

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 682
Tuesday, June 13, 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
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Abbott
Bolzle
Doverspike, Chairman
Turnbo
White

Gardner
Beach
Moore

Jackere, Linker,
Legal Department
Parnell, Code
Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Thursday, June 8, 1995, at 11:36 a.m. (addendum, Monday, 6/12/95, 11:47 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 **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the minutes of May 23, 1995 (No. 681)

UNFINISHED BUSINESS

Case No. 17048

Action Requested:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, requested by letter (Exhibit AA-1) that Case No. 17048 (heard May 23, 1995) be reconsidered.

Comments and Questions:

Mr. Jackere advised that proper notice to all property owners within 300' will be required if the Board determines to reconsider the case.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 3-0-2 (Abbott, Turnbo, Doverspike, "aye"; no "nays"; Bolzle, White, "abstaining"; none "absent") to **RECONSIDER** Case No. 17048 on July 11, 1995.

Case No. 16991

Action Requested:

Variance of the requirement that parking shall be on the same lot as the lot containing the principal use - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 11, located 1421 East 13th Street South.

Presentation:

The applicant, **Robert Johnson**, 2121 South Columbia, Suite 710, was not present.

Comments and Questions:

Mr. Gardner stated that the use was approved, but parking on a separate lot was not addressed at that time. He informed that the applicant is requesting that parking be permitted on a lot other than the one containing the principal use. Mr. Gardner advised that Staff is supportive of the request.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the requirement that parking shall be on the same lot as the lot containing the principal use - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 11; subject to the execution of a tie contract; on the following described property:

Lots 19, 20 and 21, Block 7, Orchard Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17050

Action Requested:

Special Exception to permit a post office distribution facility in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, located NW/c East Admiral Place and Highway 169.

Presentation:

The applicant, **John Wingfield**, 8401 Connecticut Avenue, Chevy Chase, MD, was not present.

Comments and Questions:

Mr. Beach informed that Case No. 17050 has been withdrawn.

Case No. 17054

Action Requested:

Variance of the required setback from State right-of-way from 10' to 0' to permit a new sign - **SECTION 1221.C.1.c. General Use Conditions for Business Signs** - Use Unit 21, located NE/c Skelly Drive and South Peoria Avenue.

Presentation:

The applicant, **Oklahoma Neon**, 6550 East Independence, was not represented.

Comments and Questions:

Mr. Beach advised that Case No. 17054 has been withdrawn.

NEW APPLICATIONS

Case No. 17047

Action Requested:

Special Exception to permit church use (parking) in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2.

Special Exception to modify the screening requirement of the off-street parking from an RS-3 zoned district - **SECTION 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 2.

Variance of the requirement that required off-street parking shall be on the same lot as the principal use - **SECTION 1301.D. OFF-STREET PARKING AND LOADING GENERAL REQUIREMENTS** - Use Unit 2, located 146 South Sheridan Road.

Presentation:

The applicant, **Our Savior Lutheran Church**, 146 South Sheridan, was represented by Jeff Andrews, 3308 Cromwell, Muskogee, Oklahoma, who submitted a plot plan (Exhibit A-2) for the proposed construction. He submitted a letter (Exhibit A-1) from a Tulsa Public Schools representative requesting that chain link fencing be permitted to remain on the boundary line separating the two properties. Mr. Andrews advised that he is not requesting approval of Phase II, which is also shown on the site plan.

Protestants:

None.

Case No. 17047 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit church use (parking) in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, a **Special Exception** to modify the screening requirement of the off-street parking from an RS-3 zoned district to permit chain link fencing- **SECTION 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 2 and a **Variance** of the requirement that required off-street parking shall be on the same lot as the principal use - **SECTION 1301.D. OFF-STREET PARKING AND LOADING GENERAL REQUIREMENTS** - Use Unit 2; per plan submitted; subject to the execution of a tie-contract; subject to approval of Phase I; 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:

Commencing at the NE/c L&M Center Addition to the City of Tulsa, Tulsa County, Oklahoma; thence north 187.25'; thence west 135'; thence south 187.25'; thence east 135' to the POB.

Case No. 17056

Action Requested:

Variance to permit two dwelling units on one lot of record - **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9, and a special exception to permit a double-wide mobile home in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located 1140 North Quebec Avenue.

Presentation:

The applicant, **Roger Doyel**, 1140 North Quebec Avenue, submitted a plot plan (Exhibit B-1) and informed that one of the two dwellings currently located on the property will be replaced with a mobile home. He stated that a demolition permit has been obtained.

Comments and Questions:

Mr. Doverspike asked if the property is served by City sewer, and the applicant answered in the affirmative.

Mr. Bolzle inquired as to the structure that will be demolished, and Mr. Doyel replied that the house to the south will remain and the one at 1140 will be removed.

Protestants:

None.

