

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 674
Tuesday, February 14, 1995, 12:30 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bolzle Doverspike, Chairman Turnbo White	Abbott	Gardner Moore Russell	Jackere, Legal

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, February 13, 1995, at 11:16 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.

A video concerning Case No. 16911 was viewed by the Board between 12:30 p.m. and 1 p.m.

MINUTES:

On **MOTION** of **BOLZLE**, the Board voted 3-0-1 (Bolzle, Doverspike, Turnbo, "aye"; no "nays"; White, "abstaining; Abbott, "absent") to **APPROVE** the Minutes of January 10, 1995.

Ms. Turnbo noted that the motion for Case No. 16862 is in error, and requested that it be corrected to reflect that she voted against the application.

On **MOTION** of **TURNBO**, the Board voted 3-0-1 (Bolzle, Doverspike, Turnbo, "aye"; no "nays"; White, "abstaining; Abbott, "absent") to **APPROVE** the Minutes of January 24, 1995, subject to the requested correction.

UNFINISHED BUSINESS

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.

Case No. 16911 (continued)

Presentation:

The applicant, **Oklahoma Safety Council**, 5127 South 95th East Avenue, requested that the Board approve a "safety city" for children at the above stated location. She explained that the miniature city is built to one-third scale and the buildings are not large enough to enter. Ms. Niles noted that approximately 8,000 to 10,000 children will pass through the facility each year. She informed that the days and hours of operation will be Monday through Friday, 8 a.m. to 5 p.m., and on Saturdays when scheduled.

Comments and Questions:

Mr. Doverspike inquired as to the number of children visiting the facility each day, and Ms. Niles replied that no more than 100 are anticipated.

Ms. Pace asked if individuals can drive up and tour the facility, and Ms. Niles stated that groups will be scheduled prior to the tour, and there will be no one waiting in line for a tour to begin.

In response to Mr. Bolzle, Ms. Niles stated that the property will be fenced and all lighting will be directed inward. She added that a police substation will be located on the property, which will be operating day and night.

In reply to Mr. Doverspike, Ms. Niles informed that a 9' chain link fence will surround the property and it will be hooked into the Tulsa Public Schools security system.

Mr. White asked if 24-hour security will be provided, and Ms. Niles answered in the affirmative.

Jon Eshelman, City Traffic Engineering, informed that he checked the site with Mr. Gardner and pointed out that 24th Street is a narrow street, which should be extended to the east. He stated that the property can then be reached from 137th East Avenue. Mr. Eshelman advised that he is interested in the site dedicating the necessary right-of-way along 24th Street and constructing a street to City standards along 24th Street and extending east as far as necessary to tie into the existing street. He requested that right-of-way be dedicated along the west boundary of the tract for future street access if needed.

In reply to Mr. Doverspike, Mr. Eshelman stated that school buses can enter 24th Street from 129th East Avenue, but exiting from that street would be very difficult.

Don Meyers, Tulsa Public Schools, 3047 South New Haven, stated that the property would revert to the school system if the use should cease and they would be responsible for cleaning up the tract.

Ms. Turnbo asked if the facility would ever be open in the evening, and Ms. Niles stated that she does not foresee any evening activity on the property.

Case No. 16911 (continued)

Ms. Turnbo inquired if adult fund raisers will be held on the premises, and Ms. Niles replied that there will no fund raisers, because funds are raised by donations and advertising.

Mr. Bolzle voiced a concern with the fact that screening is not proposed along the boundary lines abutting residential properties.

Mr. White remarked that the proposed chain link fencing is for security purposes.

Mr. Bolzle asked Mr. Meyers if the safety schools in other areas abut the back yards of single-family residences, and he replied that a section of the school in Sacramento abuts residential properties. He added that landscaping will be added to provide a green area between the uses.

Mr. Doverspike stated that he is not opposed to screening, but is not concerned with only a chain link fence, which the neighbors may prefer.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** a **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; per concept plan submitted, and subject to the applicant returning with a detail sight plan before construction occurs; subject to days and hours of operation being Monday through Saturday, 8 a.m. to 5 p.m.; subject to all lighting being directed toward the interior of the project; subject to 24-hour-a-day security, 7 days a week; subject to all signs being wall mounted with no lighting; subject to Traffic Engineering requirements (dedication of ROW on 133 East Avenue, extension of East 24th Street to 137 East Avenue); and subject to scheduled tours only, with no walk-in traffic; 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:

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.

