

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 673
Tuesday, January 24, 1995, 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

Gardner
Moore
Russell

Jackere, Legal
Parnell, Code
Enforcement
Hubbard, Public
Works

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, January 23, 1995, at 9:55 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 **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions; none "absent") to **CONTINUE** approval of the minutes of January 10, 1995 (No. 672) to February 14, 1995, to allow sufficient time for review.

UNFINISHED BUSINESS

Case No. 16862

Action Requested:

Special exception to permit church use in an R District, and a variance of the maximum building height - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 2, located west of the southwest corner of East 61st Street and South Yale Avenue.

Presentation:

The applicant, **Kevin Coutant**, 320 South Boston, stated that he is representing Kirk of the Hills Presbyterian Church and submitted a set of exhibits (Exhibit A-1) relating to the proposed construction. He informed that the church property was acquired in two stages, with the initial property being approved for church use. Mr. Coutant stated that the building plans submitted at the previous hearing have been revised

Case No. 16862 (continued)

and the proposed sanctuary has been moved from the southeast side to the northwest side of the property to provide greater separation from the residential area. He pointed out that it was necessary that the new sanctuary be on the same level as the existing one, which will be utilized as a fellowship hall after construction is completed. The applicant stated that the change in location will move the building farther from the residential properties (as near as 40' on the previous plan and 210' on the new plan). Mr. Coutant noted that the new configuration will permit more on-grade parking and improve parking on the site. The applicant stated that neighborhood meetings have been held and some issues were resolved, with numerous "no parking" signs being installed by both the church and traffic engineering. In regard to parking, Mr. Coutant stated that the church will be in compliance with Code requirements, but has committed to providing additional off-site parking with shuttle service. He informed that the only issue that was not resolved with the neighbors is the height of the new facility. Mr. Coutant emphasized that there is an approximate 30' drop from the back yards of the abutting properties (Lots 1-7) to the lowest point in the church parking lot. He pointed out that the ridge line of the new addition will be no higher than that of the existing sanctuary. Mr. Coutant noted that a hardship is demonstrated by the topography and the fact that the new addition will be no higher than the existing facility.

Comments and Questions:

Ms. Turnbo inquired as to the maximum height from the ground to the ridge line of the new facility, and Mr. Coutant replied that this distance is 68' (north end of the new construction).

Tom Gray, 4102 East 61st Street, informed that he is pastor for the church in question, and suggested that the church has helped set the high standard for the quality of the neighborhood and will continue to be a good neighbor. He requested that the new addition be kept at the same level as the fellowship hall to alleviate the need for stairs (elevators) between the two buildings.

Protestants:

Steve and Denise Regouby, 4105 East 62nd Street, submitted a photograph (Exhibit A-2) and explained that the building will be to the rear of their lot and, if constructed at the proposed height, will block approximately 50% of the view from their dwelling. Mr. Regouby stated that construction of the massive structure near their home will have a negative impact on their property value and requested that the application be denied. Ms. Regouby noted that the new facility will infringe on their privacy and requested that the height be restricted.

Case No. 16862 (continued)

Bill and Barbara Shea, 4119 East 62nd Street, submitted photographs (Exhibit A-4) and stated that the 68' building will block the view from their home and have a negative impact on their property value. They asked that the property owner adhere to the Code requirement in regard to height. Ms. Shea noted that there is no hardship for the variance request.

Terry Stallcop, 4127 East 62nd Street, noted that the increase in the sanctuary from 700 seating capacity to 1200 will increase an existing parking problem (Exhibit A-3). She pointed out that it would not be possible for an emergency vehicle to maneuver through the streets on Sundays. Ms. Stallcop noted that it would be more convenient to park in the neighborhood than ride a shuttle from some other location.

Ray Winters, 4017 East 62nd Street, informed that some homes in the area have existing structural damage due to the type of soil at this location, and voiced a concern that further excavation could increase these problems.

Larry and Nancy Chisum, 4111 East 62nd Street, noted that the loss of the view can be equated to the loss of a piece of art, and the view from their home will be blocked by the proposed facility. Photographs (Exhibit A-5) were submitted.

Councilor Vicki Cleveland voiced a concern that the site may have reached the limit for additional expansion. She stated that the height is also a concern.

Carl Cannizzaro, 6201 South Quebec, noted that the parking lot is currently overflowing and the increased size of the sanctuary will further aggravate the existing problem. He pointed out that the construction of a 35' building, which would comply with the Code, would not block the view of nearby residents.

Bob Triplett, 4135 East 62nd Street, informed that he is president of the Livingston Park Homeowners Association, and pointed out that the proposed church sanctuary is almost double the size of the one that exists.

Interested Parties:

Becky Yeager stated that she lives in the neighborhood and is a member of the Kirk of the Hills church. She informed that she is supportive of the application.

Lloyd Hobbs, district chairman for Planning District 18, stated that a 68' building is too high at this location.

Applicant's Rebuttal:

Mr. Coutant noted that the topography of the land creates a hardship for the variance request. He pointed out that the retaining wall should tend to stabilize the ground, instead of creating a problem.

Case No. 16862 (continued)

Additional Comments:

In reply to Mr. Bolzle, Mr. Gardner informed that a 35' building could be constructed within 25' of a residentially zoned property.

Ms. Turnbo pointed out that the requested height is almost double the permitted amount.

Ms. Abbott noted that the height of the new sanctuary (ridge line) will not exceed that of the existing building (52' above grade at the south end of the building).

Mr. Doverspike and Mr. Bolzle agreed that the basis exists (topography) for a hardship finding.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-1-0 (Abbott, Bolzle, Doverspike, "aye"; Turnbo, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit church use in an R District, and a variance of the maximum building height - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; finding a hardship demonstrated by the topography and the fact that the new construction will not exceed the height of the existing building; finding that a 35' building could be constructed by right within 25' of the residential property line; and finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit, purpose or intent of the Code; on the following described property:

North 396", west 660' of Lot 2, Section 4, T-18-N, R-13-E of the IBM, Tulsa County and all of Livingston Park, Block 1, less and except the portion thereof subsequently platted as Livingston Park South, an addition to the City and County of Tulsa, Oklahoma.

