

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 652
Tuesday, March 8, 1994, 1:00 p.m.
Francis F. Campbell, City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bolzle Chappelle Doverspike, Chairman S. White	T. White	Gardner Moore Russell	Jackere, Legal

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, March 4, 1994, at 4:28 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 1:04 p.m.

MINUTES:

On **MOTION** of **BOLZLE**, the Board voted 3-0-1 (Bolzle, Doverspike, S. White, "aye"; no "nays"; Chappelle, "abstaining"; T. White, "absent") to **APPROVE** the Minutes of February 22, 1994 (No. 651).

UNFINISHED BUSINESS

Case No. 16576 and **Case No. 16606**

Action Requested:

Special Exception to amend a condition of approval for BOA 5010 to remove the requirement for a tie agreement.

Variance of the number of required parking spaces - **SECTION 1208.D. Off-Street Parking and Loading Requirements** - Use Unit 8, located 1530 East 14th Street.

Comments and Questions:

The applicant, **Stephen Wolfe**, 1325 South Main, stated that Mr. Shaffer will make the presentation for Case No. 16576 and Case No. 16606, and that he is in agreement with the proposal.

Presentation:

The applicant, **John Shaffer, III**, 320 South Boston, Suite 805, stated that Stephen Wolfe is proposing to purchase the Arlington Apartments, and is requesting (Case No. 16576) that the existing tie agreement be removed. He explained that the tie contract was previously required by the Board; however, the project was not started and the two properties reverted to the initial owners. Mr. Shaffer noted that the previous proposal was to increase the number of apartments and the additional parking was to be on a nearby lot; however, the new owner is proposing to decrease the density. He stated that the building originally had 22 one-bedroom apartments and the new arrangement will be 10 two-bedroom units and 2 one-bedroom units. Mr. Shaffer informed that 11 parking spaces are available on site. He pointed out that the older four-story building covers most of the lot and the property to the east, which is a part of the tie agreement, is not available for sale.

Case No. 16576 and Case No. 16606 (continued)

Comments and Questions:

Mr. Doverspike inquired as to the number of parking spaces required for the apartment building, and the applicant stated that 23 are required.

Mr. Gardner noted that, prior to the tie agreement, the property was nonconforming in regard to parking. He stated that the current Code requires 33 spaces for the building (22 one-bedroom units); however, the density would actually be decreased and the parking requirement would be decreased by 10 under the new proposal.

In response to Ms. White, Mr. Wolfe stated that the building has been vacant approximately three years.

Mr. Gardner stated that the incompatibility will be decreased with the reduction in apartment units.

Mr. Jackere advised that, if the applicant can prove nonconformity, the applicant can renovate the apartment complex, but cannot increase the nonconformity.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; T. White, "absent") to **APPROVE** a **Special Exception** to amend a condition of approval for BOA 5010 to remove the requirement for a tie agreement (**Case No. 16576**); and to **APPROVE** a **Variance** of the number of required parking spaces (**Case No. 16606**) - **SECTION 1208.D. Off-Street Parking and Loading Requirements** - Use Unit 8; per plan submitted; subject to the number of units being reduced to 10 two-bedroom units and 2 one-bedroom units; finding that the building was constructed prior to current parking requirements and was nonconforming in regard to parking prior to the required tie agreement; finding that the number of apartments will be reduced, thus reducing incompatibility; and finding that the tie agreement was required on two properties that are now under separate ownership; on the following described property:

Case No. 16576: Lots 19, 23 and 24, Block 12, Forrest Park Amended, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16606: Lot 19, Block 12, Forrest Park Amended, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16587

Action Requested:

Variance of the required all-weather surface for parking - **SECTION 1303.D.** Design Standards - Use Unit 17, located 3400 South Sheridan Road.

Presentation:

The applicant, **Doenges Brothers Ford**, 3400 South Sheridan Road, was represented by Wolfgang Richter, who explained that the property in question is a triangular tract that is bounded on the southwest by a railroad. He informed that cars are currently being parked on a grassy area along the railroad right-of-way, and requested that they be permitted to continue for a period of one year. Mr. Richter noted that the company only recently became aware that the 35' strip along the tracks was a part of their ownership. He informed that the strip will be paved and landscaped. A plot plan (Exhibit A-1) was submitted.