Case No. 17056 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit two dwelling units on one lot of record - **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9, and a **special exception** to permit a double-wide mobile home in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; per plan submitted; subject to mobile being skirted and tied down; finding that the mobile home will replace an existing dilapidated dwelling; and finding that the tract is large enough to support two dwelling units; on the following described property:

East 150' N/2 Lot 63 and south 74', east 150' Lot 64, Westrope Acres and part of Lot 64 beginning 75' east and 58' south of the NW/c Lot 64, thence east 83', south 74', west 53', northwest 50', north 34' to POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17057

Action Requested:

Variance of the required rear yard from 20' to 12' to permit an addition to an existing structure - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 4819 South 86th East Avenue.

Presentation:

The applicant, **David Owens**, 3939 East 161st Street, Bixby, Oklahoma, submitted a plot plan (Exhibit C-1) and explained that the new construction will extend closer to the rear fence than is permitted by the Code.

Comments and Questions:

In reply to Mr. Doverspike, the applicant stated that expansion will align with the existing portion of the house and will be an extension of existing building walls.

Mr. White noted that the south lot line angles significantly, which would prevent construction on that side of the dwelling.

Ms. Turnbo noted that the location of the property is incorrect on the map provided in the agenda packet.

Protestants:

None.

Case No. 17057 (continued)

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-1-0 (Abbott, Doverspike, Turnbo, White, "aye"; Bolzle, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required rear yard from 20' to 12' to permit an addition to an existing structure - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding a hardship demonstrated by the cul-de-sac location and the irregular shape of the lot; on the following described property:

Lot 53, Block 3, Regency Park West, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17058

Action Requested:

Amend previously approved site plan (BOA 16423) to permit expansion of church facilities Use Unit 2, and special exception to permit daycare/school as an accessory use to a church in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 11, located 8707 East 51st Street.

Presentation:

The applicant, **Kay Hilton**, 8707 East 51st Street, submitted a plot plan (Exhibit D-3) and informed that the church is proposing an expansion. She added that a day care/school is also proposed.

Comments and Questions:

In reply to Mr. Doverspike, Ms. Hilton informed that fellowship and education space are included in the expansion plans. She stated that seven parking spaces will be displaced by the project, however, the church will continue to comply with parking requirements.

Mr. Doverspike asked if the day care will be limited to church members, and Ms. Hilton stated that the use will be a ministry of the church and not a commercial venture.

In reply to Mr. Doverspike, the applicant stated that enrollment will be limited to 45 children, with days and hours of operation being Monday through Friday, 7:30 a.m. to 5 p.m.

Ms. Turnbo inquired as to the age of the children, and Ms. Hilton advised that the age range will be from two and one-half to six years.

Case No. 17058 (continued)

In response to Mr. Bolzle, the applicant stated that the play area will be located to the rear of the corner structure (converted dwelling) that will be used as a classroom.

Ms. Abbott asked if a tie contract has been executed on all properties, and the applicant answered in the affirmative.

Mr. Gardner noted that the previous Board condition that the houses retain their residential character would still apply, unless otherwise specified, and the applicant stated that the church is aware of this requirement. She noted that the garage door of the dwelling will be removed and a wall with a conventional door will be installed.

In reply to Mr. Gardner, the applicant stated that the students will enter the structure from the church parking lot, because all children are required to sign in at the church.

Mr. Doverspike inquired as to the type of fencing proposed, and Ms. Hilton stated that the neighbors have requested that chain link fencing be retained between their property and the school.

In reply to Mr. Doverspike, the applicant stated that the height of the new building will not exceed the 35' requirement, and the size of the size and location of the sanctuary will not change. She informed that a heavily treed area is located on the boundary between the church property and the residential area. Photographs (Exhibit D-2) were submitted. Ms. Hilton stated that a proposed ingress on the east side of the building is depicted on the plot plan.

Interested Parties:

Perry Anderson, 4914 South 90th East Avenue, stated that he is concerned with the commercial aspect of the day care center. He noted that there is a traffic problem in the area and the operation of the center would add to existing traffic. Mr. Anderson pointed out that the treed lot line to the east also has a board fence in place.

Harvey Davidson, 8520 East 48th Street, stated that the detention area in the park abutting to the north is no longer used for soccer fields, which has greatly reduced traffic in the neighborhood.

Joe Sanders, 4872 South 87th East Avenue, stated that he is opposed to the application because of the traffic issue. He pointed out that he has lived in the neighborhood for many years and voiced a concern that he was not previously informed of the project.

Case No. 17058 (continued)

Applicant's Rebuttal:

The applicant stated that a commercial operation is not proposed at this location. She noted that the use is a ministry of the church. Ms. Hilton stated that a director of traffic will be available at peak traffic periods, and pointed out that all students will not arrive or be dismissed at the same time. A letter of support (Exhibit D-1) from the Regency Park Homeowners Association was submitted

Comments and Questions:

Mr. Bolzle stated that he is opposed to a main entrance being located on the street side of the dwelling and suggested that this entrance be used for emergency purposes only. He asked the applicant if she would be amenable to installing an alarm on this door to ensure that it be used strictly for an emergency exit, and Ms. Hilton stated that she is not opposed to this request.