Case No. 16900

Action Requested:

Variance of the required screening fence - **SECTION 212.C.a. and SECTION 212.C.4 - SCREENING FENCE REQUIRED** - Use Unit 13, located southwest corner of East 81st Street and South Lewis Avenue.

Comments and Questions:

Mr. Doverspike advised the applicant that Mr. Bolzle will abstain from hearing Case No. 16900.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, stated that he is representing the Plaza Shopping Center, and requested that the existing screening fence be removed. He submitted a plat (Exhibit B-1) and photographs (Exhibit B-2) and explained that the abutting property is vacant and the fence provides a hiding place for vandals. Mr. Norman stated that cars have been broken into and one armed robbery occurred behind the building. He informed that the photographs show graffiti on the walls and a portion of the fence has been broken down by unknown persons. The applicant stated that the fence does not seem to serve a purpose at this time and requested permission to remove the screening until the abutting property is developed.

Protestants:

Sheila Sherwood, manager of Riverbend Apartments, informed that the vacant property referred to by the applicant serves as a park for the tenants living at the apartment complex. Ms. Sherwood pointed out that plans are being developed to add walkways around the pond area and the park. She stated that numerous activities are conducted on the vacant land and the back of the businesses would be very unsightly without the screening fence.

Ed Lineback, representing the Lineback Company, stated that a fence is proposed when the pond is cleaned out and the land is cleared, because trash blows from the business into this area. He noted that the back of the building is not a pleasing sight for their tenants who will use the park. Mr. Lineback requested that the existing fence remain in place, and noted that the shopping center adjacent to the south should have been required to construct a fence along their boundary line.

Tom Vogt, 3800 First National Tower, informed that he is counsel for Riverbend Associates, and noted that the Code states that the purpose of screening is to maintain a compatible relationship between different land uses. He pointed out that the park area and pond area are integral parts of the property and are heavily used by the tenants. Mr. Vogt emphasized that they are attempting to limit access to the property belonging to the apartment complex and requested that the fence remain in place.

Councilor Vicki Cleveland stated that removal of the existing screening fence would shift the expense of constructing another fence to the adjoining property owners. She requested that the fence remain to separate the commercial use from the abutting residential area.

Case No. 16900 (continued)

Applicant's Rebuttal:

Mr. Norman stated that this is not an effort to shift the fencing cost or avoid responsibility. He explained that his client has maintained the fence for 10 years, and was advised by off-duty officers, which provide security for the project, that the fence should be removed. Mr. Norman stated that the fence only screens vacant land to the west, and his client would reconstruct the fence if that area was ever developed. He pointed out that removal of the fence would not be an intrusion on the apartments to the southwest.

Board Action:

On **MOTION** of **TURNBO** the Board voted 3-0-1 (Abbott, Doverspike, Turnbo, "aye"; no "nays"; Bolzle, "abstaining"; none "absent") to **DENY** a **Variance** of the required screening fence - **SECTION 212.C.a. and SECTION 212.C.4 - SCREENING FENCE REQUIRED** - Use Unit 13; finding that the screening fence provides visual separation between CS zoned property and the apartment complex to the southwest, and removal of the fence would be detrimental to the area; on the following described property:

Lot 2, Block 2, Riverbend Addition, a resub of part of University Park Estates, 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**, 5801 East 41st Street, stated that he is the architect for the school, and has met with the neighborhood concerning the project. He informed that the height of the proposed structure has been reduced from two stories to one story to comply with neighborhood concerns. A plot plan (Exhibit C-1) was submitted.

Protestants:

None.

Case No. 16901 (continued)

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 **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; per plan submitted; finding that the school is existing and the use is compatible with the residential neighborhood; on the following described property:

Lot 11, Block 5, Moeller Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16910

Action Requested:

Special exception to permit a dance hall in an IL District, and a variance of the all-weather surface requirement for parking and a variance to permit parking on a lot other than the lot containing the principal use - **SECTION 901. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICT** and **SECTION 1303.D. DESIGN STANDARDS** - Use Unit 19, located 228 West Archer.

Presentation:

The applicant, **Chad Sandberg**, 1349 Riverside, #2, submitted a plot plan (Exhibit D-1) and stated that this application was continued to permit him to secure additional parking for the use. He informed that 53 spaces are now available and the lot will be hard surfaced within one year. Mr. Sandberg stated that the days and hours of operation will be Friday and Saturday, 9 p.m. to 2 a.m., except for the summer months (May through August) when the dance hall will operate Thursday through Sunday, 9 p.m. to 2 a.m. He noted that a licensed security guard will be on the premises.

Comments and Questions:

Mr. Bolzle asked if the dance hall will be for all ages, with no alcoholic beverages permitted, and the applicant answered in the affirmative.

Ms. Turnbo asked if any type of beverage will be served that has alcoholic content, and Mr. Sandberg replied that this type of beverage will not be sold on site or permitted on the premises.

In reply to Ms. Turnbo, the applicant stated that his parking lease and building lease run concurrently.

Case No. 16910 (continued)

Mr. Gardner advised that, if the other warehouse building sharing the parking lot was in use, it would only require one parking space.

There was discussion concerning a time limitation for the use, and Mr. Sandberg stated that he could recover his investment if the approval was for one year.

Interested Parties:

Jim Norton, president of Downtown Tulsa Unlimited and chairman of Planning District 1, informed that he has discussed the use with the applicant since the last Board meeting. He stated that he is somewhat concerned with the 2 a.m. Sunday operation, but other concerns in regard to security, hard-surface parking and non-alcoholic beverages have been addressed today by Mr. Sandberg.

Mr. Doverspike asked Mr. Sandberg if he would be opposed to closing at 12 midnight on Sunday night, and he replied that he is not opposed to that change.

Mr. Bolzle inquired as to the length of the lease, and Mr. Sandberg stated that the lease is for one year.

