

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 671
Tuesday, December 27, 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

Abbott
Bolzle
Doverspike, Chairman
Turnbo

Moore
Russell
Stump

Parnell, Code
Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, December 12, 1994, at 12:30 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 TURNBO**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the Minutes of December 13, 1994 (No. 670).

UNFINISHED BUSINESS

Case No. 16875

Action Requested:

Variance of the number of required parking spaces and for a variance of the required setback from the centerline of South Lewis Avenue - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 15, located 1124 South Lewis Avenue.

Presentation:

The applicant, **Heilbronn Holdings, Inc.**, 1124 South Lewis Avenue, was represented by **Jim Doherty**, 616 South Boston, who informed that the case was continued to this date to allow sufficient time to prepare development standards (Exhibit A-2) for the project. In regard to parking requirements, Mr. Doherty advised that the applicant is purchasing property from PSO for additional on-site parking (Exhibit A-4). He informed that 7973 sq ft of the building will be devoted to manufacturing (11 required spaces), 4489 sq ft will be used for office space (15 required spaces) and the lumber

Case No. 16875 (continued)

yard (29 required spaces) will occupy the remaining 11, 374 sq ft. Mr. Doherty noted that 55 parking spaces are required for the use and 50 on-site spaces are available. He explained that the building inspector has determined that the covered open area (approximately 10,000 sq ft) is included in the parking calculations for the use; however, if this open area is excluded, the applicant can provide all but five of the required parking spaces (80 spaces required if covered area is included). Mr. Doherty noted that a canopy is proposed for the front of the building, which requires a variance of the required setback from Lewis Avenue. He pointed out that the existing building was constructed many years ago and is actually over the building setback line. A plot plan (Exhibit A-1) and photographs (Exhibit A-3) were submitted.

Comments and Questions:

Mr. Doverspike asked if the exit will be on the south end of the property, and Mr. Doherty answered in the affirmative.

Interested Parties:

Allan Stewart, planning chairman for District 4, stated that he is supportive of the application.

Protestants:

Mike James, 2228 East 11th Street, stated that he is representing Enterprise Rent-A-Car, and voiced a concern that the alley will be closed.

Mr. Doherty stated that, according to the plans presented, the property is owned by PSO and, although they have not forbidden access across it, it is a part of the land they have agreed to sell to the applicant. He pointed out that the alley ends at the east end of the tract, and this area will provide approximately nine parking spaces.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-1 (Abbott, Bolzle, Doverspike, "aye"; no "nays"; Turnbo, "abstaining"; none "absent") to **APPROVE** a **Variance** of the number of required parking spaces and a **variance** of the required setback from the centerline of South Lewis Avenue to permit the existing building, existing parking and proposed canopy - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 15; per plan and development standards submitted, with the exception that Other Goods and Services (Use Unit 15) be limited to lumber yard use only; subject to 50 on-site parking spaces being provided; subject to no enclosed expansion of the existing building; subject to the proposed 10,000 sq ft storage shed being open sided; subject to the applicant completing purchase agreement with PSO; and subject to the exit being placed on the south end of the property; finding the use, per conditions, to be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

Case No. 16875 (continued)

Lots 1-3, Block 1, Kendall Addition, Lots 5-9, Block 2, less north 6.75' of Lot 5, Block 2, Kendall Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 16916

Action Requested:

Amended site plan approval - Use Unit 14, located northwest corner of East 42nd Street and South Memorial Drive.

Presentation:

The applicant, **Harrison French**, 502 Southwest A, Bentonville, Arkansas, submitted an amended site plan (Exhibit B-1) and requested that the store at this location (Wal-Mart) be permitted to connect a drive-through canopy to the existing building. He informed that the canopy will serve as protection for customers using the pharmacy.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the amended site plan, as presented.

Lot 1, Block 2, Industrial Equipment Center, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16885

Action Requested:

Variance of the maximum 750 sq ft for a detached accessory building - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6, located 2627 West 79th Street.