Ms. Turnbo asked if the trees on the east boundary belong to the church property, and Ms. Hilton replied that they are on property belonging to the abutting property owner.

In response to Mr. Bolzle, **John Moody**, 5555 East 71st Street, council for the applicant, reviewed Ms. Hilton's presentation and stated that he is not sure of the distance from the proposed canopy to the east property line.

Mr. Doverspike stated that he would be opposed to any day care use in the front or side yards, and is in agreement with Mr. Bolzle's suggestion that the doors facing the street be used for emergency exits only. Mr. Doverspike stated that it is his opinion that, although some day care operations are for church members only as an accessory use, it is his opinion that each case should be reviewed by the Board.

Mr. Bolzle advised that he is in agreement with Mr. Doverspike.

Ms. Turnbo noted that, after the day care is in operation, the neighbors may be opposed to nothing more than a chain link fence between the two properties, and suggested that screening be reviewed in one year.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** an amended previously approved site plan (BOA 16423) to permit expansion of church facilities Use Unit 2, and special exception to permit daycare/school as an accessory use to a church in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 11; per plan submitted, except for encroaching canopy on east boundary; subject to days and hours of operation being Monday

Case No. 17058 (continued)

through Friday, 7:30 a.m. to 6 p.m.; subject to a maximum of 45 children (2½ to 6 years.); subject to the day care center being located in the residential structure on Lot 18, with entry being only from the church parking lot through the fenced play yard, and all other doors being alarmed for emergency exit only; subject to play yard being located in the rear yard of Lot 18 only, with no activities being permitted in the front or side yard; subject to all lighting being directed away from the residential uses; subject to review potential need for additional screening one year from this date; and subject to the four dwellings owned by the church maintaining their residential character; finding that approval of the use, per conditions, will not be detrimental to the area; on the following described property:

Lots 15, 16, 17, 18 and 19, Block 1, Regency Park West, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17059

Action Requested:

Special Exception to permit a private club/pool in an RS-3 zoned district, - **SECTION 1202. AREA WIDE SPECIAL EXCEPTION USES** - Use Unit 2, and a variance to permit a 6' fence in the required front yard - **SECTION 210.B.3. Permitted Obstructions in Required Yards** - Use Unit 2, located 4862 South 67th East Avenue.

Presentation:

The applicant, **Leigh Romanello**, 5018 South 68th East Avenue, stated that the swimming pool in question is membership owned and operated by a nine-member pool board. Ms. Romanello submitted a plot plan (Exhibit E-1) and informed that the existing fence is set back 37' 2" from the street, with a row of trees in front of the fence. She requested that the fence be approved 15' closer to South 67th East Avenue from the existing fence and 3' from the sidewalk. Photographs (Exhibit E-2) were submitted.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a private club/pool (homeowners swimming pool) in an RS-3 zoned district, - **SECTION 1202. AREA WIDE SPECIAL EXCEPTION USES** - Use Unit 2, and a variance to permit a 6' fence in the required front yard - **SECTION 210.B.3. Permitted Obstructions in Required Yards** - Use Unit 2; per plan submitted; subject to the fence extending no closer than the property line; finding that

Case No. 17059 (continued)

the pool facilities are existing and the use has proved to be compatible with the neighborhood; 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:

Lots 16, 17 and 18, Block 9, Park Plaza VI, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17060

Action Requested:

Special Exception to permit automobile sales and accessory uses in a CS zoned district (expansion of existing business)- **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located northwest corner North Memorial Drive and East Easton Street.

Presentation:

The applicant, **Don Thornton**, 550 North Memorial Drive, was represented by **Thomas Marsh**, 1302 Bank IV Center, who advised that his client is proposing to expand (Exhibit F-1) his business to include the subject property. He informed that the car agency is proposing to extend the used car operation to the north, but has no plans to construct additional buildings on the lot.

Comments and Questions:

In reply to Mr. Doverspike, Mr. Marsh advised that the property in question is currently vacant. He informed that there is a greenbelt to the west of his client's property.

Mr. Gardner noted that the storage of automobiles is not permitted on the OL zoned portion of the property, and the Board does not have the authority to grant this commercial use in the OL District.

Mr. Linker agreed with Mr. Gardner's statement that the use would not be permitted in the OL zoned portion of the tract.

Don Thornton, 6004 East 104th Street, informed that he is proposing to purchase the subject property in order to display approximately 26 automobiles. He stated that the rear portion of the tract will be used for employee parking.

In reply to Mr. Doverspike, Mr. Gardner informed that the OL strip is approximately 75' wide and was placed at this location as a buffer between the CS Commercial District and the RS-3 Residential District.

