

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 656
Tuesday, May 10, 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 Doverspike, Chairman S. White T. White	Chappelle	Gardner Moore Russell	Jackere, Legal Parnell, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, May 5, 1994, at 3:31 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Doverspike called the meeting to order at 1:00 p.m.

MINUTES:

On **MOTION** of **BOLZLE**, the Board voted 3-0-1 (Bolzle, Doverspike, T. White, "aye"; no "nays"; S. White, "abstaining"; Chappelle, "absent") to **APPROVE** the Minutes of April 26, 1994 (No. 655).

UNFINISHED BUSINESS

Case No. 16632

Action Requested:

Variance of the maximum FAR from 50% to 85% - **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 5, located at 72nd Street and Yale Avenue.

Comments and Questions:

Mr. Doverspike advised that he will abstain from hearing Case No. 16632.

Presentation:

The applicant, **Joe Hamra**, 7006 South Evanston, stated that he is proposing to construct a nursing home (Exhibit A-1) and pointed out that the use is similar to a hospital in that all services are provided inside the building. Mr. Hamra informed that approximately 50% of the three-story building will be devoted to common area and the remainder to housing units. The applicant stated that the residents of the facility do not have automobiles. He informed that there will be 30 employees for the 111,000 sq ft nursing home. Mr. Hamra stated that the land slopes approximately 8' to 10' and the area residents have voiced a concern with water runoff. He informed that the project in question will be in full compliance with Stormwater Management requirements.

Comments and Questions:

In reply to Mr. Bolzle, the applicant stated that additional green area and parking spaces, above the requirements, will be installed.

Case No. 16632 (continued)

Protestants:

Gene Kaefer, 4214 East 74th Street, submitted a drainage packet (Exhibit A-3) and gave a history of the water runoff problems in the area. He informed that development of the southeast corner of 71st Street and Yale Avenue caused immediate flooding for the houses below. Mr. Kaefer informed that the property slopes south and east.

Applicant's Rebuttal:

Mr. Hamra noted that the water flow at this location is to the southwest, and reiterated that he will comply with all Stormwater Management requirements.

Additional Comments:

Ms. White inquired as to the hardship for the variance request, and the applicant replied that all activities for the nursing home will be conducted inside the facility, which requires additional floor area and limited parking. He pointed out that a four-story office building could be constructed on the tract by right.

In response to Mr. Bolzle, Mr. Gardner informed that a six-story office building could probably be constructed on the tract, which would require more parking than the nursing home. He noted that platting will be required and during this platting process the issue of storm water will be addressed. Mr. Gardner advised that, if approved, the use should be restricted to nursing home uses only, because the proposed building could not comply with parking requirements for office use.

In reply to Mr. Bolzle, Mr. Gardner advised that FAR is to assure that adequate parking and open space are provided on the site. He noted that Mr. Hamra is providing more open space than is required by the Code and is exceeding the parking requirements for such uses.

Mr. Bolzle stated that the amount of land covered by a hard surface is substantially less for the intended use than for office use.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 3-0-1 (Bolzle, S. White, T. White, "aye"; no "nays"; Doverspike, "abstaining"; Chappelle, "absent") to **APPROVE** a **Variance** of the maximum FAR from 50% to 85% - **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 5; per plan submitted; subject to the building being for nursing home use only; subject to Stormwater Management approval, including on-site detention (no fee in lieu of); finding a hardship demonstrated by the nature of the use, and the fact that a nursing home requires fewer parking spaces than an office complex, which results in more open space; and finding that approval of the request, per conditions, will not cause substantial detriment to the public good, or violate the spirit, purpose or intent of the Code; on the following described property:

East 410' of the NE/4, NE/4, Section 9, T-18-N, R-13-E, less the north 942.78' thereof, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16637

Action Requested:

Special Exception to permit Use Unit 4 - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** - Monopole in an OM zoned district - Use Unit 4, located 6349 South Memorial Drive.

Presentation:

The applicant, **Tulsa Cellular**, 13801 Wireless Way, Oklahoma City, Oklahoma, was represented by **Roy Johnsen**, 201 West 5th Street, who requested by letter (Exhibit C-1) that Case No. 16637 be withdrawn.

Case No. 16639

Action Requested:

Special Exception to permit automobile sales in a CS zoned district, for a variance to permit open air storage within 300' of an R district, and for a variance of the required 50' setback from the centerline of East Pine to 30' for parking - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** and **SECTION 1217.C.1 and 2. Use Conditions** - Use Unit 17, located 1001 East Pine Street.

Presentation:

The applicant, **Victor Bentley**, 1001 East Pine, was represented by **Leslie Thornton**, 115 West 3rd Street, who requested that his client be permitted to operate a used car sales business on the subject property. He submitted photographs (Exhibit B-2) and explained that the elevated portion of the lot will be leveled to permit vehicles to enter the lot from Pine Street or Madison Avenue.

Comments and Questions:

Mr. Doverspike inquired as to the maximum number of cars proposed, and Mr. Thornton replied that 5-6 vehicles will be on the parking lot and two located to the front of the lot. He stated that his client will not have more than 10 vehicles on the lot at any given time.

Mr. Thornton stated that his client has purchased the abutting lot on the corner of Pine and Madison, which will be used for customer parking.

Mr. Bolzle advised Mr. Thornton that this lot is zoned for residential use and parking is not permitted.

Protestants:

Ms. Russell informed that she received a petition of protest (Exhibit C-1) signed by the Dunbar Homeowners Association and residents of the area.

Dorothy DeWitty stated that the intensity of the use on the 50' lot creates a problem for the neighborhood, and hampers economic development in the area. She informed that the vacant Dunbar School across the street has been purchased for elderly housing, and the area to the north is residential in nature.

Case No. 16639 (continued)

Dean Bullock, 784 East Queen Street, stated that the school bus and City bus both stop at this corner and customers parking on the street create a hazardous condition for motorists and pedestrians in the area. It was noted that Mr. Bentley did not attend the neighborhood meeting concerning the car sales business.

Applicant's Rebuttal:

Mr. Bentley stated that he was not advised of the neighborhood meeting, nor was his sister that lives at 1509 North Madison.

Mr. Thornton remarked that the issue seems to be the new elderly housing project across the street. He noted that his client is selling affordable cars and the business is beneficial to residents in the area.

Additional Comments:

Mr. Bolzle stated that elderly housing is not the topic of concern; however, the setback for parking, storage of vehicles and the compatibility of the use are the issues before the Board.

Mr. Doverspike stated that he is surprised that the small car lot would create this level of neighborhood concern.

Ms. Parnell noted that the use was much more intense when the car lot first began operation.

Mr. Bolzle noted that the use in the area is predominately residential, and voiced a concern with approving a use of this intensity on a small 50' lot with inadequate customer parking.

