

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 678
Tuesday, April 11, 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 Turnbo White	Bolzle Doverspike	Beach Moore Stump	Jackere, Legal Department Parnell, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, April 10, 1995, at 9:45 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

Mr. Beach advised that the minutes for March 28, 1995 have not been prepared.

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Doverspike, Turnbo, White, "aye"; no "nays"; Abbott, "abstaining; Bolzle, "absent") to **CONTINUE** consideration of the Minutes of March 28, 1995 (No. 677).

UNFINISHED BUSINESS

Case No. 16212

Action Requested:

Special Exception to permit a church in an AG zoned district - Section 301. - Use Unit 5, located 8801 East 91st Street South.

Presentation:

The applicant, **Carbondale Bible Church**, was represented by **Bruce Masters**, 3840 South 121st East Avenue, who informed that church use was previously approved at this location and submitted a site plan (Exhibit A-1) for Board review.

Comments and Questions:

Mr. Stump asked if the parking area will be paved, and Mr. Masters answered in the affirmative.

Case No. 16212 (continued)

Protestants: None

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** the detail site plan as submitted; subject to only one church being constructed on the tract; on the following described property:

W/2, SE/4, SW/4, Section 13, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16959

Action Requested:

Special Exception to permit automobile repair, automobile sales and a residential use in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17 & Use Unit 6, located 2621 North Boston Place.

Presentation:

The applicant, **Jose Ramirez**, 171 East Apache, was represented by **Wendell West**, 6515 South 107th East Avenue, who submitted a plot plan (Exhibit B-1) and informed that the subject property is surrounded by mixed uses. He pointed out that the automobile sales and repair business would be compatible with these existing uses. It was noted that the applicant and his family have lived in a portion of the building for approximately 4 years to provide security for the business.

Comments and Questions:

Mr. White asked if all repair work will be conducted inside the building, with no outside storage of inoperable vehicles, and Mr. West answered in the affirmative.

In reply to Mr. White, Mr. West stated that a portion of the building will be used for single-family use only.

Ms. Abbott inquired as to the amount of available parking, and Mr. West stated that there is sufficient parking for 40 vehicles. He clarified that the applicant does not sell vehicles at this location.

Mr. Jackere asked if cars are painted at this location, and Mr. Rameriz replied that he plans to do paint and body work.

Mr. Stump informed that body work could be permitted by special exception, but painting is not allowed.

Case No. 16959 (continued)

Ms. Parnell stated that she site-checked the property in December and Mr. Rameriz had leased a portion of the building for paint and body work. She noted that there was not a paint booth in the building and the fire marshal closed the business.

Protestants:

The resident at 31 West 26th Place North submitted photographs (Exhibit B-2) and informed that the use has been at this location for approximately two years. She stated that City drains have been covered, and cars parked on the easement and in the street block the vision of motorists and pedestrians. She requested that the application be denied.

John Smith, 111 East 26th Place North, informed that he lives 150' from the building in question and pointed out that the building is very near the street. He stated that the use causes congestion at the intersection.

Lottie Williams, 2548 North Boston Place, stated that she lives across the street from the property in question. She informed that the building is in bad repair and junk cars are parked on the lot. Ms. Williams noted that painting is done regularly at this location.

Applicant's Rebuttal:

Mr. West informed that the previous tenants have moved and the applicant is cleaning up the property. He stated that his client will discontinue parking in the street.

Mr. Rameriz noted that vandalism is prevalent in the area and requested that he be permitted to continue operation of his business and live on the property.

Ms. Abbott stated that the use is too intense for the area, and she is not supportive of the application.

Mr. White informed that he has visited the site and found traffic to be a problem, and voiced a concern with the proximity of the overhead doors to the street.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **DENY** a **Special Exception** to permit automobile repair, automobile sales and a residential use in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17 & Use Unit 6; finding the use to be too intense for the area; and finding that approval of the request would violate the spirit and intent of the Code; on the following described property:

Lots 1 and 2, Block 1, Reid Addition Amended, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16963

Action Requested:

Variance of the required number of off-street parking spaces from 74 (1 space per 75 gross sq ft, this building contains 5489 gross sq ft) to 34 - **SECTION 1212a.D. - OFF-STREET PARKING AND LOADING REQUIREMENTS** - Use Unit 12a, located 6339 East Tecumseh.