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 dance hall in an IL District, and a **variance** of the all-weather surface requirement for parking and a **variance** to permit parking on a lot other than the lot containing the principal use - **SECTION 901. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICT** and **SECTION 1303.D. DESIGN STANDARDS** - Use Unit 19; per plan submitted; subject to the approval being for one year only; subject to the lease on the building and the parking area running concurrently; subject to no alcoholic or intoxicating beverages being sold, served or permitted on the premises; subject to days and hours of operation being Thursday through Saturday, 9 p.m. to 2 a.m. and 9 p.m. to 12 midnight on Sunday; and subject to a licensed bonded security guard being present during all hours of operation; 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:

Lots 5 and 6, Block 62, Original Town of Tulsa, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16911

Action Requested:

Special Exception to permit a safety school in an RS-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 2, located south of the SE/c of East 23rd Street and South 132nd East Avenue.

Presentation:

The applicant, **Oklahoma Safety Council**, was represented by **Don Meyers**, Tulsa Public Schools, who submitted a site plan (Exhibit E-1) and informed that parking will be provided for 60 cars on either side of the area designated for bus parking. An aerial (Exhibit E-3) and a map (Exhibit E-2) of streets accessing the site were submitted.

Comments and Questions:

Mr. Doverspike asked if the entrance to the parking area will be on 24th Street, and Mr. Meyers answered in the affirmative.

In response to Mr. Jackere, Mr. Meyers informed that the replica of the city will be store front designs and one-third the normal size.

Mr. Jackere asked if there will be outdoor entertainment, and Mr. Meyers stated that this is strictly an educational learning process, with no entertainment.

Mr. Doverspike asked if all lighting will be directed to the interior of the project, and Mr. Meyers answered in the affirmative.

Interested Parties:

Ed Brown, 13502 East 24th Street, questioned the use of 24th Street for buses, and voiced a concern that a driver would not be able to safely maneuver a school bus around the corner from 129th East Avenue to 24th Street.

Additional Comments:

Mr. Meyers informed that he has driven 84-passenger buses in the area.

Mr. Bolzle asked if there has been discussion as to the extension of 24th Street to the collector street to the east, and Mr. Meyers stated that he has discussed this possibility with the Traffic Engineering Department and they are aware that some upgrading of the street may be required.

In reply to Mr. Bolzle, Mr. Meyers informed that the project is funded by donations and advertising and is patterned after a safety school in another state. He advised that a video is available if the Board is interested in further information.

Ms. Turnbo stated that she site-checked the area and found the road to be so narrow that she was not able to go around a garbage truck without leaving the road.

Case No. 16911 (continued)

Mr. Jackere advised that the Board could continue the case to allow Staff to contact Traffic Engineering regarding the adequacy of the street to carry the amount and type of traffic generated by the use.

Mr. Doverspike remarked that school use would be more intense than the proposed project.

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. 16911 to February 14, 1995 to allow Staff to contact Traffic Engineering in regard to the adequacy of the street to carry the traffic generated by the use, and to permit the Board to view a video of the use as it exists in another state.

W/2, N/2, SE/4, NW/4, Section 16, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16913

Action Requested:

Special exception to expand the existing Use Unit 2 Transitional Living Center and Residential Treatment Center to include a convict pre-release center for residential and outpatient treatment of individuals - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2, located 245 West 12th Street.

Presentation:

The applicant, **Kay Bridger-Riley**, 8908 South Yale Avenue, Suite 230, requested that Case No. 16913 be continued, and informed that Roy Johnsen, counsel for the protestant, has agreed to the continuance. She pointed out that a timely request was not possible because the County Board of Adjustment met on Thursday afternoon (January 19, 1995) to consider an application that had a direct impact on this case. She stated that it may be necessary to withdraw the application.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-1 (Abbott, Bolzle, Doverspike, "aye"; no "nays"; Turnbo, "abstaining"; none "absent") to **CONTINUE** Case No. 16913 to February 14, 1995.

NEW APPLICATIONS

Case No. 16886

Action Requested:

Appeal the decision of the administrative official that the use is a Use Unit 12a - Adult Entertainment - Use Unit 12a, located 4812 East 33rd Street.

Presentation:

The applicant, **James Cooper**, 6839 East 106th Place, was represented by **Jim Goodwin**, 624 East Archer, who informed that his client has a certificate of occupancy as an eating establishment. He stated that a violation notice, which was issued by Candy Parnell, indicates that the business has inadequate parking.

Candy Parnell, Code Enforcement, stated that she has not determined that the facility does not serve food, because it has a kitchen and can prepare meals; however, the size of the kitchen and the equipment are not adequate to serve the number of occupants the building will accommodate. Ms. Parnell pointed out that the ABLE Commission has determined that the entire facility is a lounge and bar area, therefore, the required number of parking spaces for a bar cannot be provided. She explained that the first application submitted by the applicant was denied, based on the floor plan submitted and Mr. Cooper then returned with a second floor plan for a restaurant and an occupancy permit was issued. Ms. Parnell informed that, at the time of inspection, the existing floor plan of the establishment was the same floor plan that was denied as an adult entertainment establishment.

Comments and Questions:

Mr. Doverspike asked Ms. Parnell if it is her determination that the business in question is a Use Unit 12a adult entertainment establishment, and she answered in the affirmative.

In reply to Mr. Doverspike, Ms. Parnell advised that she has received complaints regarding inadequate parking for the facility.

Mr. Goodwin noted that the City Charter specifically prohibits council members from interfering with subordinates of the executive branch. He remarked that there were few complaints concerning the use in question.

Mr. Doverspike inquired as to the percentage of floor area that is restricted from those under 21 years of age, and he replied that there is no restricted age limit at this time. He added that there was a restriction when the facility was licensed as a liquor establishment. Mr. Goodwin stated that there may be one small area that could be restricted.

Case No. 16886 (continued)

James Cooper, 6839 East 106th Place, stated that the building has previously been used as a restaurant and adult entertainment establishment. He informed that the ABLE Commission posted the sign on the door restricting those under 21 years old when the previous restaurant was in operation. Mr. Cooper noted that this posting was made because there was no designated bar area inside the facility. He explained that it was his intent to have a restaurant at this location; however, it was not budgeted to build a separate bar at this time. Mr. Cooper stated that the primary use of the facility is food service, which was the previous use, and as many as 400 individuals have been fed in one and one-half hours. The applicant stated that he disagrees with Ms. Parnell's statement that the kitchen is inadequate for the facility. He emphasized that a great deal of money was spent to comply with the City Code requirements, even though the restaurant was already in operation when he took over the business. The applicant pointed out that the parking problem only occurs between the hours of 11:30 and 1:30 a.m. on Saturday nights.