Ms. White stated that the use is not compatible with the nearby residential neighborhood.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 3-1-0 (Bolzle, S. White, T. White, "aye"; Doverspike, "nay"; no "abstentions"; Chappelle, "absent") to **DENY** a **Special Exception** to permit automobile sales in a CS zoned district, a **variance** to permit open air storage within 300' of an R district, and a **variance** of the required 50' setback from the centerline of East Pine to 30' for parking - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** and **SECTION 1217.C.1 and 2. Use Conditions** - Use Unit 17; finding there is inadequate customer parking; and finding the use would be too intense for the area, and injurious to the surrounding residential neighborhood; on the following described property:

Lot 12, Block 2, Booker Washington, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16643

Action Requested:

Variance to permit three ground signs and two wall signs - **SECTION 602.B.4.b. BUSINESS SIGNS IN THE OFFICE DISTRICT** - Use Unit 11, located 1700 Southwest Boulevard.

Comments and Questions:

Mr. Doverspike advised that he will abstain from hearing Case No. 16643.

Interested Parties:

Millie Ballard informed that she has an office in the building and requested that the signs in question be approved.

Presentation:

The applicant, **James Adelman**, 1700 Southwest Boulevard, submitted a sign plan (Exhibit D-1) and informed that the sign in question is a 3' by 5' double-faced structure along Southwest Boulevard. Mr. Adelman stated that all permitted signage has been used by the signs that are currently on the wall of the building (one sign 40" by 10' and one 20" by 10'). The applicant stated that the sign will be constructed from materials that will match the exterior of the existing building.

Comments and Questions:

In response to Mr. Bolzle, the applicant stated that there is a 20" by 5' street sign on each end of the building, which is inscribed with the address.

Mr. Bolzle asked if there is a Med Station sign on 17th Street, on Southwest Boulevard and on the south end of the building, along with two other street signs, and the applicant answered in the affirmative.

Mr. Adelman informed that the case report is incorrect and should state that he is requesting three wall signs and one ground sign.

In response to Ms. White, the applicant stated that there are six offices in the building.

Ms. White asked Mr. Adelman to address the hardship for the variance request, and he replied that clients are not aware that the law firm is in the building. She remarked that one ground sign could be installed that would adequately serve all tenants.

Mr. Gardner advised that the building has three street frontages and would be permitted to have three signs by right.

Protestants:

None.

Board Action:

Ms. White's motion for denial failed for lack of a second.

On **MOTION** of **S. WHITE**, the Board voted 2-1-1 (Bolzle, T. White, "aye"; S. White, "nay"; Doverspike, "abstaining"; Chappelle, "absent") to **APPROVE*** a **Variance** to permit three wall signs and one ground sign - **SECTION 602.B.4.b. BUSINESS SIGNS IN THE OFFICE DISTRICT** - Use Unit 11; on the following described property:

Case No. 16643 (continued)

Lots 2-7 and part of Lots 8 and 9, Block 1, Riverside Addition and part vacated 17th Place and Lots 2-8 less part of Lot 2, 7 and 8, Block 18, West Tulsa Addition, beginning 5' east NE/c Lot 2, Block 18, thence southeast to point 5' WEL Lot 2, thence south 165', east 5', south 125', west 178.84' NELY 309.56', east 116.98' POB, Block 18, West Tulsa Addition, City of Tulsa, Tulsa County, Oklahoma.

*The application was denied due to the lack of three affirmative votes.

MINOR VARIANCES AND EXCEPTIONS

Case No. 16670

Action Requested:

Special Exception to permit the parking of an RV in front driveway - **SECTION 402.B.7.c. Parking or storage of recreational vehicles** - Use Unit 6, located 4949 South 94th East Place.

Presentation:

The applicant, **Phenix Benton**, 4949 South 94th East Place, submitted photographs (Exhibit E-1) and explained that he has lived at the current location for approximately 20 years and has always parked a recreational vehicle in his driveway. He noted that he previously owned a 23' RV, but the one on the driveway at this time is 31'. Mr. Benton stated that, due to the irregular shape of the lot, there is not sufficient space for a vehicle to access the back yard. He added that a tree and a street light also block the entry to the back yard.

Comments and Questions:

In reply to Mr. Doverspike, the applicant stated that the back of the RV is approximately 8' from the curb. He pointed out that the his property is located on a cul-de-sac and noted that the RV would be approximately 30' from the curb if the property lines were straight.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit the parking of a 31' RV in the front driveway - **SECTION 402.B.7.c. Parking or storage of recreational vehicles** - Use Unit 6; finding that the back yard is inaccessible, due to the irregular shape of the lot, an existing tree and a street light; and finding that the property is located in a cul-de-sac and the RV does not block the line of sight for residents backing out of their driveways; on the following described property:

Lot 28, Block 9, Regency Park East, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16672

Action Requested:

Amend a previously approved site plan - Use Unit 2, located 300 West Archer.

Presentation:

The applicant, **Crosstown Venture**, 7116 South Mingo, Suite 103, was represented by **John Moody**, 6846 South Canton, Suite 120, who stated that a site plan was previously approved for the construction of a correctional facility on the subject tract. He informed that, since that time, his client has determined to remodel the existing building. Mr. Moody stated that the neighborhood has viewed the new plot plan (Exhibit F-1) and elevations (Exhibit F-2) and is supportive of the new proposal. He submitted letters of support (Exhibit F-3). Mr. Moody stated that the new plan will permit increased parking and open space.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** an amended site plan - Use Unit 2; per plan submitted; finding that the existing building will be renovated and a new facility will not be constructed, as previously approved; on the following described property:

All of Block 63, Original Townsite, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16674

Action Requested:

Amended site plan approval to permit a tent sale for two weeks prior to Memorial Day for a three-year period (1994, 1995, 1996) - Use Unit 17, located 12303 East 11th Street.

Presentation:

The applicant, **Henry Myers**, 12303 East 11th Street, stated that he is general manager of Tulsa Boat Sales and requested permission to conduct a two-week tent sale on the lot prior to Labor Day. He informed that the sales operation was previously approved per plot plan and Board approval is required to amend the plot plan and conduct the tent sale.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** an amended site plan approval to permit a tent sale for two weeks prior to Memorial Day for a three-year period (1994, 1995, 1996) - Use Unit 17; per plot plan and elevations submitted; finding that the sale is held annually, and has proved to be compatible with the area; on the following described property:

East 250.4' of Block 3, Pennant Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16685

Action Requested:

Special Exception to amend a previously approved plot plan - Use Unit 8, located 6732 South Peoria Avenue.

Presentation:

The applicant, **Scott Sherrill**, 5727 South Lewis, #550, informed that the proposal is to enclose an existing breezeway that connects a club house and leasing office for an apartment complex. A plat of survey (Exhibit H-1) was submitted.

Comments and Questions:

Mr. Bolzle inquired as to the use for the enclosed area, and Mr. Sherrill replied that the space will be used for an entry.

Protestants:

None.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to amend a previously approved plot plan - Use Unit 8; per survey submitted; finding that the enclosure of the breezeway 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, Raintree, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16645

Action Requested:

Variance of the required side yard from 10' to 2' to permit an addition to an existing structure - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2334 East 24th Street.

Presentation:

The applicant, **Joel Collins**, 5319 South Lewis, Suite 210, was represented by **Rick Braselton**, who submitted a plot plan (Exhibit J-1) and requested permission to construct an addition to an existing dwelling. He noted that the addition will align with the east wall of the structure, which encroaches into the required setback.

