453 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Doverspike, T. White "aye"; no "nays"; no "abstentions"; Chappelle, S. White, "absent") to **APPROVE Variance** to permit an outdoor advertising sign outside a freeway corridor district for **18 months only - SECTION 1800. DEFINITIONS** - Use Unit 21; per plan submitted; finding that the use is a real estate off-premise sign, and this temporary use will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

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

Case No. 16454

Action Requested:

Special Exception to permit an adult day care center in an OL zoned district, a variance of the one-story building limitation and a variance of the 6' screening requirement - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS, SECTION 603. BULK AND AREA REQUIREMENTS FOR THE OFFICE DISTRICTS and SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING** - Use Unit 5, located 5950 East 31st Street South.

Presentation:

The applicant, **Angela Lewis**, 11010 East 51st Street, was represented by **Tom O'Brien**, who requested permission to permit an adult day care center at the above stated location. He informed that senior services are provided on a daily basis. A photograph (Exhibit T-1) and description of services (Exhibit T-2) were submitted.

Comments and Questions:

Mr. Bolzle asked if the day care operation is conducted on the second story of the building, and he answered in the affirmative.

In response to Mr. Bolzle, Mr. O'Brien stated that screening is required on the south boundary, however, that lot line has not been screened in the past.

Protestants:

None.

Case No. 16454 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Doverspike, T. White "aye"; no "nays"; no "abstentions"; Chappelle, S. White, "absent") to **APPROVE** a **Special Exception** to permit an adult day care center in an OL zoned district, a **variance** of the one-story building limitation and a **variance** of the 6' screening requirement - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS, SECTION 603. BULK AND AREA REQUIREMENTS FOR THE OFFICE DISTRICTS and SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING** - Use Unit 5; subject to the following description of services:

Population:

Enrollment - 70
Average daily participation - 35
Average age - 77
Majority with physical/social impairments

Services:

Supervised therapeutic life-enriching activities
Recreational/occupational therapy
Personal grooming - showers, hair care, etc.
Limited outdoor activity in patio selling
Health monitoring
(Services limited to participants only)

Transportation:

Personal transport by family
Use of MTTA lift program
Special event transportation by van

Current Hours:

Monday - Friday, 7 a.m. to 6 p.m.
Saturday, 10 a.m. to 3 p.m.

Potential Hours:

Monday - Friday, 7 a.m. to 9 p.m.
Saturday, 8 a.m. to 5 p.m.

East 140' of Block 1, Southeast Tulsa Medical Center, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16456

Action Requested:

Variance of the required side yard from 5' to 3' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1403 East 21st Street.

Case No. 16456 (continued)

Presentation:

The applicant, **Brady Rohde**, 1403 East 21st Street, who submitted a plot plan (Exhibit M-1) and photographs (Exhibit M-2), explained that he is proposing to add a second story to an existing dwelling, which already encroaches into the required setback.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Doverspike, T. White "aye"; no "nays"; no "abstentions"; Chappelle, S. White, "absent") to **APPROVE** a **Variance** of the required side yard from 5' to 3' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6**; per plan submitted; finding that the second-story addition will not extend farther into the required yard than the existing dwelling; and finding that approval of the request will not cause substantial detriment to the public good or violate the spirit, purpose and intent of the Code; on the following described property:

East 50' of Lot 8, Asa Rose Subdivision of Lots 8-9, Block 28, Park Place, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16457

Action Requested:

Variance of the number of required off-street parking from 429 to 403, and a variance of the Section 1303.A.1. parking standards to permit parking area to be provided in accord with standards of Section 1303.A.2. which become effective January 1, 1994 - **SECTION 1208.D. Off-Street Parking and Loading Requirements** and **SECTION 1303.a.1.**, northeast corner of East 101st Street South and South Sheridan Road.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, submitted a plot plan (Exhibit N-1), and stated that he is representing the new owner of the Galleria Apartments. He informed that the 256-unit complex was constructed for elderly individuals, with the parking ratio being approved lower than would be required for a standard apartment project. Mr. Norman stated that state and federal government agencies later prohibited discrimination in the rental of housing, and suggested that the use is nonconforming, because it has been operating for 10 years without parking that complies with current Code requirements. He advised that the parking

Case No. 16457 (continued)

lot will be restriped in accordance with the new parking ordinance that will become a part of the Code January 1, 1994. Mr. Norman stated that numerous spaces were 10' wide, and restriping of the parking area will result in 404 (429 required) 8½' spaces. Mr. Norman stated that a parking utilization study (Exhibit N-3) indicated that, during the time of highest occupancy, there were 32 vacant parking spaces available. He pointed out that, if his client is required to comply with the required 429 spaces, it will probably become necessary to remove some landscaping and eliminate security gates.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Doverspike, T. White "aye"; no "nays"; no "abstentions"; Chappelle, S. White, "absent") to **APPROVE** a **Variance** of the number of required off-street parking from 429 to 403, and a **variance** of the Section 1303.A.1. parking standards to permit parking area to be provided in accord with standards of Section 1303.A.2. which become effective January 1, 1994 - **SECTION 1208.D. Off-Street Parking and Loading Requirements** and **SECTION 1303.a.1.**; per plan submitted; subject to the parking lot being restriped to 8½' spaces; finding that the apartment complex has been operating for approximately 10 years with the existing parking spaces, and has not experienced a parking problem; on the following described property:

Lot 1, Block 1, Sheridan Galleria, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 16459

Action Requested:

Variance of the required 30' of frontage on a dedicated street to 27.93' to permit a lot split - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located west of the NE/c of South Harvard and East 91st Street.