Case No. 17060 (continued)

Protestants:

Peggy Sterm, Beggs, Oklahoma, stated that she is representing her mother, who lives in the abutting residential neighborhood. She submitted a petition of protest (Exhibit F-2) and stated that the extension of the car sales lot would invade the privacy of the residents living nearby and would have a negative impact on their property values. She noted that the paging system, traffic and lighting would be detrimental to the neighborhood.

Applicant's Rebuttal:

Mr. Marsh noted that this is not a quiet area because of the nearby expressway and the low flying aircraft. He stated that the dealership closes at 7 p.m. during the winter months and at 9 p.m. in the summer. Mr. Marsh stated that his client would install a screening fence between the use and the residential area and all lighting would be directed away from the residences. He informed that the property would be used exclusively for parking automobiles.

Mr. Gardner reiterated that parking, storage or display of automobiles is not permitted in the OL zoned portion of the tract.

Mary Thetford, 42 East Woodward Boulevard, informed that this is the least objectionable commercial use of the tract. She noted that this would be a quiet use of the property.

Mr. Doverspike advised that the Board does not have the authority to grant the proposed use in the OL portion of the property.

Mr. Marsh requested that the use be permitted in the CS portion of the tract.

Comments and Questions:

In reply to Mr. Bolzle, Mr. Beach stated that it is the opinion of Staff that 75' is an inadequate buffer between the CS and OL zoned property if a screening fence is not installed.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit automobile sales and accessory uses in a CS zoned district (expansion of existing business)- **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; subject to a screening fence being erected between the CS and OL Districts; subject to all lighting being directed down and away from the residential area; and subject to volume of loud speakers on the lot not to exceed the level currently being used; finding the use to be appropriate for the CS zoned district; on the following described property:

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

Case No. 17061

Action Requested:

Special Exception to permit a public park in an RS-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located East 36th Street South and South Yale Avenue.

Presentation:

The applicant, **Tulsa Engineering and Planning Associates**, 8209 East 63rd Place, was represented by **Ross Weller**, 707 South Houston, who stated that the City of Tulsa is proposing to improve a park that has not been previously approved by the Board. He informed that improvements include a trail, shelter, swing sets, picnic tables and drinking fountains. Mr. Weller advised that the parking lot will also be upgraded.

Comments and Questions:

Mr. Doverspike asked if the parking lot near the tennis courts is the only available parking, and Mr. Weller answered in the affirmative.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a public park in an RS-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; finding the proposed use to be compatible with the residential neighborhood; on the following described property:

Lot 8, Block 8, and Lot 5, Block 9, and part of Lots 2, 3 and 4, Block 10, Yorkshire Estates, City of Tulsa, Tulsa County, Oklahoma..

Case No. 17062

Action Requested:

Variance of the required setback from Lewis Avenue from 85' to 65' to permit an existing encroachment and to permit an addition to the existing house - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2403 East 25th Place.

Presentation:

The applicant, **Home Repair Services, Inc.**, PO Box 1724, Broken Arrow, Oklahoma, was represented by **Larry Decker**, 4106 South Columbia, submitted a plot plan (Exhibit H-1) and requested permission to extend an existing dwelling to the north. He informed that the addition will align with the existing building wall and will not extend closer to the street.

Case No. 17062 (continued)

Comments and Questions:

Mr. Doverspike asked when the dwelling was constructed, and Mr. Decker informed that it was built in the 1940s.

Protestants:

None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from Lewis Avenue from 85' to 65' to permit an existing encroachment and to permit an addition to the existing house - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, per plan submitted; finding that the new addition will align with the existing building wall and will not encroach farther into the setback; on the following described property:

Lot 16, Block 1, Amended Plat Kenlawn Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17063

Action Requested:

Special Exception to permit a home occupation in an RS zoned district - **SECTION 402.B.6.b Home Occupations** - Use Unit 6, located 12321 East 16th Street.

Presentation:

The applicant, **Sheila Morris**, 12321 East 16th Street, informed that her home occupation was previously approved for two years to prove compatibility with the neighborhood. She stated that the two-year approval period has lapsed and asked the Board to approve the use permanently.

Comments and Questions:

Mr. Doverspike asked the applicant if she has received any neighborhood complaints, and Ms. Morris stated that no one has voiced an objection to the business.

Protestants:

None.

Case No. 17063 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a home occupation in an RS zoned district - **SECTION 402.B.6.b Home Occupations** - Use Unit 6; subject to days and hours of operation being Tuesday through Saturday, 10 a.m. to 6 p.m.; subject to all scheduling being made to allow a fifteen minute interval between the departure and arrival of customers; subject to Home Occupation Guidelines and subject to the applicant requiring her customers to park in the driveway; finding that the business has been operating for two years and has proved compatibility with the neighborhood; on the following described property:

Lot 18, Block 14, Cherokee Village 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17064

Action Requested:

Special Exception to permit temporary tents (August 1 through August 7, 1995) to conduct the Gatesway International Balloon Festival - **SECTION 851 PRINCIPAL USES PERMITTED IN THE SCIENTIFIC RESEARCH DISTRICT** - Use Unit 2, located 4500 South 129th East Avenue.

