

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 648
Tuesday, January 11, 1994, 1:00 p.m.
City Hall, Room 201

**MEMBERS PRESENT
PRESENT**

Bolzle
Chappelle
Doverspike, Chairman
S. White
T. White

MEMBERS ABSENT STAFF PRESENT OTHERS

Gardner
Moore
Russell

Jackere, Legal

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, January 10, 1994, at 11:18 a.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 1:10 p.m.

MINUTES:

On **MOTION** of **S. WHITE**, the Board voted 4-0-1 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; Chappelle, "abstaining"; none "absent") to **APPROVE** the Minutes of December 28, 1993 (No. 647).

UNFINISHED BUSINESS

Case No. 16523

Action Requested:

Variance to permit more than one sign per street frontage on East 49th Street and South Lewis Avenue, and a variance to permit a sign within 50' of an R zoned district - **SECTION 602.B.4.b. and d - Business Signs** - Use Unit 11, located 4880 South Lewis Avenue.

Presentation:

The applicant, **Amax Sign Company**, 9520 East 55th Place, was represented by **John Beatt**, who explained that Bank IV is requesting additional directional ground signs to direct traffic through the complex from the north end of the property to the exit on 49th Street. A plot plan (Exhibit A-1) was submitted.

Comments and Questions:

Mr. Gardner advised that directional ground signs that do not exceed 3 sq ft are permitted by right.

In response to Mr. Doverspike, Mr. Jackere informed that there is no limitation on the number of directional signs that can be installed on the property, and no limitation on signs that are not visible from a public street.

Protestants:

None.

Case No. 16523 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-1 (Bolzle, Doverspike, S. White, T. White "aye"; no "nays"; Chappelle "abstaining"; none "absent") to **APPROVE** a **Variance** to permit more than one sign per street frontage on East 49th Street and South Lewis Avenue, and a variance to permit a sign within 50' of an R zoned district - **SECTION 602.B.4.b. and d - Business Signs** - Use Unit 11; per plan submitted; finding that the signs in question are slightly oversized directional signs to ensure an even traffic flow from the north end of the complex around the perimeter of the property to the five drive-up lanes on 49th Street; 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:

Lot 1, Block 1, Western National Bank and Lot 1, Block 1, Western Financial Center, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16527

Action Requested:

Variance of the screening requirement, special exception to permit a dance hall within 300' of an R District and a special exception to permit required parking on a lot other than the lot containing the principal use and to reduce the number of required parking spaces - **SECTION 1608.a.13. and 14 - SPECIAL EXCEPTION** - Use Unit 12a, located 3415 South Peoria.

Presentation:

The applicant, **John Moody**, 6846 South Canton, Suite 120, informed that he is representing the tenant and the owner of the subject property. Mr. Moody stated that the adoption of an amendment to the Zoning Code requires the amortization of this type of use (IKON), which is a combination dance club and restaurant. He pointed out that the large 6000 sq ft building is not fully adaptable to retail use. The applicant stated that 20 parking spaces are available. Mr. Moody noted that the club will cease their after-hours operation, and will close at 2 a.m. He suggested that the literal application of the Zoning Code, in this case, would make it difficult and inequitable for the property owner. A plot plan (Exhibit B-1) was submitted.

Comments and Questions:

Mr. Bolzle asked Mr. Moody if it is his contention that the hardship is the fact that the lease extends beyond the amortization period, and that the building would require extensive modification for any other use, and he answered in the affirmative. Mr. Moody further noted that the existing building occupies the major portion of the lot, which makes it difficult to provide on-site parking.

Mr. Bolzle asked Mr. Moody why this is unique to this property and not to any other property that houses a club in CH District, and Mr. Moody replied that he does not know the circumstances of other properties.

In response to Mr. Doverspike, the applicant replied that 84 parking spaces are required for the use.

Mr. Doverspike asked if the public access to the club is on Peoria Avenue, and the applicant answered in the affirmative.

Case No. 16527 (continued)

Protestants:

Pam Deatherage, Planning District 6 chairperson, stated that she is opposed to the business, because of the parking problems it creates in the area.

Dorothy Watson, Brookside Neighborhood Association, stated that IKON has been a continual nuisance in the neighborhood. She pointed out that other requested uses in the Brookside area have been denied because of insufficient parking.