Presentation:

The applicant, **Kenneth Dickey**, 1317 East 17th Place, submitted a plat (Exhibit P-1) and stated that he has purchased one of the last remaining vacant lots in the neighborhood, and requested a variance of the 30' required frontage in order to split the lot. He informed that two houses will be constructed on the property. Mr. Dickey stated that the lots in the immediate area are large and several lot splits have occurred.

Case No. 16459 (continued)

Protestants:

Steve McGuire, 8951 South College Place, informed that his home is directly across the street from the property in question. Photographs (Exhibit P-2) and a petition of opposition (Exhibit P-3) were submitted. Mr. McGuire stated that he represents the homeowners in the area and they are not supportive of the application. He pointed out that the lot split could create a drainage problem for the area.

Ken Threadgill, 8952 South College Place, stated that he owns abutting property to the north, and is opposed to creating smaller lots in the neighborhood.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Doverspike, T. White "aye"; no "nays"; no "abstentions"; Chappelle, S. White, "absent") to **DENY** a **Variance** of the required 30' of frontage on a dedicated street to 27.93' to permit a lot split - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the applicant failed to present a hardship for the variance request; on the following described property:

Lot 25, Block 2, Cedarcrest, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16460

Action Requested:

Special Exception to permit an existing public park - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 4940 North Frankfort.

Presentation:

The applicant, **City of Tulsa**, was not represented.

Comments and Questions:

Mr. Bolzle explained that, although the park has been at this location for many years, it has not been approved for park use.

Interested Parties:

Mary Joseph stated that she lives across from the park and asked if the City is proposing to make improvements to the property.

Additional Comments:

Ms. Russell stated that it was discovered that the park had never been officially approved at this location when the City began to plan improvements to the park.

Case No. 16460 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Doverspike, T. White "aye"; no "nays"; no "abstentions"; Chappelle, S. White, "absent") to **APPROVE** a **Special Exception** to permit an existing public park - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; finding that the park has been at the current location for many years; on the following described property:

Blocks 1, 2 and 6, Fair Hill Second Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16461

Action Requested:

Variance of the number of required off-street parking spaces from 380 to 365 for an existing apartment complex - **SECTION 1208.D. Off-Street Parking and Loading Requirements** - Use Unit 8, located East 65th Street and South Mingo Road.

Presentation:

The applicant, **Ted Sack**, 110 South Hartford, Suite 131, submitted a plot plan (Exhibit R-2), and explained that the apartment complex in question was constructed in 1984. He informed that the property is being sold and, during the survey, it was discovered that the development is split by a public street and the northern portion of the complex (Dev. Area A) does not meet the parking requirements. Mr. Sack pointed out that Development Area A is seven spaces short of the requirement; however, the entire complex contains more than the required number of parking spaces. He noted that there will be no additional construction on the property. A parking analysis (Exhibit R-1) was submitted.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Doverspike, T. White "aye"; no "nays"; no "abstentions"; Chappelle, S. White, "absent") to **APPROVE** a **Variance** of the number of required off-street parking spaces from 380 to 365 for an existing apartment complex (no new construction) - **SECTION 1208.D. Off-Street Parking and Loading Requirements** - Use Unit 8; per plan submitted; finding that the total number of parking spaces provided for the apartment complex complies with Code requirements; on the following described property:

Lots 1 and 2, Block 1, 2 and 3, Gleneagles, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 16478

Action Requested:

The applicant, **Wendy Bordo**, 1118 East 21st Street, requested by letter that filing fees for Case No. 16478 be refunded.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Doverspike, T. White "aye"; no "nays"; no "abstentions"; Chappelle, S. White, "absent") to **APPROVE** a refund of filing fees in the amount of \$211.00; finding that the application was withdrawn prior to processing.

General Policies - Waiver of Fees

Consider adoption of policy to waive BOA processing fees, if requested, for duplexes within TMAPC initiated rezoning areas (Rezoning of Blanket Zoned Areas, June 1990).

Board Action:

On **MOTION** of **T. WHITE**, the Board voted 3-0-0 (Bolzle, Doverspike, T. White "aye"; no "nays"; no "abstentions"; Chappelle, S. White, "absent") to **ADOPT** the policy to waive BOA processing fees, if requested, for duplexes within TMAPC initiated rezoning areas (Rezoning of Blanket Zoned Areas, June 1990).

There being no further business, the meeting was adjourned at 4:50 p.m.

Date Approved November 9, 1993

Chairman

