

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 661
Tuesday, July 26, 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 | Linker, Legal Dept. Parnell, Code Enforcement |

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, July 25, 1994, at 8:23 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

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** the Minutes of July 12, 1994 (No. 660).

NEW APPLICATIONS

Case No. 16737

Action Requested:

Special exception to permit a mobile home in an RS-3 zoned district, and a variance of the one year time limitation to permanent - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9, located 3703 South 33rd West Avenue.

Presentation:

The applicant, **Pat Dooley**, 3716 South 32nd West Avenue, advised that she is requesting the mobile home as a residence for her granddaughter. Ms. Dooley informed that she owns the vacant lot, and the mobile unit will provide affordable housing for her granddaughter. She pointed out that she also owns the abutting property, as well as the lot across the alley.

Case No. 16737 (continued)

Comments and Questions:

Mr. Doverspike inquired as to the location of other mobile homes in the area, and the applicant stated that there is one approximately 800' from the lot in question.

Ms. White advised that she is supportive of the application with a 3-year time limitation.

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 permit a mobile home in an RS-3 zoned district, and a **variance** of the one year time limitation to **three years only- SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9, subject to a building permit, Health Department approval, skirting and tie-downs; finding that the lot in question is abutted by the applicant's property and undeveloped land; and finding that there are other mobile homes in the general area; on the following described property:

Lot 6, Block 21, Original Town of Red Fork, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16738

Action Requested:

Variance of the maximum square footage for a sign - **SECTION 1103.B.2. Signs** - Use Unit 17, located 9146 South Memorial Drive.

Presentation:

The applicant, **Barry Moydell**, 1221 Charles Page Boulevard, submitted a plot plan (Exhibit A-3) and informed that he is representing South Pointe Chevrolet. He explained that the car company is located in a Planned Unit Development, which restricts signage to 1.5 sq ft per lineal foot of wall to which the sign is affixed. Mr. Moydell stated that the proposed sign will have 2.25 sq ft per lineal foot, wall signage previously determined appropriate for their national program. He submitted a drawing (Exhibit A-1) and informed that two of the three building walls will not have signs, and the remaining wall will have signage (Exhibit C-2) on the wall directed toward the competing car dealership on Memorial Drive.

Case No. 16738 (continued)

Comments and Questions:

In reply to Mr. Bolzle, Mr. Gardner advised that, if the Board is considering approving the signage, they should prohibit signage on the other walls (visible from Memorial Drive). Mr. Gardner noted that the Zoning Code permits 3 sq ft of signage per lineal foot for a standard wall sign; however, PUD signage is more restrictive (2 sq ft per lineal foot). He informed that this particular PUD is limited to 1 1/2 sq ft per lineal foot. Mr. Gardner added that signage could be permitted on each wall.

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 square footage for a sign - **SECTION 1103.B.2. Signs - Use Unit 17**; per plan submitted; subject to TMAPC approval of the sign, and prohibition of any wall signage on the other canopy (wall) faces; finding that the sign would not require a variance if "South Pointe" was located on the wall facing northeast and "Chevrolet Geo" was placed on the wall facing southeast; and finding that the total amount of signage being installed on one side of the building will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 5, Block 2, 9100 Memorial, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16739

Action Requested:

Variance to permit parking in the planned ROW of South Yale Avenue and parking in the existing ROW of 12th Street South between Winston and Yale Avenues and for a variance to permit parking in the front yard - **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** and **SECTION 404 - SPECIAL EXCEPTION USES, REQUIREMENTS** - Use Unit 5, located NW/c of South Yale Avenue and East 12th Street.

Presentation:

The applicant, **Charles Chief Boyd**, 4998 East 26th Street, stated that the application involves a part of a PUD that has been approved by the City Council and requires Board approval of the parking variances.

Case No. 16739 (continued)

Comments and Questions:

Mr. Bolzle asked if 12th Street will be vacated, and Mr. Boyd replied that this was the original plan; however, the area residents preferred that the street remain open and the parking be located across the street on Winston.

Mr. Doverspike inquired as to the uses to the east and west of the parking lot, and the applicant stated that there is a residence in both directions.

In response to Mr. Bolzle, Mr. Gardner advised that the neighborhood requested that the street be left open and parking be permitted on the lots across the street. He informed that the PUD addresses screening and landscaping for the two nearby residences.