Presentation:

The applicant, **Sheila Gilliland**, 6339 East Tecumseh, submitted a site plan (Exhibit C-1) and stated that she can provide 35 of the 48 parking spaces required for the proposed business.

Comments and Questions:

Mr. Beach noted that there are only 7 spaces (west side) on the site plan that comply with Code requirements for the use.

Mr. Stump noted that the double row of parking depicted on the west side of the property does not allow sufficient space for backing out.

Ms. Gilliland stated that she paid \$350 for the drawing and the lot has been hard surfaced since the previous Board hearing.

Mr. Stump advised that the parking measurements are incorrect.

Protestants:

Marilyn Neel, 1942 North Oxford, noted that insufficient parking for the proposed business will increase neighborhood parking, and pointed out that parking is only permitted on one side of the street at this location. She pointed out that this type of business (pool hall) will have a negative impact on the neighborhood.

Vern Reiswig, 1936 North Oxford, informed that there is a school nearby and many children walk in the area. He noted that there is not sufficient parking for the proposed business and asked the Board to deny the request.

Louise Murphy, 1926 North Oxford, pointed out that the street is narrow and parking is only permitted on the side where her dwelling is located; therefore, all overflow customers would park in the neighborhood and in front of her home.

Judy Rose, 1917 North Norwood Place, submitted photographs (Exhibit C-4) and informed that insufficient parking is her major concern.

In reply to Ms. Rose, Mr. Stump advised that the alley is a public way and the applicant would be permitted to install an exit from the parking lot to the alley.

Case No. 16963 (continued)

John Dodson, 1939 North Norwood Place, voiced a concern with the extra traffic that will be generated late at night and in the afternoon when school children are walking in the neighborhood. He noted that many residents of the area share his concerns, and requested denial of the application.

A representative of the church, 1962 North Sheridan, voiced a concern with the nighttime traffic that will be generated by the proposed pool hall.

Robert Nations, 1016 West 18th Street, Claremore, Oklahoma, informed that he owns the nearby hardware building, and is opposed to the pool hall because of the drinking that usually accompanies this type of business. He stated that the proposed use would be detrimental to the neighborhood and depreciate property values in the area.

Jack Doherty informed that he owns property at 6333 East Tecumseh, which is to the west of the proposed business. He pointed out that parking is vital to every business in the area, and requested denial of the application.

Bill Knowles, 6311 East Tecumseh, informed that the business he is associated with provides parking for their employees and they would not welcome others parking on their lot during the day or night.

Councilor Darrell Gilbert, 200 Civic Center, stated that he has visited the site and found the proposed business would not have sufficient parking.

Individuals registering their complaints by phone were as follows (Exhibit C-3):

John Snook, 1956 North Oxford

Florence Reiswig, 1936 North Oxford

Everet Neal, North Oxford,

Richard Ferguson, 1918 north Oxford

Louise Murphy, 1926 north Oxford

A layout of the neighborhood (Exhibit C-2) was submitted.

Applicant's Rebuttal:

The applicant stated that she bought the building because any type of commercial business could be conducted at this location. She pointed out that parking is available in front of the building and it is not likely that customers would drive into the neighborhood to park.

Mr. White advised that the required 74 parking spaces cannot be provided for the proposed use.

Case No. 16963 (continued)

Ms. Gilliland stated that 20 spaces are currently marked off and available for parking, and Mr. White pointed out that these spaces extend into the City right-of-way and cannot be calculated when determining required spaces.

In reply to the applicant, Mr. Jackere advised that most businesses in the area are nonconforming as to parking. He explained that there were no parking requirements prior to 1970 and many of the businesses were in operation prior to that time; however, bars and pool halls must comply with current Code requirements before they can operate, because they generate significant parking concerns. He further noted that any change in use (of this nature) would require compliance with current parking requirements.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **DENY** a **Variance** of the required number of off-street parking spaces from 74 (1 space per 75 gross sq ft, this building contains 5489 gross sq ft) to 34 - **SECTION 1212a.D. - OFF-STREET PARKING AND LOADING REQUIREMENTS** - Use Unit 12a; finding that only 7 of the 74 required on-site parking spaces can be provided meeting Code standards; finding that parking available in front of the building is located in the City right-of-way; and finding that approval of the request would cause substantial detriment to the public good and violate the spirit and intent of the Code; on the following described property:

Lots 12, 13 and 14, Block 2, Houston Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16986

Action Requested:

Special Exception to permit a public park in an RS-3 zoned district - **SECTION 401. - USES PERMITTED IN THE RESIDENTIAL DISTRICT** - Use Unit 2, located south of the southwest corner of South Union Avenue and West 41st Street.