Comments and Questions:

Ms. Russell advised that the applicant, **Kay Bridger-Riley**, 8908 South Yale Avenue, Suite 230, is present and has requested that the application be **withdrawn**.

NEW APPLICATIONS

Case No. 16922

Action Requested:

Appeal the decision of the administrative official that the use is a nonconforming use **SECTION 1402.F. NONCONFORMING USE OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION** - Use Unit 12, located 1344 East 15th Street.

Comments and Questions:

Ms. Russell informed that an interested party has requested by letter (Exhibit A-1) that Case No. 16922 be continued.

Zachary Matthews, 332½ East 1st Street, informed that his attorney is unable to attend this meeting, and requested that the application be continued.

Presentation:

The applicant, **Michael Hilsabeck**, 2524 East 71st Street, stated that he is prepared to present the application.

Comments and Questions:

Mr. Doverspike noted that it is the policy of the Board to honor any timely request for a continuance from either the applicant or interested party.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **CONTINUE** Case No. 16922 to February 28, 1995.

Case No. 16923

Action Requested:

Special Exception to permit automobile sales and a variance of the required screening fence - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** and **SECTION 1217.C. USE CONDITIONS** - Use Unit 17, located 444 South Lewis Avenue.

Presentation:

The applicant, **Bill Fleeman**, 2007 South 8th Street, Suite 1, Rogers, Arkansas, was represented by **John Scott**, who informed that his client is proposing to purchase the property (three lots) for a used car sales operation. He noted that a tire shop was approved at this location in 1992; however, the property is currently unoccupied. Mr. Scott stated that an old gas station is located on Lots 15 and 16 and Lot 14 is vacant, with chain link fencing. He explained that his client is requesting permission to operate the car sales business on Lots 15 and 16 and that the screening requirement be waived between the commercial and residential lots. Photographs (Exhibit B-1) were submitted.

Comments and Questions:

Mr. White asked if there is a projected use for Lot 14, and Mr. Scott stated that a new building is proposed in the future; however, there are no immediate plans for the use of the lot.

Mr. Doverspike inquired as to proposed fencing around the property, and Mr. Scott replied that the existing pipe rail will remain on the street frontage.

In response to Mr. Doverspike, Mr. Scott stated that all lighting will be directed inward. He informed that days and hours of operation will be Monday through Saturday, 9 a.m. to 6 p.m., and there will be detailing and light mechanical work on the automobiles that are to be sold, but no traditional mechanic work.

Mr. Doverspike asked if all work will be performed inside the building, and Mr. Scott answered in the affirmative. He added that there will be no storage of inoperable vehicles or parts on the site.

In response to Mr. Doverspike, Mr. Scott stated that he anticipates a display of approximately 30 cars, if the business is successful.

Mr. White asked if Lot 14 will remain as green space, and Mr. Scott answered in the affirmative. He noted that this area will be hard surfaced if it is ever included in the business.

Mr. Gardner advised that Lot 14 is zoned for residential use and off-street parking and/or automobile storage would not be permitted on this lot without a zoning change.

Case No. 16923 (continued)

Protestants:

Andrejs Vanags, PO Box 440367, Houston Texas, stated that he owns Lot 13, which is to the west of the lots in question, and is opposed to a commercial business on the residential lot abutting his property.

Interested Parties:

Allan Stewart, District 4 Chairman, stated that he is supportive of the use and pointed out that the area is predominately automotive related businesses. He requested that a screening fence be installed on the west side of the residential lot.

Mr. Jackere noted that a screening fence in the residential area would require a reduction to 4' in the required front yard.

Applicant's Rebuttal:

Mr. Scott stated that a chain link fence is currently in place around the property; however, his client is amenable to changing the fencing, as required by the Board.

Mr. Bolzle informed that there is a fencing issue relative to the lot across from that of the protestant.