Mr. Doverspike asked if the ABLE Commission posting on the front door covers the entire building, and Mr. Cooper answered in the affirmative.

In reply to Mr. Doverspike, Mr. Cooper stated that he has an agreement with the adjacent building tenant that their parking can be used by the restaurant after 5 p.m., which provides a total of 68 spaces. He noted that the adjacent tenant closes his business at 5 p.m. Mr. Cooper informed that the restaurant closes during the week at approximately 11 p.m., and at 2 a.m. on the weekends.

Mr. Doverspike inquired as to the percent of proceeds derived from the sale of intoxicating and nonintoxicating beverages, and the applicant stated that that percentage is not available at this time.

Mr. Jackere asked if the food is always prepared at this location, and Mr. Cooper answered in the affirmative. He added that the restaurant does not use a catering service.

Jim Stanberry, 106 Monroe Street, Tahlequah, Oklahoma, ABLE Commission, informed that a note attached to the application for a liquor license, which he received from another ABLE employee, stated that the location failed to meet the requirements of the City Ordinance and a certificate of compliance could not be issued. He stated that a certificate of compliance was later issued and he posted the facility. Mr. Stanberry informed that the kitchen was not in operation at the time of posting and there were no immediate plans to operate the kitchen, therefore, under the law, the main purpose of the facility is the sale of mixed beverages and nonintoxicating beverages. He pointed out that the applicant would be entitled to a review of this posting if the percentages of sales prove otherwise.

Case No. 16886 (continued)

Ms. Parnell stated that she toured two restaurants (Full Moon Cafe and Celebrity Club) that sell mixed drinks, and found their kitchens to be comparable (in size and equipment), with much more equipment than the facility in question (Exhibit G-1).

Protestants:

Larry Taylor, 3223 East 31st Street, informed that he is counsel for the Malibu Apartments, which are located to the south of the subject property. He pointed out that a serious parking problem occurs on Thursday, Friday and Saturday evenings from approximately 10 p.m. to 2 a.m. He noted that the business has added to his client's operating expense, since it has become necessary to hire a security guard to keep Mr. Cooper's customers from parking in tenant spaces.

Mr. Jackere advised that restaurant use may be nonconforming at this location, and, although parking may be a problem in the area, it is not the primary issue before the Board at this time. He informed that the Code definition of an eating establishment is one that employs a full time cook, has a menu and a fully equipped kitchen and one that, including the kitchen area but excluding the bar area, occupies at least 75% of the total floor area of the business.

Mr. Gardner stated that Mr. Cooper advised him that the facility would be used as it had been used in the past, which is a private club. Mr. Gardner noted that he advised the applicant that it could have continued as a club from January 93 to January 1994 (nonconforming) without complying with parking requirements; however, at the end of one year a parking variance would be required, or relocation of the business would be necessary. He pointed out that, if the entire building is considered to be a bar as the principal use, 72 parking spaces would be required; however, a combination bar and restaurant would require more than 54 spaces, but less than 72. Mr. Gardner informed that a principal use restaurant would require approximately 54 spaces, which he could meet.

In reply to Mr. Doverspike, Mr. Stanberry advised that an establishment is licensed as a bar lounge unless it can be shown that an area of the establishment has as its main purpose (based on revenue produced) something other than the sale of beer and liquor.

Ms. Turnbo asked Ms. Parnell if only 29 plates were stored on a shelf and one box of plates in the utility closet, and she answered in the affirmative. She added that she did not see flatware or glasses and noticed that there were very few cooking utensils.

Case No. 16886 (continued)

Jim Espey, 3714 South Urbana, stated that he owns the apartment complex to the west of the property in question and lives one-half mile from the apartments. He noted that his tenants have complained about noise, loud music and all types of trash and drug paraphernalia in the area. Mr. Espey added that traffic is an ongoing problem and his apartments near the club have become undesirable to renters.

Councilor Vicki Cleveland noted that this type of use is not compatible with the surrounding residential neighborhood. She informed that her first visit to the club with two police officers was at 8:30 p.m. and there was no food on the tables; however, during a lunchtime visit she found a few customers eating lunch. It was noted by Councilor Cleveland that the club attracts a lot of individuals late at night and this creates a problem for the surrounding neighborhood.

Greg Guerrero, 2223 East 20th Street, stated that he is part owner of the apartment complex at 3230 South Winston Avenue and has never viewed the use as anything but a club. He pointed out that eating establishments do not customarily have their peak business periods from 10 p.m. to 2 a.m. Mr. Guerrero stated that he has observed the operation and has never seen a family with children entering the building. Mr. Guerrero noted that he is appearing today as a property owner, but is also an attorney and the establishment will not stand under the facts.

Applicant's Rebuttal:

Mr. Goodwin stated that the protestants have not disputed the fact that people are fed on a regular basis at this location. He questioned the determination Ms. Parnell made concerning restaurant use based on a comparison of the kitchen on the subject property and kitchens in other restaurants in the City. Mr. Goodwin pointed out that heavy traffic can be expected in a multifamily residential area. He stated that this is a nice facility that caters to nice people and has adequate security. Mr. Goodwin stated that Mr. Cooper's business is a restaurant.

Mr. Cooper informed that the facility has a full-time cook and a kitchen and is a restaurant.

Mr. Jackere advised that the Board should consider the evidence that has been presented and determine the use of the facility.

Mr. Doverspike asked Mr. Jackere if the Board should make a decision based on the facts documented by Ms. Parnell at the time of her inspection, or the use as it is today, and he replied that the decision should be based on the facts found at the time of inspection.