Presentation:

The applicant, **City of Tulsa**, 707 South Houston, was represented by **Ross Weller**, who submitted a plot plan (Exhibit D-1) and advised that 22 parking spaces have been provided for the swimming pool and 56 spaces for the Community Center, or a total of 78 spaces. He pointed out that the required parking, including the proposed addition, is 76 spaces.

Case No. 16986 (continued)

Comments and Questions:

Mr. White asked if the interested party, who attended the previous meeting, has been contacted, and Mr. Weller advised that she has not been contacted. He pointed out that the parking that is in place is farther away than the street, therefore, street parking is utilized first.

Protestants:

None.

Board Action:

On MOTION of WHITE, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** a **Special Exception** to permit a public park in an RS-3 zoned district - **SECTION 401. - USES PERMITTED IN THE RESIDENTIAL DISTRICT - Use Unit 2; per plan submitted; finding that the new addition to the existing building will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:**

Beginning at a point 35' West and 670' South of the NE corner of Section 27, T-19, R-12 E Tulsa County, Oklahoma, thence South on a line parallel to the E line of said Section 27 a distance of 660 ft. to the S. line of the NE 1/4 of the NE 1/4 of Section 27, said point being 35' W of the SE corner of the NE 1/4 of the NE 1/4 of Section 27 thence W on the S line of said NE 1/4 of the NE 1/4 of Section 27 a distance of 1284.4 ft. to the SW corner of the NE 1/4 of the NE 1/4 of Section 27 thence N on the W line of said NE 1/4 of the NE 1/4 a distance of 1130 ft. thence E on a line parallel to and 190 ft. South of the North line of Section 27 a distance of 595'. thence S on a line parallel to the E line of said Section 27 a distance of 470' thence E on a line parallel to the N line of said Section 27 a distance of 690' to the point of beginning.

Case No. 16990

Action Requested:

Special Exception to permit a Use Unit 17 use (automobile sales) in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located 10863 and 10865 East Admiral Place.

Presentation:

The applicant, **Michael Hodges**, 404 South 122nd East Avenue, was not present.

Comments and Questions:

Mr. Brown informed that the applicant, **Michael Hodges**, has requested by phone that Case No. 16990 be withdrawn.

Case No. 16998

Action Requested:

Special Exception to permit a sexually oriented business in an IL zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** ; and a Variance of the number of required parking spaces - **SECTION 1212a.D. Off Street Parking and Loading Requirements**, located 10321 East 47th Place.

Presentation:

The applicant, **Marcus Wright**, 4815 South Harvard, Suite 447, requested by letter (Exhibit T-1) that Case No. 16998 be withdrawn.

MINOR VARIANCES AND EXCEPTIONS

Case No. 17014

Action Requested:

Minor special exception to amend a previously approved site plan (BOA No. 16774) - Use Unit 2, located 5649 South Garnett Road.

Presentation:

The applicant, **Bob Coley**, 1301 Sherwood Lane, Broken Arrow, Oklahoma, who represented the H. O. W. Foundation, informed that this organization is requesting permission to replace temporary storage buildings with a permanent building.

Protestants:

None.

Case No. 17014 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** a **Minor Special Exception** to amend a previously approved site plan (BOA No. 16774) - Use Unit 2; finding that replacing temporary storage with a permanent facility will not be detrimental to the area, or violate the spirit and intent of the Code: on the following described property:

West 390' of the N/2, NW/4, SW/4, and the N/2, S/2, NW/4, SW/4, Section 32, T-19-N, R-14-E, less the north 600' of the west 742' of the N/2, NW/4, SW/4, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17016

Action Requested:

Minor Special Exception to amend a previously approved plot plan (BOA No. 13978) to permit a 24' by 48' maintenance building and a shelter - Use Unit 2, located 3657 South 103rd East Avenue.

