

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 654
Tuesday, April 12, 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 Parnell, Code Enforcement |

The notice and agenda of said meeting were posted in the Office of the City Clerk on Thursday, April 7, 1994, at 3:44 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 **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** the Minutes of March 22, 1994 (No. 653).

NEW APPLICATIONS

Case No. 16615

Action Requested:

Special Exception to permit automotive repair and allied services in a CS zoned district,
- **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located 602 South Lewis Avenue.

Presentation:

The applicant, **Bob Goleman**, 602 South Lewis Avenue, explained that he has operated an automotive repair garage on the subject property for approximately five years, and requested permission to continue the use.

Comments and Questions:

Mr. Doverspike asked if all work is completed inside the building, and the applicant answered in the affirmative.

In reply to Mr. Doverspike, Mr. Goleman stated that he does not sell automobiles on the subject property.

Mr. Doverspike inquired as to the days and hours of operation, and the applicant stated that his business is open Monday through Friday, 8 a.m. to 6 p.m.

Mr. Doverspike asked Mr. Goleman to state the number of automobiles customarily kept on the lot, and he replied that there are sometimes as many as 20 vehicles on the lot.

Case No. 16615 (continued)

Protestants:

Ms. Russell informed that letters of protest (Exhibit A-1) were received from Councilor Watts and Allan Stewart, District 4 planning chairman.

Interested Parties:

Charles Bahos, 2604 East 2nd Street, stated that the building was previously vacant, and Mr. Goleman's business has been an asset to the community. He requested that the repair shop be permitted to remain.

Comments and Questions:

Ms. Parnell informed that Code Enforcement did not receive a complaint from the neighborhood. She remarked that an inspector noticed that a large number of cars were parked on the CS zoned lot and cited Mr. Goleman for operating an automotive repair business (Exhibit A-2).

Mr. Doverspike asked if cars are stored on the lot, and the applicant stated that he has previously permitted temporary storage for his customers, but has discontinued this service.

In reply to Mr. Doverspike, the applicant stated that the entire lot is paved, and there are commercial uses abutting the subject property.

Mr. Doverspike advised that the District 4 planning chairman voiced a concern with an exceptional amount of lots in the area being used for automobile related businesses. He noted that Gary Watts requested that the intensity of automobile related activities not be increased in the area.

After discussion, it was the consensus of the Board that approval of the request would not increase the intensity of automobile related activities or be detrimental to the neighborhood.

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 automotive repair and allied services in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17; subject to a maximum of 15 vehicles on the lot at any one time; subject to days and hours of operation being 8 a.m. to 6 p.m., Monday through Friday; subject to no storage or sale of automobiles on the lot; and subject to all repairs be conducted inside the building; finding that the business has been in operation at the current location for approximately five years and has proved to be compatible with the neighborhood; on the following described property:

Lots 1 and 2, Block 5, Hillcrest Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16617

Action Requested:

Variance of the required side yard from 5' to 4.4' to permit a lot split - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1232 South 77th East Avenue.

Presentation:

The applicant, **Joe Bohannon**, 16 East 16th Street, Suite 202, submitted a plot plan (Exhibit B-1) and explained that his client is proposing to sell her home and discovered that a portion of the existing garage was constructed on property belonging to the abutting landowner. He informed that this landowner originally sold his client her lot, and has agreed to deed her enough land for the garage. Mr. Bohannon explained that the abutting landowner requested that the fence remain on her property, which resulted in his client having slightly less (approximately 4.3') than the 5' requirement for a side yard.

Comments and Questions:

Mr. Bolzle questioned if the lot will comply with the frontage requirement, and the applicant stated that he was not aware that his client needed additional relief.

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** of the required side yard from 5' to 4.4' to permit a lot split - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; and to **CONTINUE** the balance of the application to April 26, 1994; per plan submitted; finding a hardship demonstrated by a construction error and the fact that two existing houses are too close together to maintain the required 5' side yard; on the following described property:

Lots 6, 7 and 8, Block 8, Eastmoor Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16619

Action Requested:

Special Exception to permit a cemetery/mausoleum in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 2, located 723 North Sandusky Avenue.