Comments and Questions:

Mr. Bolzle inquired as to the distance from the dwelling in question to the nearest structure to the east, and Mr. Braselton replied that the two structures are approximately 8½' apart. He noted that the property owner to the east is supportive of the project.

Comments and Questions:

Mr. Gardner asked if the distance between the roof overhangs of the two dwellings is at least 6' and Mr. Braselton answered in the affirmative. He noted that the dwelling to the east does not have an overhang.

Case No. 16645 (continued)

In reply to Mr. Bolzle, Mr. Braselton stated that he was not aware of the existing encroachment until the building plans had been finalized.

Mr. Doverspike asked when the house was constructed, and Mr. Braselton stated that the house was built in 1939.

Protestants:

None.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required side yard from 10' to 2' to permit an addition to an existing structure - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the existing dwelling was constructed prior to current setback requirements, and that the new addition will align with the existing building wall; on the following described property:

Lot 6 and the east 4' of Lot 5, Block 2, Megee Addition a resub of Lot 5, less the eastern 3' thereof, in J. P. Harter's Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16646

Action Requested:

Variance of the 50' spacing requirement between an adult entertainment establishment and an R zoned district - **SECTION 1212a.C.3.a.** - Use Unit 12a, located 1216 West Archer Street.

Presentation:

The applicant, **Michael Beard**, 1736 South Carson, informed that he is representing a tavern that is operating in the middle of a shopping center. He informed that a tavern has been at this location for approximately 37 years, and requested permission for the use to continue. Mr. Beard informed that the adoption of a recent ordinance, which prohibits the operation of the tavern within 50' of property zoned for residential use, resulted in the filing of this application. He pointed out that the nearest residence is vacant and has been boarded up for approximately three years.

Comments and Questions:

Mr. Gardner advised that the use does not comply with current parking requirements and, if approved, the applicant will need to file for additional relief in regard to parking.

Protestants:

Mark Barcus, 332 North Santa Fe, planning chairman for District 10, noted that the tavern is across the street from a church and is in violation of the District 10 Comprehensive Plan. He informed that the use is not consistent with the community objectives and is surrounded by residences. Mr. Barcus stated that a revitalization study is in progress, and asked the Board to deny the request. Letters of protest (Exhibit K-3) were submitted.

Case No. 16646 (continued)

Tim Taylor, president of Irving Neighborhood Association, informed that the owner of the nearby dwelling boarded up the windows because of continual damage to the property. He informed that the bar attracts undesirable individuals to the neighborhood. Mr. Taylor stated that property owners in the area are working diligently to upgrade the neighborhood. He asked the Board to consider the Comprehensive Plan and deny the application.

The **Christ Gospel Church**, 1003 West Archer, was represented by the church pastor, who informed that church services have been disrupted by customers coming from the bar, and the church parking lot is used for parking by bar patrons.

Dane Matthews, INCOG staff, advised that during the blanket zoning study it was determined that the land use in the Irving neighborhood is approximately 98% single-family. She informed that the bar is located within the boundaries of that neighborhood.

Photographs (Exhibit K-2) were submitted.

Applicant's Rebuttal:

Mr. Beard reiterated that the use has been at the current location for approximately 37 years, and was probably there when the residential neighborhood was established. He informed that there is a possibility that the door could be relocated and bring the use into compliance.

Additional Comments:

Ms. Parnell informed that the measurement from the front door of the club to the residential property line is 47'. Photographs and a zoning violation notice (Exhibit K-1), which noted a lack of adequate off-street parking, were submitted.

Mr. Bolzle stated that the tavern is surrounded by residential use.

Mr. Doverspike and Ms. White agreed that approval of the request would cause substantial detriment to the public good. Ms. White noted that the new ordinance was designed to address this type of situation.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Variance** of the 50' spacing requirement between an adult entertainment establishment and an R zoned district - **SECTION 1212a.C.3.a.** - Use Unit 12a; finding that a hardship was not demonstrated that would warrant the granting of a variance; and finding that approval of the request would cause substantial detriment to the public good, and violate the spirit and intent of the Code; on the following described property:

Lots 14, 15 and 16, less west 32.85' of Lot 16 and less north 15', west 32.85' of Lot 15, Block 17, Owen Addition Amended, Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 16647

Action Requested:

Special Exception to permit a dry cleaning business in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 15, located SW/c of East 71st Street and South Memorial Drive.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, submitted a plot plan (Exhibit L-1) and explained that the proposed dry cleaning business will occupy the northwest tenant space in the main building (2900 sq ft). He informed that the business will comply with all requirements imposed on dry cleaning establishments.

Comments and Questions:

Mr. Doverspike asked if the actual dry cleaning is done at this location, and the applicant answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit a 2900 sq ft dry cleaning business in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 15; per plan submitted; subject to Health Department approval; finding that approval of the use, per conditions, will not be detrimental to the area; on the following described property:

Lot 1, less beginning 60' west SE/c NE/4, NE/4, thence west 440.5', north 44.36', NWLY 591.45', northeast 5.62', southeast 269', NLY 708.55', southeast 257.54', south 57.9', east 35', south 72', east 201', south to POB, and less beginning 226' west NE/c Lot 1, thence south 131.5' thence on crv rt 22.78', west 191.48' thence on crv rt 30.63', north 126.5', east 225.48' POB, Block 1, Raphael Plaza, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16648

Action Requested:

Variance of the maximum display surface area and height to permit a sign - **SECTION 402.B.4. Signs** - Use Unit 8, located 5087 South Toledo Avenue.

Presentation:

The applicant, **William Jones**, 15 East 15th Street, #3800, submitted a plot plan (Exhibit M-1) and stated that he is representing the owner of the Yacht Club Apartments. He explained that an amusement park was approved on abutting property and the apartment complex immediately experienced a decline in occupancy. Mr. Jones stated that his client is proposing to renovate the complex and add a main entry feature, consisting of a sailing ship with the name of the apartments. He informed that the sign is in compliance with the Code if the ship is not included in calculating the signage.

Case No. 16648 (continued)

Comments and Questions:

In reply to Mr. Doverspike, Mr. Jones informed that, if the entire ship is calculated as signage, the permitted display area would be exceeded by approximately 25% and the height by 14'.

Protestants:

None.

Board Action:

On **MOTION of BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the maximum display surface area and height to permit a sign - **SECTION 402.B.4. Signs** - Use Unit 8; per plan submitted; subject to an entry feature (one sailing ship) being located on the 51st Street entry; finding that the RM-2 tract is surrounded by properties with commercial and office zoning classifications; and finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit and intent of the Code; on the following described property:

Lot 1, Block 1, Lincoln Estates Third Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16650

Action Requested:

Special Exception to permit a restaurant and Use Unit 14 uses (Shopping Goods and Services) in an IL zoned district, and a variance to permit required off-street parking on a lot other than the lot containing the principal use - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** and **SECTION 1301.D. GENERAL REQUIREMENTS** - Use Units 12 and 14, located 11339 East 61st Street.