Jim Glass, property owner to the north, stated that the applicant has determined that the building can only be used for a club, or similar use. He pointed out that there is a great demand for retail and office space in the area, and suggested that the building could be converted to accommodate other uses. Mr. Glass pointed out that his property is vacant and, although there are "no parking" signs in place, the IKON patrons continue to park on his lot.

Jeannie McDaniel, Mayor's office, asked the Board to consider the proximity of the dance hall to the residential area. She informed that the outside activity around the business is noisy and a nuisance (problem) to the neighborhood.

Mr. Moody asked Ms. McDaniel if she is appearing in a special capacity for the Mayor's office, and she replied that she is representing the Mayor's Office for Neighborhoods.

Mr. Moody asked Ms. McDaniel if she is alleging that this operation is a public nuisance, and she replied that she is not.

Mr. Moody stated that he is denying that the club is a public nuisance.

Mr. Gardner advised that 25 parking spaces would be required if a retail use was in operation at this location; however, adult entertainment and restaurants are uses that require far more parking than any other uses. He informed that uses contained in Use Units 11,13 and 14 would be permitted as a matter of right under the recent Zoning Code amendment (January 27, 1993), even though the parking would be nonconforming.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; , "absent") to **DENY** a **Variance** of the screening requirement, **special exception** to permit a dance hall within 300' of an R District and a **special exception** to permit required parking on a lot other than the lot containing the principal use and to reduce the number of required parking spaces - **SECTION 1608.a.13. and 14 - SPECIAL EXCEPTION** - Use Unit 12a; finding that the applicant failed to present a hardship unique to this property that would warrant the granting of a variance; and finding that approval of the request, with insufficient parking (20 spaces vs 84 required), would be detrimental to the neighborhood and violate the spirit and intent of the Code; on the following described property:

The east 95' of Lots 1 and 2, and the north 50' of the west 70' of Lot 2, Block 2, Oliver's Addition to the City and County of Tulsa, Oklahoma.

Case No. 16529

Action Requested:

Special Exception to permit 40% FAR in an OL zoned district, and a variance of the required rear yard from 10' to 5' - **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 5, located 1860 East 15th Street.

Comments and Questions:

Chairman Doverspike informed that Mr. Bolzle and Ms. White have advised that they will abstain from hearing Case No. 16529.

Presentation:

The applicant, **John Moody**, 6846 South Canton, Suite 120, submitted a plot plan (Exhibit C-1) and an architectural rendering (Exhibit C-2) of the proposed construction. Mr. Moody informed that his client is in the medical supply business, and is proposing to add a building for additional office space. He stated that required screening will be installed on the rear property line. Mr. Moody explained that medical supplies will be distributed from the building to nursing homes in the area, with no warehousing or sale of merchandise on the premises. The applicant stated that the delivery vehicle will be parked in one end of the building.

Additional Comments:

Mr. Doverspike asked if the new building will be used in conjunction with the existing building, and the applicant answered in the affirmative.

In response to Mr. Doverspike, the applicant stated that the proposed building has been moved to the rear of the lot to provide required parking and a turnaround area.

Mr. Doverspike asked if inventory will be stored in the office facility, and **Willis Smith**, 6221 Beaver Creek Road, Oklahoma City, Oklahoma, advised that the product will be prepared, as in a pharmacy, for nursing home use.

Mr. White inquired as to the type of vehicle used for delivery, and Mr. Smith informed that a van is used.

Protestants:

Pam Deatherage represented District 6 and stated that, although she is not opposed to the use, she is concerned with additional building coverage on the lot, and future parking needs.

Additional Comments:

Mr. Gardner advised that an office warehouse is a Use Unit 15 use and is permitted by exception in a CS District, but not in an OL District. He pointed out that the Board should determine if the hardship is self-created, and if the proposed use is strictly office.

Applicant's Rebuttal:

Mr. Moody clarified that the property will be used for an office and a pharmacy for filling prescriptions. He informed that the use is permitted under Use Unit 11, offices and studios.

Case No. 16529 (continued)

Willis Smith stated that he has visited with property owners in the area, and has encountered no opposition to the application. He pointed out that there is a similar business operation in the immediate vicinity. Mr. Smith noted that sufficient required parking for the use is available on the lot.