Presentation:

The applicant, **J. Lyon Morehead**, 502 West 6th Street, stated that he is representing the owner and operator of the Rose Hill Cemetery and Mausoleum. He submitted a site plan (Exhibit D-2) and explained that his client is proposing to purchase a tract of land that abuts the cemetery to the west. Mr. Morehead stated that the long range plans for his client is to purchase the residential properties to the east of Sandusky Avenue as they become available. The applicant stated that the property in question will be used as a maintenance access for the north portion of the cemetery, and the existing dwelling will be removed.

Comments and Questions:

Mr. Doverspike asked if the cemetery access will be locked and used for employees only, and the applicant answered in the affirmative.

In reply to Mr. Doverspike, Mr. Morehead stated that no new buildings are proposed.

Ms. White asked if equipment or materials will be stored on the subject property, and Mr. Morehead stated that there will be no storage of any type.

Protestants:

Bill Powell, 144 North Toledo, submitted a petition of opposition (Exhibit D-1) signed by property owners in the neighborhood. He stated that the cemetery has other entrances that can be used, and asked the Board to deny the application. Mr. Powell stated that the installation of a cemetery entrance at this location would encroach into the established residential neighborhood, and would have a negative impact on property values.

Eva Penix, 1009 North Sandusky, informed that the cemetery already has two gates, and that she is opposed to the cemetery buying land in the middle of the residential area.

Ruby Payne, 717 North Sandusky Avenue, stated that she lives next door to the property in question and does not intend to sell her land to the cemetery.

Linda Stockton, 735 North Richmond, asked the Board to prevent the cemetery from inching into the established residential neighborhood.

Applicant's Rebuttal:

Mr. Morehead stated that an access point is needed at the proposed location. He noted that surrounding properties are only acquired when they become available.

Mr. Bolzle asked the applicant if the existing road on the cemetery property can be extended to serve the north portion, and he replied that this would be possible.

Ms. White stated that, in her opinion, approval of the request would be detrimental to the neighborhood.

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 **DENY** a **Special Exception** to permit a cemetery/mausoleum in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 2; finding that extension of the use into the established residential neighborhood would be detrimental to the area and violate the spirit and intent of the Code; on the following described property:

- Lot 3, Block 5, Maryland Gardens, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16620

Action Requested:

Special Exception to permit church use in an RS-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 1437 South 129th East Avenue.

Presentation:

The applicant, **O. J. Jackson**, 2240 South 107th East Avenue, submitted a plot plan (Exhibit C-1) and requested permission to construct a church building on the subject property.

Comments and Questions:

In response to Mr. Doverspike, the applicant stated that a church is located to the east, apartments to the south and residential use to the west and north.

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 church use in an RS-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; finding the use to be compatible with the neighborhood and in harmony with the spirit and intent of the Code; on the following described property:

Lots 5 and 6, Block 12, Romoland Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16621

Action Requested:

Special Exception to permit church use in an RS-3 zoned district, variance of the required setback from the centerline of South Memorial Drive, variance to permit parking in the required front yard, variance of the maximum building height, variance of the number of required parking spaces and a variance of the required screening fence - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** and **SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 5, located 7903 East 15th Street.

Presentation:

The applicant, **Wallace Wozencraft**, 5801 East 41st Street, submitted a site plan (Exhibit E-2) and stated that he is the architect for the proposed church facility. Mr. Wozencraft explained that the building previously located on the site was destroyed by a tornado and during reconstruction planning it was discovered that church use had not been granted on the tract, because it was in the County when it was first constructed. He informed that it has been determined that variances of the required setback and required parking are not needed. The applicant stated that the previous facility was constructed prior to the current Code requirements regarding churches. Mr. Wozencraft requested that the new building be 48' in height, which is slightly lower

Case No. 16621 (continued)

structure. He noted that the parking area has existed in front of the building for many years, and requested that the church be permitted to continue this use. In regard to screening, Mr. Wozencraft explained that the required screening fence would separate two church properties, and requested that this requirement be waived. The applicant stated that the new facility will be constructed on the existing footing and the existing sidewalks and parking area will remain.