Presentation:

The applicant, **T. N. Faux**, 10609 East 3rd Street, informed that he is representing the East Tulsa Soccer Club and that previous plans for the property have been changed to permit a soccer field. He requested permission to install a maintenance building (above floodplain level) to store grass cutting equipment and to construct a picnic shelter near the soccer field. A plot plan (Exhibit E-1) was submitted.

Interested Parties:

Margaret Tremble, 10128 East 34th Street, stated that tax dollars paid for the project and the public is not permitted to drive into the area as they once did. She informed that this was previously a place where children could play, but a gate with a lock has been installed.

Mr. Stump advised Ms. Tremble that the Park and Recreation Department would be able to advise her as to the terms of the lease.

Applicant's Rebuttal:

Mr. Faux explained that the gate was installed to keep vehicles from driving on the playing surfaces, but there has never been an objection to children playing on the property. He pointed out that there was previously a problem with groups congregating at this location and conducting undesirable activities

Case No. 17016 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** a **Minor Special Exception** to amend a previously approved plot plan (BOA No. 13978) to permit a 24' by 48' maintenance building and a shelter - Use Unit 2; per plan submitted; finding that the proposed improvements will be compatible with the area and in harmony with the Code; on the following described property:

Part of the E/2, SW/4, and part of the NW/4, Section 19, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17018

Action Requested:

Minor Special Exception to reduce the front yard setback from 55' to 52' to allow replacement of a porch on an existing dwelling - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1717 West Brady.

Presentation:

The applicant, **Janet Henderson**, 1717 West Brady, submitted photographs (Exhibit F-1) and requested permission to replace an old porch that is in bad repair. She pointed out that the older area has numerous structures that are encroaching into the current required setback.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** a **Minor Special Exception** to reduce the front yard setback from 55' to 52' to allow replacement of a porch on an existing dwelling - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; finding that there are numerous encroachments in the older area; and finding that approval of the request will not be detrimental to the neighborhood; on the following described property:

Lot 9, Block 17, Irving Place Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16993

Action Requested:

Variance for a church identification sign in an R District, variance of the maximum sign height from 20' to 39', and a variance of the maximum sign display area from 78.1 sq ft to 300 sq ft - **SECTION 402.B.4. - ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 10513 East Admiral Place.

Presentation:

The applicant, **Richard Robertson**, 4707 South 102nd East Avenue, was represented by **Bill Reynolds**, who informed that the sign in question is on property adjacent to Highway 169 and Admiral Place. He stated that the 10' by 30' sign will be to the rear of the property (260' from the highway). A plot plan (Exhibit G-1) and photographs (Exhibit G-2) were submitted.

Comments and Questions:

Mr. White informed that the tract is somewhat isolated and the size of the proposed sign is smaller than many others along the highway.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** a **Variance** for a church identification sign in an R District, **variance** of the maximum sign height from 20' to 39', and a **variance** of the maximum sign display area from 78.1 sq ft to 300 sq ft - **SECTION 402.B.4. - ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; finding that the proposed sign is 260' from the highway (US 169 and I-244) and is not as large as the existing billboard signs; finding that land on either side of the subject lot is zoned CS; and finding that approval of the request will not have a negative impact on the area; on the following described property:

Part of Tract 4, Spring Grove Subdivision, Beginning 50' north and 25' east of the SW/c, north 390.5', east 275', south 390.5', then west 275' to POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16999

Action Requested:

Variance of BOA condition of approval for a children's nursery (BOA 8658) to permit an existing sign identifying an existing day care center - **SECTION 402.B.4.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 11, located 6723 East 61st Street.

Presentation:

The applicant, **William Jones**, 3800 First National Tower, informed that his client received approval of the nursery, subject to no sign on the property; however, a sign contractor advised that a permit could be obtained for a sign and one was installed. Mr. Jones explained that the sign has been in place for many years, but a permit was never issued, nor was the restriction removed from the previous Board approval. He asked the Board to approve the existing business sign. A sign plan (Exhibit H-1) and photographs (Exhibit H-2) were submitted. Mr. Jones advised that, at the time of approval, the area was predominately residential, but the surrounding properties now have mixed (industrial, commercial and residential) zoning classifications.