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** to permit parking in the planned ROW of South Yale Avenue and parking in the existing ROW of 12th Street South between Winston and Yale Avenues and for a variance to permit parking in the front yard - **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** and **SECTION 404 - SPECIAL EXCEPTION USES, REQUIREMENTS** - Use Unit 5; per plan submitted; finding that the street will not be widened at this location, 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:

All of Block 1, Emmons, less and except Lots 1 and 6, and the north 15' of Lots 2 and 5, all of Block 1, Franklin 2nd and the north 50' of Lot 1 and north 58' of Lot 8, Block 1, Franklin Heights and Lots 2-8, Block 1, Herald Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16740

Action Requested:

Special Exception to permit Use Unit 17 in a CS zoned district and a variance of the all-weather surface requirement for parking - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located 10922 East 2nd Street.

Presentation:

The applicant, **Ronald Starnes**, 7315 East 24th Street, stated that he currently operates two businesses and is proposing to combine them at the location in question. He informed that he is in need of a storage area for antique cars and the property (Exhibit C-1) is adequate for his needs. Mr. Starnes informed that, although he does have a license, it is not his intent to sell used automobiles on the property. A plot plan (Exhibit C-4) was submitted.

Comments and Questions:

Mr. Doverspike inquired as to the number of automobiles to be stored on the property at any given time, and Mr. Starnes replied that he will have a maximum of 20 vehicles. He added that there are currently four vehicles on the lot.

In reply to Mr. Doverspike, the applicant informed that cars are moved to another location for repair work.

In response to Mr. Doverspike, Mr. Starnes stated that there is a storage facility approximately 100 yards from the subject property and AT&T, as well as several other businesses, also have materials stored outside. Mr. Starnes noted that a privacy fence is already in place, and the proposed use will not be visible from the neighborhood.

Ms. Russell noted that the storage facility depicted in the applicant's photographs has not had Board of Adjustment approval.

Protestants:

Larry Brumbaugh, 10936 East 3rd Street, noted that numerous residents of the neighborhood are in attendance to voice their opposition to the application. He submitted photographs (Exhibit C-2) and stated that business and residential property owners are attempting to protect the image of the area. Mr. Brumbaugh stated that previous Board action required a 150' buffer zone between a general business operation and the residential neighborhood, and pointed out that this action set a precedent for additional requests. A petition of opposition (Exhibit C-3) was submitted.

Mr. Doverspike asked if the nearest residential district is to the south, and Mr. Brumbaugh answered in the affirmative.

Case No. 16740 (continued)

Mr. Doverspike asked if the subject property is visible from the residential neighborhood, and Mr. Brumbaugh stated that the automobiles parked at the other businesses are visible.

Ken Clark, 10124 East 12th Street, stated that he owns four lots in the area and his business building is attractive and properly maintained. He voiced a concern with the trend toward automotive uses in the CS zoned district.

Georgia Stevens, 10914 east 2nd Street, informed that her family operates a cabinet shop in Wagon Wheel Trade Center. She stated that the businesses are attempting to maintain the quality of the center, and asked the Board to deny the request.

Noel Cobb, 503 North 68th East Avenue, informed that he owns the property to the west and noted that approval of the request will have a negative impact on area property values. He asked the Board to preserve the quality of the center as it exists.

Applicant's Rebuttal:

Mr. Starnes stated that the quality of the area is the reason he is considering the subject property for his business, and that he would further improve the appearance of the property if the application is approved. He pointed out that there is no access from the property to the residential neighborhood, and the business will not be visible from the homes. Mr. Starnes stated that he will not have employees and there will be no noise involved in the operation of his business.

Additional Comments:

Mr. Bolzle asked Ms. Russell if a special exception was approved on the lot to the west to permit automobile restoration and painting, and she replied that the approval was to the north.

Mr. Bolzle stated that he is in agreement with Mr. Brumbaugh and the previous requirement for a 150' buffer between the residential area and heavy commercial.

Ms. White remarked that she is familiar with Mr. Starnes operation in Skiatook and it is well maintained; however, a Use Unit 17 use at this location would be detrimental to the residential neighborhood.