Presentation:

The applicant, **Dan Rickman**, 1166 North 166th East Avenue, filed the application for the property owner, who was represented by **Roy Johnsen**, 201 West 5th Street. He explained that his client owns two lots that have 150' of frontage on 61st Street and are zoned for industrial uses. He informed that a 12,000 sq ft building, with parking, is located on the westernmost lot, and the eastern lot has 50% grassy area and 50% hard surface. Mr. Johnsen stated that his client is proposing to lease 3520 sq ft of the building for restaurant use, and parking to serve the use will be located on the southern half of the easternmost lot. He noted that, although zoned for industrial uses, numerous retail uses have been approved in the area. Mr. Johnsen requested that restaurant parking be permitted on a lot other than the one containing the principal use. He also requested that Use Unit 14 uses be permitted in the remainder of the building. A plot plan (Exhibit N-1) was submitted.

Protestants:

None.

Case No. 16650 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit a restaurant and Use Unit 14 uses (Shopping Goods and Services) in an IL zoned district, and a variance to permit required off-street parking on a lot other than the lot containing the principal use - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** and **SECTION 1301.D. GENERAL REQUIREMENTS** - Use Units 12 and 14; per plan submitted; subject to the execution of a tie contract on the two lots; and subject to all Use Unit 14 uses being contained in the existing building; finding that, although zoned IL, similar retail uses have been approved in the area; finding that approval of the requests will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lots 2 and 3, Block 1, 6000 Garnett Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16651

Action Requested:

Special Exception to reduce the number of off-street parking spaces - **SECTION 1608.A.13. SPECIAL EXCEPTION** - Use Unit 12a, located 302 South Phoenix Avenue.

Presentation:

The applicant, **Elaine Meek**, 1518 South Cheyenne Avenue, attorney for the owner and operator of the business, stated that the building in question was constructed in approximately 1920, without parking. She informed that a bar has been operating in the building for approximately 20 years. Ms. Meek stated that there are no more than 12 customers visiting the bar at any given time, and they use available street parking. She stated that the church next door moved in after the bar was in operation. Ms. Meek noted that there are two parking spaces behind the building that are available for the apartments above the bar.

Comments and Questions:

In reply to Mr. Doverspike, Ms. Parnell advised that the front door of the bar is 36' from residentially zoned property; however, the door of the bar can be moved to the north and meet the setback requirement.

Ms. Meek advised that the door will be moved to the north if the parking request is approved.

Protestants:

Ms. Russell informed that several letters of protest (Exhibit P-1) have been received.

Don Rockwell, 308 South Phoenix, submitted photographs (Exhibit P-3) and stated that his residence is approximately 32' from the beer bar. He noted that customers visiting the bar park in his back yard and driveway and are belligerent when asked to move. Mr. Rockwell stated that bar patrons sit on the front porches of nearby homes during the night and all types of drug paraphernalia, beer bottles, etc., litter the area.

Case No. 16651 (continued)

Mark Barcus, 332 North Santa Fe, District 10 planning chairman, stated that the bar is not in compliance with the Comprehensive Plan for the area, and pointed out that the bar is not compatible with the residential neighborhood.

Sandra Thatch, 315 South Phoenix, stated that there are so many intoxicated people walking in the neighborhood it is not safe for her children to play outside. She stated that numerous drunks sleep in their cars and block driveways in the area. Ms. Thatch noted that the bar is open until 2 a.m. and the loud music is disruptive to the neighborhood.

Mildred Coley, 311 South Phoenix, stated that her driveway is occasionally blocked for as long as four hours at a time. She stated that patrons of the bar harass residents that are outside their homes, and indecent acts are performed all around the neighborhood.

Tim Taylor, president of the Irving Neighborhood Association, stated that the use is not conducive to the rehabilitation of the area. He informed that there are numerous positive programs underway to improve the area, and asked that the Board deny the request.

Garland Life, Havana, Arkansas, stated that he is affiliated with the Church of Christ located next door to the beer bar, and noted that the church has been meeting at this location for 46 years. He stated that he is opposed to the application.

J. L. Brandbourg, 318 South Phoenix, stated that there are individuals from the bar prowling the neighborhood late at night, with no respect for the residents. She pointed out that the bar depreciates property values in the area, and asked the Board to deny the application.

Dane Matthews, INCOG staff, informed that the property in question is in a blanket zoned neighborhood (Crosbie) and is immediately to the south of the Irving residential area. She informed that the area contains more than 90% single-family land use.

Applicant's Rebuttal:

Wanda Mendez, owner of the bar, submitted a petition and letters of support (Exhibit P-2) and stated that her bar has older customers and is not an undesirable place.

Ms. Meek stated that the bar closes at 10 p.m. and parking does not seem to be a problem. She informed that there are bathrooms in the bar for customer use, and there is no criminal activity at this location.

Additional Comments:

Mr. Bolzle inquired as to the apartments for rent above the bar, and Ms. Mendez informed that there are two tenants living in the units. She noted that neither tenant owns a vehicle.

Mr. Bolzle remarked that the applicant is actually requesting that the number of parking spaces be reduced from 18 to 0, and that he finds the request to be detrimental to the neighborhood.

Case No. 16651 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Special Exception** to reduce the number of off-street parking spaces - **SECTION 1608.A.13. SPECIAL EXCEPTION** - Use Unit 12a; finding the use to be detrimental to the area, and finding that approval of the request would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

North 28.3' of east 67' of Lot 1, Block 5, Crosbie Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16652

Action Requested:

Special Exception to permit Use Units 11 and 14 (bridal shop) in an IL zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 14, located 8702 East 43rd Street.

Presentation:

The applicant, **Deborah Bryant**, 6922 South 74th East Avenue, submitted photographs (Exhibit R-2) and requested permission to operate a bridal shop in an industrial area. She informed that her husband operates a business next door. A plot plan (Exhibit R-1) was submitted. Ms. Bryant stated that her business will be located in the front 1500 sq ft of the 3000 sq ft building. She noted that there are other retail businesses in the area.

Comments and Questions:

Mr. Doverspike inquired as to the use of the back portion of the building, and the applicant stated that her husband uses that part of the building as storage for his business.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** a bridal shop in an IL zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 14; per plan submitted; subject to the use being limited to a 1500 sq ft bridal shop and accessory office only; finding the use to be compatible with the area; on the following described property:

Lot 22, Block 1, Southplace Industrial Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16653

Action Requested:

Variance of the required lot area, land area and lot width - Use Unit 6, located 7602 South Elwood.

Comments and Questions:

Ms. Russell advised that the applicant, **William Newberry**, 7602 South Elwood Avenue, has requested that Case No. 16653 be withdrawn.

Case No. 16654

Action Requested:

Variance of the required livability space to permit the construction of a garage, and a variance of the 750 sq ft maximum for a detached accessory building - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 560 North Quanah Avenue.

Presentation:

The applicant, **Brad Hart**, 560 North Quanah, submitted a plot plan (Exhibit T-2) and explained that his dwelling was constructed on a narrow lot and the existing garage is used for storage. He stated that a new garage is proposed, with a sewing room and office space on the second story. Photographs (Exhibit T-1) and a petition of support (Exhibit T-3) were submitted.

Comments and Questions:

Mr. Gardner noted that the second story causes the applicant to exceed the 750 sq ft maximum.

In response to Mr. Doverspike, Mr. Hart stated that the rooms above the garage will never be rented.