Presentation:

The applicant, **Gatesway Foundation**, 1217 East College, was represented by **Jerry Smith**, who requested permission to conduct a three-day (August 4 - 5) Gatesway International Balloon Festival at the above stated location. She informed that five tents will be erected for the fund raising event, and security will be provided.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; Doverspike, "abstaining"; none "absent") to **APPROVE** a **Special Exception** to permit temporary tents (August 1 through August 7, 1995) to conduct the Gatesway International Balloon Festival - **SECTION 851 PRINCIPAL USES PERMITTED IN THE SCIENTIFIC RESEARCH DISTRICT** - Use Unit 2, per plan submitted; finding the temporary use to be compatible with the area and in harmony with the Code; on the following described property:

N/2, NE/4, Section 29, T-19-N, R-14-E, a part of Cities Service Center, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17065

Action Requested:

Special Exception to permit tire sales/ auto repair and the expansion of the structure in a CS zoned district and to permit the expansion of the existing building - **SECTION 701 PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 8118 East 15th Street.

Presentation:

The applicant, **Jack Stacy**, 2329 South Delaware Court, requested by letter (Exhibit K-1) that Case No. 17065 be withdrawn.

Case No. 17066

Action Requested:

Special Exception to permit a mobile home in an RS-3 District, and a variance to permit two dwelling units on one lot of record - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and **SECTION 205. NUMBER OF DWELLING UNITS ON A LOT** - Use Unit 9, located 2800 Gilcrease Museum Road.

Presentation:

The applicant, **James Cremin Jr.**, 2800 Gilcrease Museum Road, was represented by **Bernie Cremin**, 2535 West Cameron, requested permission to install a double-wide modular home on his father's property. A plot plan (Exhibit L-1) was submitted.

Protestants:

None.

Comments and Questions:

Mr. Doverspike inquired as to the location of the mobile home, and Mr. Cremin stated that it will be approximately 80' north of the existing dwelling.

Mr. White noted that the house is not near the road and is hardly visible from the road.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RS-3 District, and a variance to permit two dwelling units on one lot of record - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and **SECTION 205. NUMBER OF DWELLING UNITS ON A LOT** - Use Unit 9; per plan submitted; subject to the mobile being skirted and tied down; and subject to a building permit and Health Department approval; finding that the mobile is located off the road in a remote area; and finding the use to be

Case No. 17066 (continued)

compatible with the neighborhood and in harmony with the spirit and intent of the Code; on the following described property:

East 774.40', S/2, NE/4, SE/4, Section 21, T-20-N, R-12-E, IBM, City of Tulsa, Osage County, Oklahoma.

Case No. 17067

Action Requested:

Appeal the decision of administrative official that the parking of trucks used by "Up With Trees" is a Use Unit 23 and not permitted in the RS-2 District **-SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 2, located 2929 East 31st Street.

Presentation:

The applicant, **George Glenn**, 5520 South 74th East Avenue, was not present.

Comments and Questions:

Mr. Beach advised that Case No. 17067 has been withdrawn.

Case No. 17068

Action Requested:

Special Exception to permit automobile sales in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 2331 East 13th Place.

Presentation:

The applicant, **Sooner Auto Finance Corp.**, 2331 East 13th Place, was represented by **Bill Flynn**, 1827 South 119th East Avenue. He submitted a plot plan (Exhibit M-1) and informed that **Bill Noe** and **Sooner Auto Finance** are requesting permission to finance automobiles at this location. He informed that the bulk of their business will be conducted by phone or fax.

Comments and Questions:

Mr. Doverspike inquired as to the number of vehicles that will be displayed at this location, and Mr. Flynn replied that there will be no more than 20 vehicles on the lot at any given time.

In reply to Mr. Doverspike, Mr. Flynn stated that the business will have six employees but there will be no sales people on the premises

Case No. 17068 (continued)

Ms. Turnbo noted that she has site-checked the property and questioned the owners ability to park 20 vehicles on the premises.

Mr. Gardner advised that, according to the Zoning Code, the existing outdoor advertising sign must be removed from the property if it is paved and used to display automobiles, or any other use.

Protestants:

Kevin Byrne, 2316 East 13th Street, stated that he has lived in the area for seventeen years and is opposed to the use. He pointed out that a used car lot is out of character in the residential neighborhood and the change in scale would make the entire block unlivable. Mr. Byrne stated that approval of this type of business at this location would have a negative impact on area property values.