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 **WITHDRAW** a **variance** of the required setback from the centerline of South Memorial Drive and a **variance** of the number of required parking spaces; and to **APPROVE** a **Special Exception** to permit church use in an RS-3 zoned district, a **variance** to permit parking in the required front yard, a **variance** of the maximum building height to 48' and a **variance** of the required screening fence - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** and **SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 5; per plan submitted; finding that the new facility will be constructed at the same location as the previous structure, and existing parking areas will remain; finding that required screening would actually screen two church properties; finding that church use has existed at this location for many years and is compatible with the area; and finding that approval of the requests will not cause substantial detriment to the public good, or violate the spirit, purpose or intent of the Code; on the following described property:

S/2, SE/4, SE/4, NE/4, Section 11, T-19-N, R-13-E of the IBM, less and except the west 30' and south 40' and east 33' for roadway, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16622

Action Requested:

Variance of the required setback from the centerline of West 7th Street and South Denver Avenue to permit a 1' roof overhang - **SECTION 215 - STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 11, located 220 West 7th Street.

Presentation:

The applicant, **JKL Architecture**, 1513 South Boston, Suite 200, was represented by **Larry Matunas**, 1051 East 137th Street and **John Laur**, architect for the project. Mr. Matunas informed that the application concerns an addition to an existing building to be used for Energy One Federal Credit Union. Mr. Laur, who submitted a site plan (Exhibit F-2) and photographs (Exhibit f-1), informed that the roofline of the building will be altered, which will result in a 1' overhang. He pointed out that the Building Code permits the overhang, but the variance is necessary to comply with Zoning Code setback requirements. Mr. Laur stated that the 1' overhang will allow water to drain away from the building.

Protestants: None

Case No. 16622 (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 **Variance** of the required setback from the centerline of West 7th Street and South Denver Avenue to permit a 1' roof overhang - **SECTION 215 - STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 11; per plan submitted; 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 5, Block 176, Original Town, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16624

Action Requested:

Variance of the required setback from the centerline of East 71st Street South to permit a sign - **SECTION 1221.C.2.a GENERAL USE CONDITIONS FOR BUSINESS SIGNS** - Use Unit 21, located 6501 East 71st Street.

Presentation:

The applicant, **Claude Neon**, 533 South Rockford Avenue, was represented by **Nolan Gross**, 6146 South Mingo Road, who requested permission to install a sign (Exhibit G-2) on an existing pole. He explained that the top portion of the sign will rotate and during the rotation the south edge will extend approximately 10' into the required setback on 71st Street.

Comments and Questions:

Mr. Bolzle asked if the sign will be installed on the existing base, and Mr. Gross stated that the sign will be attached to the existing base that was installed in 1975.

Interested Parties:

Ken Adams, Southeast Tulsa Homeowners Association, submitted photographs (Exhibit G-1) and stated he is supportive of the application. He requested that the sign be restricted to a maximum of three revolutions per minute for safety reasons.

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 the required setback from the centerline of East 71st Street South to permit a sign - **SECTION 1221.C.2.a GENERAL USE CONDITIONS FOR BUSINESS SIGNS** - Use Unit 21; per plan submitted; subject to the rotating portion of the sign being restricted to 3 revolutions per minute; finding that the sign will be attached to an existing sign base; and finding that only one corner of the sign extends into the required setback during each revolution; on the following described property:

Lot 3, less the east 145' and less parcel in the NW/c of Lot 3, more particularly described as follows: Beginning at the NW/c of Lot 3, thence east 180' to a point, thence south 295.01' to a point, thence west 180' to a point on the west line of said Lot 3, thence north along the west line of Lot 3, a distance of 295.01' to a point of beginning, and less the north 95.0' of Lot 3, and all of Lot 4, Block 1, Plaza Village, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 16625

Action Requested:

Special Exception to permit a beauty shop as a home occupation - Use Unit 6, located 6921 East Newton Place.

Presentation:

The applicant, **Dianne Tidwell**, 6921 East Newton Place, requested permission to operate a beauty shop in an accessory building behind her dwelling. Ms. Tidwell stated that she will have from one to four customers per day, and will enlarge the driveway to accommodate the use.

Comments and Questions:

In response to Mr. Doverspike, the applicant stated that she will have only one chair and no employees.

Mr. Doverspike inquired as to the days and hours of operation, and the applicant stated that she will be open 9 a.m. to 5 p.m., Tuesday through Saturday.

Mr. Doverspike asked the applicant if she will sell beauty items on the premises, and she replied that there will be no sales.

In response to Mr. Doverspike, Mr. Jackere stated that the Code will not permit the expansion of the gravel driveway.

Protestants:

Brian Ipock, 13409 South 86th East Avenue, Bixby, Oklahoma, stated that he owns three houses in the neighborhood, and voiced a concern with parking on the grass. Mr. Ipock informed that he is interested in preserving the current standards in the neighborhood, and pointed out that the building in question is in very bad repair.