Comments and Questions:

In reply to Mr. Jackere, Mr. Richter stated that the 35' strip will be used for the display of vehicles, and they will not be moved, except when one is sold. He informed that vehicles in this area are not on the front line at this time, but are in a type of storage.

Protestants:

Ken Adams, 7227 East 65th Place, stated that he is a board member of the Southeast Homeowners Association, and pointed out that the applicant continues to park cars on the right-of-way between the dealership and Sheridan Road. Mr. Adams pointed out that approval of parking on the grass would set an undesirable precedent, and asked that the applicant withdraw the request, or that the Board deny the application.

Applicant's Rebuttal:

Mr. Richter stated that the 35' strip of land along the railroad will be paved in the future, and that he is not requesting permission to park vehicles on the right-of-way along Sheridan Road.

Additional Comments:

Ms. White asked if the business would have sufficient space to park all vehicles on site if the Board granted temporary parking along the railroad, and Mr. Richter answered in the affirmative.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; T. White, "absent") to **APPROVE** a **Variance** of the required all-weather surface for parking for **one year only** - **SECTION 1303.D.** Design Standards - Use Unit 17; per plan submitted; subject to parking on the grassy area along the railroad being limited to vehicle display only, with minimal traffic; subject to no parking or display on the right-of-way along Sheridan Road; finding that temporary parking on the strip of land along the railroad will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Part of the SE/4, NE/4, Section 22, T-19-N, R-13-E, that lies south of the southeasterly ROW line of the Broken Arrow Expressway and that lies 35' north of the northeasterly ROW of the MK&T Railway and that lies west of the westerly ROW of South Sheridan Road, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16589

Action Requested:

Variance of the required 75' of frontage on an arterial street to 30' - **SECTION 603 - BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICT** - Use Unit 11, located west of NW/c of East 91st Street and South Sheridan Road.

Presentation:

The applicant, **Bryan McCrackin**, 1201 East 33rd Street, was represented by **Roy Johnsen**, 201 West 5th Street, who informed that his clients are acquiring a nine-acre tract zoned RS-3, except for 200' of OL zoning on 91st Street. He explained that two office lots are proposed on that frontage, with the east 135' lot and the west 83' lot being separated by a 30' strip, which will provide access to the residential property to the north. A plot plan (Exhibit B-1) was submitted.

Protestants:

None.

Comments and Questions:

Mr. Johnsen advised the Board that his client's entire ownership currently extends to Sheridan Road, but is being platted as single-family, with no access from 91st Street. He stated that the 30' strip will provide access to a small residential development to the north of the OL District along 91st Street.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; T. White, "absent") to **APPROVE** a **Variance** of the required 75' of frontage on an arterial street to 30' - **SECTION 603 - BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICT** - Use Unit 11; per plan submitted; subject to the 30' of frontage being utilized for access purposes only; finding that the access point will serve the office use on 91st Street and the landlocked residentially zoned tract to the north; on the following described property:

South 200' of Chimney Ridge Townhomes less the west 86' and less the east 135', Lot 1, Block 1, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16590

Action Requested:

Appeal of the decision of the Code Enforcement officer that parking in conjunction with a smoke shop and a sign is not permitted in a residential district, located 700 Block North Lewis Place.

Presentation:

The applicant, **J & B Investments, Inc.**, 2738 East 51st Street, Suite 220, was not represented.

Comments and Questions:

Ms. Russell informed that **John Ghostbear**, attorney for the applicant, has requested by letter (Exhibit C-1) that Case No. 16590 be withdrawn.

Case No. 16591

Action Requested:

Special Exception to reduce the number of required parking spaces, or to permit parking on a lot other than the one containing the principal use - **SECTION 1608.A.13. SPECIAL EXCEPTION** - Use Unit 12a, located 3016 East 15th Street.

Comments and Questions:

Ms. Russell informed that the applicant, **Lynn Williams**, requested by letter (Exhibit D-1) that Case No. 16591 be continued to March 22, 1994.

Presentation:

The applicant, **Lynn Lane Williams**, 111 West 5th Street, Suite 510, informed that there are amendments to the initial application, and further preparation time is required.

Protestants:

Terry O'Donnell, 1737 South Delaware Place, stated that the residents of the area are not opposed to one continuance.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; T. White, "absent") to **CONTINUE** Case No. 16591 to March 22, 1994, as requested by the applicant.