Case No. 16886 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-1 (Bolzle, Doverspike, Turnbo, "aye"; no "nays"; Abbott, "abstaining"; none "absent") to **DENY** the appeal and **UPHOLD** the decision of the administrative official that the use is a Use Unit 12a - Adult Entertainment - Use Unit 12a; finding that the facility was posted by the ABLE Commission and those under 21 years of age are not allowed inside; finding that more than 25% of the establishment was devoted to bar area; and finding that the kitchen was not equipped to conduct business as a principal use restaurant at the time of inspection by the administrative official (limited amount of kitchen equipment, cooking utensils, plates, glasses and flatware); on the following described property:

Lots 3 and 4, Block 9, Conway Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16909

Action Requested:

Special Exception to permit a mini-storage in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located northwest corner of East 21st Street and South 129th East Avenue.

Presentation:

The applicant, **Danny Mitchell**, 6106 South Memorial Drive, submitted a plot plan (Exhibit H-1) for a mini-storage facility and informed that the project will be constructed in several phases. He informed that the buildings will be set back 30' from the residential areas, with a 6' screening fence being installed along the property line. Mr. Mitchell stated that all lighting on the buildings will be directed down and shielded. The applicant noted that Phase 1 will include the office area on 21st Street and screening will be installed during the construction of this portion of the project.

Comments and Questions:

In reply to Mr. Doverspike, the applicant stated that the primary entrance is on 21st Street, with the secondary entrance being on 129th East Avenue. He informed that the secondary entrance is provided to accommodate large trucks and emergency vehicles.

Mr. Doverspike inquired as to the maximum building heights, and the applicant stated that the eaves will be 10', with a maximum building height of approximately 12'.

Mr. Bolzle asked if the north buildings open to the north and those on the west open west, and the applicant answered in the affirmative.

Case No. 16909 (continued)

Interested Parties:

Paqueta Kimes, 12535 East 20th Street, stated that she is not opposed to the project, but voiced a concern with drainage toward her home and the hours of operation.

Mr. Mitchell advised that the drainage has been approved by Stormwater Management and all drainage from the property will be directed through the front gate on 21st Street, with a small amount out to 129th East Avenue.

In reply to Mr. Bolzle, the applicant stated that this drainage will be accomplished by grading the site. He informed that the regular hours will be 7 a.m. to 7 p.m.; however, the security access gates will be available for those needing to visit the site at other times. Mr. Mitchell noted that the gate is computer controlled.

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 **Special Exception** to permit a mini-storage in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; subject to general hours of operation being 7 a.m. to 7 p.m., with restricted access during other hours; finding that all drainage will be directed to the street and that the use is compatible with the area; on the following describer property:

A part of "Stacy Lynn Third Annex", a platted subdivision, recorded at the Tulsa County Clerk's Office as Plat #3060.

Beginning at the Northeast Corner of Lot 1, Block 1, "Stacey Lynn Third Annex";

Thence S 00°00'00" W along the East line of Lot 1, Block 1, "Stacey Lynn Third Annex" A distance of 114.81 feet;

Thence N 89°47'00" W a distance of 200.00 feet;

Thence S 00°00'00" W a distance of 150.00 feet;

Thence S 89°47'00"E a distance of 50.00 feet;

Thence S 00°00'00" W a distance of 150.00 feet to a point on the North line of Lot 1, Block 1, "Phillips Ponderosa No. 1", a platted subdivision, recorded at the Tulsa County Clerk's Office as Plat #2958;

Thence N 89°47'00" W along the North line of Lot 1, Block 1, "Phillips Ponderosa No. 1" a distance of 50.00 feet to the Northwest corner of Lot 1, Block 1, Phillips Ponderosa No. 1";

Case No. 16909 (continued)

Thence S 00°00'00" W along the West line of Lot 1, Block 1, "Phillips Ponderosa No. 1" a distance of 200.00 feet to the Southwest corner of Lot 1, Block 1, "Phillips Ponderosa No. 1" also known as the most Westerly Southeast corner of Lot 1, Block 1, "Stacey Lynn Third Annex";

Thence N 89°47'00" W along the most Southerly South line of Lot 1, Block 1, "Stacey Lynn Third Annex", a distance of 97.20 feet;

Thence N 00°00'00" E a distance of 200.00 feet;

Thence N 89°47'00" W a distance of 300.00 feet to the West line of Lot 1, Block 1, "Stacey Lynn Third Annex";

Thence N 00°00'00" E along the West line of Lot 1, Block 1, "Stacey Lynn Third Annex" a distance of 381.90 feet to the Northwest corner of Lot 1, Block 1, "Stacey Lynn Third Annex";

Thence N 82°00'00" E along the northerly line of Lot 1, Block 1, "Stacey Lynn Third Annex" a distance of 220.22 feet to a band in the North line of Lot 1, Block 1, "Stacey Lynn Third Annex";

Thence N 90°00'00" E along the North line of Lot 1, Block 1, "Stacey Lynn Third Annex" a distance of 379.12 feet to the Northeast corner of Lot 1, Block 1, "Stacey Lynn Third Annex", the "Point of Beginning".

Case No. 16912

Action Requested:

Special Exception to permit a dry cleaners in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 15, located 6243 East 61st Street.

Presentation:

The applicant, **Patricia Hamilton**, 7060 South Yale, Suite 605, informed that she was issued a building permit to remodel a space in the shopping center for a current tenant, Park Plaza Cleaners; however, it was found that the permit was issued in error. She explained that the cleaners had been at the other location (approximately 200' from the new location) in the center for many years and requested that the application be approved. A location map (Exhibit J-1) was submitted.

Comments and Questions:

In reply to Mr. Doverspike, the applicant advised that the newly renovated area contains 2400 sq ft of floor space and the previous location had 1465 sq ft.

Case No. 16912 (continued)

Mr. Doverspike asked if the cleaning process is completed on site, and the applicant answered in the affirmative.

Interested Parties:

Lloyd Hobbs, District 18 Planning Chairman, 5846 South Hudson Place, stated that he is supportive of the application.

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 dry cleaners in a CS zoned district (Unit 19, Building 3) - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 15; finding that the cleaners has been in operation in the center for many years and the relocation to another space 200' away will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 1, Park Plaza Center, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16914

Action Requested:

Special exception to permit a mobile home in an OL zoned district - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** - Use Unit 9, located southwest corner East 1st Street and South 92nd East Avenue.