Ms. White asked Mr. Ipock if he is opposed to the use, and he replied that he is not opposed to a one-chair operation, if the building complies with all City regulations.

Ben Frizzell, 6919 East Newton Place, informed that he lives next door to the subject property and is concerned with above-ground plumbing leaks on the lot. He submitted photographs (Exhibit H-1) and noted that there is outside storage of various articles, and the applicant's clients park in front of his home. Mr. Frizzell stated that the use would depreciate his property values, and asked that the application be denied.

Applicant's Rebuttal:

Ms. Tidwell stated that she cannot obtain a building permit to repair the building until the Board approves the special exception.

In response to Mr. White, the applicant stated that the pop machine currently stored outside will be sold.

Additional Comments:

Ms. Parnell stated that City electrical and plumbing inspections cannot be completed until the Board approves the use.

Case No. 16625 (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 beauty shop as a home occupation - Use Unit 6; per home occupation guidelines; subject to the installation of a double driveway covered with a hard surface; subject to days and hours of operation being Tuesday through Saturday, 9 a.m. to 5 p.m.; subject to approval by the plumbing inspector; subject to one chair and no employees; and subject to appointments being scheduled with 15 minute intervals to prevent accumulation of vehicles in the neighborhood; finding that the use, per conditions, will not be detrimental to the neighborhood; on the following described property:

Lot 15, Block 3, Huffman Heights, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16626

Action Requested:

Presentation:

The applicant, **Scott Winn**, 3935 North Lewis Avenue, was represented by Brad Fuller, who informed that his client operates a business that sells and rents new and used parts and equipment. He informed that the operation was considered to be a salvage business by the Code Enforcement officer and the owner was cited because it was not screened. Mr. Fuller submitted photographs (Exhibit J-1) and noted that a salvage business is located next door to the south of the subject property, undeveloped land to the rear and a farm to the north. He stated that the business in question does not fall under the Code definition of a salvage yard, but is similar to other equipment sales operations, or Tulsa's equipment and parts yard. Mr. Fuller requested that screening be waived on the boundary between the business in question and the abutting salvage operation, and noted that the property to the east is undeveloped and screened by a berm. He pointed out that the berm also extends around a portion of the north boundary, and his client will agree to plant trees along the remainder of that lot line and in front of the business.

Comments and Questions:

In response to Mr. Doverspike, Ms. Russell informed that screening requirements can be modified by a special exception.

Mr. Jackere advised that the primary issue before the Board is the use and, if found to be a salvage operation, screening is required.

Mr. Doverspike noted that the photographs reflect the storage of commercial size tires, parts from dismantled vehicles and other items that could be found on a salvage yard, and Mr. Fuller stated that this is not the primary use of the property.

Ms. Parnell stated that the business in question is a lawfully nonconforming use, and that she considers it to be a salvage operation. She stated that screening is not an issue on the boundary abutting the salvage yard, but screening could become necessary on the east if the land is ever developed.

In response to Mr. Bolzle, Mr. Fuller stated that some of his clients large equipment can be driven and other equipment is mobile, but is not motorized and requires towing.

Case No. 16626 (continued)

Mr. Fuller pointed out that the business in question does not deal in scrap material, and is not a salvage operation.

Mr. Gardner noted that the Board should determine if the business in question has tires and parts on the lot that can be used for operating equipment, or if the tires and parts have been discarded and can be considered as salvage.

Mr. Bolzle stated that he has not made a determination as to the proper use unit classification for this particular type of business, but is inclined to think of the use as a type of salvage.

After a lengthy discussion, the Board advised Mr. Fuller that they were having a difficult time deciding whether the use is or is not a salvage business. They informed that they were amenable to granting a special exception with regard to the screening relief requested (the second part of the application) and asked Mr. Fuller if his client would be willing to withdraw the appeal if the Board voted to approve the special exception.

Mr. Fuller stated that his client will withdraw the appeal if the Board grants the special exception.