Julie Buckley, 1301 Terrace Drive, noted that the approval of this request would cause a safety hazard, because pedestrian traffic is blocked by vehicles parked on the sidewalk and they are forced to walk in the street.

Thomas Buckley, 1301 Terrace Drive, stated that the street is heavily traveled and vehicles overhanging the street and parking along the street create a traffic problem for motorists in the area.

J. J. Mudd, 2043 East 13th Place, submitted photographs (Exhibit M-2) and stated that traffic congestion at the corner is his major concern.

Don Barnum, 1910 East 13th Street, informed that he is vice-president of the neighborhood association and is protesting the application. He stated that the older community is stable and this type of business is not compatible with the neighborhood or in harmony with the plan for the area.

Harold Leath, 2317 East 13th Street, noted that the cars belonging to the six employees would raise the number of vehicles on the lot to 26. He asked the Board to protect the neighborhood and deny the application.

Everett Cavely, 2039 East 13th Place, voiced a concern that the car lot could cause a safety problem for the children in the area.

Martha Hawkins, 2319 East 13th Place, stated that the property is appropriate for a finance company, but it is too small for a car sales lot. She pointed out that there are many cars parked on the street since the business moved in.

Case No. 17068 (continued)

Applicant's Rebuttal:

Mr. Flynn stated that the property was in bad repair when it was acquired and many of the vehicles parked on the street were repair trucks. He pointed out that there are multiple zoning classifications in the area, with industrial zoning being directly across the street. He informed that lighting will be lowered and directed toward the interior of the lot, and all customers (3-5 per day) will be seen by appointment only. Mr. Flynn pointed out that, although the business will have 6 employees, only three will be on the premises at any given time.

Robert Flynn requested that the business be approved for 10 vehicles on Lot 13, with Lot 14 being reserved for the existing sign.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Special Exception** to permit automobile sales in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; finding traffic to be congested at this location (13th Street is expressway service road); and finding that the increased intensity of use would be detrimental to the neighborhood, and would violate the spirit and intent of the Code; on the following described property:

Lots 13 and 14, Block 10, Resubdivision of Block 6 and Lots 1, 2, and 3, Block 4, Terrace Drive Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17069

Action Requested:

Variance of the permitted sign height from 50' to 73' and a variance of the display surface area from 500 sq ft to 648 sq ft to permit a sign in an IL District - **SECTION 1221. BUSINESS SIGNS AND OUTDOOR ADVERTISING.** - Use Unit 21, located SE/c 129th East Avenue and Broken Arrow Expressway.

Presentation:

The applicant, **Acura Neon, Inc.**, 509-A North Redbud, Broken Arrow, Oklahoma, was represented by **Richard Craig**, who informed that the sign was removed to accommodate road construction and requested that the sign be moved farther to the east. He informed that the sign was previously approved by the Board and the size and height will not change.

Comments and Questions:

Mr. Gardner noted that there was no size limitation when the sign was initially installed and the tract is very large.

Case No. 17069 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-1-0 (Abbott, Bolzle, Turnbo, White, "aye"; Doverspike, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the permitted sign height from 50' to 73' and a **variance** of the display surface area from 500 sq ft to 648 sq ft to permit a sign in an IL District - **SECTION 1221. BUSINESS SIGNS AND OUTDOOR ADVERTISING** - Use Unit 21; finding that it was necessary to relocate the sign to permit expansion of the expressway; and finding that the sign was previously approved by the Board and the size and height will not be changed; on the following described property:

Lot 1, Block 1, Ford Motor Company Tulsa Glass Plant, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17070

Action Requested:

Special Exception for church and accessory uses on CBD zoned property - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, located 12 East 11th Street.

Presentation:

The applicant, **Gail Runnels**, 10 East 3rd Street, Suite 700, requested by letter (Exhibit N-1) that Case No. 17070 be withdrawn.

Case No. 17071

Action Requested:

Variance of the permitted display surface area of a wall sign from 150 sq ft to 260 sq ft to permit an office building identification sign and a variance to permit more than one sign per street frontage - **SECTION 602.B.4.b & c ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 21, located 7030 South Yale Avenue.

Presentation:

The applicant, **John Moody**, 5555 East 71st Street, Suite 6230, submitted a plot plan (Exhibit P-2) and requested that his client be permitted to install a sign (65' by 4') on one of the five office buildings in the Copper Oaks complex. He pointed out that the tract is irregular in shape and the building in question is approximately 380' from Yale Avenue. Mr. Moody submitted photographs (Exhibit P-1) of other signs throughout the City that have similar signs on multistory office buildings. He pointed out that there are numerous signs on the nearby commercial properties and approval of the request will not have a negative impact on the area. Mr. Moody noted that there is commercial zoning at this intersection and the sign in question would be permitted by right in a Commercial District.

Case No. 17071 (continued)

Comments and Questions:

Mr. Bolzle asked if the sign will be installed on the top band of the office building, and the applicant answered in the affirmative.