Presentation:

The applicant, **Dean Yeckley**, 104 South 92nd East Avenue, informed that he has been appointed guardian of his mother and is currently living in a mobile home at this location. He noted that Rockwell Park is to the south and commercial property owned by his mother is located to the east and north of the subject tract. Mr. Yeckley stated that he needs to live nearby for security purposes. The applicant submitted a packet (Exhibit K-1) containing a plot plan, petition of support and a letter designating guardianship. Photographs (Exhibit K-2) were submitted.

Comments and Questions:

In response to Mr. Bolzle, Mr. Yeckley stated that the property is listed for sale and he is requesting that the mobile home be permitted until the property is sold.

Case No. 16914 (continued)

Interested Parties:

Dixie Marler, 102 South 91st East Avenue, informed that she is in support of the application. She stated that only three residents can see the mobile unit from the back of their homes.

Dennis Whitaker, 911 South Erie, inquired as to the time period for the mobile home at this location. He noted that there are no other mobile homes in the area and, in the interest of economic development in the area, requested that the use be temporary. He stated that a privacy fence might be appropriate.

Ms. Marler voiced opposition to the screening requirement, and noted that there is actually nothing to screen.

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 mobile home (32' fifth wheel) in an OL zoned district for **two years** only - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** - Use Unit 9; per plan submitted; finding that the temporary use will not be detrimental to the area; on the following described property:

Lots 1 and 2, Block 6, Meadowood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16915

Action Requested:

Special Exception to permit automotive repair and anti-freeze recycling in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located 1712 East 2nd Street.

Comments and Questions:

Ms. Russell informed that it has been determined that the property in question is in an RM-2 District, which does not permit automotive repair; however, Ms. Parnell advised her that the property has always been used for automotive repair and could be found to be nonconforming.

Presentation:

The applicant, **Jerry Vroman**, Box 342, Skiatook, Oklahoma, informed that the building has been used for automotive repair for several years, and requested that the existing business be permitted to continue operation.

Case No. 16915 (continued)

Comments and Questions:

Ms. Parnell stated that she has researched the history of the property and the commercial building has never been used for residential purposes.

Protestants:

None.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **DETERMINE** that the use in question is nonconforming; finding that the commercial building on the residentially zoned property has never been used for residential purposes; on the following described property:

Lot 8, Block 9, Gillette-Hall Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16918

Action Requested:

Appeal the decision of the administrative official in denying a certificate of appropriateness - **SECTION 1055.F. APPEAL OF PRESERVATION COMMISSION ACTION** - Use Unit 6, located 1122 East 20th Street.

Presentation:

The applicant, **Dan Perry**, was represented by **Jeff Lower**, 801 Reunion Center, 9 East 4th Street, who submitted photographs (Exhibit M-2) and informed that this case involves an appeal of the Tulsa Preservation Commission's denial of an application for a certificate of appropriateness. He noted that his client, Dan Perry, is a real estate investor, but is no longer the owner of the property. He explained that Mr. Perry purchased the subject property and hired a contractor to replace the iron columns and rails on the porch with wood columns and to replace the plastic shutters with wood shutters. Mr. Lower informed that the painted concrete steps and porch were in bad repair and were covered with brick. He pointed out that his client relied on the contractor to make application and obtain necessary permits, and an application for a certificate of appropriateness was not filed until the work was completed. Mr. Lower advised that his client was contacted by **Greg Warren**, Tulsa Preservation Commission, and was told that an application should be filed for the work performed. He stated that his client filed the application and sold the property to another party in approximately one week.

Comments and Questions:

In reply to Mr. Bolzle, Mr. Lower informed that his client purchased the property October '93 and sold the property October '94.

Case No. 16918 (continued)

Mr. Jackere advised that to be nonconforming work it would have had to be initiated prior to the HP designation.

Mr. Lower noted that the house has a brick stem wall and **Beryl Ford**, an expert in the field of restorations and structural inspections, informed the Tulsa Preservation Commission that there is evidence that the original construction material was brick. He noted that replacing brick with brick is consistent with the design guidelines, and there is no requirement that the replacement material be identical to the original material; however, it is required to have the same shape, size, texture and direction. Mr. Lower pointed out that the color of the material is not an issue, and it appears that, according to the Commission's minutes, that his client is being chastised for not making application for a certificate of appropriateness before the work was completed. He noted that numerous homes in the Maple Ridge neighborhood have brick porches.

Beryl Ford, 4408 South 100th East Place, informed that he has inspected a great number of remodeled dwellings in Tulsa. Mr. Ford stated that Mr. Lower requested that he give an opinion as to the conformity to historical structures. He pointed out that the painted concrete step and the grade of the iron work was an indication that the house had undergone an economical facelift at some time. Mr. Ford stated that the newly constructed steps are in compliance with the Code, and he found nothing that did not conform in a historical manner. He pointed out that it would be impossible to match the older brick in the stem wall, and the existing brick work is appropriate. Photographs (Exhibit M-3) were submitted.

Mr. Bolzle asked if the application of one layer of brick on top of the concrete walk would have typically been done historically, and Mr. Ford stated that this would not have been done.

In response to Ms. Turnbo, Mr. Ford stated that he is not sure what type of material was used in the original porch.

Interested Parties:

Ms. Russell informed that a letter of support was received from Robert and Michelle Wallick.

Allen Madewell stated that he lives across the street from the subject property and the concrete porch was in need of repair and the brick porch is historically correct. He noted that the house before the renovation project was not historically accurate and the improvements have had a positive effect on the neighborhood.

Case No. 16918 (continued)

The resident at 316 East 18th Street noted that the standard for complying with the guidelines of the Tulsa Preservation Commission does not seem to be consistent, with some property owners being restricted more than others. He pointed out that this issue concerns only the porch and steps of the dwelling, and numerous certificates of appropriateness have been issued after the work has been completed.

Hugh Graham stated that he is the current owner of the property and pointed out that he and his wife were attracted to this particular dwelling because of its curb appeal. He stated that it is his opinion that the porch fits the decor of the house, the street and Maple Ridge.