Case No. 16592

Action Requested:

Variance of the required front yard and of the required side yard to permit a carport - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located at 4138 East 37th Place.

Presentation:

The applicant, **Mary Clements**, 4138 East 37th Place, was represented by **Ralph Clements**, who stated that he has installed a canopy over his driveway and was not aware that City approval was required. He informed that there are numerous carports in the neighborhood, along with several motor homes and trailers (Exhibit E-3). A site plan (Exhibit E-1), photographs and letters of support (Exhibit E-2) were submitted.

Protestants:

David Simmons, 4134 East 37th Place, stated that he lives next door to the property in question. He pointed out that the applicant has previously operated a business from his home and the garage was converted to accommodate that use. Mr. Simmons informed that the garage area was later converted to living space. He noted that the canvas structure, which is extremely tall and supported by small 2" columns, is not compatible with the structures in the surrounding neighborhood. Mr. Simmons pointed out that Mr. Clements could have retained his garage for its intended use if he had opted to do so. He stated that there are no carports on their street, and voiced a concern that a precedent will be set if the application is approved.

Case No. 16592 (continued)

Applicant's Rebuttal:

Mr. Clements stated that his wife called the City to inquire about setbacks before the canopy was installed, and she was told that the setback was 40'. He informed that it was later discovered by the surveyor that the carport was in violation of the setback requirement.

Comments and Questions:

Mr. Bolzle pointed out that, because of the curvature of the street and the irregular shape of the lot, the front lot line is not parallel with the building wall of the dwelling. He noted that the encroachment would be minimal if the lot line was straight.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-1-0 (Bolzle, Chappelle, S. White, "aye"; Doverspike, "nay"; no "abstentions"; T. White, "absent") to **APPROVE** a **Variance** of the required front yard and of the required side yard to permit a carport - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding a hardship demonstrated by the curvature of the street and the irregular shape of the lot; on the following described property:

Lot 7, Block 15, Walter Foster Addition Resub of Lots 2-10, Block 15, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16593

Action Requested:

Variance of the required setback from the centerline of 61st Street - **SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS** - Use Unit 14, located 9509 East 61st Street.

Presentation:

The applicant, **Patrick Grogan**, 9509 East 61st Street, submitted a plot plan (Exhibit F-2) and stated that he is proposing to expand an existing animal hospital. Mr. Grogan informed that additions will be constructed on the east and west sides of the existing building, and will align with that front building wall. The applicant stated that the exterior of the new structure will be brick veneer. A packet (Exhibit A-1) was submitted, which contained an explanation of the project, photographs and a letter of support.

Comments and Questions:

In response to Mr. Bolzle, the applicant stated that the area to the north and east of the designated parking area is now classified as "C" on the floodplain maps. Mr. Grogan informed that a detention facility is now in place.

Mr. Bolzle asked if the addition could be constructed to the north, and Mr. Grogan stated that the proposed design is better suited to his needs. He added that the new construction will not extend closer to the street than the existing building.

Interested Parties:

Duane Brogdon represented the Woodland Park Assembly of God Church, and stated that the church is supportive of the project.

Case No. 16593 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; T. White, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of 61st Street - **SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS** - Use Unit 14; per plan submitted; finding that the proposed construction will align with the existing building wall and will not encroach farther into the required setback; 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:

Beginning 400' west of the SE/c of Section 36, T-19-N, R-13-E of IBM, City of Tulsa, Tulsa County, Oklahoma, thence N 250', W 265', S 250', E 265' to the POB.

Case No. 16594

Action Requested:

Special Exception to permit a produce tent and Christmas tree sales for 150 days for 1994 and 1995 - Use Unit 2.

Comments and Questions:

Ms. Russell informed that it has been determined that the property in question is located in a PUD, therefore, TMAPC will hear the request. She suggested that the case could be continued until after that meeting to determine if Board of Adjustment relief is also required.

Presentation:

The applicant, **Mark Rosenberger**, 6609 East 54th Street, was present.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; T. White, "absent") to **CONTINUE** Case No. 16594 to March 22, 1994.

Case No. 16595

Action Requested:

Special Exception to permit a produce tent and Christmas tree sales for the years 1994 and 1995 - Use Unit 2, located 3212 East 91st Street.

Presentation:

The applicant, **Mark Rosenberger**, 6609 East 54th Street, requested permission to sell produce and Christmas trees on the subject tract. A plot plan (Exhibit G-2) was submitted.