In response to Mr. Doverspike, the applicant stated that is other wall signage in the complex.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-1-0 (Abbott, Bolzle, Turnbo, White, "aye"; Doverspike, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the permitted display surface area of a wall sign from 150 sq ft to 260 sq ft to permit an office building identification sign and a **variance** to permit more than one sign per street frontage - **SECTION 602.B.4.b & c ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 21; per plan submitted; finding that the complex is across from commercial areas that are permitted a greater amount of signage by right; and finding that the building is located on an irregular shaped lot 380' from Yale Avenue with limited street exposure; on the following described property:

Beginning at the NE/c Lot 1, Block 1, Copper Oaks, an addition to the City of Tulsa, Tulsa County, Oklahoma; thence N89°44'34"W a distance of 1,257.04'; thence S0°04'22"E a distance of 330.11'; thence S89°44'22"E a distance of 658.31'; thence S0°02'11"E a distance of 270.14'; thence S89°44'10"E a distance of 204.60'; thence N0°06'40"E a distance of 52.76'; thence S89°53'20"E a distance of 0.00'; thence a curve to the left w/ a central angle of 98°24'40", a radius of 5.00', a distance of 8.59'; thence N00°04'55"E a distance of 13.04'; thence N16°03'23"W a distance of 107.77'; thence N01°55'43"W a distance of 52.0'; thence N69°21'54"E a distance of 37.40'; thence N89°42'56"E a distance of 108.79'; thence S00°14'26"W a distance of 72.41'; thence S89°40'10"W a distance of 18.02'; thence S0°20'19"E a distance of 89.86'; thence N89°34'15"E a distance of 18.05'; thence S0°07'47"E a distance of 26.04'; thence S89°52'13"W a distance of 4.58'; thence S0°06'40"W a distance of 53.01'; thence S89°44'10"E a distance of 30.60'; thence due N a distance of 270.00'; thence S 89°44'10"E a distance of 243.00'; thence due N a distance of 49.97'; thence due E a distance of 7.00'; thence due N a distance of 280.35' to the P.O.B. and being located in an OM zoned district.

Case No. 17072

Action Requested:

Variance of required off-street parking spaces from 37 to 29 and a variance to permit the required off-street parking to extend into the City right-of-way - **SECTION 1212a.D ADULT ENTERTAINMENT ESTABLISHMENTS**.- Use Unit 12A; or in the alternative, variance to permit required off-street parking to be located on a lot other than the lot containing the principal use - **SECTION 1301.D GENERAL REQUIREMENTS** - Use Unit 12A, and a variance to permit the required off-street parking spaces to extend into the City owned right-of-way - **SECTION 1302.B Off-Street Parking and Loading** - Use Unit 12A, located 6339 East Tecumseh.

Presentation:

The applicant, **Robert Nichols**, 111 West 5th Street, submitted a plot plan and fact sheet (Exhibit R-1) and informed that he is requesting that a billiard hall be permitted in a portion of an existing building. He pointed out that any commercial use at this location, with the exception of an antique store, would require a variance of the parking requirement. Mr. Nichols informed that a partition will be installed to reduce the size (2500 sq ft) of the intended use, and requested that the Board approve the billiard hall for two years, with a review at that time to ensure compliance with imposed conditions. The applicant stated that the remainder of the building will be used for storage purposes, which requires limited parking. He noted that 36 parking spaces are required by the Code and the building has a parking lot available to accommodate 14 vehicles and another 19 available spaces that extend into the City right-of-way. Mr. Nichols stated that a hardship is demonstrated by the fact that the commercial property cannot be used as such without a variance of parking requirements. Photographs (Exhibit R-2) were submitted.

Comments and Questions:

Mr. Doverspike asked if the proposed partition will be from floor to ceiling, with no access to the other portion of the building, and Mr. Nichols answered in the affirmative.

Mr. Doverspike inquired as to the hours of operation for the business, and the applicant replied that it will be a 24-hour-a-day operation.

Mr. Jackere advised that an ordinance not related to this Board states that a business selling beer is required to close and lock the doors at 2 a.m.

Protestants:

Councilor Darrell Gilbert stated that he is aware that this building could be removed and a new structure could be built that would have enough parking to accommodate a 2500 sq ft billiard hall; however, the existing building does not have sufficient parking. He asked the Board to deny the application.

Case No. 17072 (continued)

Susan Taylor, 1919 North Norwood Place, stated that she lives near the proposed use and does not want her child exposed to this type of operation. Ms. Taylor stated that she is familiar with the operator and the type of business she conducts at other locations, and feels the use will be detrimental to the neighborhood.

Judy Rose, 1917 North Norwood Place, stated that she is opposed to the application. She pointed out that the use does not have sufficient parking and the provided parking lot does not have enough space to park and back out. Ms. Rose stated that the proposed wall can be installed with doors that can be closed again when the requested two-year approval has lapsed. Photographs (Exhibit R-3) were submitted.