Wiley Parsons, chairman of the Tulsa Preservation Commission, stated that the Commission determined to deny the certificate of appropriateness by taking into consideration the residential design guidelines as it relates to rehabilitation for the district. He informed that general requirements state that an attempt should be made to repair and maintain the existing elements of the structure when reasonably possible, and any replacements should match the original size, shape, pattern, texture and directional orientation of the installation. Mr. Parsons stated that the historian on the Commission is of the opinion that the original steps were not brick. He noted that the applicant was aware of the requirements and did not apply for a permit. He stated that the denial was based on the fact that brick used in the renovation was not of the same texture and directional orientation. A chronology of events for Dan Perry (Exhibit M-4) was submitted.

In reply to Mr. Doverspike, Mr. Parsons stated that the original porch could have been brick or concrete.

Janelle Aldridge, 1123 East 20th Street, informed that she lives across the street from the subject property, and the house was in a deteriorated condition before the applicant purchased the property. Ms. Aldridge stated that a certificate of appropriateness should have been obtained, but pointed out that the house is now an asset to the neighborhood and the improvements should be permitted to remain.

David Humphreys, 1115 East 20th Street, pointed out that the house was in bad repair and is now an asset to the neighborhood. He stated that he has always lived in Maple Ridge and finds the dwelling to be historically consistent with those in the area.

Bob and Fran Kimmel, 1110 East 20th Street, noted that the Tulsa Preservation Commission is important, but requested that the porch be permitted to remain since the old brick cannot be matched.

Case No. 16918 (continued)

Mr. Jackere reviewed the Design Guidelines adopted by the City and pointed out that these should be adhered to when making the decision concerning this application.

Applicant's Rebuttal:

Mr. Lower stated that his client did not willfully bypass the Tulsa Preservation Commission and is now only attempting to clear up the situation for the new property owners. He pointed out that there was no evidence to substantiate the original material used on the steps and it could have been brick.

Additional Comments:

Ms. Turnbo stated that it is her opinion that the pattern and texture of the brick in question is modern and is not historical in nature.

In reply to Mr. Bolzle, Mr. Jackere advised that the Board should consider the evidence presented and the guidelines that have been adopted.

Mr. Bolzle stated that he is in agreement with the statement that the pattern and texture are not historically accurate.

Ms. Abbott stated that it would be difficult to match the pattern and texture with the original brick. She pointed out that she lived in Maple Ridge for 10 years and could not find a pattern and texture that was the same as the existing brick. Ms. Abbott stated that she does not find that the work destroyed the historic resource, or introduced visual elements that were out of character with the neighborhood. She suggested that the desire of the present owners be considered.

Mr. Bolzle noted that there seems to have been a lack of time spent in determining the design and material used for the project.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-1-0 (Bolzle, Doverspike, Turnbo, "aye"; Abbott, "nay"; no "abstentions"; none "absent") to **DENY** the appeal and **UPHOLD** the decision of the administrative official in denying a certificate of appropriateness - **SECTION 1055.F. APPEAL OF PRESERVATION COMMISSION ACTION** - Use Unit 6; finding the pattern and texture of the brick used in the construction of the porch and steps to be historically inaccurate; on the following described property:

Lots 3 and 4, Block 8, Maple Ridge Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16919

Action Requested:

Variance of the required setback from the centerline of East Oklahoma and a special exception to permit Use Unit 15 Other goods and Services in a CS Zoned District - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICT** and **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 15, located northeast corner of North Utica Avenue and East Oklahoma Street.

Presentation:

The applicant, **Pat Forsman**, 2251 East 24th Street, submitted a plot plan (Exhibit N-1) and informed that the building was constructed in 1929 and requested a variance of the setback from the street from 25' to 20'. He noted that the property is surrounded by CS and IL zoned parcels and the proposed use (contract construction services) will be compatible with those in the area.

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 East Oklahoma and a **special exception** to permit Use Unit 15 Other goods and Services in a CS Zoned District - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICT** and **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 15; per plan submitted; subject to the use being restricted to contract construction services only; finding that IL zoned property is located to the south 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:

Lots 13 and 14, Block 2, Carpenter's 1st Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16920

Action Requested:

Variance to permit a two-story detached accessory building and a variance of the maximum 750 sq ft for a detached accessory building - **SECTION 210.B.5. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS** and **SECTION 402.B.1.d GENERAL CONDITIONS** - Use Unit 6, located 3750 Terwilliger Boulevard.

Case No. 16920 (continued)

Presentation:

The applicant, **Alan Madewell**, 5314 South Yale, Suite 210, submitted a plot plan (Exhibit P-1) and informed that a two-car garage is proposed to the rear of an existing dwelling. He explained that the existing garage will be added to the 5700 sq ft dwelling and the new structure will be buried in the hillside, with only the front face being two stories. The applicant noted that the garage is not visible from the street.

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** to permit a two-story detached accessory building and a **variance** of the maximum 750 sq ft for a detached accessory building - **SECTION 210.B.5. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS** and **SECTION 402.B.1.d. GENERAL CONDITIONS** - Use Unit 6; per plan submitted; finding a hardship demonstrated by the topography and the size of the lot; and finding that the house is large enough to warrant the granting of the variance of the size of the accessory building; on the following described property:

Lot 7 and south 18' of Lot 8, Block 10, Highland Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16921

Action Requested:

Variance of the maximum number of signs permitted and a variance of the total allowable display surface area for a sign - **SECTION 602.B.4. BUSINESS SIGNS** - Use Unit 19, located 3209 South 79th East Avenue.

Presentation:

The applicant, **Oklahoma Neon**, 6550 East Independence, was represented by **Doug Barlow**, who submitted a plot plan (Exhibit R-1) and requested that a sign be permitted on the south end of the east wall of the Hampton Inn. The applicant advised that the subject property is surrounded by commercial zoning. He pointed out that a sign at this location would allow visibility from Memorial Drive.