Presentation:

The applicant, **Sara Hobbie**, 2627 West 79th Street, was represented by **Gary Hobbie** of the same address. He submitted a plot plan (Exhibit C-1) and explained that an existing 26' by 24' accessory building will be removed and replaced by a 30' by 45' structure. Mr. Hobbie submitted photographs (Exhibit C-2) and noted that the 2½-acre is large enough to support the proposed building.

Case No. 16885 (continued)

Comments and Questions:

Ms. Russell informed that the applicant has an existing 649 sq ft accessory building and the new structure will contain 1350 sq ft (approximately 2000 sq ft total).

Mr. Bolzle inquired as to the use of the building, and Mr. Hobbie stated that he restores cars and does woodworking.

In reply to Mr. Bolzle, the applicant stated that there will be no cooking or bathing facilities in the accessory building.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the maximum 750 sq ft for a detached accessory building - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6; per plan submitted; subject to a maximum of two accessory buildings on the property containing a total of 1999 sq ft; subject to no bathing or cooking facilities being installed and no commercial use; finding that the tract is large 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:

NE/4, NW/4, SE/4, SW/4, Section 10, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16886

Comments and Questions:

Ms. Russell advised that the case was originally scheduled for hearing on January 24, 1995; however, some notices to property owners stated that the case would be heard at this meeting. She stated that the application will be heard on January 24th as scheduled.

Case No. 16887

Action Requested:

Variance of the all-weather requirement for off-street parking and a variance of the screening requirement - **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** and **SECTION 1302.A. SETBACKS** - Use Unit 15 located 9721 East 61st Street.

Case No. 16887 (continued)

Presentation:

The applicant, **Randall Iola**, 1323 East 71st Street, Suite 300, submitted a plot plan (Exhibit D-1) and requested that his client be permitted a temporary gravel parking lot in front of her business. He stated that the street is being widened and asked that his client be permitted to use gravel parking until the street project is completed, at which time a concrete surface will be installed. Mr. Iola submitted photographs (Exhibit D-2) of the property and noted that there is currently no screening in place.

Comments and Questions:

In response to Mr. Doverspike, the applicant stated that the abutting RS zoned property is not developed.

Mr. Doverspike inquired as to amount of time needed for the temporary parking use, and Mr. Iola stated that the street widening project should be completed in approximately two years.

Protestants:

None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the all-weather requirement for off-street parking and a **variance** of the screening requirement - **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** and **SECTION 1302.A. SETBACKS** - Use Unit 15; per plan submitted; subject to the variance of all-weather parking being approved on the front parking lot for **two years only**; finding that the temporary approval during street construction will not be detrimental to the area, or violate the spirit, purpose or intent of the Code; and finding that the lot abuts vacant residential property that is in transition to industrial and a variance of the screening requirements would not have an adverse impact on the surrounding land; on the following described property:

West 100' of the east 190' of the east 406.6' of south 431.0' of the W/2, of Lot 4, Section 31, T-19-N, R-14-E of the IBM, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16889

Action Requested:

Special Exception to permit automotive repair, service and sale of parts and supplies, and a variance of the required frontage in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located 1920 South Memorial Drive.

Case No. 16889 (continued)

Presentation:

The applicant, **Scot Johnson**, 6575 East 21st Place, was represented by **Tom Dalton**, 1437 South Main, who informed that his client is purchasing the north 115' of a tract that has frontage on Memorial Drive. He stated that the property is 280' deep and will be used for auto repair.

Comments and Questions:

Mr. Doverspike asked if all repairs will be completed inside the building, and Mr. Johnsen answered in the affirmative.

In reply to Mr. Doverspike, Mr. Johnsen stated that there will be no outside storage of parts or supplies. The applicant added that his business consists of tune-up and emissions service, with no heavy repairs or vehicle sales.