Mr. Bolzle stated that, if approved, the balance of the application to permit two stories will require readvertising.

In response to Mr. Gardner, the applicant stated that there are numerous two-story garages in the neighborhood.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required livability space to permit the construction of a garage, and a **variance** of the 750 sq ft maximum for a detached accessory building - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; and to **CONTINUE** the balance of the application to May 24, 1994; per plan submitted; subject to the two-story garage being accessory to the existing residential use, with no commercial activity; finding a hardship imposed by the long, narrow shape of the lot; and finding that there are numerous two-story garages in the older neighborhood, and 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:

Case No. 16654 (continued)

South 22' of Lot 3, and all of Lot 4, Block 1, Park Hill Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16655

Action Requested:

Special Exception to permit an office supply-furniture warehouse and showroom in an IL zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 14, located 8510 East 44th Street.

Presentation:

The applicant, **Wayne Chernicky**, 7802 South Joplin, stated that he is proposing to purchase the subject property, and noted that the intended use is 98% commercial in nature, with few walk in customers. He informed that the major portion of the business is by appointment or by phone. Mr. Chernicky pointed out that he only has four parking spaces where he is currently operating. A plot plan (Exhibit U-1) and photographs (Exhibit U-2) were submitted. He informed that a parking area and a landscaped area will be located at the front of the property.

Comments and Questions:

Gary Olsen stated that his business operation is across the street from the subject property. He remarked that the truck dock will remain at the current location and trucks often run over the easement. Mr. Olsen stated that he is concerned about the amount of traffic that will be generated by the business.

Applicant's Rebuttal:

Mr. Chernicky stated that his business is not a customary furniture store and will have no more than three or four customers per day. He stated that one or two large trucks will make deliveries to the business each week, and it is possible that a few small deliveries will be made.

John Vangotten, 6548 East 25th Place, owner of the property in question, stated that the parking area will be hard surfaced and the property will be upgraded. He informed that the new business will be an asset to the area.

Mr. Bolzle asked Mr. Chernicky to state the size of the showroom, and he replied that it is approximately 3000 sq ft, with the remainder of the building being devoted to office use.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit an office supply-furniture warehouse and showroom in an IL zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 14; per plan submitted (5100 sq ft for showroom use); 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:

Case No. 16655 (continued)

The north 350' of Lot 22, Block 2, Amended Plat of Lots 23, 24 and 25 of Block 1, and Lot 22 of Block 2, Memorial Industrial Park, less and except a tract of land situated in Lot 22, Block 2, Memorial Industrial Park Addition being more particularly described as follows to wit: Beginning at the NW/c of said Lot 22, Block 2, thence along a curve to the right with a radius of 300' and along the property line of said Lot 22, Block 2 for 112.14', thence southeasterly and along the property line of said Lot 22, Block 2, for 46.77', thence northerly for 140.01' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16656

Action Requested:

Variance of the required lot width from 75' to 57.5', and a variance of land area and lot area - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2304 South Lewis Avenue.

Presentation:

The applicant, **Tom Tobias**, 1319 East 35th Street, submitted a plot plan (Exhibit V-1) and photographs (V-2) and informed that a lot split was previously approved on the subject property. He stated that during the platting process additional right-of-way was required along Lewis Avenue, and asked that the lot widths be changed to 57.5' for both lots. He noted that numerous lots in the area have lot widths that are less than these in question.

Protestants:

None.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required lot width from 75' to 57.5', and a **variance** of land area and lot area - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that there are numerous 50' lots in the area, and existing lots in this area along Lewis do not comply with the required 85' setback requirement; and finding that approval of the requests will not cause substantial detriment to the public good, or violate the spirit and intent of the Code; on the following described property:

West 57.5' of east 150' of north 130' SE/4, and the west 57.5' of east 92.5' of east 92.5' of north 130' of SE/4, of Section 18, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16657

Action Requested:

Variance of the required front yard from 35' to 27' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2820 East 44th Court.

Case No. 16657 (continued)

Presentation:

The applicant, **Steve Turner**, One Williams Center, submitted a plot plan (Exhibit W-1) and informed that one corner of the existing single-family dwelling encroaches into the required front yard. He explained that the hardship for the variance request is the existing dwelling, required setbacks on two streets, the cul-de-sac location and the curvature of the street.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required front yard from 35' to 27' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding a hardship demonstrated by the existing dwelling, required setbacks on two streets and the cul-de-sac location; on the following described property:

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

Case No. 16658

Action Requested:

Variance to permit required off-street parking on a lot other than the lot containing the principal use, variance to permit parking within 50' of an abutting R district and within 25' of the centerline of East 33rd Place and for a special exception to modify or remove the screening requirement - **SECTION 1302.A. and B. SETBACKS, 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, 1301.D. GENERAL REQUIREMENTS** - Use Unit 12, located 3330 South Peoria Avenue.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, submitted a site plan (Exhibit X-1) and informed that he is representing the Delta Cafe. Mr. Norman stated that the existing structure will be renovated, with no exterior changes in building lines. He explained that the property is located on three lots and one lot was previously approved for off-street parking by the Board. He stated that the remaining two lots on Peoria are zoned CH. Mr. Norman noted that the Code requires that a nonconforming use that is changed must then conform to current requirements, which is the case in this application. He informed that his client is amenable to the execution of a tie contract. Mr. Norman informed that the northwest 50' of the parking area is zoned RS-3, and requested that screening be waived on 33rd Place and that this area remain open. He also noted that screening would be required between the CH portion of the parking lot and the RS-3 portion, and asked that this screening requirement also be waived. He informed that the west screening wall will be repaired and painted. The applicant stated that new lighting will be installed, which will be directed downward and away from the residential neighborhood. Photographs (Exhibit X-2) were submitted.

Protestants:

Dr. Gordon Skinner, 3312 South Peoria, submitted a petition of protest (Exhibit X-4) and stated that he is representing several business owners in the area. Dr. Skinner stated that a previous application, Neighbor's Coffee, which was approved by the Board, was to provide parking on the subject property. He informed that this type of situation exists throughout the Brookside area, and this type of arrangement is causing more and more congestion in the area of his business. Dr. Skinner stated that businesses that he is representing are not opposed to the Delta Cafe, but are opposed to a parking variance. He pointed out that the area is 475 parking spaces short, without other parking variances being approved.

Mr. Bolzle stated that a variance for Neighbor's Coffee was denied by the Board.

Dr. Skinner stated that the business is operating and their customers are parking in his parking lot.

Ms. Skinner stated that she is curious as to where the employees of businesses near her husband's office are going to park, since they are currently parking on the subject property.

Interested Parties:

Pam Deatherage, chairperson for Planning District 6, advised that the application does not involve a parking variance, but is for continued parking on a lot other than the one containing the principal use. She stated that the parking lot is in bad repair and resurfacing and restriping of the lot should provide additional parking spaces. Ms. Deatherage stated that Planning District 6 (Exhibit X-3) is supportive of the application.

Applicant's Rebuttal:

Mr. Norman informed that the parking area in question was approved in 1955 and open driveways to the south properties were required. He pointed out that he has merely requested that parking be permitted to continue on the lot.