Mr. Chappelle inquired as to the type of fence proposed on the south lot line, and Mr. Smith replied that he will satisfy that property owners choice in regard to the type of fencing, but it will be a 6' screening fence. Mr. Smith stated that he is not opposed to a masonry wall.

Mr. Chappelle asked if the building will be exactly like the architectural rendering (Exhibit C-2), and Mr. Smith answered in the affirmative. Mr. Chappelle pointed out that sometimes the color of the completed buildings does not correspond with the drawings that are submitted to the Board for review, and Mr. Smith assured him that the building will be exactly like the drawing.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-2 (Chappelle, Doverspike, T. White, "aye"; no "nays"; Bolzle, S. White, "abstaining"; none "absent") to **APPROVE** a **Special Exception** to permit 40% FAR in an OL zoned district, and a variance of the required rear yard from 10' to 5' - **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 5; per plan and architectural rendering submitted, including color of the building; subject to office and prescription pharmacy for delivery use only; subject to no sales on the premises, and no warehousing or manufacturing; and subject to the installation of a 6' screening fence on the south property line; finding the use, per conditions, to be compatible with the area; on the following described property:

The east 60' of Lot 3, Block 1, Terrace Park Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 16532

Action Requested:

Variance of the lot width from 75' to 72' to permit a lot split - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 3765 South Xanthus.

Presentation:

The applicant, **Pat Fox**, 1560 East 21st Street, submitted a plat of survey (Exhibit D-1) and informed that he is representing the owner of the subject property. Mr. Fox explained that his client is proposing to split the lot and each tract will be slightly under the average 75' lot width requirement, with Tract A being 72.11' wide and Tract B 72.88'. He informed that both lots are in excess of the area requirements and frontage requirements for RS-2 zoning. Mr. Fox noted that the pie-shape and depth of the lot creates a hardship for his client.

Protestants:

Brian Carpenter, 3741 South Xanthus, informed that he is the property owner to the north of the subject tract, and noted that the lots in the area are large and the homes are all set back from the street. He further noted that there is open space between the existing homes, and the splitting of this lot would cause the two newly constructed houses to be very close together. Mr. Carpenter stated that this would destroy the character of the neighborhood.

Pam Deatherage, District 6 chairperson, stated that area residents are concerned with retaining the character of the neighborhood.

Dorothy Watson, who represented the Brookside Neighborhood Association, stated that they are opposed to the application because the lot size is not compatible with the neighborhood.

Ken Knarr stated that he is representing his mother, who lives to the east of the subject property. He stated that the existing dwelling on the lot should be retained, and the character of the neighborhood preserved.

Robert Rainey, 3738 South Xanthus, informed that his residence is across the street and to the north of the lot in question. He pointed out that the size of the lots was the factor that attracted him to the area, and requested that the application be denied and the character of the established neighborhood be preserved.

Applicant's Rebuttal:

Mr. Fox reiterated that there is a hardship associated with this property. He explained that the average lot width is calculated by adding the front and rear property widths and dividing that figure by 2. Mr. Fox pointed out that, if the lot was smaller and more shallow, the rear of the lot would be wider and the lot split could occur by right. He noted that most of the lots in the area are between 90' and 100' wide.

Additional Comments:

Mr. Bolzle stated that he is in agreement with the neighborhood concerns that it will be necessary to construct the new homes toward the front of the lots, which will be inconsistent with the established building setbacks in the area.

Ms. White stated that she does not find a hardship for the variance request, and that approval of the lot split would have an adverse impact on the existing neighborhood.

Mr. Chappelle stated that it appears to him that the applicant has a hardship, based on the fact that the requested lot width variance is minimal, and the lot split would be permitted by right if the pie-shaped lot was more shallow.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-1-0 (Bolzle, Doverspike, S. White, T. White "aye"; Chappelle, "nay"; no "abstentions"; none "absent") to **DENY** a **Variance** of the lot width from 75' to 72' to permit a lot split - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; finding that approval of the request would be detrimental to the neighborhood, and the granting of the variance would not meet the spirit of the Ordinance; on the following described property:

South 225.5' of Lot 4, Block 10, Highland Park Estates, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 16564

Action Requested:

Minor variance of the required side yard from 5' to 4' and a minor variance of the required rear yard from 25' to 20' to permit a garage - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 3739 East 47th Place.