Mr. Bolzle inquired as to the number of curb cuts on Memorial Drive, and Mr. Johnson informed that there are currently two and none will be added.

It was noted that the case map, which depicts the property as being interior with no street frontage, is in error.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit automotive repair, service and sale of parts and supplies, and a **variance** of the required frontage in a CS zoned district from 150' to 115' - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17; subject to no outside storage of parts or materials; subject to no inoperable vehicles stored on site; subject to all repair service restricted to the inside of the building; and subject to two curb cuts only; 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:

North 115' of Lot 1, Block 1, 21st and Memorial Plaza, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16890

Action Requested:

Variance of the required setback from the centerline of North Sheridan from 100' to 88' to permit an addition to an existing building - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 11/25, located 2806 North Sheridan.

Presentation:

The applicant, **Richard Morgan**, 12345 East Skelly Drive, was represented by **Charles Norman**, 2900 Mid-Continent Tower, who requested permission to expand the shop and office space of an existing aviation repair business. He submitted photographs (Exhibit E-2) and noted that there are other buildings in the area that are closer to the centerline of the street than the proposed construction. Mr. Norman submitted a plot plan (Exhibit E-3) and informed that the property owner to the south (Exhibit E-1) is not opposed to the application.

Comments and Questions:

Mr. Bolzle inquired as to the height of the addition, and Mr. Norman replied that the new construction will be the same height as the existing stone office building.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of North Sheridan from 100' to 88' to permit an addition to an existing building - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 11/25; per plan submitted; finding that there are other buildings in the area that are as close to the street as the proposed addition, and approval of the request will not be detrimental to the area; on the following described property:

Lot 4, Block 4, Mohawk Acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16891

Action Requested:

Special Exception to permit temporary open air activities - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** - Use Unit 13, located 7877 South Sheridan Road.

Case No. 16891 (continued)

Presentation:

The applicant, **Deidre Associates, Inc.**, 12022 Northwest 70th Street, Kansas City, Missouri, was represented by **Lynn Patterson**, who submitted a letter (Exhibit F-2) and informed that four small businesses are currently operating at this location. He stated that the operators are selling clothing, cooking mixes and interior decorating items. Mr. Patterson explained that the ladies involved have refurbished a dilapidated building (Exhibit F-3) and asked the Board to grant a temporary approval of the use to allow them to dispose of their merchandise. He stated that the ladies intend to research the feasibility of rezoning the subject property or consider alternative locations for the bazaar. A violation notice and photographs (Exhibit F-1) were submitted by Code Enforcement.

Comments and Questions:

Mr. Bolzle noted that the Board does not have the authority to grant a use variance.

Mr. Stump stated that the request is for open air activities and Mr. Patterson has asked that the ladies be permitted to operate an indoor retail business, which the Board does not have the authority to grant.

In reply to Mr. Bolzle, Mr. Patterson stated that the operators intended to have sales in the yard adjacent to the building.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Special Exception** to permit temporary open air activities - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** - Use Unit 13; finding the application to be a use variance request (previous commercial use of subject property was a violation of zoning and owner was given 18 months to bring use into zoning compliance in 1988 - BOA 14721), which is not under the jurisdiction of the Board of Adjustment; on the following described property:

Lots 1 and 2, Block 1, Deer Hollow Estates, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16892

Action Requested:

Special Exception to permit automobile sales in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 1; located 3508 South Sheridan Road.

Case No. 16892 (continued)

Presentation:

The applicant, **Green Country Car Sales**, 502 Oak Ridge Drive, Sand Springs, Oklahoma, was represented by Dan Stillwell, who requested that car sales be permitted to continue on the subject tract. He stated that the property was previously used as a car lot for a car dealership, and there are numerous similar uses in the area. An aerial (Exhibit R-1) designating the location of the business was submitted.