Comments and Questions:

Ms. Abbott inquired as to the height of the sign, and Mr. Jones replied that the sign is 10.67' tall.

In reply to Mr. White, Mr. Jones informed that the widening of the street will require approximately 17' of his clients property.

Mr. Stump advised that the area is in transition to non-residential uses.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** a **Variance** of BOA condition of approval for a children's nursery (BOA 8658) to permit an existing sign identifying an existing day care center - **SECTION 402.B.4.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 11; per plan submitted; finding that the sign has been in place approximately 20 years; and finding that the area is in transition to non-residential use, with mixed zoning classifications; and finding that approval of the request will not be detrimental to the area; on the following described property:

East 90' of south 431', W/2, Lot 4, Section 31, T-19-N, R-14-E of the IBM, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17000

Action Requested:

Variance of the required setback from the centerline of Atlanta from 60' to 43' to allow for an addition to an existing encroaching structure - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICT** - Use Unit 6, located 3109 South Atlanta.

Presentation:

The applicant, **Wayne Trimble**, 3109 South Atlanta, submitted a plot plan (Exhibit J-1) and explained that his house was constructed at an angle on the lot and is currently encroaching into the required setback. He informed that a slight enlargement of the garage would align with the existing building wall of the structure.

Comments and Questions:

Ms. Turnbo and Mr. White stated that they have site-checked the area and determined that the addition would not be detrimental to the neighborhood.

Ms. Abbott inquired as to the amount of additional encroachment, and the applicant stated that the garage will extend approximately 6' closer to the street than the existing dwelling.

In reply to Ms. Turnbo, the applicant stated that he has spoken with his neighbors regarding the project and found no opposition.

Interested Parties:

Lee Inhoff, 3117 South Atlanta Avenue, stated that he lives next door to the applicant and is supportive of the request.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of Atlanta from 60' to 43' to allow for an addition to an existing encroaching structure - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICT** - Use Unit 6; per plan submitted; finding a hardship demonstrated by the placement of the house on the lot and required building setbacks on two streets; finding that existing dwelling encroaches into the required setback and that one corner of the new addition will extend 6' closer to the street; on the following described property:

Lot 1, Block 1, Forest Estates, Blocks 1, 2 and 3, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17001

Action Requested:

Variance of lot width from 60' to 38', variance of lot area from 6000 sq ft to 3800 sq ft, variance of land area from 7500 sq ft to 4940 sq ft, variance of front yard setback from 55' to 39.2' (Tract B), variance of side yard from 10' and 10' to 3.5' and 7.8', (Tract B), variance of the required side yard from 10' to 0' (Tract A), variance of the front yard from 55' to 42.8' (Tract A) - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6**, located SW/c East King Street and North Rockford Avenue

Presentation:

The applicant, **Jeanette Woodruff**, 7371 East Marshall Place, was represented by **David Shook**, 905 North Quincy, who submitted a plat of survey (Exhibit K-1) and explained that a lot split is proposed that will allow the existing dwellings to remain on the property. He pointed out that the two dwellings have been on the tract for many years.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** a **Variance** of lot width from 60' to 38', **variance** of lot area from 6000 sq ft to 3800 sq ft, **variance** of land area from 7500 sq ft to 4940 sq ft, **variance** of front yard setback from 55' to 39.2' (Tract B), **variance** of side yard from 10' and 10' to 3.5' and 7.8', (Tract B), **variance** of the required side yard from 10' to 0' (Tract A), **variance** of the front yard from 55' to 42.8' (Tract A) - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**; per plat of survey depicting existing structures; finding that the homes have been on the property for many years; and finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit and intent of the Code; on the following described property:

Legal Description: Tract A: Lots 1, 2, 3, and 4, Block 7, corrected plat of Capital Hill Second Addition, less a portion of said lots 1, 2, 3 and 4 as follows: Beginning at the NWC of Lot 1, E 41.00', then southwesterly through lots 1, 2, 3 and 4 100.18' to a point on the S line of Lot 4, 35' E of SWC, then W 35' to the SWC Lot 4, then N along the W line of Lots 1, 2, 3 and 4 100.00' to POB; Tract B: A portion of Lots 1, 2, 3 and 4, Block 7, corrected plat of Capital Hill Second Addition, beginning at the NWC Lot 1, then E 41.00', then southwesterly through Lots 1, 2, 3 and 4 100.18', to a point 35.00' E of SWC of Lot 4, then W 35.00' to the SWC of Lot 4, then N along W line of Lots 1, 2, 3 and 4 100.00' to POB.