Presentation:

The applicant, **Gary Corgill**, 3739 East 47th Place, submitted a plot plan (Exhibit E-2) for a proposed garage, which will be attached to a patio cover. He pointed out that a detached garage could be constructed within 3' of the rear property line.

Comments and Questions:

Mr. Doverspike asked if the patio cover is existing, and the applicant answered in the affirmative.

In response to Mr. Doverspike, the applicant informed that he is in need of additional garage space to store a boat.

Mr. Gardner informed that a detached garage could be constructed by right at the proposed location.

Protestants:

None.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Minor Variance** of the required side yard from 5' to 4' and a **Minor Variance** of the required rear yard from 25' to 20' to permit a garage - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the proposed garage will be attached to the principal structure by a patio cover, and would be permitted by right if detached; 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:

Lot 14, Block 40, Patrick Henry, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16545

Action Requested:

Special Exception to permit Use Unit 4 (water pump station) in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 4, located 5810 South 33rd West Avenue.

Case No. 16545 (continued)

Presentation:

The applicant, **City of Tulsa**, was represented by **Al Hamlett**, 2317 South Jackson, Suite 200, who submitted a plot plan (Exhibit F-1) and requested permission to construct a water pumping station on the subject property. He informed that a station has been operating on the lot to the north since 1958. Mr. Hamlett advised that a neighborhood meeting was held to discuss the project and minutes (Exhibit F-2) of that meeting were submitted. He informed that there was no opposition to the construction of the pump station.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit Use Unit 4 (water pump station) in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 4; per plan submitted; finding the use to be compatible with the area; on the following described property:

Beginning 35' west of the NE/c of SE4, SE4, Section 33, T-19-N, R-12-E, thence west 335', thence south 189.5', thence east 335', thence north 189.5', City of Tulsa, Tulsa County, Oklahoma.

Case No. 16547

Action Requested:

Special Exception to permit school use in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 6201 East Virgin.

Presentation:

The applicant, **Tulsa Public Schools**, was presented by **Eric Nelson**, 525 South Main, Suite 300, who explained that the school is being enlarged, and during this process it was determined that it was constructed prior to Zoning Code regulations. He stated that school has not been previously approved at this location, and asked the Board to approve the special exception request in order that construction can proceed.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit school use in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; finding that school use is compatible with the residential neighborhood; on the following described property:

W/2, SE/4, NE/4, less W195' of S180' and S/2, E/2, W/2, W/2, NE/4, NE/4, and S/2, W/2, E/2, W/2, NE/4, NE/4, Section 27, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16548

Action Requested:

Variance of the required setback from a freeway right-of-way from 10' to 2' to permit a sign - **SECTION 1221.C.1.c. General Use Conditions for Business Signs** - Use Unit 21, located 11344 East 11th Street.

Presentation:

The applicant, **Brian Ward**, 9520 East 55th Place, submitted a plat of survey (Exhibit H-1) and noted that suitable locations for the installation of a ground sign are restricted by the existing overhead power lines on the property line. He requested permission to install a sign on an existing pole, which was previously used by Texaco. Mr. Ward informed that the sign will be 19'4" in height and 6' wide, and will cantilever toward the interior of the lot. A sign plan (Exhibit H-2) was submitted.

Comments and Questions:

In response to Mr. Doverspike, the applicant stated that the previous sign was 60' in height, but the new sign will be lowered to 50'.

Protestants:

None.

Board Action:

On **MOTION** of **T. WHITE**, the Board voted 4-1-0 (Bolzle, Chappelle, S. White, T. White "aye"; Doverspike, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from a freeway right-of-way from 10' to 2' to permit a sign - **SECTION 1221.C.1.c. General Use Conditions for Business Signs** - Use Unit 21; per plan submitted; finding a hardship by the location of overhead power lines; and finding that the proposed sign will be installed on the existing pole, and will be lower than previous signage; on the following described property:

A part of the E/2, NW/4, Section 8-19-14 of the IBM, Tulsa County, Oklahoma, more particularly described as follows to-wit: Commencing at the NW/c of the E/2, NW/4, NW/4 of Section 8-19-14, thence S0°29'35"E along the west line thereof a distance of 65.00' to the POB, thence N89°42'16"E, parallel to and 65.00' perpendicularly distant from the north line of Section 8, a distance of 81.41', thence S0°29'35"E a distance of 15.00', thence N89°42'16"E parallel to and 80.00' perpendicularly distant from the north line of Section 8, a distance of 190.88', thence S0°29'29"E, parallel with the east line of the E/2, NW/4, NW/4, NW/4 of Section 8, a distance of 34.68' thence S48°34'30"W along the north ROW line of I-44, a distance of 360.41', thence N0°29'35"W along the west line of the E/2, NW/4, NW/4, NW/4 of Section 8, a distance of 286.75' to POB, City of Tulsa, Tulsa County, Oklahoma.,