Ms. Russell advised that she has spoken with the owner of that lot and he was not opposed to a waiver of the fencing requirement, but was concerned about commercial uses encroaching farther into the residential neighborhood.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** a **Special Exception** to permit automobile sales; and **DENY** a **variance** of the required screening fence - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** and **SECTION 1217.C. USE CONDITIONS** - Use Unit 17; subject to no outside storage of materials or inoperable vehicles; subject to days and hours of operation being Monday through Saturday, 9 a.m. to 6 p.m.; subject to detail and light mechanical work restricted to automobiles sold on the lot and all work being done inside the building; and subject to a maximum of 30 automobiles; finding that there are numerous automobile related businesses in the area and approval of the use, per conditions, will not be detrimental to the area; on the following described property:

Lots 15 and 16, Block 2, Hillcrest Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16925

Action Requested:

Special Exception to permit a tent revival fro 21 days in the years 1995, 1996 and 1997, and a variance of the required all-weather surface requirement for off-street parking - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** and **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** - Use Unit 2, located northwest corner of North Lewis and East Apache

Presentation:

The applicant, **Anthony Smith**, 158 West 49th Place North, submitted a plot plan (Exhibit C-1) and requested permission to conduct a revival on the subject property. He informed that the revival will be conducted for 15 days and the remainder of the 21-day period is for installation and removal of the tent. Mr. Smith stated that the revival will begin on June 4th and end on June 18th of this year, but could be held some time during the months of June, July or August in 1996 and 1997. He pointed out that the revival has been held for several years.

Comments and Questions:

In reply to Mr. Doverspike, the applicant stated that the hours will be 10:30 a.m. to 9:30 p.m., and the operation will be conducted the same each year, except the tent may be smaller than depicted on the plot plan.

Mr. White asked if adequate parking will be supplied, and the applicant answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** a **Special Exception** to permit a tent revival for 21 consecutive days in the years 1995, 1996 and 1997 (June, July or August), and a variance of the required all-weather surface requirement for off-street parking - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** and **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** - Use Unit 2; per plan submitted; subject to Health Department approval; subject to public address system being restricted to the interior of the tent, with no outside speakers; and subject to hours of operation being 10:30 a.m. to 9:30 p.m.: finding the temporary use, per conditions, to be compatible with the area; on the following described property:

Beginning 50' west and 50' north of the SE/c thence west 290', north 760', east 290', south 760' to the POB, less the north 374', Section 19, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16926

Action Requested:

Variance of lot area and variance of the required setback from the centerline of South Peoria - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1234 East 24th Place.

Comments and Questions:

Ms. Russell informed that the applicant, **Ben Harned**, 1234 East 24th Place, has requested that Case No. 16926 be **withdrawn**.

Case No. 16927

Action Requested:

Special Exception to permit parking in an RM-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 10, located South Quaker between 15th and 16th Streets.

Presentation:

The applicant, **Wayne Alberty**, 201 West 5th Street, was represented by **Tim Clark**, 4129 South Peoria, who submitted a plot plan (Exhibit D-1) and requested permission to park on a 25' strip which extends from 15th Street to 16th Street. He noted that Quaker Avenue has been vacated by the City.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** a **Special Exception** to permit parking in an RM-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 10; per plan submitted; finding that the street has been vacated and approval of the special exception will not be detrimental to the area; on the following described property:

A public way lying between all of Block 8 and Block 7, Orcutt Addition to the City of Tulsa, Tulsa County, Oklahoma, specifically described as South Quaker Avenue between 15th Street and 16th Street, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16928

Action Requested:

Special Exception to permit a home occupation in an RS-1 District - **SECTION 402.B.6. HOME OCCUPATIONS** - Use Unit 11, located 3038 East 49th Street.

Presentation:

The applicant, **Barbara McBride**, 3038 East 49th Street, requested permission to operate a tax and accounting business, along with a private investigation firm, as a home occupation. She informed that the days and hours of operation will be Monday through Friday, 8 a.m. to 5 p.m., and all work will be picked up and brought to her home.

Comments and Questions:

Mr. Bolzle asked if there will be other individuals working in the home occupation, and the applicant replied that there is one other person that lives in her home and is a business partner.

Mr. Doverspike asked Ms. McBride if the partner is related to her, and she replied that the business partner is not a relative.

In reply to Mr. Bolzle, the applicant stated that there was an office area in the dwelling when she purchased the property. She added that this room is located next to the carport.

Mr. Bolzle asked Ms. McBride if there will be any clients coming to the property, and she replied that this would be very seldom.

Interested Parties:

Ms. Russell informed that Staff has received one letter (Exhibit E-2) in support of the application.