Comments and Questions:

In reply to Mr. Bolzle, the applicant stated that the property in question is the north end of the shopping center and the car sales operation will occupy the north 2400 sq ft of the existing building and the north 150' of the lot. He added that all vehicle parking will be north of the south wall of the 2400 sq ft tenant space.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit automobile sales in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17; per designation on the aerial photograph (northernmost 2400 sq ft of building and north 150' of property); finding that there are numerous automobile related businesses in the vicinity and approval of the request will not be detrimental to the area; on the following described property:

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

Case No. 16893

Action Requested:

Variance of the maximum 500 sq ft for a ground sign - **SECTION 1221.D.2. CS District Use Conditions for Business Signs** - Use Unit 21, located southwest corner of East 71st Street and South Lewis Avenue.

Comments and Questions:

Mr. Doverspike advised that he will abstain from hearing Case No. 16893.

Case No. 16893 (continued)

Presentation:

The applicant, **Phil Ruffin**, 7130 South Lewis, Suite 200, was represented by **Carl Vincent**, who submitted a site plan (Exhibit G-1) and explained that the application involves a satellite dish with lettering, which is located on the subject property. He stated that the dish could be considered as a ground sign; however, when viewed from the street, it appears to be a wall sign. Mr. Vincent pointed out that the same lettering on the wall would be permitted by right. Photographs (Exhibit G-2) were submitted.

Comments and Questions:

In reply to Mr. Bolzle, Mr. Vincent requested that, if the Board does not find the sign to be a wall sign, that they make the determination that the actual area covered by the letters (approximately 200 sq ft) is a sign, and not the entire satellite dish (660 sq ft).

Mr. Stump advised that a plan for ground signage was presented to the Planning Commission and they voted to approve the plan, with the satellite dish being considered as a 660 sq ft sign and being subtracted from the permitted amount of signage for the Planned Unit Development. He stated that the Planning Commission recommends that the Board consider the satellite dish as a ground sign and vary the maximum size from 500 sq ft to 660 sq ft. Mr. Stump stated that it is his finding that the sign is not supported by the building and, therefore, not a wall sign.

Mike Paton, 7140 South Lewis Avenue, stated that the manufacturer's name was on the antenna at the time of installation; however, to promote the company, the company name was substituted for the initial lettering. He pointed out that they were not aware that this caused the antenna to become a ground sign. Mr. Paton asked that the satellite dish be considered as an antenna and not a ground sign.

Mr. Stump noted that the satellite dish would also have been considered a sign if the manufacturer's name had remained on the sign, because of the size of the logo.

In reply to Mr. Bolzle, Mr. Paton informed that spotlights on the ground are directed toward the satellite dish.

Ms. Abbott inquired as to the size of the manufacturer's name that was previously on the dish, and Mr. Stump clarified that that only 14 square inches is permitted for the manufacturer's name. Mr. Paton stated that the name was larger than 14 square inches.

In reply to Bolzle, Mr. Vincent stated that the lettering on the dish is approximately 200 sq ft.

Ms. Abbott stated that it is her opinion that only the lettering should be calculated a signage.

Case No. 16893 (continued)

Ms. Turnbo emphasized that this type of approval would set a precedent and a large sign with lighting and small lettering could be requested.

Mr. Bolzle stated that he finds the sign to be unique and that it would not have a negative impact on the area.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 1-2-1 (Turnbo, "aye"; Abbott, Bolzle, "nay"; Doverspike, "abstaining"; none "absent") to **APPROVE** a **Variance** of the maximum square footage for a ground sign from 500 sq ft to 660 sq ft - **SECTION 1221.D.2. CS District Use Conditions for Business Signs** - Use Unit 21; per plan and photographs submitted.

The motion failed for lack of three affirmative votes for approval.

On **MOTION** of **ABBOTT**, the Board voted 2-1-1 (Abbott, Bolzle, "aye"; Turnbo, "nay"; Doverspike, "abstaining"; none "absent") to **DETERMINE** that the sign in question contains only 200 sq ft of display surface area.