Comments and Questions:

Mr. Gardner noted that the OMH office zoning only permits one sign on each street frontage; however, if zoned commercial like the surrounding properties, the requested signage would be permitted by right.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-1-0 (Abbott, Bolzle, Turnbo, "aye", Doverspike, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the maximum number of signs permitted and a **variance** of the total allowable display surface area for a sign - **SECTION 602.B.4. BUSINESS SIGNS** - Use Unit 19; per plan submitted; finding that the property is abutted by CS zoned property that would permit the additional signage by right; and finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit, purpose or intent of the Code; on the following described property:

All that part of Lot 3, Interchange Center Addition to the City and County of Oklahoma as recorded by Plat No. 2336, filed **October 28, 1960** with the County Clerk of Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning at a point in the south boundary of said Lot 3 (the north boundary of the N/2 SE/4 NE/4, Section 23, T-19-N, R-13-E); 710' from the SE/c thereof, (760' from the NE/c of the N/2, SE/4 NE/4, Section 23, T-19-N, R-13-E); thence north 0°-01'-30" east a distance of 340.39' to a point in the south R/W of South 79th East Avenue; thence south 89°-56'-27" east

Case No. 16921 (continued)

along the south R/W a distance of 19.76'; thence along the R/W on a curve to the left having a radius of 190' a distance of 136.18'; thence north 48°-59'-32" east a distance of 0.0'; thence south 60° east a distance of 80.92'; thence south 0°-01'-30" east a distance of 346.63' to a point in the south boundary of said Lot 3 (the north boundary of the N/2 SE/4 NE/4 of Section 23, T-19-N, R-13-E) 495' from the SE/c thereof; thence north 89°-58'-30" west along the common boundary of said Lot 3 and the N/2 SE/4 NE/4 of Section 23, T-19-N, R-13-E a distance of 215' to the POB, containing 76,820 sq ft or 1.763538 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16924

Action Requested:

Variance of the required setbacks from a freeway right-of-way to permit a sign - **SECTION 1221.C.1.c. SIGN SETBACKS** - Use Unit 21, located west of the southwest corner of I-44 and South Yale Avenue.

Presentation:

The applicant, **Ted Sack**, 111 South Elgin, submitted a plot plan (Exhibit S-1) and informed that it was found that the sign in question could not be installed at the proposed location because of the utility right-of-way. He informed that the pole was placed north of the paving and the sign has been installed to cantilever toward the property. Mr. Sack requested permission to centered the sign on the pole. It was noted that the existing water line and the configuration of the tract present a hardship for this case.

Comments and Questions:

In response to Mr. Bolzle, the applicant informed that Celebration Station sold a portion of their tract to Don Pablo's Restaurant and Budgetel Inn.

Mr. Doverspike noted that the three tracts are under separate ownership.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setbacks from a freeway right-of-way to permit a sign - **SECTION 1221.C.1.c. SIGN SETBACKS** - Use Unit 21; per plan submitted; finding that an existing sign, which cantilevers toward the property, will be centered on the existing pole; and finding a hardship demonstrated by the existing utility easement and the configuration of the tract; on the following described property:

Case No. 16924 (continued)

A TRACT OF LAND THAT IS PART OF LOT-3 OF "INTERSTATE CENTRAL", A SUBDIVISION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS, TO-WIT: "BEGINNING AT A POINT" THAT IS THE SOUTHEAST CORNER OF SAID LOT-3; THENCE S 54°-13'-22" W ALONG THE SOUTHERLY LINE OF LOT-3 FOR 372.12'; THENCE N 35°-46'-38" W FOR 26.00'; THENCE S 54°-13'-22" W PARALLEL WITH THE SOUTHERLY LINE OF LOT-3 FOR 20.00'; THENCE N 35°-46'-38" W FOR 148.00'; THENCE N 54°-13'-22" E FOR 38.38' TO A POINT OF CURVE; THENCE EASTERLY, NORTHERLY AND NORTHWESTERLY ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 89°-53'-26" AND A RADIUS OF 243.66' FOR 382.28' TO A POINT OF TANGENCY; THENCE N 35°-40'-04" W ALONG SAID TANGENCY FOR 80.00' TO A POINT ON THE NORTHERLY LINE OF SAID LOT-3; THENCE N 54°-19'-56" E ALONG SAID NORTHERLY LINE FOR 100.00'; THENCE S 35°-40'-04" E FOR 35.00'; THENCE S 54°-19'-56" W FOR 66.00'; THENCE S 35°-40'-04" E FOR 10.00'; THENCE S 54°-19'-56" W FOR 10.00'; THENCE S 35°-40'-04" E FOR 35.00' TO A POINT OF CURVE; THENCE SOUTHERLY AND SOUTHWESTERLY ALONG A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 54°-17'-58" AND A RADIUS OF 267.66' FOR 253.66'; THENCE N 54°-13'-22" E FOR 253.68'; THENCE S 35°-46'-38" E FOR 79.92'; THENCE DUE EAST FOR 25.00' TO A POINT ON THE EASTERLY LINE OF LOT-3; THENCE DUE SOUTH ALONG SAID EASTERLY LINE FOR 130.00' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS APPROXIMATELY 95,339 SQ. FT.

Case No. 16932

Action Requested:

Special Exception to permit a home occupation - **SECTION 404. HOME OCCUPATIONS** - Use Unit 11, located 503 East Apache Avenue.

Comments and Questions:

Ms. Russell informed that Case No. 16932 was not properly advertised and suggested that the hearing be continued to February 14, 1995.

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. 16932 to February 14, 1995.

OTHER BUSINESS

Case No. 16867

Action Requested:

Amend conditions of approval.

Case No. 16867 (continued)

Presentation:

The applicant, **Toni Honn**, 6548 South 112th East Avenue, informed that she recently requested and received Board approval to operate her business and lease three additional parking spaces to the rear. Ms. Honn stated that she was unable to obtain that parking area, but has leased a larger space directly across Florence Avenue to the east (Exhibit T-1). The applicant requested that she be permitted to use this area for off-site parking, and that it remain gravel for one year.

Comments and Questions:

Mr. Bolzle asked if the lease of the building and parking run concurrently, and she replied that they are both leased for one year.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **AMEND** the previous conditions of approval to permit off-site gravel parking on the southeast corner of 15th Street and Florence Avenue for a period of one year; subject to the parking lease and the building lease running concurrently.

There being no further business, the meeting was adjourned at 7:55 p.m.

Date Approved

February 14, 1995


Chairman