Protestants:

Mike Tramontana, 2809 East 49th Street, submitted letters of opposition (Exhibit E- 1) and stated that the area residents are continually trying to prevent commercial encroachment into the residential neighborhood. He pointed out that approval of the request would set a precedent for similar uses in the neighborhood. Mr. Tramontana stated that a building has been constructed on the property; however, there was no evidence at the building permit office that a permit had been issued. He noted that an advertising sign has previously been observed on the property, but has been removed.

Mark Lawrence, 3011 East 49th Street, noted that the applicant has improved the property, but is concerned that commercial activities will begin to encroach into the residential neighborhood. He suggested that the use be approved temporarily to prove compatibility with the area.

Case No. 16928 (continued)

Kelly Johnson, 3017 East 49th Street, stated that she is concerned that approval of the use will have a negative impact on property values. She pointed out that the proximity of the residential area to the office district already causes a traffic problem for the neighborhood, and asked the Board to deny the request.

Trent Holman stated that he shares the residence with Ms. McBride and informed that the signs were affixed to trucks that have been removed. He stated that there will be no more than one client visiting the residence each week, and the business will not add to the traffic problem.

Dorothy Tramontana, 2809 East 49th Street, voiced a concern with the use of the separate structure that was built to the rear of the dwelling. She noted that, at one time, there were numerous signs hanging on the fence.

Applicant's Rebuttal:

Ms. McBride informed that the storage building is not used in connection with the business.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** a **Special Exception** to permit a home occupation for **two years only** in an RS-1 District **SECTION 402.B.6. HOME OCCUPATIONS** - Use Unit 11; per home occupation guidelines; subject to days and hours of operation being Monday through Friday, 8 a.m. to 5 p.m., and subject to the owners representation that the business will be conducted in office space next to the existing carport and will produce very little traffic coming to the home; and finding that the proposed use will not be detrimental to the neighborhood; on the following described property:

Lot 10, less south 150' thereof, Block 2, Villa Grove Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16929

Action Requested:

Variance of the required setback from the centerline of East 11th Street to permit an addition to an existing sign - **SECTION 1221.C.6. GENERAL CONDITIONS** - Use Unit 21, located 2204 East 11th Street.

Comments and Questions:

Ms. Russell stated that, after review of Board of Adjustment minutes from 1989, it appears that the applicant has already been granted the relief requested. She suggested that the application be continued to allow the sign inspector sufficient time to review the application.

Case No. 16929 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **CONTINUE** Case No. 16929 to February 28, 1995.

Case No. 16930

Action Requested:

Variance of the required setback from the centerline of East Pine and a variance of the required setback from an abutting R District - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 23, located 6914 East Pine.

Presentation:

The applicant, **Jerome Lamers**, 4543 East 107th Street, stated that he is the owner of Lamers Distributing and is proposing to add to an existing warehouse building. He requested that the addition be permitted to align with the existing building and be the same height (20'). A plot plan (Exhibit F-1) was submitted.

Comments and Questions:

In response to Mr. Bolzle, the applicant stated that, if the building was moved farther to the west, there would not be sufficient space for the trucks to access the property.

Mr. White asked if the entire building is 20' in height, and the applicant answered in the affirmative.

Mr. Gardner advised that the westernmost lot should be tied to the lots in question to ensure sufficient off-street parking.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of East Pine and a **variance** of the required setback from an abutting R District - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 23; per plan submitted; finding that the addition will align with the existing building which was initially constructed over the current required setback line; and finding that approval of the requests will not cause substantial detriment to the public good, or violate the spirit and intent of the Code; on the following described property:

Mr. Gardner asked if it was the intent of the Board to require a tie contract, and Mr. Bolzle stated that he will amend his previous motion to include a tie contract.

Case No. 16930 (continued)

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 motion to require the execution of a tie contract tying the four lots together.

Lot 4, Block 1, Huffman Heights, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16931

Action Requested:

Variance of the required setback from the centerline of East 71st Street from 60' to 50' to permit a sign - **SECTION 1221.C.6. GENERAL CONDITIONS** - Use Unit 21, located 5711 East 71st Street South.

Presentation:

The applicant, **Frederick Signs**, 212 South Frankfort, was represented by **Charley Pennington**, 7329 South Gary Avenue, who submitted a plot plan (Exhibit G-1) and requested permission to install a sign at the designated location. Photographs (Exhibit G-2) were submitted.