Case No. 16740 (continued)

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 Use Unit 17 in a CS zoned district and a **variance** of the all-weather surface requirement for parking - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17; finding the use to be inappropriate and inconsistent with the Board's original requirement for a 150' buffer area, due to the proximity to the residential neighborhood; on the following described property:

Lot 22 and 23, Block 1, Wagon Wheel Trade Center, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16741

Action Requested:

Special exception to permit convenience goods and services/shopping goods and services in an OM zoned district - **SECTION 702. Accessory Uses Permitted in the Office Districts** - Use Unit 13, located SE/c of East 81st Street and South Lewis Avenue.

Comments and Questions:

Mr. Doverspike advised that he will abstain from hearing Case No. 16741.

Presentation:

The applicant, **Property Company of America**, 2448 East 81st Street, #4500, was represented by **Bob David**, who requested permission to install a gift store in the lobby of an existing office building. A plot plan (Exhibit D-1) was submitted.

Comments and Questions:

In response to Ms. White, Mr. David informed that the gift store will contain 2000 sq ft of floor space.

Protestants:

None.

Case No. 16741 (continued)

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 **Special Exception** to permit convenience goods and services/shopping goods and services (gift shop) in an OM zoned district - **SECTION 702. Accessory Uses Permitted in the Office Districts** - Use Unit 13; subject to the 2000 sq ft gift shop being located as indicated on the submitted plot plan; finding the proposed use to be compatible with the office use; on the following described property:

A tract of land that is part of Lot One (1), Block One (1), of ORAL ROBERTS UNIVERSITY HEIGHTS 2ND ADDITION, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the Recorded Plat thereof, more particularly described as follows, to-wit:

STARTING at the Northwest corner of said Lot 1; thence South 89 degrees 48' 06" E along the Northerly line of Lot 1 for 939.90 feet to the POINT OF BEGINNING of said tract of land; thence continuing South 89 degrees 48' 06" E along said Northerly line for 558.08 feet; thence S 0 degrees 11' 54" W for 30.29 feet to a point of curve; thence Southerly and Southwesterly along a curve to the Right, with a central angle of 45 degrees 00' 00" and a radius of 217.87 feet, for 171.12 feet to a point of Reverse curve; thence Southwesterly along a curve to the left with a central angle of 38 degrees 21' 41" and a radius of 191.83 feet, for 128.44 feet to a point of compound curve, thence Southwesterly, Southerly and Easterly along a curve to the left, with a central angle of 96 degrees 38' 19" and a radius of 18.83 feet for 31.77 feet to a point of tangency; thence S 89 degrees 48' 06" E along said tangency for 50.01 feet; thence S 00 degrees 11' 54" W for 254.33 feet; thence N 89 degrees 48' 06" W for 41.82 feet to a point of curve; thence Westerly, Southerly and Southeasterly along a curve to the left, with a central angle of 101 degrees 10' 31" and a radius of 18.83 feet, for 33.26 feet to a point of compound curve; thence Southeasterly and Easterly along a curve to the left with a central angle of 78 degrees 49' 29" and a radius of 511.83 feet, for 704.16 feet to a point of tangency; thence S 89 degrees 48' 06" E along said tangency for 656.38 feet to a point on the Easterly line of said Lot 1, said point being 1008.29 feet Southerly of the Northeast corner thereof; thence S 0 degrees 24' 38" W along said Easterly line for 598.22 feet; thence N 89 degrees 53' 47" W along an extension of and along the Northerly line of Lot 1 in Block 1 of UNIVERSITY VILLAGE, an Addition to the City of Tulsa, Tulsa County, Oklahoma, for 2538.15 feet to the Northwest corner of said Lot 1 of University Village; thence N 0 degrees 01' 32" W for 0.00 feet to a point of curve; thence Northerly along the Westerly line of Lot 1 of ORAL ROBERTS UNIVERSITY HEIGHTS 2ND ADDITION on a curve to the right, with a central angle of 0 degrees 00' 58" and a radius of 350.00 feet, for 0.10 feet to a point of tangency; thence N 0 degrees 00' 34" W along the Westerly line of said Lot 1 on said tangency for 602.32 feet; thence S 89 degrees 48' 06" E for 546.16 feet to a point of curve; thence Easterly and Northeasterly along a curve to the left, with a central angle of 78 degrees 49' 29" and a radius of 511.83 feet, for 704.16 feet to a point of compound curve; thence Northeasterly, Northerly, and