Case No. 17002

Action Requested:

Minor Special Exception to approve an increase in floor area on an approved site plan for the City of Tulsa satellite maintenance facility - BOA No. 12634, located 5625 South Garnett Road.

Presentation:

The applicant, **J. D. Turner**, 2317 South Jackson, was represented by **Paul Mattke**, who requested permission to increase the floor area of the City maintenance facility per plan submitted (Exhibit L-1).

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** a **Minor Special Exception** to approve an increase in floor area on an approved site plan for the City of Tulsa satellite maintenance facility - BOA No. 12634; per amended site plan submitted; finding that the surrounding area is zoned industrial (IL) and that the proposed construction will be compatible with the area; on the following described property:

N/2, NW/4, SW/4, and the N/2, S/2, NW/4, SW/4, Section 32, T-19-N, R-14-E, less the north 600' of the west 742' of the N/2, NW/4, SW/4, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17003

Action Requested:

Special Exception to allow an existing auto repair service in a CS District - **SECTION 701. PRINCIPAL USES PERMITTED IN A COMMERCIAL DISTRICT** - Use Unit 17, located 1408 North Lewis Avenue.

Presentation:

The applicant, **Ed Macsuga**, 1408 North Lewis Avenue, informed that his business is located in a 2400 sq ft building, with 24 paved parking spaces in place. He informed that the subject property is fenced and bordered on the north by Lee's Auto Service. Mr. Macsuga explained that he provides employment for 16 people and the major portion of the work is done on his fleet of taxis that are leased to the Yellow Cab Company. He informed that a manufacturing company was the previous tenant at this location.

Protestants:

Judy Owens, 2236 East Oklahoma, submitted photographs (Exhibit M-1) and informed that the property is covered with trash, inoperable vehicles and other junk. She informed that a barking dog is also kept on the premises.

Roscoe Turner, 3415 East Haskell Street, informed that economic development is hampered by this type of operation. He asked that the Board impose conditions that will force the owner of the business to comply with the plan for this area.

Councilor Darrell Gilbert stated that he is active with the Springdale Development Council and the area is being revitalized; however, the existing repair business has been at this location for several years. He suggested that fencing be required to screen the operation from the neighborhood.

Applicant's Rebuttal:

The applicant stated that the automobiles in question are not abandoned and are not salvage. He pointed out that he purchased several police cars from the City of Tulsa and is in the process of converting to taxicabs. Mr. Macsuga informed that he would be amenable to installing any type of fence that is required by the Board. He asked that the application be continued to allow sufficient time to address the concerns of the neighborhood.

Mr. Jackere asked the applicant if he has ever been issued a notice by the City to clean up the lot, and he replied that he was told to remove the cars from the grassy area and remove two dogs from the property. He informed that Mr. Balentine, a City inspector, observed the cleanup process and was satisfied with the result.

Case No. 17003 (continued)

Ms. Parnell noted that, according to City records, a City contractor hauled trash from this address and a \$4000 fee was charged for these services on February 21, 1995.

Mr. Macsuga stated that he is not aware of any type of City trash removal.

After discussion, it was the consensus of the Board that the application should be continued to allow the Board to site-check the subject property.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **CONTINUE** Case No. 17003 to April 25, 1995.

Case No. 17005

Action Requested:

Variance of the setback from the centerline of Lewis Avenue from 100' to 48' 8" for the installation of a new ATM slab and building - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 11, located NW/c East Pine Street and North Lewis Avenue.

Presentation:

The applicant, **Bank of Oklahoma**, PO Box 2300, was represented by **Ron Mc Mahan**, who submitted a plot plan (Exhibit N-1) and requested permission to install an ATM machine in the Springdale Shopping Center. He informed that the proposed location will not interfere with ingress or egress to the property. A packet (Exhibit N-2), containing a location map and photographs, was submitted.