The motion failed for lack of three affirmative votes.

On **MOTION** of **BOLZLE**, the Board voted 3-0-1 (Abbott, Bolzle, Turnbo, "aye"; no "nays"; Doverspike, "abstaining"; none "absent") to **RECONSIDER** the original motion.

On **MOTION** of **TURNBO**, the Board voted 3-0-1 (Abbott, Bolzle, Turnbo, "aye"; no "nays"; Doverspike, "abstaining"; none "absent") to **APPROVE** a **Variance** of the maximum square footage for a ground sign from 500 sq ft to 660 sq ft - **SECTION 1221.D.2. CS District Use Conditions for Business Signs** - Use Unit 21; per site plan and photographs submitted; finding that the lettering on the satellite dish is approximately 200 sq ft; and that approval of the request will not be detrimental to the area; on the following described property:

Block 6, Kensington, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16894

Action Requested:

Variance of the required side yard from 5' to 3' to permit an addition to an existing structure - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1336 East 20th Street.

Case No. 16894 (continued)

Presentation:

The applicant, **Stanley Keithley**, 1336 East 20th Street, stated that his home is two story, except for a 18' by 22' addition to the rear. He submitted a plot plan (Exhibit H-2) and requested that the construction of a second story be permitted over this room to eliminate a water problem caused by the flat roof. Photographs (Exhibit H-1) were submitted.

Comments and Questions:

Ms. Turnbo noted that the house is in a Historical Preservation District, and the applicant stated that he has approval from the Tulsa Preservation Commission.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required side yard from 5' to 3' to permit an addition to an existing structure - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; subject to Tulsa Preservation Commission approval; finding that the second story addition will extend upward from the existing building wall and will not encroach farther into the required setback; o. the following described property:

West 50' of the east 51' of Lot 2, Bragassa Subdivision of Lot 10, Block 28, Park Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16895

Action Requested:

Variance to permit two dwelling units on one lot of record, variance of the required yard and livability space - **SECTION 207. ONE SINGLE FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6, located 204 East 28th Street.

Presentation:

The applicant, **Gail Shallcross**, 204 East 28th Street, was represented by Richard Wilson, who requested permission to construct a second story over the existing garage. He submitted a plot plan (Exhibit J-1) and stated that the new room will be used for guest quarters.

Case No. 16895 (continued)

Comments and Questions:

Mr. Doverspike inquired as to the size of the new addition, and Mr. Wilson replied that the existing dwelling has approximately 1800 sq ft of floor space and the new addition will have approximately 430 sq ft.

Protestants:

Helen Arnold, 218 East 29th Street, stated that she is not opposed to the construction if it is used by the family, but is opposed to a rental unit.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit two dwelling units on one lot of record, variance of the required yard and livability space - **SECTION 207. ONE SINGLE FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6; per plan submitted; subject to the unit over the garage being for family use only, and not for rental purposes; finding that approval of the request, per conditions, will not be detrimental to the neighborhood or violate the spirit and intent of the Code; on the following described property:

Lot 14, Block 21, Sunset Terrace, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16896

Action Requested:

Special Exception to permit a student community center in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 2, located 1128 South College.

Comments and Questions:

Ms. Russell informed that protestants to this application have requested by letter (Exhibit K-1) that Case No. 16896 be continued to permit a neighborhood meeting concerning the request.

Presentation:

The applicant, **Chief Boyd**, 16 East 16th Street, stated that he is not opposed to a continuance to January 10, 1995, but any later meeting would interfere with contracts that will expire.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 16896 to January 10, 1995.

Case No. 16897

Action Requested:

Special Exception to permit a mini storage in a CS zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 17, located south and east of the southeast corner of East 91st Street and South Yale Avenue.