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 modify the screening requirement - Use Unit 17; waiving the screening requirement along the entire southern boundary adjacent to the auto salvage; waiving screening along the entire eastern boundary and the east 300' of the northern boundary as long as the earthen berm remains in place; waiving the screening along the balance of the north boundary extending west to the back of the northwesternmost building, provided this portion between the berm and the northwestern building is screened by planting cedar trees closely together to provide a continuous living screen, and waiving the screening along the entire western boundary, provided that cedar trees are planted closely together to provide a continuous living screen between these two existing buildings on the front of the property, except for the existing driveway; subject to equipment displayed between Lewis Avenue and the cedar tree buffer being limited to rolling stock (equipment) and operable customary and accessory equipment, which is to be attached to the rolling equipment, such as box blades, trenching equipment, etc.; finding that approval of the request will not be detrimental to the area or violate the spirit and intent of the Code.

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** an **Appeal** of the decision of the Code Enforcement Officer that the use is a salvage yard, as requested by the applicant; on the following described property:

North 417.5', SW/4, NW/4, SW/4, less east 25' for road and less west 33', south 208.792', north 417.5', SW/4, NW/4, SW/4 for road and less west 50', north 208.708', SW/4, NW/4, SW/4, for road Section 17, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16627

Action Requested:

Appeal the decision of the Administrative Official that the all-weather surface requirement for off-street parking applies to the activities conducted on the site, or in the alternative a variance to permit the placement, parking and display of automobiles on areas not surfaced with all-weather material - **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING** - Use Unit 17, located 3939 South

Presentation:

The applicant, **Brad Mollett**, Oneok, Suite 800, was represented by Brad Beasley, who informed that he is appealing a decision of Code Enforcement that there is a zoning violation on the subject property. He submitted a photograph (Exhibit K-2) and explained that his client, Thomas Cadillac, was cited for parking automobiles on the grassy area in front of the business. Mr. Beasley pointed out that the Code definition of an off-street parking space is a space on a lot intended and reserved for the parking of an automobile. He noted that the grassy areas in question at this location have never been a part of the off-street parking requirements for the business. Mr. Beasley stated that, even if these areas were hard surfaced, parking vehicles for sale would be prohibited according to Title 42, Section 1301.C. of the Zoning Code. He asked that the Board uphold the appeal.

Comments and Questions:

Mr. Jackere noted that the photographs (Exhibit K-1) submitted by Code Enforcement indicate that automobiles are parked on the City right-of-way.

Mr. Beasley stated that his client has not been cited for parking on the right-of-way.

Mr. Jackere pointed out that an industrial use could occupy the property and store equipment, pipe, etc., by right.

Mr. Beasley noted that the Code Enforcement officer has equated the sale of automobiles with the off-street parking of automobiles, and pointed out that there is a big distinction between the two. He stated that the grassy area is used solely for the display of automobiles for sale.

Protestants:

Bill Bond stated that he owns the property to the north, and asked that he also be permitted to park on the grass if Thomas Cadillac is granted that privilege.

Ken Adams, 6730 South Sheridan, represented the Southeast Tulsa Homeowners Association and informed that there are numerous automobile dealers on Memorial Drive that park on the City right-of-way. Mr. Adams stated that he is opposed to parking any automobiles for sale on the grass, if the vehicles are visible from the street.

Applicant's Rebuttal:

Mr. Beasley informed that his client is parking on the grassy area in front of the building, which is not reserved for off-street parking. He stated that the citation issued by Code Enforcement was in error and should be dismissed.

Additional Comments:

In response to Mr. Bolzle, Mr. Beasley stated that cars are displayed on the grass at various times during the year.

Case No. 16627 (continued)

Mr. Jackere stated that the Code provision in 1301.C. points out that there may be a distinction between parking and storage of a vehicle, because it differentiates between the two.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-1 (Bolzle, Chappelle, T. White, "aye"; no "nays"; Doverspike, "abstaining"; S. White, "absent") to **APPROVE** the **Appeal**, and to **OVERTURN** the decision of the Administrative Official that the all-weather surface requirement for off-street parking applies to the display of automobiles for sale (merchandise) - **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING** - Use Unit 17; finding that the vehicles are displayed merchandise for sale on the lot and this merchandise does not occupy required off-street parking, but is located in front of the building on a grassed display area; on the following described property:

Lot 2, Block 1, part of Lot 3 beginning 339'W SE/c thence west 236.50', north 190', west 190', north 435.91', northeast 76.91', north 92.8', east 200', north 137.24', southeast 260.28', south 245.35', west 24', south 578.64' to Point of Beginning, Block 1, Bond Second Addition AMD, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16628

Action Requested:

Variance of the number of required parking spaces - **SECTION 1205.D. Off-Street Parking and Loading Requirements** - Use Unit 5, located 2839 East 5th Street.