Comments and Questions:

In response to Ms. White, the applicant stated that the west screening wall will be repainted and repaired.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** to permit required off-street parking on a lot other than the lot containing the principal use, **variance** to permit parking within 50' of an abutting R district and within 25' of the centerline of East 33rd Place and for a **special exception** to modify or remove the screening requirement - **SECTION 1302.A. and B. SETBACKS, 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, 1301.D. GENERAL REQUIREMENTS** - Use Unit 12; per plan submitted; subject to the execution of a tie contract; and subject to the western fence line being painted and repaired; finding that the lot in question has been used for parking for many years, and that approval of the requests will not cause substantial detriment to the public good, or impair the spirit, purpose or intent of the Code; on the following described property:

Case No. 16658 (continued)

Lots 8, 9 and 10, Block 2, Peebles Addition, less and except the east 18' of Lots 9 and 10, and less and except the north 19' of Lot 9, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16659

Action Requested:

Variance of the required setback from the centerline of South Trenton Avenue from 40' to 35' to permit an identification sign - **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 21, located 7770 South Trenton Avenue.

Presentation:

The applicant, **Kensington Homeowners Association**, 7531 South Trenton Place, was represented by **Mary Kay Edwards**, who informed that the neighborhood is proposing to construct an entrance sign for the development. A sign plan (Exhibit Y-1) was submitted.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a Variance of the required setback from the centerline of South Trenton Avenue from 40' to 35' to permit an identification sign - **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 21; per plan submitted; finding that a license agreement with the City has been acquired; and that approval of the request will not be detrimental to the area; on the following described property:

Lot 38, Block 8, Kensington II Amended and a portion of the abutting ROWs, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16660

Action Requested:

Special Exception to permit office use in an RM-2 District, variance of the major street setback to permit parking within 35' of the centerline of South Denver, variance to permit required parking on a lot other than the lot containing the principal use, variance of the required 55' setback from the centerline of South Denver to permit a building, variance of the setback from an abutting R District from 40' to 8' and for a variance of the required screening fence - **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS, SECTION 1301.D. GENERAL REQUIREMENTS, SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, SECTION 603. BULK AND AREA REQUIREMENTS IN OFFICE DISTRICTS and SECTION 1211.C.** Use Conditions - Use Unit 11, located southeast corner of East 13th Street and South Denver Avenue.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, stated that he is representing Prucare and the application concerns seven lots at the above stated location. He submitted a plot plan (Exhibit Z-1) and informed that a medical office facility is proposed. Mr. Norman submitted photographs (Exhibit Z-2) and explained that an existing apartment building and two dwellings will be removed. He informed that two lots are zoned OM and five lots are located in an RM-2 District. He noted that few buildings and parking lots in the area comply with current setback requirements and asked that parking be permitted within 35' of the centerline of Denver Avenue and construction within 55'. Mr. Norman stated that a tie contract will be executed on all property under application. In regard to the east property line abutting the alley, Mr. Norman stated that the roof could be 25' and a 40' setback would be required from the centerline. He requested that construction of the building be permitted 1' from the alley, or approximately the same setback as the existing apartment building. Mr. Norman informed that a screening wall will be constructed along the parking lot to separate the subject property from the properties to the east, and requested that a screening fence be waived along the building wall. In regard to the loading area on the northeast corner of the building, Mr. Norman informed that the Code requires this area to be screened out to the property line. He requested that this screening requirement be waived in the front yard. The applicant stated that his client has complied with all landscaping requirements.

Comments and Questions:

Mr. Bolzle asked the size of trucks that will be backed into the service area, and Mr. Norman advised that the facility will be served by normal delivery trucks.

In response to Mr. Bolzle, the applicant stated that the screening wall along 13th Street was apparently included on the plan in error.

Protestants:

Mark Thurston, 5314 South Yale Avenue, stated that he is representing **Marsha Polin**, owner of property to the east of the proposed project. He informed that his client is opposed to the application, and pointed out that a hardship has not been demonstrated for the variance requests. Mr. Thurston suggested that the applicant seek rezoning for the tract. He stated that the construction of a building within 1' of the narrow alley could hamper the entry of emergency vehicles.

Mr. Bolzle asked Mr. Thurston if there are improvements on his clients property, and he replied that the land is vacant.

Interested Parties:

Carolyn Nolan stated that she is the operator of the Professional Center Building at 14th Street and Denver Avenue, and stated that the building owners are supportive of the request. She noted that removal of the abandoned buildings will help upgrade the area.

Applicant's Rebuttal:

Mr. Norman stated that approval of the special exception does not require a hardship finding, and the project will definitely be an asset to the area. Mr. Norman pointed out that the construction of this facility could stimulate additional growth in the area.

Case No. 16660 (continued)

In response to Mr. Doverspike's question considering the variance requests, Mr. Norman noted that the other buildings in the area have setbacks similar to those requested. Mr. Norman pointed out that he requested the variance of the setback from the residential district, because the zoning officer has sometimes considered setback requirements applicable when two zoning districts are separated by an alley. He stated that he does not consider the Code to imply that properties separated by an alley are abutting properties.

Mr. Gardner noted that the long and narrow shape of the tract constitutes a hardship. He pointed out that, if rezoned for office purposes, which meets the Comprehensive Plan, the use would be permitted by right.

Mr. Bolzle stated that he finds the use to be compatible with the neighborhood, and noted that all apartment buildings in the area have been constructed on or very near the property line.

Board Action:

On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit office use in an RM-2 District, **variance** of the major street setback to permit parking within 35' of the centerline of South Denver, **variance** to permit required parking on a lot other than the lot containing the principal use, **variance** of the required 55' setback from the centerline of South Denver to permit a building, **variance** of the setback from an abutting R District from 40' to 8' and a **variance** of the required screening fence - **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS, SECTION 1301.D. GENERAL REQUIREMENTS, SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, SECTION 603. BULK AND AREA REQUIREMENTS IN OFFICE DISTRICTS and SECTION 1211.C. Use Conditions** - Use Unit 11; per plan submitted; subject to the execution of a tie contract on all lots involved in the application; finding a hardship imposed by the long narrow shape of the tract; and finding that the proposed construction will not encroach further into the required setback than existing buildings in the area; on the following described property:

Lots 3, 4, 5, 6, 7, 8 and 9, Block 4, TTT Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16661

Action Requested:

Variance of the required frontage in a CS zoned district - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 7, located northwest corner and southwest corner East 35th Street and South 129th East Avenue.

Presentation:

The applicant, **Jim Schwerts**, 13539 East 38th Place, submitted a plot plan (Exhibit AA-1) and requested a variance of the required frontage in order to sell the duplex, with separate ownership for each unit.

Case No. 16661 (continued)

Comments and Questions:

Mr. Gardner advised that, if approved, a condition should be imposed that would prevent the construction of two detached dwelling on the property, in the event the duplex is ever removed.