Case No. 16549

Action Requested:

Variance of the all-weather surface requirement for parking - **SECTION 1303.D. Design Standards for Off-Street Parking Areas** - Use Unit 23, located 1515 West 36th Place.

Presentation:

The applicant, **Ric Shust**, 402 Heavy Traffic Way, requested permission to use an existing gravel road that has been vacated by the City. He informed that the road will serve as access to a storage building used in connection with his business, and will be traveled no more than two or three times each month. Mr. Shust stated that a permanent driveway and parking will be installed in approximately two years.

Protestants:

None.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the all-weather surface requirement for parking for **two years only** - **SECTION 1303.D. Design Standards for Off-Street Parking Areas** - Use Unit 23; per plan submitted; finding that the temporary approval will not be detrimental to the area, or violate the spirit, purpose and intent of the Code; on the following described property:

All that part of Lots 3 through 11, Block 1, Interurban Addition to the City of Tulsa, Tulsa County, Oklahoma, and all that part of vacated West 36th Place, all bounded by U.S. Highway 75, the Tulsa Sapulpa Union Railroad.

Case No. 16550

Action Requested:

Variance of maximum square footage permitted for a sign from 32 sq ft to 72 sq ft to permit two wall signs and one ground sign, and approval of a previously approved site plan - **SECTION 602.B.4.b. and c.** - Use Unit 11, located 3404 South Yale Avenue.

Presentation:

The applicant, **Jim Spoon**, 3404 South Yale Avenue, informed that the building housing his pharmacy is being remodeled, and requested that one sign be permitted on the end of the building and a tenant sign be approved in front. A sign plan (Exhibit K-2) and photographs (Exhibit K-1) were submitted. Mr. Spoon informed that the signs will be illuminated.

Comments and Questions:

Mr. Bolzle asked the applicant if he is requesting only two signs, one wall sign and one tenant sign on the street, and the applicant answered in the affirmative.

Mr. Gardner advised that the applicant is permitted one 32 sq ft sign for each street frontage.

Case No. 16550 (continued)

Ms. Russell noted that the applicant will have a total of three signs on the property, if the wall sign and the tenant sign are approved.

In response to Ms. Russell, Mr. Jackere stated that the Board should determine if the public has been adequately informed as to the proposed signage.

Protestants:

Pam Deatherage, District 6 chairperson, stated that it has now been determined that the variance request is from 32 sq ft to 90 sq ft, and suggested that all nonconforming signs be made to comply with the Code when they are removed or replaced. She pointed out that, in this case, the square footage is being increased and the signs are also being illuminated. Ms. Deatherage suggested that the applicant be limited to two signs.

Applicant's Rebuttal:

Mr. Spoon stated that there are other tenants in the building that need signage.

Additional Comments:

There was discussion concerning the number of signs for the property.

Mr. Bolzle stated that he is not opposed to three signs on the property, if the ground sign is limited to 32 sq ft.

Mr. Spoon requested that a 36 sq ft ground sign be permitted.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of maximum square footage permitted for a sign from 32 sq ft to 72 sq ft (total all signs*) to permit two wall signs and one ground sign - **SECTION 602.B.4.b. and c.** - Use Unit 11; subject to the ground sign, which will be shared by other tenants, being installed on the Yale Avenue frontage and being limited to 36 sq ft; subject to one wall sign being permitted on the portion of the building facing 34th Street and one on the portion facing Yale Avenue (a total of 36 sq ft for both wall signs) *for a total of 72 sq ft of display surface area for all 3 signs; and subject to any other signs being removed; on the following described property:

Lots 1 and 2, Block 2, Conway Park Second Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16551

Action Requested:

Special Exception to permit Use Unit 15 in a CS zoned district, and for amended site plan approval - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 15, located 17717 East Admiral Place.