Case No. 16595 (continued)

Comments and Questions:

Mr. Bolzle asked if the previously approved use has changed, and the applicant stated that there have been no changes.

In reply to Mr. Bolzle, the applicant stated that the business is in operation seven days each week from 8 a.m. to 8 p.m., May 15th to September 1st and November 24th to December 24th.

In response to Mr. Doverspike, the applicant stated that there has been no change in the operation.

Protestants:

Mr. Doverspike advised that one letter of protest (Exhibit G-1) was received from Mr. Scott, which stated that a dirt road was constructed to provide a path for Halloween hayrides.

Mr. Rosenberger informed that he is only using the corner (approximately 200'), and the activity mentioned by Mr. Scott is taking place on the remainder of the tract.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; T. White, "absent") to **APPROVE** a **Special Exception** to permit a produce tent and Christmas tree sales for the years 1994 and 1995 - Use Unit 2; seven days each week from 8 a.m. to 8 p.m., May 15th to September 1st and November 24th to December 24th; finding that the use is established at this location and compatible with the area; on the following described property:

The north 200' of the east 200' of the NE/4, NE/4, NE/4, Section 20, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16596

Action Requested:

Variance of the required setback from the centerline of South Harvard from 100' to 49' - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 13, located northwest corner of East 21st Street and South Harvard Avenue.

Presentation:

The applicant, **Dan Tanner**, 6202 South Lewis Avenue, Suite 100, represented the QuikTrip Corporation and advised that the relief requested is from 50' to 48' and not 100' to 49', as reflected in the Case Report. He submitted a plot plan (Exhibit H-1) and stated that the existing canopy will extended approximately 60' to the north.

Comments and Questions:

Mr. Gardner stated that the building inspector does not consider the canopy to be a building unless it is attached to the principal structure.

Protestants:

None.

Case No. 16596 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; T. White, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of South Harvard from 50' to 48' - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 13; per plan submitted; subject to the execution of a removal contract; finding that the extension of the existing canopy will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

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

Case No. 16597

Action Requested:

Variance of the required setback from the centerline of North Lewis and 46th Street North - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 13, located southwest corner of East 46th Street North and North Lewis Avenue.

Presentation:

The applicant, **Dan Tanner**, 6202 South Lewis Avenue, Suite 100, stated that the QuikTrip Corporation is proposing to extend an existing canopy covering the gasoline pumps. He informed that a survey has been ordered; however, it appears that the canopy will not encroach into the required setback and the variance may not be needed. Mr. Tanner requested that the application be continued until the survey is completed and the exact setback is determined.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; T. White, "absent") to **CONTINUE** Case No. 16597 to March 22, 1994, as requested by the applicant.

Case No. 16598

Action Requested:

Special Exception to permit the expansion of an existing church, variance of the minimum one acre requirement, variance of the maximum floor area ratio of .5, variance of the 100' of frontage, variance of the required 25' setback from abutting R Districts, variance to permit parking in the front yard and a variance to permit parking on a lot other than a lot containing the principal use - **SECTION 404.F. SPECIAL EXCEPTION CONDITIONS** and **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 5345 South Peoria.

Presentation:

The applicant, **Jim Parker**, 4247 East 78th Street, submitted a plot plan (Exhibit J-1) and informed that the church is proposing to expand the existing building.

Case No. 16598 (continued)

Comments and Questions:

Mr. Gardner advised that 55th Street bisects the church owned properties and the existing building is located on the northernmost lots.

In response to Mr. Bolzle, Mr. Gardner stated that a portion of the parking lot appears to wrap around the building, which would be considered a part of the front yard.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; T. White, "absent") to **APPROVE** a **Special Exception** to permit the expansion of an existing church, **variance** of the minimum one acre requirement, **variance** of the maximum floor area ratio of **5**, **variance** of the 100' of frontage, **variance** of the required 25' setback from abutting R Districts, **variance** to permit parking in the front yard and a **variance** to permit parking on a lot other than a lot containing the principal use - **SECTION 404.F. SPECIAL EXCEPTION CONDITIONS** and **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; subject to the execution of a tie contract tying all church property together; finding that the church is existing and several lots are included within their ownership; and finding that approval of the requests will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