Comments and Questions:

In response to Mr. Bolzle, **Mr. Thompson**, Frederick Signs, stated that the sign would not be visible to street traffic if it is installed in the landscaped area.

Mr. Jackere advised that the information provided states that the City is in the final design stages for street widening, and the Engineering Department will not be amenable to approving a license agreement.

Mr. Doverspike and Mr. Bolzle agreed that a hardship has not been demonstrated that would warrant the granting of a variance request.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **DENY** a **Variance** of the required setback from the centerline of East 71st Street from 60' to 50' to permit a sign - **SECTION 1221.C.6. GENERAL CONDITIONS** - Use Unit 21; finding that the applicant failed to present a hardship for the variance request; on the following described property:

A tract of land beginning at the SE/c of the W/2, W/2, SW/4, SE/4 of Section 3, T-18-N, R-13-E, thence west 165', north 330', East 165', south 330' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16933

Action Requested:

Variance of the required setback from the centerline of East 15th Street to erect a sign - Use Unit 21, located southeast corner of East 15th Street and South Peoria Avenue.

Presentation:

The applicant, **Oil Capitol Neon**, 1221 West 3rd Street, was represented by **Barry Moydell**, who submitted a plot plan (Exhibit H-1) and requested that the proposed 7' sign be placed in the flower bed at Lincoln Plaza. He pointed out that this portion of the tract appears to be the best location to provide visibility and avoid interference with parking.

Comments and Questions:

In reply to Mr. Bolzle, Mr. Gardner advised that a 50' setback from the centerline is required; however, most of the buildings in the area have been built on the property line (approximately 35').

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of East 15th Street to erect a sign - Use Unit 21; per plan submitted; finding that the area was developed prior to the adoption of the current Zoning Code requirements regarding setbacks; and 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 of Block 8, Orcutt Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16934

Action Requested:

Special Exception to permit automobile sales in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located 401-D South Memorial Drive.

Presentation:

The applicant, **Sandra Gomez**, 401-D South Memorial Drive, requested approval of automobile sales on the subject property. She informed that a detail shop is currently in operation at this location. A plot plan (Exhibit J-1) was submitted.

Case No. 16934 (continued)

Comments and Questions:

Mr. Bolzle asked if the cars will be displayed on Memorial Drive, and she replied that they will not be parked closer to Memorial than the west side of Building C.

Mr. White asked if signs have been installed, and Ms. Gomez informed that there is a sign on the building wall.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "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 plan submitted; subject to the use being restricted to Building D; subject to no maintenance or repairs on vehicles other than those displayed for sale; subject to all detailing completed inside the building; subject to days and hours of operation being Monday through Saturday, 8 a.m. to 6 p.m.; and subject to no storage of materials or inoperable vehicles; finding car sales to be compatible with surrounding uses and in harmony with the spirit and intent of the Code; on the following described property:

All of Toon Acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16935

Action Requested:

Variance to permit a 1200 sq ft accessory building - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6, located 1304 North Evanston Avenue.

Presentation:

The applicant, **Randy King**, 2120 Kevin Lane, Sapulpa, Oklahoma, stated that he is representing the property owner, who is requesting permission to construct a storage facility (Exhibit K-1) for his motor home.

Comments and Questions:

Mr. Doverspike asked if the building will only be used to store the motor home, and Mr. King replied that it will also be used to restore old cars, which is the landowners hobby.

Ms. Turnbo asked if the restoration process will be noisy or will be conducted in the evening hours, and Mr. King advised that no heavy or noisy equipment will be use on the premises.

Case No. 16935 (continued)

Mr. Jackere inquired as to the number of vehicles parked on the property, and the property owner stated that he has eight pickups that will be combined into three new vehicles.

Mr. Jackere asked if there are other vehicles parked on the subject property, and the property owner stated that he has an old school bus that is used to store tools.

Protestants:

Wayne Wadley informed that he owns property in the area, and numerous vehicles have always been parked on the street and in the yard. He voiced a concern that the proposed facility will be used for a back yard garage.

Tommy Sandridge, 1320 North Evanston, stated that he is opposed to a large accessory building in the residential neighborhood. He pointed out that there are approximately 15 vehicles in the yard at this time.