Case No. 16551 (continued)

Presentation:

The applicant, **Richard Morgan**, 12345 East Skelly Drive, was represented by **Charles Norman**, 2900 Mid-Continent Tower. Mr. Norman submitted a plot plan (Exhibit L-1) and stated that the subject property is abutted to the east by IL zoning and to the north is I-244. He informed that the property was approved for Use Unit 17, Automotive and Allied Services, in 1983 and is now occupied by his client, who sells, services and repairs hydraulic valves and fittings for different types of equipment. Mr. Norman explained that the company is now proposing to expand and the building inspector has classified the use under Use Unit 15, instead of the previously approved Use Unit 17. He pointed out that the business has been in operation at this location for several years. Photographs (Exhibit L-2) and brochures (Exhibit L-3) were submitted. Mr. Norman noted that all work is completed inside the building.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Special Exception** to permit Use Unit 15 in a CS zoned district, and for amended site plan approval - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 15; per plan submitted; finding that the business has been in operation at the current location for several years and has proved to be compatible with the area; on the following described property:

Lot 1, Block 1, Hall Brothers Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16566

Action Requested:

Special Exception to permit an auto wash facility in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located east side of South Mingo, south of East 81st Street.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, submitted a plot plan (Exhibit M-1), and stated that he is representing the developer of the property in question. He explained that the property is being zoned CS, and a Git-N-Go store is proposed at this location. Mr. Norman submitted photographs (Exhibit M-1) and requested that a car wash be permitted on the lot adjacent to the convenience store.

Comments and Questions:

Mr. Gardner advised that, if approved, the approval should be made subject to approval of the pending CS zoning application.

Protestants:

None.

Case No. 16566 (continued)

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit an auto wash facility in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; subject to approval of CS zoning on the property; 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:

Part of the north 391.92' of Lot 1, NW/4, NW/4, Section 18, T-18-N, R-14-E of the IBM, Tulsa County, Oklahoma; according to the U.S. Government Survey thereof; being more particularly described by metes and bounds as follows, to-wit:

Commencing at the NW/c of said Lot 1, thence due south along the west boundary of said Lot 1, a distance of 391.92'; thence S89°37'25"E a distance of 58.00' to the point of beginning; thence S89°37'25"E a distance of 175.00'; thence due north a distance of 166.92'; thence N89°37'25"W a distance of 175.00'; thence due south parallel to and 58' from the west boundary of said Lot 1 a distance of 166.92' to the point of beginning, containing 0.6706 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16552

Action Requested:

Special Exception to permit a Use Unit 5 (community center) in an IM zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 5, located 2960 Charles Page Boulevard.

Presentation:

The applicant, **United Methodist**, 202 North Denver Avenue, was represented by **Wally Wozencraft**, architect, who informed that the existing building will be improved to meet all Code requirements, and will be used as a community center. He stated that 40% of the building will be used for offices, as indicated on the plot plan (Exhibit N-1), and the remainder will be for chapel, reception, clothing, etc. Mr. Wozencraft explained that there will be approximately nine permanent employees, and each day there could be as many as 50 or 60 clients visiting the building for physical and spiritual needs.

Lawrence Johnson stated that the objective of the ministry is to provide services to families that are in crisis situations. He noted that there will be no overnight care or feeding programs at this location, but the program is designed to serve families that are at risk of becoming homeless. Mr. Johnson pointed out that most clients use public transportation when visiting the center, which reduces the need for on-site parking.

Comments and Questions:

Mr. Bolzle asked if the use complies with all Code requirements, and Mr. Wozencraft answered in the affirmative.

Mr. Johnsen stated that the clients move in and out of the center in an hour, and parking has not been a problem in the past.

Case No. 16552 (continued)

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a Use Unit 5 (community center, as presented) in an IM zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 5; per plan submitted; finding that the use will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

A tract of land lying in the SW/4, Section 3, T-19-N, R-12-E, of the IBM, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof, more particularly described as follows, to-wit:

Beginning at the meander corner of the left bank of the Arkansas River between Section 3 and 4, T-19-N, R-12-E, thence north on and along the section line between said Section 3 and 4, a distance of 592.6'; thence northeasterly on and along the center line of U. S. Highway 64; a distance of 1285.46'; thence south and parallel to the west line of said Section 3, a distance of 25.198' to the south right-of-way line of said paved highway to the true point of beginning, thence N79°10'00"E on and along the south line of said paved Highway 64 a distance of 223.60'; thence south and parallel to the west line of said Section 3, a distance of 216.01'; thence S78°54'00"W on and along the north right-of-way line of the Sand Springs Railroad Company, a distance of 223.80'; thence north and parallel to the west line of said Section 3, a distance of 217.07' to the point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16553

Action Requested:

Special Exception to permit a dance hall in an IL zoned district, and a variance of the 300' setback from an R District.