The E/2, S/2, S/2, NW/4 of Lot 2, Section 31, T-19-N, R-13-E of the IBM according to the U.S. Government survey thereof; less the east 25' and less the south 25' for roadway; more particularly described as follows, to-wit: Beginning at the NW/c of said E/2, S/2, S/2, NW/4; thence easterly along the north boundary of said E/2, S/2, S/2, NW/4 a distance of 305'; thence southerly parallel to and 25' from the east boundary of said E/2, S/2, S/2, NW/4 a distance of 140'; thence westerly parallel to and 25' from the south boundary of said E/2, S/2, S/2, NW/4, a distance of 305'; thence northerly along the west boundary of said E/2, S/2, S/2, NW/4 a distance of 140' to the Point of Beginning. The E/2 of the N/2, S/2 of a square 10 acre tract lying in the NW/c of Lot 2, Section 31, T-19-N, R-13-E of the IBM, Tulsa County, Oklahoma, according to the U. S. Government survey thereof, being more particularly described as follows, to-wit: Beginning 330' south and 638.8' west of the NE/c of said Lot 2; thence west parallel to the north line of said Lot 2, a distance of 330'; thence south parallel to the west line of said Lot 2, a distance of 165'; thence east parallel to the north line of said Lot 2, a distance of 330' to a point; thence north parallel with the west line of said Lot 2, a distance of 165' to the POB, less the east 25.00' for roadway purposes, said tract of land containing 1 1/4 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

All of Lots 3 - 6, Block 6, J. E. Nichols, City of Tulsa, Tulsa County, Oklahoma.

Beginning 330' south of NW/c of Government Lot 2, Section 31, T-19-N, R-13-E; thence east parallel with the north line of Lot 2, a distance of 330'; thence south parallel with the west line of Lot 2, a distance of 330'; thence west parallel with the north line of Lot 2 a distance of 330'; thence north parallel to the west line of Lot 2 a distance of 330' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16599

Action Requested:

Variance of the required setback from the centerline of 15th Street from 50' to 32' to permit a ground sign - **SECTION 1221.C.6. General Use Conditions for Business Signs** - Use Unit 11, located 1444 South Norfolk.

Presentation:

The applicant, **Michael Reames**, 1444 South Norfolk, submitted a plot plan (Exhibit K-1) and requested permission to continue the use of an existing sign. He informed that the existing building is less than 50' from the centerline of the street and the sign was designed to compliment the historical area. Photographs (Exhibit K-3) and a letter of support (Exhibit K-2) were submitted.

Protestants:

None.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; T. White, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of 15th Street from 50' to 32' to permit a ground sign - **SECTION 1221.C.6. General Use Conditions for Business Signs** - Use Unit 11; per plan and photograph submitted; finding that existing structures are closer to the street than current Code requirements, and 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 4, Block 13, Broadmoor Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16600

Action Requested:

Special Exception to permit office use in an RM-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 11, located 1634 South Denver Avenue.

Presentation:

The applicant, **Paul Gillette**, 2947 South Peoria Avenue, requested that office use be permitted on the ground floor of a 3-story dwelling, with living quarters on the upper floors. He pointed out that this use has been approved for other houses in the area. A plot plan (Exhibit L-1) was submitted.

Comments and Questions:

Mr. Doverspike inquired as to the size of the office area, and Mr. Gillette stated that the first floor contains approximately 800 sq ft of floor space.

In response to Mr. Bolzle, the applicant stated that the house contains approximately 2378 sq ft of floor area.

Mr. Doverspike asked where the patrons will park, and Mr. Gillette stated that the garage will be removed and there is parking already in place at the rear of the dwelling.

Case No. 16600 (continued)

Ms. White inquired as to the type of office use proposed, and the applicant stated that a home sharing service will be conducted on the premises. He added that the business will employ two counselors and a receptionist.

In response to Mr. Doverspike, Mr. Gillette stated that the hours of operation have not been determined, but the office will probably be open from 9 a.m. to 5 p.m., Monday through Friday, and possibly Saturday.

Mr. Gardner stated that, if limited to 1200 sq ft, the office would require four parking spaces.

Protestants:

Darrell Inbody, 1611 South Elwood, stated that his residence is to the rear of the subject property, and that the operation of businesses in the residential district have caused a parking problem in the neighborhood.

Applicant's Rebuttal:

Mr. Gillette stated that there are currently seven paved parking spaces behind the dwelling.