Comments and Questions:

Mr. Bolzle noted that a hardship has not been presented for the variance and that the proposed 1200 sq ft building would not be appropriate for the small residential lot.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **DENY** a **Variance** to permit a 1200 sq ft accessory building - **SECTION 402.B.1.d. Accessory Use Conditions - Use Unit 6**; finding that a hardship was not demonstrated for the variance request, and that approval of a 1200 sq ft accessory building would be detrimental to the neighborhood and violate the spirit and intent of the Code; on the following described property:

Lot 6, Block 7, Maryland Heights, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16936

Action Requested:

Variance of the required setback from the centerline of Charles Page Boulevard from 50' to 34', variance of the required screening fence, variance of the number of required parking spaces and a variance to permit a machine shop in a CH zoned district - Use Unit 23, located 4704 Charles Page Boulevard.

Presentation:

The applicant, **Mike Cline**, Route 5, Box 248-C, Sand Springs, Oklahoma, submitted a plot plan (Exhibit L-1) and informed that an addition to an existing building is proposed on Lot 11. He stated that the abutting lot (Lot 10) is used for parking.

Case No. 16936 (continued)

Comments and Questions:

Mr. Bolzle asked if the existing building is used as a machine shop, and the applicant answered in the affirmative.

Ms. Russell informed that the plan has been revised and the required number of parking spaces can be provided on Lot 10.

The applicant stated that he installed a 6' chain link fence along the alley after he purchased the property and requested that he be permitted to insert slats to provide screening.

In reply to Mr. Bolzle, Mr. Cline stated that the south wall will be solid, except for an overhead door to provide ventilation.

Mr. Gardner noted that a setback variance is needed because the existing building encroaches into the required setback from the centerline of Charles Page.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of Charles Page Boulevard from 50' to 34'. **variance** of the required screening fence to permit slats in the existing chain link fence, **variance** of the number of required parking spaces and a variance to permit a machine shop in a CH zoned district - Use Unit 23; per plan submitted; subject to the execution of a tie contract; finding that the machine shop has been in operation at this location for many years and the required screening fence is along an alley; finding that the existing building was constructed prior to current setback requirements and encroaches into the required setback; and finding that approval of the request will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

Lot 11, Block 1, Rayburn's Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16937

Action Requested:

Variance of the all-weather surface requirement for off-street parking - **SECTION 1303.D. - DESIGN STANDARDS** - Use Unit 10, located 1517 East 3rd Street.

Presentation:

The applicant, **Curtis Barrett**, 1529 East 3rd Street, stated that heavy construction equipment is occasionally stored on the portion of the lot that does not have a hard surface covering. A plot plan (Exhibit M-2) was submitted.

Case No. 16937 (continued)

Comments and Questions:

In response to Mr. Doverspike, the applicant stated that there are mixed zoning classifications in the area.

Mr. Bolzle asked Mr. Barrett if he owns the building between the lots in question and he answered in the affirmative. He added that the paved parking area is located in front and back of the building. Mr. Barrett stated that the lots under application are for heavy equipment storage.

Mr. Gardner asked if the heavy equipment has cleats and the applicant answered in the affirmative.

Protestants:

One letter of opposition (Exhibit M-1) was submitted.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** a **Variance** of the all-weather surface requirement for off-street parking - **SECTION 1303.D. - DESIGN STANDARDS** - Use Unit 10; per plan submitted; subject to the unpaved surface being used for heavy off-road construction equipment only; finding that the parking of cleated equipment on the unpaved surface will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lots 17, 18 and 21, Block 4, Midway Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16938

Action Requested:

Variance of the required lot width, lot area, livability space and land area per dwelling unit - **SECTION 403. BULK AND AREA REQUIREMENTS** - Use Unit 6, located 9202 South Darlington.

Presentation:

The applicant, **Larry Jenkins**, 9202 South Darlington, was represented by **Jeff Tuttle**, who informed that his client is proposing to construct a single-family dwelling on the subject property. He noted that the property in question is across the street from an RS-3 subdivision. A plot plan (Exhibit N-1) was submitted.

Comments and Questions:

Mr. Gardner noted that the applicant can comply with RS-3 requirements, but cannot comply with RS-1 requirements.

Case No. 16938 (continued)

The applicant stated that rezoning the area to RS-3 was considered, but he was advised that he could seek a variance.

Mr. Gardner advised that staff would support rezoning the entire tract to RS-3 because it abuts RS-3 property on three sides.