Presentation:

The applicant, **Joan DeLeon**, 239 South Toledo Avenue, was represented by Robert Garza, who requested that Mr. DeLeon be permitted to operate a party hall on the subject property. He explained that the hall will be used for various activities planned by the Hispanic individuals that live in the area. A plot plan (Exhibit P-2) and a petition of support (Exhibit P-1) were submitted.

Comments and Questions:

Mr. Bolzle inquired as to the various activities that will be conducted in the building, and Mr. Garza replied that it will be leased on Thursday, Friday, Saturday, and possibly Sunday, for parties, weddings, receptions, etc.

Mr. Bolzle asked if the owner will schedule events with entertainment and the serving of alcoholic beverages, and Mr. Garza stated that beer will be sold on the premises and the building will be leased for special events.

In response to Mr. Doverspike, Mr. Garza reiterated that the facility will be open only for special events.

Case No. 16553 (continued)

Mr. Gardner advised that there is a possibility that the use may require more parking than is available.

Mr. Garza pointed out that the property outlined on the case map is not the correct location of the proposed use.

Ms. White asked if the center will be open during regular business hours and Mr. Garza replied that it will not.

Ms. Russell advised that Ms. DeLeon stated to her that the business would be open to the public for dancing during certain hours, and private parties would also be scheduled.

After discussion, it was the consensus of the Board that the application should be continued to allow sufficient time for Staff to correct the case map, and for the applicant to supply information concerning the availability of parking.

Interested Parties:

Jerry Spurlock stated that he is a property owner in the area and would encourage any type of productive development.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 16552 to January 25, 1994.

Case No. 16554

Action Requested:

Variance to permit a sign within 50' of an R District - **SECTION 1221.C.1.a. Use Conditions for Business Signs** - Use Unit 21, located 5196 South Yale.

Presentation:

The applicant, **Craig Neon**, 1889 North 105th East Avenue, was represented by **Ray Toriby**, who informed that the sign in question will be in the driveway area if it is installed to comply with Code requirements. A sign plan (Exhibit R-2) and photographs (Exhibit R-1) were submitted. He pointed out that the new sign will be smaller than the existing sign.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit a sign within 50' of an R District - **SECTION 1221.C.1.a. Use Conditions for Business Signs** - Use Unit 21; per plan submitted; subject to the removal of the existing sign; finding that the replacement sign will be smaller than the current one, and that approval of the request will not be detrimental to the area, or violate the spirit, purposes or intent of the Code; on the following described property:

Lot 1, Block 1, Carousel Concourse I, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16555

Action Requested:

Special Exception to permit school use in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 1105 East 33rd Street North.

Presentation:

The applicant, **Tulsa Public Schools**, was presented by **Eric Nelson**, 525 South Main, Suite 300, who explained that the school is being enlarged, and during the permitting process it was determined that it had been constructed prior to Zoning Code regulations. He stated that school has not been previously approved at this location, and asked the Board to approve the special exception request in order that construction can proceed.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit school use in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; finding that school use is compatible with the residential neighborhood; on the following described property:

S742.5' of E1310.13' from the railroad ROW, NE/4, NE/4, Section 24, T-20-N, R-12-E, less the E50' and 50.30' for road, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16556

Action Requested:

Special exception to permit school use in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 733 North 73rd East Avenue.

Presentation:

The applicant, **Tulsa Public Schools**, was presented by **Eric Nelson**, 525 South Main, Suite 300, who explained that the school is being enlarged, and during the permitting process it was determined that it had been constructed prior to Zoning Code regulations. He stated that school has not been previously approved at this location, and asked the Board to approve the special exception request in order that construction can proceed.

Protestants:

None.

Case No. 16556 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit school use in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; finding that school use is compatible with the residential neighborhood; on the following described property:

North 535', SW/4, SE/4, Section 35, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16557

Action Requested:

Special exception to permit school use in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 2940 South 90th East Avenue.