Case No. 16741 (continued)

Westerly along a curve to the left, with a central angle of 101 degrees 10' 31" and a radius of 18.83 feet, for 33.26 feet to a point of tangency; thence N 89 degrees 48' 06" W along said tangency for 41.82 feet; thence N 00 degrees 11' 54" E for 254.33 feet; thence S 89 degrees 48' 06" E for 50.01 feet to a point of curve; thence Easterly, Northerly, and Northwesterly along a curve to the left, with a central angle of 96 degrees 38' 19" and a radius of 18.83 feet, for 31.77 feet to a point of compound curve; thence Northwesterly along a curve to the left, with a central angle of 38 degrees 21' 41" and a radius of 191.83 feet, for 128.44 feet to a point of reverse curve; thence Northwesterly and Northerly along a curve to the right, with a central angle of 45 degrees 00' 00" and a radius of 217.87 feet, for 171.12 feet to a point of tangency; thence N 0 degrees 11' 54" E along said tangency for 21.30 feet to a point of curve; thence Northerly and Northwesterly along a curve to the left, with a central angle of 22 degrees 01' 21" and a radius of 24.00 feet, for 9.22 feet to the Point of Beginning of said tract of land.

LESS AND EXCEPT:

A tract of land that is part of Lot 1 in Block 1 of ORAL ROBERTS UNIVERSITY HEIGHTS 2ND ADDITION, an Addition to the City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit:

Starting at the Northwest corner of Lot 1 of University Village, an Addition to the City of Tulsa, Tulsa County, Oklahoma, thence S 89 degrees 53' 47" E along the Northerly line of said Lot 1 for 779.12 feet to the "Point of Beginning" of said tract of land; thence N 0 degrees 06' 13" E for 64.50 feet; thence S 89 degrees 53' 47" E for 58.00 feet; thence S 0 degrees 06' 13" W for 64.50 feet to a point on the Northerly line of Lot 1 of "University Village"; thence N 89 degrees 53' 47" W along said Northerly line for 58.00 feet to the Point of Beginning of said tract of land.

Case No. 16742

Action Requested:

Special Exception to permit a Halloween outreach from the second week in October through October 31, 1994 annually - Use Unit 5, located 7727 East 41st Street.

Presentation:

The applicant, **Bill Scheer**, 4500 South Garnett, #900, requested that the Halloween outreach for the church be permitted on the subject property, and that the days of operation be extended from October 31, 1994 to include the first week in November.

Comments and Questions:

Mr. Doverspike inquired as to the hours of operation for the Halloween function, and the applicant stated that tickets were sold from 7 p.m. to 11 p.m. last year, but he would like the closing time extended to 1 a.m.

In reply to Mr. Doverspike, the applicant advised that a public address system is used for outside music.

Ms. White asked if the use has been expanded since last year's outreach, and Mr. Scheer replied that an expansion is not proposed.

Ms. Russell advised that the application designated a specific date for conclusion of the event, and additional advertising will be required to extend the days of operation.

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 Halloween outreach from the second week in October through October 31, 1994 for **three years only** - Use Unit 5; and **CONTINUE** the balance of the application to August 9, 1994 to permit sufficient time to advertise for tent use and extended days of operation; per plan submitted; subject to days and hours of operation being 7 p.m. to 12 midnight, seven days each week; and subject to all activities being conducted inside the building, except for tent use, if approved; finding that the temporary Halloween outreach will not be detrimental to the area; on the following described property:

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

Case No. 16743

Action Requested:

Special Exception to permit a temporary carnival - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 11, located 603 East Pine Street.

Presentation:

The applicant, **Morton Comprehensive Health Services, Inc.**, 603 East Pine Street, was represented by **Preston Wilson**, who requested permission to conduct a carnival on the subject property for one day only, August 30, 1994.

Comments and Questions:

Ms. White asked the hours of operation, and Mr. Wilson stated that the carnival will be conducted on the back parking lot (12,000 sq ft) from 12:30 p.m. to 8:30 p.m.

In reply to Mr. Bolzle, Mr. Wilson informed that there will be five kiddie rides and one Ferris wheel. He added that the purpose of the carnival is to persuade children to get their required immunizations and all rides will be free.