Protestants:

None.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required frontage in a CS zoned district - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 7; per plan submitted; subject to the construction of two detached dwelling on the property being prohibited if the duplex is removed; finding that the variance of required frontage is requested to permit individual ownership for each unit; and finding that approval of the request will not be detrimental to the area; on the following described property:

Lot 1, Block 1 and Lot 1, Block 2, Briarglen East Center, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16662

Action Requested:

Special Exception to permit a mobile home in an RS-3 District and a variance to allow more than one dwelling unit on a lot of record - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** and **SECTION 208. ONE DWELLING UNIT PER LOT OF RECORD** - Use Unit 9, located 2103 East 54th Street North.

Presentation:

The applicant, **Vera Bray**, 1904 West 47th Place, was not present.

Comments and Questions:

Ms. Russell informed that the applicant was not sure she would proceed with the application, and suggested that the case be continued to May 24, 1994, to allow sufficient time for Staff to contact the applicant concerning her intent.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 16662 to May 24, 1994.

Case No. 16663

Action Requested:

Special Exception to permit a gentlemen's club in an IL zoned district and a variance of the spacing requirement between sexually oriented businesses - Use Unit 12a, located 4122 South Memorial Drive.

Case No. 16663 (continued)

Comments and Questions:

Ms. Russell informed that counsel for the applicant, **Gents Inc.**, 13617 Elmore Road, Longmont, Colorado, has requested that Case No. 16663 be **withdrawn** (Exhibit CC-1), and that fees be refunded.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **WITHDRAW** Case No. 16665 and **REFUND** the public hearing portion of the fees in the amount of \$25.00; finding that the application was fully processed prior to the withdrawal, except for the public hearing portion.

Case No. 16664

Action Requested:

Variance of the maximum 3000 sq ft area for a dry cleaners - **SECTION 1215.B.3. Included Uses** - Use Unit 15, located north of the northeast corner of East 101st Street South and South Mingo Road.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, submitted a plot plan (Exhibit DD-1) and informed that he is representing Yale Cleaners, owner of the subject property. He stated that the cleaners is a part of the commercial area of a Planned Unit Development, and the use was previously approved by the City Council. Mr. Johnsen stated that the operation exceeds the 3000 sq ft limitation imposed by the Code; however, that limitation was actually adopted to control the location of industrial dry cleaning plants. He noted that the dry cleaning process is completed on site and customers pick up their clothing at this location. Mr. Johnsen pointed out that there is no distribution from the facility. He noted that numerous similar operations have been approved in the City.

Comments and Questions:

In response to Bolzle, the applicant stated that the Planning Commission will address outside lighting for the facility, as a condition of the PUD.

Mr. Gardner informed that the Code could be revised to permit a retail cleaning business to operate without a size limitation, if those items being cleaned are limited to clothing or personal type items. He informed that the limitation was imposed to prevent an industrial type operation from operating in a commercial zone..

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a Variance of the maximum of 3000 sq ft area for a dry cleaners to 4000 sq ft - **SECTION 1215.B.3. Included Uses** - Use Unit 15; per plan submitted; finding the use to be a neighborhood dry cleaning plant, with no industrial type use or distribution; and finding the dry cleaning operation to be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

Case No. 16664 (continued)

A tract of land that is part of the NW/4, SW/4, SW/4 in Section 19, T-18-N, R-14-E, Tulsa County, Oklahoma, more particularly described as follows to wit: Beginning at a point that is the SW/4 of the NW/4 of Government Lot 4, thence northerly along the westerly line of Government Lot 4 for 235' thence easterly and parallel with the southerly line of Government Lot 4 for a distance of 235'; thence southerly and parallel with the westerly line of Government Lot 4 for 235' to the POB, less and except the west 50' thereof, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16665

Action Requested:

Variance to permit a two-story structure in an OL zoned district and a special exception to exceed the 30% FAR - **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 11, located south side of East 15th Street between Victor Avenue and Yorktown Avenue.

Comments and Questions:

Ms. Russell advised that the president of the Yorktown Neighborhood Association has requested by letter (Exhibit EE-1) that Case No. 16665 be continued to May 24, 1994 to allow sufficient time for a neighborhood meeting concerning the application.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, stated that he is not opposed to a continuance.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 16665 to May 24, 1994.

Case No. 16666

Action Requested:

Variance of the required lot width from 60' to 50' to permit a lot split - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1428 North Olympia.

Comments and Questions:

Ms. Russell stated that the case has not been properly advertised, and suggested a continuance to May 24, 1994.

Presentation:

The applicant, **Leonard Hutton**, 1335 North Rosedale, was not present.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 16666 to May 24, 1994.

Case No. 16669

Action Requested:

Special Exception to permit a tent revival from May 7, 1994 to May 16, 1994 - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2, located 105 West Easton.

Presentation:

The applicant, **Jeff Lewis**, P. O. Box 432, Broken Arrow, Oklahoma, submitted a plot plan (Exhibit GG-1) and informed that he is a minister and has been working with residents of the John 3:16 Mission. He requested permission to conduct a tent meeting for the homeless, which will conclude on May 16, 1994.

Comments and Questions:

Ms. White inquired as to the hours of operation, and the applicant stated that the meeting will be held from 7 p.m. to 9:30 p.m., with licensed security provided. He informed that adequate parking is available.

Protestants:

None.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-0-0 (Bolze, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit a tent revival from May 7, 1994 to May 16, 1994 - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2; per plan submitted; subject to hours of operation being from 7 p.m. to 9:30 p.m.; finding that the temporary use will not be detrimental to the area; on the following described property:

Lot 3, Block 4, Original Townsite of Tulsa, Tulsa County, Oklahoma.

Case No. 16671

Action Requested:

Special Exception to reduce the number of required off-street parking and to permit parking on a lot other than the lot containing the principal use - **SECTION 1608.A.13. SPECIAL EXCEPTION** - Use Unit 12a, located 3016-3020 East 15th Street.

Protestants:

Numerous protestants were in attendance.

Comments and Questions:

Ms. Russell informed that the applicant, Mr. Nichols, has requested that Case No. 16671 be withdrawn.

Case No. 16679

Action Requested:

Variance of the required side yards - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1104 East 25th Street.

Presentation:

The applicant, **Jeffrey Levison**, 35 East 18th Street, was represented by **Dwight Smith**. He informed that the subject property is being sold, and it was discovered that the house encroaches into the required side yards. Mr. Smith noted that the house was constructed in 1927, and the abutting property to the east is unimproved. A plot plan (Exhibit HH-1) was submitted.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required side yards - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the house was constructed prior to current setback requirements; on the following described property:

Lot 9, Block 8, Sunset Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16607

Action Requested:

Special Exception to permit duplex dwellings in an RS-3 zoned district - **SECTION 401 PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 7, located east of the SE/c of East 38th Place and South Madison Avenue.

Presentation:

The applicant, **Ronald Spencer**, 5919 East 104th Street, informed that he is proposing to split a large lot and construct two duplexes on each lot (Exhibit JJ-2). He stated that the property extends from 38th Place to 39th Street and two buildings will front on each street. The applicant stated that there are numerous duplexes in the area.

Comments and Questions:

Mr. Doverspike asked if there is a dwelling on the property, and the applicant stated that a partially burned out house is located on the lot.

Protestants:

Letters of opposition (Exhibit JJ-3) were submitted.