Comments and Questions:

In reply to Mr. White, Mr. McMahan informed that the existing sign will be extended to add the Bank of Oklahoma sign. He informed that the ATM will be placed at the leading edge of the sign (55' setback) and an awning will be installed (48' 8" setback) to protect customers using the machine.

Mr. White asked Mr. McMahan if a 50' setback would provide sufficient space for the awning, and he answered in the affirmative.

Interested Parties:

Councilor Darrell Gilbert informed that he has contacted the owners of the Springdale Shopping Center and they are supportive of the application.

Case No. 17005 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** a **Variance** of the setback from the centerline of Lewis Avenue from 100' to 48' 8" (canopy) for the installation of a new ATM slab and any building (55') - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - use Unit 11; per plan submitted; subject to the execution of a removal contract; finding the use to be compatible with the shopping center and in harmony with the spirit and intent of the Code; on the following described property:

Lot 16 and the west 210' of the east 215' of N/2, S/2 of Lot 1 and S/2, S/2, Lots 1 and 2, Prospect Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17007

Action Requested:

Special Exception to permit a mobile home in an **RS-3** District, special exception to permit two dwelling units on one lot of record, variance of land area per dwelling unit from 8400 sq ft to 5000 sq ft and a variance of the rear yard setback from 20' to 1' on Lot 558 and from 20' to 15' on Lot 559 - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1718 North Birmingham Avenue.

Presentation:

The applicant, **Ron Imel**, PO Box 580124, submitted a plot plan (Exhibit P-1) and explained that he has informed the neighborhood of his request, which involves the installation of a mobile home on the subject property. He informed that improvements are proposed (Exhibit P-3) and noted that there are numerous mobile homes in the area, along with many structures that are in bad repair. Photographs (Exhibit P-2) were submitted.

Comments and Questions:

Ms. Turnbo advised that a letter of support (Exhibit P-4) was received from the vice chair of Planning District 3.

Ms. Abbott asked the applicant if he owns the property in question, and Mr. Imel informed that he is in the process of purchasing the three lots.

Protestants:

None.

Case No. 17007 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RS-3 District, **special exception** to permit two dwelling units on one lot of record, **variance** of land area per dwelling unit from 8400 sq ft to 5000 sq ft and a **variance** of the rear yard setback from 20' to 1' on Lot 558 and from 20' to 15' on Lot 559 - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, per plan submitted; subject to remodeling being completed one year from this date; finding that approval of the request will not be detrimental to the neighborhood; on the following described property:

Lots 558 and 559, Block 42, Tulsa Heights, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17008

Action Requested:

Special Exception to permit university use (parking) in an RS-3 zoned district, a special exception to permit off-street parking on a lot other than the lot containing the principal use and a variance of the screening requirements for off-street parking - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; **SECTION 1301.D. GENERAL REQUIREMENTS; SECTION 1303.e. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, located north side of 4th place, west of Harvard Avenue.

Presentation:

The applicant, **Ted Sack**, 111 South Elgin, was represented by **Charles Norman**, 2900 Mid-Continent Tower, who submitted a site plan (Exhibit R-1) and informed that he and Mr. Sack represent the University of Tulsa (TU). He explained that the university has acquired all of the property on the north side of East 4th Place, with the exception of two lots to the west. Mr. Norman advised that it is the intent of TU to move the parking areas outward, with interior streets being closed to allow the campus to have a more pedestrian oriented interior core. He informed that the eight lots involved in this application have been acquired over the years and it is the intent to convert this area to university parking (120 additional parking spaces). Mr. Norman informed that a 6' screening fence will be constructed along the north and west property lines. He pointed out that university property to the south is still zoned RS-3 and requested that screening be waived along 4th Place and Harvard Avenue. The applicant stated that the lights will be limited to 16' in height and will be hooded and directed away from the residential neighborhood to the north. Mr. Norman informed that an identification sign will also be installed.

Case No. 17008 (continued)

Comments and Questions:

In reply to Ms. Turnbo, Mr. Norman stated that he does not find a tie contract necessary as long as the use is for TU parking only.

Protestants:

Bob Rounsavell, 3234 East 4th Street, voiced a concern with the quality and maintenance of the fencing and landscaping, and pointed out that other TU fencing is not in good repair.