Presentation:

The applicant, **Tulsa Public Schools**, was presented by **Eric Nelson**, 525 South Main, Suite 300, who explained that the school is being enlarged, and during the permitting process it was determined that it had been constructed prior to Zoning Code regulations. He stated that school has not been previously approved at this location, and asked the Board to approve the special exception request in order that construction can proceed.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit school use in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; finding that school use is compatible with the residential neighborhood; on the following described property:

West 800' SW/4, SE/4, Section 13, T-19-N, R-18-E, less south 40' for road, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16558

Presentation:

Special exception to permit school use in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 1920 South Cincinnati Avenue.

Case No. 16558 (continued)

Presentation:

The applicant, **Tulsa Public Schools**, was presented by **Eric Nelson**, 525 South Main, Suite 300, who explained that the school is being enlarged, and during the permitting process it was determined that it had been constructed prior to Zoning Code regulations. He stated that school has not been previously approved at this location, and asked the Board to approve the special exception request in order that construction can proceed.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit school use in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; finding that school use is compatible with the residential neighborhood; on the following described property:

Lots 1-4, Block 1 and Lots 5-10, Block 2, South Side Addition and Lots 124-133, Block 16, Second South Side Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16559

Action Requested:

Special exception to permit school use in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 541 South 43rd West Avenue.

Presentation:

The applicant, **Tulsa Public Schools**, was presented by **Eric Nelson**, 525 South Main, Suite 300, who explained that the school is being enlarged, and during the permitting process it was determined that it had been constructed prior to Zoning Code regulations. He stated that school has not been previously approved at this location, and asked the Board to approve the special exception request in order that construction can proceed.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit school use in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; finding that school use is compatible with the residential neighborhood; on the following described property:

Lots 1-22, Block 15, and Lots 1-11, Block 16, Verndale Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16560

Action Requested:

Special exception to permit school use in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 1770 East 61st Street South.

Presentation:

The applicant, **Tulsa Public Schools**, was presented by **Eric Nelson**, 525 South Main, Suite 300, who explained that the school is being enlarged, and during the permitting process it was determined that it had been constructed prior to Zoning Code regulations. He stated that school has not been previously approved at this location, and asked the Board to approve the special exception request in order that construction can proceed.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit school use in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; finding that school use is compatible with the residential neighborhood; on the following described property:

East 540.07' NW/4, NW/4, Section 6, T-18-N, R-13-E, less east 30' and north 50' for road, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16561

Action Requested:

Special exception to permit school use in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 202 South 117th East Avenue.

Presentation:

The applicant, **Tulsa Public Schools**, was presented by **Eric Nelson**, 525 South Main, Suite 300, who explained that the school is being enlarged, and during the permitting process it was determined that it had been constructed prior to Zoning Code regulations. He stated that school has not been previously approved at this location, and asked the Board to approve the special exception request in order that construction can proceed.

Protestants:

None.

Case No. 16561 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit school use in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; finding that school use is compatible with the residential neighborhood; on the following described property:

NW/4, NW/4, Section 5, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16562

Action Requested:

Special exception to permit school use in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 1921 East 29th Street North.

Presentation:

The applicant, **Tulsa Public Schools**, was presented by **Eric Nelson**, 525 South Main, Suite 300, who explained that the school is being enlarged, and during the permitting process it was determined that it had been constructed prior to Zoning Code regulations. He stated that school has not been previously approved at this location, and asked the Board to approve the special exception request in order that construction can proceed.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit school use in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; finding that school use is compatible with the residential neighborhood; on the following described property:

SE/4, NW/4, SE/4, Section 19, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16563

Action Requested:

Variance to permit a 6' masonry wall within the east 6' of street right-of-way - **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 8, located east side of Southwest Boulevard between 19th Street and 21st Street.

Presentation:

The applicant, **Urban Development**, 110 South Hartford Avenue, requested that Case No. 16563 be continued to January 25, 1994.

Case No. 16563 (continued)

Comments and Questions:

Ms. Russell informed that the protestants and interested parties are in agreement with the continuance request.

Board Action:

On MOTION of CHAPPELLE, the Board voted 5-0-0 (Bolze, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 16563 to January 25, 1993.

There being no further business, the meeting was adjourned at 3:37 p.m.

Date Approved

January 25, 1994


Chairman