Mr. Bolzle inquired as to the availability of parking for the event, and Mr. Wilson informed that the northeast library parking lot is available for parking and they have asked permission to use the Carver School parking area.

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 temporary carnival on August 30, 1994 - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 11; subject to hours of operation being 12:30 p.m. to 8:30 p.m.; subject to six rides being placed on the back parking lot; subject to parking being provided at Carver School and the library parking lot; finding the temporary use to attract children for required immunizations will not be detrimental to the area; on the following described property:

Lots 6 and 7, Block 5, Dunbar Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16744

Action Requested:

Variance to permit required off-street parking within 50' of the centerline of East 41st Street and a special exception to modify the screening requirement - **SECTION 215. STRUCTURE SETBACK** and **SECTION 1214.C.2.** Use Unit 14, located SW/c of East 41st Street and South Fulton.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, submitted a plot plan (Exhibit E-2) and informed that he is representing PetsMart, who is proposing to construct a new store on the subject property. He stated that the Bank of Oklahoma drive-in facility is currently located on the property and it has also been used for seasonal tent sales. Mr. Norman noted that, during a previous lot split application on the subject tract, the Technical Advisory Committee advised that the Street Department is proposing a reduction of East 41st Street from a primary to a secondary arterial, which would require only 50' of right-of-way. He stated that, until the Major Street and Highway Plan is actually amended, required off-street parking must be set back 60' from the centerline of the street. Mr. Norman requested that required off-street parking be permitted 50' from the centerline of 41st Street, which will result in the building being moved 5' farther away from 42nd Street. He explained that, if the Board is not inclined to approve the variance, the building will be moved 5' closer to 42nd Street, which is permitted by right. The applicant advised that a 6' solid screening fence is required along the south boundary; however, his client is requesting permission to modify that requirement by planting 25 pine trees (8' in height) and adding a sprinkler system. A landscape plan (Exhibit E-1) was submitted. He pointed out that the landscaping along the 300' boundary near the residential neighborhood will provide a softer appearance than a 300' solid screening fence. Mr. Norman informed that there will be no loading areas or public doorways on the south side of the building; however, there will be one door to an electrical room and one emergency exit on that wall.

Comments and Questions:

Mr. Bolzle inquired as to the exterior building material for the new facility, and Mr. Norman replied that he is not sure, but the exterior of the two existing stores in Tulsa are pre-cast concrete.

Mr. Bolzle asked if there will be surface utilities, and Mr. Norman stated that there are none depicted on the site plan, but the Board can require that any such ground units be screened.

Ms. White asked if there will be lighting on the south side of the building, and Mr. Norman replied that he is not aware of lighting, except at the location of the two required doorways.

Case No. 16744 (continued)

Mr. White asked if the drive-in banking facility will be moved and the site (grade) lowered, and Mr. Norman answered in the affirmative.

Mr. Norman remarked that only two houses on 42nd Street face the proposed facility, and other residences along that street face east or west.

Protestants:

Pat Chaney, 5337 East 44th Street, informed that she is representing several property owners in the neighborhood, and noted that residents are concerned with architectural and landscaping plans for the project. She remarked that delivery access and the location of dumpsters are also concerns. Ms. Chaney noted that property values are at risk, and asked that a residential appearance be maintained and the type of construction be compatible with the existing residential neighborhood. Ms. Chaney requested that sidewalks be installed around the perimeter of the tract.

Mr. Doverspike explained that the use is permitted by right, and the only issues before the Board are modification of screening requirements and parking within 50' of the centerline of 41st Street. He pointed out that moving the building closer to 41st Street would allow the building to be constructed 5' farther for the residences, and the proposed landscaping along the south boundary may be preferable to a 6' wood fence.

Maurice Kisler, 4218 South Darlington Place, stated that he does not feel that the required 300' radius gave sufficient notification to the neighborhood. He informed that there are two houses between his residence and the proposed facility, and that he did not receive notice of the hearing. Mr. Kisler stated that the entire neighborhood should have been notified of the project.

Mr. Doverspike advised that the law requires that notification be mailed to landowners within 300' of any property under application.

Mr. Bolzle informed that the neighborhood is generally alerted of any upcoming projects by their Planning District representative, who receives notice of each application.