Debbie Staudinger, 3236 East 4th Street, informed that the parking lot will be contiguous to the residential neighborhood, and pointed out that the installation of the parking area will encourage crime to move into the residential area.

Andrea Jobe, 3212 East 4th Street, noted that the law students currently park along the street and when the parking lot is installed she will be surrounded by parking. She informed that lighting will shine in her home and suggested that the parking lot be installed at another location.

Irene Bradshaw, 3230 East 4th Street, stated that she was told that the area was to be a maintained park, and is opposed to the parking lot at this location. She pointed out that crime and theft will be encouraged by the installation of the lot, and drainage could become a problem. She requested that, if approved, an 8' screening fence be installed.

Vern Williams, 5310 South Atlanta Avenue, voiced a concern with parking being installed close to the residences. He pointed out that noise would be a problem and asked the Board to retain the privacy of the neighborhood by denying the application.

Wayne McCondie, 3228 East 4th Street, stated that crime in the area and security are the major concerns with the parking lot abutting the back yards of the residences.

Gracie Cary, 1147 South Evanston, chair of the Kendall Homeowners and Tenants Association, requested that the Board help to stabilize the areas that abut the university. She voiced a concern with the impact the parking lot will have on the two homes to the west of the proposed parking lot. Ms. Cary requested that screening and drainage be adequate for the needs of the neighborhood.

Case No. 17008 (continued)

Applicant's Rebuttal:

Mr. Norman stated that access to the neighborhood will be restricted when Gary Avenue is closed, which will not be done until all property is acquired on that street. He pointed out that TU is very supportive of the neighborhood. He noted that the property slopes to the south, but not enough to require a retaining wall, and all drainage will be away from the neighborhood and to 4th Place. Mr. Norman pointed out that cars will not be turning into the parking spaces toward the north; therefore, lights will not be penetrating cracks in the fence. He informed that it is the legal responsibility of the university to maintain the required screening fences.

Comments and Questions:

In reply to Ms. Turnbo, Mr. Norman stated that the smooth side of the fence will be turned toward the residential area. Ms. Turnbo suggested that it would be advantageous to the neighborhood if a display of the proposed new construction was made available for public viewing.

In response to Ms. Turnbo, Mr. Norman stated that the university will work with the neighborhood in regard to their preference in fencing.

Mr. White asked if a sign plan is available, and the applicant stated that it is not available at this time.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** a **Special Exception** to permit university use (parking) in an RS-3 zoned district and a **special exception** to delete the screening requirements for off-street parking on the east and south boundaries - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 2;; SECTION 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**; per plan submitted; subject to the identification sign at the corner of 4th Street and Harvard Avenue containing a maximum of 30 sq ft of display surface area and being 10' in height; subject to lights being a maximum of 16', with no lights within 45' of the residential area; subject to 6' screening fence on the north and west boundaries; and subject to all lighting being hooded and directed down and away from the residential neighborhood; finding the use to be consistent with development in the area and in harmony with the spirit and intent of the Code; on the following described property:

Lots 1 - 8 inclusive, Block 1 of College Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17009

Action Requested:

Variance of the frontage in a CS zoned district from 150' to 100' to obtain a previously approved lot split (No. 16547) and a special exception to allow an existing single-family dwelling - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 6, located 2930 West Skelly Drive.

Presentation:

The applicant, **R. E. Hyde**, 2930 West Skelly Drive, informed that this application was approved in 1985; however, the deed was not filed within the 3-year approval period and the time has lapsed. He requested that the same application be approved at this time.

Protestants: None.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Doverspike, "absent") to **APPROVE** a **Variance** of the frontage in a CS zoned district from 150' to 100' to obtain a previously approved lot split (No. 16547) and a **special exception** to allow an existing single-family dwelling - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 6; **SECTION 702. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS**; finding that the application was previously approved (1985) but was not utilized during the 3-year approval period; 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 1, Block 1, less the west 208.72' thereof, Amended Hyde Addition, City of Tulsa, Tulsa County, Oklahoma, and an unplatted tract of land described as the south 29' of the west 260' of the NE/4, NW/4, NW/4 of Section 34, T-19-N, R-12-E, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 4:15 p.m.

Date Approved 25 April 95



Vice-Chairman