Presentation:

The applicant, **Lamar Properties**, 1203 East 33rd Street, Suite 200, was represented by Max Heidenreich, 4129 South Peoria, who submitted plans (Exhibit L-1) and elevations (Exhibit L-2) for a proposed office building and mini storage. He informed that the facility will be constructed of tilt-up concrete panels, with a new entrance from Yale Avenue and a controlled access on Braden. Mr. Heidenreich explained that the controlled access will be used only for moving vans to enter during daytime hours and with the manager's approval. He informed that a 10' landscaped area will be located to the south.

Interested Parties:

Robert Traband, 7116 South Mingo, Suite 103, requested by letter (Exhibit L-3) that the mini storage be of masonry construction, that landscaping be installed on the south property line, that the west 170' be restricted to those uses allowed by right in CS or OL zoning and that signage be located at least 100' from the south boundary and limited to a reasonable height.

Comments and Questions:

Ms. Russell clarified that a District Court decision permitted CS uses on the tract; however the zoning remains RS-1, with a 50' OL buffer along the south and east property lines.

Mr. Stump noted that the use of the south 50' for CS purposes would be contrary to the District Court decision.

Mr. Heidenreich stated that the south 50' will be designated for office use only.

In response to Mr. Bolzle, Mr. Heidenreich stated that the south portion of the mini storage will have lights attached to the building.

Ms. Abbott asked if the mini storage facility will have access on Yale, and the applicant stated that Yale will be the primary access, because the access on Braden is controlled and will be for moving vans.

Mr. Bolzle asked if any type of storage will be on the OL portion of the tract, and Mr Heidenreich stated that there will be no storage on the 50' strip.

Case No. 16897 (continued)

Mr. Stump inquired as to the reason for 44' of paved area, and the applicant stated that it is easy to maintain and the width is needed for trucks to maneuver in the area.

In reply to Mr. Bolzle, Mr. Stump stated that mini storage use was not permitted by the District Court action and, although there is no storage on the OL portion, trucks are traveling on OL property to reach the facility.

Mr. Bolzle inquired as to the number of visits a moving van would make to the property, and the applicant stated that it has been his experience at other facilities that vans load or unload approximately twice each month.

In response to Ms. Turnbo, Mr. Heidenreich stated that the storage facility will have 305 units and days and hours of operation will be Monday through Saturday, 8 a.m. to 6 p.m.

Mr. Bolzle asked if drainage is east and west, and the applicant answered in the affirmative. He added that Stormwater Management has approved the drainage plan for the project.

In response to Mr. Bolzle, Mr. Traband, 7116 South Mingo, Suite 103, stated that he is not opposed to the exterior being of tilt-up concrete construction and the interior being metal.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a mini storage in a CS zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 17; subject to the following conditions:

1. Per plan submitted.
2. The controlled access on Braden is to be used only Monday through Saturday, 8 a.m. to 6 p.m.
3. All lighting is to be directed away from the residential area.
4. No outside storage in the designated OL access lane.
5. Building perimeter of mini storage to be tilt-up concrete construction, with interior walls being metal.
6. Building perimeter of retail structure on Yale to be brick or stone.
7. Landscaping to be installed on the south property line.
8. The west 170' of the tract being restricted to those uses allowed by right in CS or OL zoning.
9. All signage be located at least 100' from the south boundary and limited to a reasonable height.

Case No. 16897 (continued)

The Board found the use, per conditions, to be compatible with the area; on the following described property:

All of Lot 3, Block 1, Hunters Glen Addition, less north 20' of east 244' and less west 170' of north 150' and less south 169.7' of north 319.7' of west 225' and the south 54' of Lot 2, Block 1, Hunters Glen Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16898

Action Requested:

Special Exception to permit a detached accessory building on an abutting lot under common ownership, variance of the maximum 750 sq ft for a detached accessory building and a variance of the maximum 20% rear yard coverage - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6, located 6844 East 106th Place.