Mr. Doverspike asked if only one family will reside in the dwelling, and the applicant answered in the affirmative.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; T. White, "absent") to **APPROVE** a **Special Exception** to permit office use in an RM-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 11; per plan submitted; subject to days and hours of operation being Monday through Saturday, 9 a.m. to 5 p.m.; subject to the removal of the existing garage; and subject to the office use being limited to 800 sq ft of floor space; finding that numerous dwellings in the area have been converted to office use, and 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 9, Block 5, Stonebraker Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16601

Action Requested:

Variance to move two existing non-conforming signs, or a variance to permit two outdoor advertising signs within 1200' of each other - **SECTION 1221.F.2. Use Conditions for Outdoor Advertising Signs** - Use Unit 21, located 13601 East Broken Arrow Expressway.

Presentation:

The applicant, **Donrey Outdoor Advertising**, 7777 East 38th Street, was represented by **David Polson**, who informed that the State is acquiring additional right-of-way, which will necessitate the relocation of two existing advertising signs. He informed that the signs are currently complying with the required setback, but will now overhang the right-of-way approximately 10'. He noted that the two signs are nonconforming as to spacing and are subject to removal in January 1995. Mr. Polson informed that the state is paying for relocation of the signs, and requested permission to move them 25' to the north and maintain the required 10' setback from the right-of-way.

Comments and Questions:

Mr. Gardner suggested that, if approved, a condition of approval should state that the relocation will not change the nonconforming status of the signs, and the two signs will continue to be nonconforming as to the 1200' spacing.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-1 (Bolzle, Chappelle, S. White, "aye"; no "nays"; Doverspike, "abstaining"; T. White, "absent") to **APPROVE** a **Variance** to relocate two existing non-conforming signs within 1200' of each other on the same side of the freeway corridor - **SECTION 1221.F.2. Use Conditions for Outdoor Advertising Signs** - Use Unit 21; subject to the nonconforming status remaining the same (removal in January 1995); finding that the State is requesting that the signs be relocated; and finding that moving the signs 25' to the north and complying with the 10' setback requirements will not cause substantial detriment to the public good or violate the spirit, purpose or intent of the Code; on the following described property:

W/2, NE/4, less tract beginning SW/c, NE/4, thence east 385', northwesterly 994.8', south 526' to POB, Section 33, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16602

Action Requested:

Variance of the parking requirements, variance to permit parking on a lot other than the lot containing the principal use and a variance of the required setback from the centerlines of South Quincy Avenue and East 15th Street - **SECTION 1211.D and 1215.D. Off-Street Parking and Loading Requirements, SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS, SECTION 1301.D. - General Requirements** - Use Unit 11/15, located 1345 East 15th Street.

Case No. 16602 (continued)

Presentation:

The applicant, **Jack Arnold**, 7318 South Yale, submitted a plot plan (Exhibit N-1) and stated that he is representing the new owner of the building in question. He informed that the use will remain the same and adequate parking is provided; however, the building inspector advised him that the existing parking lot does not comply with current setback requirements.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; T. White, "absent") to **APPROVE** a **Variance** of the parking requirements, **variance** to permit parking on a lot other than the lot containing the principal use and a **variance** of the required setback from the centerlines of South Quincy Avenue and East 15th Street - **SECTION 1211.D and 1215.D. Off-Street Parking and Loading Requirements, SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS, SECTION 1301.D. - General Requirements** - Use Unit 11/15; per plan submitted; subject to the execution of a tie contract and removal contract; finding that the parking area is existing and is compatible with the area; on the following described property:

Lots 10, 11 and 12, Block 7, Bellview Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16603

Action Requested:

Variance of the required side yard from 20' to 15' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2635 East 28th Street.

Presentation:

The applicant, **Michael Dwyer**, 201 West 5th Street, submitted a plot plan (Exhibit P-1) and requested permission for his client to enter his garage from Columbia Avenue instead of 28th Street, which would be permitted by right.

Comments and Questions:

Mr. Bolzle asked if the garage will be moved, and Mr. Dwyer advised that the existing garage is in bad repair and will be replaced and moved slightly forward. He pointed out that only one end of the addition will extend over the setback requirement, due to the angle of the street.

Protestants:

None.