Mr. Jackere stated that approval of this application could result in an RS-3 subdivision created by separate applications.

Larry Jenkins, 9202 South Darlington, stated that he owns the property and plans to zone the entire tract to RS-3 in the future.

After discussion, it was the consensus of the Board that this case should be withdrawn, with fees refunded, and the property should be rezoned.

Mr. Jenkins requested that the Case No. 16938 be withdrawn and fees refunded.

Case No. 16939

Action Requested:

Variance of the livability space - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1731 South Madison.

Presentation:

The applicant, **Michael Dankbar**, 8704 South Indianapolis, submitted a plot plan (Exhibit P-1) and requested that the Board approve a 500 sq ft variance of livability space on Lots 7 and 8. He stated that a two-story dwelling is proposed for each of these lots, and pointed out that there are numerous 50' wide lots in the area and many dwellings that do not comply with the required livability space. Mr. Dankbar also noted that there are many large lots in the neighborhood that have 50' wide lots across the street. The applicant explained that the two lots will be surrounded by a wall, which the Tulsa Preservation Commission has requested remain. He informed that his calculations show a 350 sq ft livability space shortage. Photographs (Exhibit P-4) were submitted.

Comments and Questions:

Ms. Turnbo asked the applicant if he has received a Certificate of Appropriateness, and the applicant stated that he has appealed the decision of the Tulsa Preservation Commission regarding the design of the house, which will be heard by the Board on March 14, 1995.

Case No. 16939 (continued)

Protestants:

Ms. Russell advised that, due to the length of the meeting, several protestants were unable to stay and signed a protest letter (Exhibit P-3).

Janice Krehbiel, 1016 East 17th Place, stated that she is opposed to two dwellings being constructed at the proposed location. She pointed out that there was previously one home and tennis courts on the lot.

In reply to Mr. Jackere, Mr. Gardner advised that two smaller homes could be constructed on the property and livability space could be met.

Hope Pinkerton, 1006 East 17th Place, submitted a petition of opposition (Exhibit P-2) and stated that she is concerned with the size of the homes that will be constructed on the lots. She pointed out that all existing homes have back yards, and density and green space are definitely issues.

Randy Krehbiel, 1016 East 17th Place, informed that a precedent would be set if the application is approved. He stated that the nature of the neighborhood would be drastically changed if these types of variances are approved.

Ken McCulloch, 1024 East 17th Place, informed that another subdivision was included in Mr. Dankbar's presentation concerning the development of the area.

Marcy Lyles, 1607 South Norfolk, stated that she is opposed to a decrease in livability space.

Bart Hannah, 1716 South Norfolk, stated that two small homes on the lots would not be appropriate in the historical area.

In reply to Ms. Turnbo, Mr. Hannah stated that he is opposed to the construction of two homes of any size on the lots.

Charles Martinez, 1003 East 18th Street, informed that his home is on four lots and the neighborhood historically developed with one house on more than one lot.

The resident at 1112 East 17th Street, stated that one issue in this case is the green space and requested that one large house be constructed on the two lots.

Joe Westervelt, 1250 East 26th Street, stated that it is his opinion that, although he is a proponent of the open meeting process, it appears that the system is attempting to get someone to do something that a group of people want done.

John Pinkerton informed that he lives in the house to the east of the subject tract and they are not trying to undermine the process, but these people are concerned about increased density and the change in the character of the neighborhood.

Case No. 16939 (continued)

Applicant's Rebuttal:

Mr. Dankbar stated that the process is becoming very frustrating, and requested that the footprint be approved so he can go forward with the project.

After conferring with legal counsel and a lengthy discussion, it was the consensus of the Board that this case should be continued to March 14, 1995 to allow the livability issue and the appeal of the decision of the Tulsa Preservation Commission to be heard at the same time.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Bolzle, "absent") to **CONTINUE** Case No. 16939 to March 14, 1995.

Case No. 16940

Action Requested:

Variance of the required 30' of frontage to permit a lot split - **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6, located SW/c of West 71st Street and U. S. Highway 75.

Presentation:

The applicant, **Darin Frantz**, 2202 East 49th Street, was represented by **Joe Westervelt**, 1250 East 26th Street, who submitted a plot plan (Exhibit R-1) and requested that the frontage requirement for a rear lot be waived to permit a lot split. He informed that there is a ravine on the property and the agricultural land will be accessed by a small gravel road.