Mr. Gardner suggested that the neighborhood organize and select a representative to be registered with the Planning Commission. He stated that the neighborhood representative will be notified of any upcoming applications in the area.

Mr. Kisler stated that he has lived at the current address for many years, and voiced a concern that he has never received information on rezoning or Board of Adjustment hearings on surrounding properties.

Case No. 16744 (continued)

Larry Lantow, 4211 South Darlington Place, stated that residents are concerned with increased traffic on 42nd Street and inquired as to proposed access points.

Mr. Doverspike informed that the site plans designate only one access point on 42nd Street at the west end of the subject property.

Applicant's Rebuttal:

Mr. Norman pointed out that a wood screening fence could be installed and the building could be moved to the south without Board approval. He stated that moving the building to north and planting trees along the south boundary was an attempt to soften the impact on the residential neighborhood. Mr. Norman suggested that the Board require that any ground mounted mechanical equipment be screened with a solid wood fence and that lighting along the south be limited to the two required doorways.

Mr. Doverspike asked if the use requires an access on 42nd Street, and Mr. Norman stated that the driveway will have little impact on 42nd Street traffic, and his client would like to retain this access.

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 within 50' of the centerline of East 41st Street and a special exception to modify the screening requirement - **SECTION 215. STRUCTURE SETBACK** and **SECTION 1214.C.2**. Use Unit 14; per plans submitted; subject to lighting on the south wall being low level to identify the two required doorways, and all lighting being directed away from the residential neighborhood; subject to the dumpster and all low or ground mounted utilities along the south or west sides of the building (visible from the residential area) being screened with a 6' solid wood screening fence; and subject to doors on the south side of the building being limited to one door for a utility cabinet and one door for a required exit (no public entrance); finding that approval of the variance request will result in the building being moved farther from the residential area; and finding that, with the design of the building, trees planted along the south boundary will better maintain the residential character of the neighborhood than a fence; on the following described property:

Case No. 16744 (continued)

A tract or parcel of land lying in the NW/4 of Section 27, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, and being described as follows, to-wit: Beginning at a point that is 2147.34' east of the NW/4 of Said Section 27, said point of beginning being in the centerline of East 41st Street and said point of beginning being 647.34' east of the centerline of Darlington Avenue; thence S 89 58'18"E along the northerly line of said Section 27 and along the centerline of East 41st Street South a distance of 302.66' to a point on the westerly right-of-way line of South Fulton Avenue; thence due south along said westerly right-of-way line a distance of 339.53' to a point on the northerly right-of-way line of East 42nd Street; thence due west along said northerly right-of-way line a distance of 302.66'; thence due north a distance of 339.68' to the point of beginning of said tract of land, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16749

Action Requested:

Special Exception to permit an open air activity (tent) for a temporary period - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** - Use Unit 2, located 7502 South Lewis.

Presentation:

The applicant, **David Whitmore**, 303 East Wacker Drive, Chicago, Illinois, submitted a packet (Exhibit F-1) explaining the use, and requested permission to erect temporary tents on the subject property. He informed that the four tents will provide hospitality services in conjunction with the PGA Golf Championship, which will be held at the Southern Hills Country Club from August 11 -14, 1994.

Comments and Questions:

In response to Mr. Doverspike, the applicant stated that one acre will be used for the tents and the remainder of the 4-acre tract will be reserved for parking.

In reply to Mr. Bolzle, Mr. Whitmore explained that the tents will be erected to the rear of the property, away from Lewis Avenue.

Mr. White asked if the hospitality service has been coordinated with the Chamber of Commerce and the PGA officials, and Mr. Whitmore answered in the affirmative.

Protestants:

None.