Case No. 16607 (continued)

Pam Deatherage informed that Planning District 6 is opposed to the application. She noted that the surrounding properties are all single-family and there are no duplexes in the immediate area. Ms. Deatherage stated duplex use would double the amount of cars in the neighborhood, and would be detrimental to the area.

Duane Wilkerson, 3826 South Madison, stated that the development would divide up the neighborhood and asked the Board to deny the application.

Nancy Apgar, 3914 South Norfolk, stated that she lives within 300' of the proposed project, and is opposed to duplex use in the single-family residential neighborhood.

Wesley Nelson, 3903 South Madison, noted that the applicant is proposing to construct four buildings, or eight dwelling units, on a lot that previously had only one dwelling. He pointed out that duplexes usually fall into bad repair after a few years. Photographs (Exhibit JJ-2) were submitted.

Dorothy Watson stated that she is representing the president of the Brookside Neighborhood Association, and informed that the residents of the area are concerned that approval of duplex use in the neighborhood will decrease property values in the area.

Sally Gubser, 3844 South Madison, stated that she canvassed the neighborhood and found no support for this application.

Pam Summers, 3845 South Madison, stated that she lives adjacent to the property in question and noted that the lot is in the middle of a stable residential area. She asked the Board to deny the request and preserve the character of the neighborhood.

Carol Peters, 1017 East 38th Place, stated that she lives across from the property in question. She stated that the neighborhood is unique and asked the Board to deny the application.

Applicant's Rebuttal:

Mr. Spencer stated that there are two multifamily projects within two blocks of the subject property. He stated all of his properties are well maintained and plans to continue that practice with this project.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Special Exception** to permit duplex dwellings in an RS-3 zoned district - **SECTION 401 PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 7; finding that duplex use is comparable to spot zoning in this instance, and is not compatible with the established residential neighborhood; on the following described property:

Lots 1 and 2, Block 2, Eden's Re-sub, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16683

Action Requested:

Variance of the required number of off-street parking spaces - **SECTION 1212.D Off-Street Parking and Loading Requirements** - Use Unit 12, located 1134 South Harvard Avenue.

Presentation:

The applicant, **Charlie Mitchell**, 1134 South Harvard, was represented by **Paul Szafranski**, who informed that a restaurant is proposed at the above stated location. He informed that the parking for the use is approximately 14 short of the Code requirement; however, the owner of the Burger King Restaurant (Exhibit KK-3) has agreed to permit parking on the west side of their building. An interior layout (Exhibit KK-1) was submitted.

Comments and Questions:

In response to Mr. Bolzle, Mr. Szafranski informed that the use will be a sports restaurant and bar, with maximum occupancy of approximately 58. He stated that the facility will have 28 televisions, two satellites, video games and pool tables, and will accommodate individuals of all ages.

Charlie Mitchell stated that there will be sufficient space to seat 75 individuals in the facility.

Mr. Doverspike inquired as to the hours of operation for the restaurant, and Mr. Mitchell stated that he is proposing to open at 10 a.m. and close at 2 a.m., seven days each week.

Protestants:

Norma Hamilton submitted a letter of support (Exhibit KK-4) and informed that she was opposed to the previous application for Tulsa Billiard Palace, but is supportive of the proposed restaurant. Ms. Hamilton stated that her daughter lives behind the proposed use.

Mr. Doverspike asked Ms. Hamilton if she is supportive of the intent to close the alley, and she answered in the affirmative.

Dick Warner stated that he represents the investment company that owns the parking lot at the corner of 12th Street and Harvard Avenue. He suggested that fencing be installed to prevent the restaurant customers from parking on his lot. Mr. Warner stated that the former tenant did not have sufficient parking and the customers always parked on his lot. Mr. Warner stated that he is not opposed to the application if the alley is blocked.

Glen Oberst, 2904 East Lincoln, Broken Arrow, Oklahoma, stated that he operates a movie rental store and leases Mr. Warner's parking lot. He submitted a parking layout (Exhibit KK-6) and suggested that a fence be installed to prevent restaurant customers from parking on the lot that he leases.

In response to Mr. Doverspike, Mr. Oberst stated that the occupant of the building next door operates a cabinet shop and does not need parking.

Case No. 16683 (continued)

Mr. Gardner advised that the owner of the building in question also owns the building next door that houses the cabinet shop. He noted that, if inclined to approve the application, the use in this building next door should be restricted, or sufficient parking may not be available. Mr. Gardner informed that, if the entire building is devoted to restaurant use, 46 parking spaces will be required.

Mr. Oberst submitted a letter of concern and photographs (Exhibit KK-5) from the owner of **Moody's Jewelry**.

The owner of property at 12th and Gary Place stated that parking is congested in the area, and a sports restaurant generates a lot of traffic and is noisy. He noted that this type of restaurant customarily has outside dining, which also creates a lot of noise.

Jeannie McDaniel stated that she lives in the neighborhood and the previous tenant at this location created a hazardous situation for customers crossing Harvard late at night. She added that the business was also a problem for the surrounding residential neighborhood, as well as other businesses in the area. She stated that property owners in the neighborhood encourage new development.

Interested Parties:

Ms. Russell submitted a letter (Exhibit KK-2) from Councilor Gary Watts, which stated concerns and possible conditions of approval.

Applicant's Rebuttal:

Mr. Mitchell stated that his landlord has agreed to install a gate on the south, but has not agreed to install a fence. He stated that he also has permission to close the north entrance. The applicant assured the interested parties that there will be no loud music on the premises.

Additional Comments:

Mr. Doverspike asked the applicant if he would be opposed to limiting the approval to two years only, and Mr. Mitchell stated that this would not be a problem.

Mr. Bolzle stated that the use seems to be a billiard parlor, with other games, and a bar that serves food

Mr. Mitchell stated that he considers the use to be a family entertainment center.

In response to Ms. White, the applicant stated that the proposed business will have four employees, and they will park on a lot approximately 50 yards to the south.

Mr. Linker stated that the Board could impose a condition that the restaurant could operate as long as the use next door remained a Use Unit 15 cabinet shop.

In response to Mr. Doverspike, the applicant stated that the gate on the south could be open during the day and closed at night.

Case No. 16683 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required number of off-street parking spaces - **SECTION 1212.D Off-Street Parking and Loading Requirements** - Use Unit 12 to permit a restaurant; subject to the approval being for 3 years only; subject to all employees parking off site on the designated parking lots available to the applicant; subject to the abutting building to the south remaining a Use Unit 15 cabinet shop during the length of the restaurant lease; subject to days and hours of operation being Monday through Saturday, 10 a.m. to 2 a.m. and Sunday, 10 a.m. to 12 midnight; subject to a lease agreement with Burger King for additional off-site parking spaces; subject to the alley being closed on the north end of the property; subject to a gate being erected on the south end of the alley and being closed after 5 p.m.; and subject to no exterior activities for patrons; finding the use, per conditions, to be compatible with the area; on the following described property:

Lots 9 and 10, Block 1, East Lawn Addition, City of Tulsa, Tulsa County, Oklahoma.

There being no further discussion, the meeting was adjourned at 6:20 p.m.

Date Approved

5/24/94

A handwritten signature in dark ink, appearing to be "D. White", written over a horizontal line.

Chairman