Presentation:

The applicant, **Ken McIntosh**, 2151 North Elwood, stated that he is a campus minister at the University of Tulsa. He informed that there are currently two houses on the tract, which will be removed to allow the construction of a larger facility. Mr. McIntosh stated that the new structure would extend over the current parking lot; however, the use is considered to be a student support service, and university parking areas are available (Exhibit L-1). He pointed out that approximately all individuals visiting the facility will walk over from the campus.

Comments and Questions:

Mr. Bolzle asked if the proposed building has been designed, and the applicant stated that it had been determined that the parking variance should be acquired before plans are completed.

In response to Mr. Bolzle, the applicant stated that the new facility will have one story.

Mr. Gardner advised that the proposed 3000 sq ft building would cover approximately all building space on the lot, because 25' setbacks are required on two streets.

Case No. 16628.(continued)

A member of the Board of the Episcopal Church Council stated that the Council owns the property in question and is supportive of the application. He informed that the use will not be changed, and the University has determined that additional parking will not be required for the new facility.

Additional Comments:

Mr. Doverspike advised the applicant that he could support the request if the use is limited to a student union center only, because another use might require additional parking.

Mr. McIntosh stated that he is not opposed to the limited use, because the property is included in the T. U. Master Plan, and it will be acquired by the University if the student union no longer occupies the building.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Variance** of the number of required parking spaces - **SECTION 1205.D. Off-Street Parking and Loading Requirements** - Use Unit 5; subject to the use being limited to support services and administrative functions for the University of Tulsa; finding that the use has been at the current location for many years; and finding that the majority of students walk to the student union building, but are permitted to use the surrounding University parking areas; on the following described property:

Lot 11, Block 2, College Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16640

Action Requested:

Minor Special Exception to permit an accessory building on an abutting lot under common ownership, and a variance of the required setback from the centerline of East 76th Street South - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 4004 East 76th Street South.

Presentation:

The applicant, **John Stava**, 2121 East 51st Street, Suite 100, was represented by **Richard Blissit**, owner of the subject property. He informed that a home was constructed on the property approximately 25 years ago; and a garage is now being proposed on an abutting lot. Mr. Blissit explained that the garage will have the same setback as the house, and noted that the slope of the land prevents a greater setback. A plot plan (Exhibit M-1) was submitted.

Interested Parties:

A letter (Exhibit M-2) was received from **Jerry Smith**, a property owner in the neighborhood.

Case No. 16640 (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 **Minor Special Exception** to permit an accessory building on an abutting lot under common ownership, and a **variance** of the required setback from the centerline of East 76th Street South - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; subject to the execution of a tie contract tying the lots containing the principal use and the accessory building; finding a hardship demonstrated by the severe slope of the land; on the following described property:

Lot 16, Block 3, Timbercrest Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16649

Action Requested:

Variance of the required 30' of frontage on a public street - **SECTION 206. STREET FRONTAGE REQUIRED** - Use Unit 6, located 11818 South Sheridan Road.

Presentation:

The applicant, **Paul Lopez**, 6738 East 91st Street, #1, stated that he purchased a tract of land and is proposing to construct a single-family dwelling. He explained that the tract does not have 30' of frontage on a public street, but he has acquired a mutual access easement from his property to Sheridan Road. A plat of survey (Exhibit N-1) was submitted.

Comments and Questions:

Mr. Bolzle asked if the mutual access easement has been filed of record and is perpetual, and the applicant answered in the affirmative.

Protestants:

None.

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 **APPROVE** a **Variance** of the required 30' of frontage on a public street - **SECTION 206. STREET FRONTAGE REQUIRED** - Use Unit 6; per survey submitted; subject to a mutual access easement being filed of record; finding a hardship imposed on the applicant by the fact that the property is landlocked and inaccessible without Board relief; on the following described property:

Case No. 16649 (continued)

Tract B, part of the NE/4, SE/4, Beginning 302' west SECR SE/4, NE/4, SE/4, thence west 250', northwest 70.89', northwest 79.70', northwest 85.05', northeast 123.1', northwest 31.08', east 336.91', south 361.41', POB, Section 34, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 4:24 p.m.

Date Approved 4-26-94


Chairman