Case No. 16603 (continued)

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; T. White, "absent") to **APPROVE** a **Variance** of the required side yard from 20' to 15' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding a hardship imposed by the existing dwelling, the irregular shape of the lot and the angle of the street; 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:

All that part of Lot 5, Block 4, Woody-Crest Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, described as follows, to-wit: Beginning at a point on the south line of Lot 5, Block 4, Woody-Crest, which point is 125' along the south line from the southwest corner of said Lot; thence south 84°30' east a distance of 107.5' to a point on a curve; thence describing an arc with a radius of 30' in a northeasterly direction 50.5' to a point; thence north 0°30' west a distance of 156'; thence north 84°30' a distance of 125.1'; thence in a southwesterly direction 184.98' to the POB and known as 2635 East 28th Street, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16604

Action Requested:

Special Exception to permit a produce tent and a flower tent in a CH zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2, located 5340 East 41st Street.

Presentation:

The applicant, **Craig Bay**, 1137 East 25th Street, stated that he and **Kathy Kurin** are proposing to operate separate businesses on the lot in question. He informed that his flower sales business operates from March 15th to July 15th and reopens during the month of October, and Ms. Kurin operates her produce business from May 1st to August 31st. Mr. Bay stated that hours of operation are approximately from 9 a.m. to 7:30, seven days each week. A plot plan (Exhibit R-1) was submitted.

Comments and Questions:

Mr. Bolzle asked if the tent will be in place from March 15th through August 31st, and Mr. Bay stated that there will be two tents on the lot during that time period.

Mr. Gardner advised that the issue before the Board is the time period that one or more tents will be on the lot. He pointed out that the temporary use of the lot is permitted for a total of 150 days during one calendar year.

After discussion, it was the consensus of the Board that the applicant should comply with the 150-day time limitation.

Case No. 16604 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; T. White, "absent") to **APPROVE** a **Special Exception** to permit a produce tent and a flower tent in a CH zoned district for **150 days only**, beginning March 15, 1994, and to **CONTINUE** the balance of the application to March 22, 1994 for specific dates totaling 150 days - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2; per plan submitted; finding the temporary use to be compatible with the area; on the following described property:

East 225' of the west 410' of a tract of land beginning 1686' east and 90' south of the NW/c of Section 27, T-19-N, R-13-E, thence south 249.91', east 770', north 249.53', west 770' to POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16606 - Heard with Case No. 16576.

Case No. 16610

Action Requested:

Variance of the required setback from the centerline of South Yale Avenue from 60' to 50' to permit a ground sign - Use Unit 11, located 3404 South Yale.

Presentation:

The applicant, **Jim Spoon**, 3404 South Yale, submitted a plot plan (Exhibit S-2) and stated that he received previous approval for a sign on Yale Avenue and was not aware that the required setback from the centerline of the street is 60'. He submitted photographs (Exhibit S-1) and noted that a 60' setback would place the sign in the middle of the parking lot. Mr. Spoon pointed out that numerous signs in the area have been installed 50' from the centerline.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; T. White, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of South Lewis Avenue from 60' to 50' to permit a ground sign - Use Unit 11; per plan submitted; finding that numerous existing signs in the area have been set at 50'; and finding that the sign will be in the parking lot if installed at the required setback; on the following described property:

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

OTHER BUSINESS

Case No. 16534

Action Requested:

Consider approval of revised plot plan and landscape plan.

Presentation:

The applicant, **Robert Traband**, 5550 South Lewis, Suite 308, was represented by **John Moody**, 6846 South Canton, Suite 120. He explained that the application was previously approved, subject to the applicant returning with a detail site plan and type of exterior materials proposed for the building. Mr. Moody submitted a revised plot plan (Exhibit T-1) depicting additional landscaping along the service area, and photographs (Exhibit S-1) of exterior building materials (either light brown or light gray masonry). He stated that the landscape plan depicts the number and location of trees, but the specific type of landscaping has not been determined. Mr. Moody stated that specific types will be submitted to the Board prior to issuance of a building permit.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-1 (Bolzle, Doverspike, S. White, "aye"; no "nays"; Chappelle, "abstaining"; T. White, "absent") to **APPROVE** a revised plot plan and landscape plan, as submitted; subject to the applicant returning with landscape specifications prior to issuance of a building permit.

There being no further business, the meeting was adjourned at 3:20 p.m.

Date Approved 3-22-94


Chairman