Presentation:

The applicant, **James Sharp**, 6804 East 106th Place, was represented by **Nancy Woods**, 720 East Marshall, who submitted a plat of survey (Exhibit M-1) and explained that her clients own two lots, with the home and pool being on one lot and a detached garage and tennis courts on the second lot. Ms. Woods stated that an expansion of the garage is proposed. She added that the neighbors have been notified and they are supportive of the project.

Comments and Questions:

In response to Mr. Doverspike, Ms. Woods informed that the garage will contain approximately 1512 sq ft, including the addition.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a detached accessory building on an abutting lot under common ownership, variance of the maximum 750 sq ft for a detached accessory building and a variance of the maximum 20% rear yard coverage - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6; per plat submitted; subject to the execution of a tie contract; finding that the two lots are large enough to support the new addition; and approval of the request will not be detrimental to the neighborhood; or violate the spirit and intent of the Code; on the following described property:

Case No. 16898 (continued)

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

Case No. 16899

Action Requested:

Special Exception to permit automobile sales in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 3310 South Yale Avenue.

Presentation:

The applicant, **Manhal Naily**, 3742 East 30th Street, informed that he is currently operating an automobile repair business on the subject property and requested that he also be permitted to sell used cars at this location. A plot plan (Exhibit N-1) was submitted.

Comments and Questions:

Mr. Bolzle inquired as to the number of cars for sale, and the applicant stated that he plans to display approximately 20 vehicles on the lot, however, the lot will accommodate 30.

Protestants:

James Boone informed that he is the property owner at 3404 South Yale and has spent a significant amount of money in upgrading his building. He pointed out that a car lot would be detrimental to the area and is not appropriate at this location.

Tod Alexander, 2121 South Columbia , Suite 500, stated that he is representing his father, who owns a high quality office building at 3311 South Yale. He pointed out that an up-scale doctor's building is also located to the south. Mr. Alexander noted that the proposed car lot is not consistent with the existing uses in the area and asked that the application be denied.

Additional Comments:

Mr. Bolzle asked if a U-Haul business is located to the north, and Mr. Alexander answered in the affirmative.

Applicant's Rebuttal:

Mr. Naily informed that, approximately two years ago, a used car business was in operation on a lot to the north.

Mr. Doverspike asked if the repair operation will continue to operate along with the car sales, and Mr. Naily answered in the affirmative.

Case No. 16899 (continued)

In response to Mr. Doverspike, the applicant stated that he will have four employees.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Special Exception** to permit automobile sales in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; finding that a used car sales lot is not compatible with existing uses, and approval of the request would be detrimental to the surrounding area; on the following described property:

East 120' of north 140' of the N/2 of the SE/4, NE/4, less the east 50' for street, Section 21, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16901

Action Requested:

Special Exception to amend a previously approved plot plan to allow an addition to an existing school - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 2, located East 19th Street and South 77th East Avenue.

Presentation:

The applicant, **Wallace Wozencraft**, was not present.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 16901 to January 10, 1995.

Case No. 16903

Action Requested:

Minor Special Exception to amend a previously approved plot plan - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 2, located 3030 East 91st Street.

Case No. 16903 (continued)

Presentation:

The applicant, **James O'Haren**, 3030 East 91st Street, submitted an amended site plan (Exhibit P-1) and informed that he is proposing to construct a 600 sq ft pro shop and a 2500 sq ft fitness center. He requested that the previously approved plot plan be amended to include the two additions.

Comments and Questions:

Mr. Bolzle asked if the proposed structures will be attached to the existing building, and the applicant answered in the affirmative.

In reply to Mr. Bolzle, the applicant stated that the new buildings will be one story.

Protestants:

None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Minor Special Exception** to amend a previously approved plot plan - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 2; per amended plan submitted; finding that approval of the request will not be detrimental to the area; on the following described property:

Lot 1, Block 1, Wimbledon, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:30 p.m.

Date Approved

Jan 10, 1993

[Signature]

Chairman