Case No. 16749 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, S. White, "absent") to **APPROVE** a **Special Exception** to permit an open air activity (temporary tents) from August 11 to August 14, 1994 - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** - Use Unit 2; per plan submitted; subject to hours of operation being 7:30 a.m. to 7:30 p.m.; subject to the tent and parking being located in the eastern 311' of the area under application, as designated on the case map; finding that the temporary use will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

East 311' of the west 1980' of the east 2030' of the south 930' of the NE/4, Section 7 T-18-N, R-13-E, Tulsa County, Oklahoma, being more particularly described as follows to wit; Commencing at a point on the south line of the NE/4 of Section 7 and 50' west of the east line of Section 7; thence N 0 10' 03" E and parallel with the east line of Section 7 a distance of 370' to the Point of Beginning; thence N 89 48'42" W a distance of 880' to a point; thence S 0 10'03" W and parallel with the east line of Section 7 a distance of 370' to a point on the south line of the NE/4; thence N 89 48'42" W along the south line of the NE/4 a distance of 1100' to a point; thence N 0 10' 03" E a distance of 930' to a point ; thence S 89 48'42" E a distance of 1980' to a point; said point being 50' west of the east line of Section 7; thence S 0 10'03" W a distance of 560' to the Point of Beginning, and containing 34.798, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16751

Action Requested:

Variance of the required rear yard - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 3620 South 133rd East Avenue.

Presentation:

The applicant, **Doyle Owen**, 3620 South 133rd East Avenue, submitted a plot plan (Exhibit G-1) and requested permission to construct a 10' by 30' addition to an existing dwelling. He informed that the new construction will not extend as far into the required rear yard as the existing enclosed patio. Mr. Owen noted that the lot is located on a cul-de-sac and is irregular in shape.

Case No. 16751 (continued)

Protestants:

Judy Tobjy, 3621 South 132nd East Avenue, stated that she lives behind the subject property and is opposed to the new construction. She pointed that the window in the addition will be very near her residence and this will be an invasion of her privacy.

Ritche Rehburg, 3627 South 132nd East Avenue, stated that Bobbie Gray, District 17 chairperson, has viewed the site and agreed with him that the proposed addition will be very near the fence. He pointed out that he lives to the rear of the subject property and the new construction will cause the applicant's dwelling to extend too close to the lot line. Mr. Rehburg stated that approval of this request could set an undesirable precedent in the neighborhood and other property owners will make similar requests.

Comments and Questions:

Mr. Bolzle asked if the land is flat at this location, and Mr. Rehburg answered in the affirmative.

Ms. Russell informed that she has spoken to Bobbie Gray and she requested that it be made known that other homeowners in the area are opposed to the application.

Applicant's Rebuttal:

Mr. Owen reiterated that the existing patio is closer to the fence than the proposed construction, and additional trees could be planted along the fence line.

Mr. Bolzle and Mr. Doverspike agreed that the applicant failed to present a hardship for the variance request.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, S. White, "absent") to **DENY** a **Variance** of the required rear yard - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the applicant failed to present a hardship unique to this property that would warrant the granting of a variance request; on the following described property:

Lot 14, Block 4, Park Plaza East III, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16752

Action Requested:

Special Exception to permit a telecommunications tower in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICT** - Use Unit 4, located 13900 East Admiral Place.

Presentation:

The applicant, **Michael Dudley**, 12036 North Penn, Oklahoma City, Oklahoma, requested permission to install a monopole at the above stated location. He stated that the property was initially thought to be in an industrial zone, which would permit the tower by right; however, further research found it to have an RS-3 zoning classification. The applicant stated that the property is under application to be rezoned to IL.

Comments and Questions:

Mr. Bolzle asked if the property abutting the subject tract to the east and west is zoned IL, and Ms. Russell answered in the affirmative.

Mr. White asked if the tower has been installed, and Mr. Dudley replied that it has not been installed.

Mr. Doverspike asked if the tower will have lighting, and the applicant replied that the proposed structure is a standard monopole tower, which will not have lighting.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, S. White, "absent") to **APPROVE** a **Special Exception** to permit a telecommunications tower (monopole) in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICT** - Use Unit 4; finding that the property is abutted by IL zoning on the east and west, 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. 16752 (continued)

A part of the NE/4, Section 4, T-19-N, R-14-E of the Indian Base and Meridian, Tulsa County, Oklahoma being more particularly described as follows: Beginning at a point on the west line of said NE/4 and on the south ROW line of Interstate 44, said point being 567.99' S 00 56'47" E from the NW/c of said NE/4; thence N 89 17'27" E along said ROW a distance of 50'; thence S 00 56'47" E a distance of 55'; thence S 89 17'27" W a distance of 50' to the west line of said NE/4; thence N 00 56'47" W along said west line a distance of 55' to the POB, containing .06 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:15 p.m.

Date Approved August 9, 1994


Chairman