Interested Parties:

Dan Tanner, 2202 East 49th Street, stated that he is supportive of the application.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Bolzle, "absent") to **APPROVE** a **Variance** of the required 30' of frontage to permit a lot split - **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** - Use Unit 6; per plan submitted; finding that the property to the rear is used for agricultural purposes only; and finding a hardship demonstrated by the topography of the land; on the following described property:

Case No. 16940 (continued)

E/2, E/2, NW/4, NW/4 Section 11, T-18-N, R-12-E, of the IBM, less and except the following described tract, to-wit: Beginning at the SE/c, E/2, E/2, NW/4, NW/4, thence west along the south line of said E/2, E/2, NW/4, NW/4 a distance of 67.7'; thence north 1°10' west a distance of 227.3'; thence north 15°32' east a distance of 191.4'; thence north 5° 41' west a distance of 381.2'; thence north 11° 23' west a distance of 480.9'; thence south 89° 09' west a distance of 206.7' to a point on the west line of said E/2, E/2, NW/4, NW/4; thence north along said west line a distance of 60' to the NW/c of said E/2, E/2, NW/4, NW/4; thence east along the north line of said E/2, E/2, NW/4, NW/4, a distance of 332' to the NE/c of said E/2, E/2, NW/4, NW/4; thence south along the east line of said E/2, E/2, NW/4, NW/4 a distance of 1,323.70' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16941

Action Requested:

Variance of the number of required parking spaces and a special exception to permit retail sales in an IL zoned district - **SECTION 1213.D. Off-street Parking and Loading Requirements** and **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 13, located west of the northwest corner of East 61st Street and South 105th East Avenue.

Presentation:

The applicant, **Tanner Consulting**, 2202 East 49th Street, Suite 400, submitted a plot plan (Exhibit S-1) and informed that his client owns and operates a retail center at the above stated location. Mr. Tanner stated that 30 additional parking spaces are proposed; however, the building permit was denied because the building inspector determined that the use has changed.

Comments and Questions:

In response to Mr. Bolzle, Mr. Tanner advised that 156 spaces are required and 114 spaces are available. He added that it is his calculation that approximately 90 spaces are required if the different uses are considered (office and warehouse).

Mr. Tanner advised that the 61st Street frontage has two retail areas, and he asked that retail sales be permitted.

Protestants:

None.

Case No. 16941 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Bolzle, "absent") to **APPROVE** a **Variance** of the number of required parking spaces and a **special exception** to permit retail sales in an IL zoned district (A and C) - **SECTION 1213.D. Off-street Parking and Loading Requirements** and **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 13; per plan submitted (114 parking spaces); subject to west 60' of Building J being used for office space, with the balance being warehouse use, with unfinished space (H and E) limited to warehouse space only; finding that the uses, per conditions, will be compatible with the area, and that the proposed 114 spaces will provide sufficient parking; on the following described property:

Lot 1, Block 1, Mingo Valley Trade Center, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16942

Action Requested:

Variance of the required screening fence, variance of the required 5' landscape abutting an R District, reduction in size of parking area and elimination of the loading berth requirement - Use Unit 23, located 1640 East 3rd Street.

Presentation:

The applicant, **Clifton Crisp**, HCR 64, Box 1668, Locust Grove, Oklahoma, submitted a plot plan (Exhibit T-1) for the proposed construction. He stated that the building faces property owned by his client and asked that screening be waived at this location. Mr. Crisp stated that a loading berth is not needed because only small boxes will be unloaded.

Comments and Questions:

Mr. White asked if there is an overhead door on the alley, and the applicant answered in the affirmative.

Protestants:

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; Abbott, Bolzle, "absent") to **APPROVE** a **Variance** of the required screening fence, **variance** of the required 5' landscape abutting an R District, reduction in size of parking area and elimination of the loading berth requirement - Use Unit 23; per plan submitted; subject to the execution of a tie.

Case No. 16942 (continued)

contract; finding that the proposed building abuts the owners residential property to the south and screening would not be beneficial; and that only small boxes are unloaded and a loading berth is not necessary; on the following described property:

Lot 3, Block 6, Midway Addition, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 4:51 p.m.

Date Approved March 14, 1995


Chairman