Mike Daugherty, 8835 East 90th East Avenue, stated that he owns the hardware store located next door to the subject property, and is concerned with the activity that will be conducted at night. He added that vandalism is a neighborhood concern.

Louise Murphy, 1926 North Oxford, stated that sufficient parking has not been provided and approval of the request will be detrimental to the area.

Everett Neal, 1942 North Oxford, stated that he has contacted property owners in the neighborhood and has found no support for the application. He requested that the case be denied.

John Dodson, 1939 North Norwood Place, stated that this type of business, with limited parking, is not compatible with the neighborhood. He noted that schools are nearby and approval of the application could create a traffic hazard for area residents.

Tim Reif, 6311 East Tecumseh, informed that he is representing the nearby architectural firm and voiced a concern that patrons of the billiard hall will park in their parking lot after hours. He stated that they do not want to be plagued with the trash and other inconveniences that will accompany the proposed business.

Ethel Hassell, 1929 North Norwood Place, stated that she is concerned customers visiting the proposed business will park in front of her home, and pointed out that traffic is already a problem in the area.

Applicant's Rebuttal:

Mr. Nichols noted that the proposed use is permitted by right at this location and a variance is appropriate for this tract. He informed that his client is amenable to reducing the two-year request to one year in order to prove that the use is capable of being a good neighbor and operating successfully in this area.

Case No. 17072 (continued)

Additional Comments:

Ms. Turnbo inquired as to the location of the off-street parking requested as an alternative, and Mr. Nichols stated that he was not sure if the parking area extending into the right-of-way would be considered as off-street parking.

Ms. Turnbo voiced a concern with the lack of parking and the fact that required parking would be on City right-of-way.

Ms. Abbott advised that she is not supportive of the request.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Variance** of required off-street parking spaces from 37 to 29 and a **variance** to permit the required off-street parking to extend into the City right-of-way - **SECTION 1212a.D ADULT ENTERTAINMENT ESTABLISHMENTS**.- Use Unit 12A; or in the alternative, **variance** to permit required off-street parking to be located on a lot other than the lot containing the principal use - **SECTION 1301.D GENERAL REQUIREMENTS** - Use Unit 12A, and a **variance** to permit the required off-street parking spaces to extend into the City owned right-of-way - **SECTION 1302.B Off-Street Parking and Loading** - Use Unit 12A; finding that sufficient parking, as required by the Zoning Ordinance cannot be provided on this lot; and finding that the intensity of the use, without sufficient off-street parking, would be detrimental to the neighborhood and in violation of the spirit, purpose 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. 17074

Action Requested:

Variance to permit a detached accessory building in a front yard, variance of the required setback from the centerline of South Lewis Avenue from 70' to 59' to permit a detached accessory building, variance of the required setback; from the centerline of East 27th Place from 64' to 53' to permit a detached accessory building, and a variance of the required setback from the centerline of South Lewis Avenue from 85' to 75' to permit a closet addition to the existing house - **SECTION 402 BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2401 East 27th Place.

Presentation:

The applicant, **Randy Branstetter**, 8190 East 44th Street, submitted a site plan (Exhibit S-1) and advised that he is the contractor for the project. Mr. Branstetter

stated that the proposed construction will not extend closer to the street than the existing wall. He informed that the detached accessory building is actually a pool house. Photographs (Exhibit S-2) were submitted.

Comments and Questions:

Mr. White asked the height of the wall on Lewis Avenue, and the applicant replied that it is approximately 8'.

In reply to Mr. Doverspike, the applicant stated that the pool house has kitchen and bathroom facilities, but is not large enough to be used as a second dwelling.

Protestants:

None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit a detached accessory building in a front yard, **variance** of the required setback from the centerline of South Lewis Avenue from 70' to 59' to permit a detached accessory building, **variance** of the required setback; from the centerline of East 27th Place from 64' to 53' to permit a detached accessory building, and a **variance** of the required setback from the centerline of South Lewis Avenue from 85' to 75' to permit a closet addition to the existing house - **SECTION 402 BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the proposed construction (pool house) is all inside the confines of an existing wall and will not encroach farther toward the streets; finding that the lot is located on a corner and is irregular in shape; and finding that approval of the request will not cause substantial detriment to the public good, or impair the spirit, purpose or intent of the Code; on the following described property:

Commencing at the NW/c. Lot 6, Block 2, Woody-Crest Addition, City of Tulsa, Tulsa County, Oklahoma; thence N88°39'05"E a distance of 25.01'; thence due S 183.68' to the P.O.B.; thence N76°00'00"E 128.49'; thence S0°48'55"W 109.48'; thence S76°00'00"W 114.25'; thence along a 30.00' radius curve to the right, a central angle of 23°35'41" 12.35'; thence due N 106.49' to the P.O.B. **and** the S 106.5' of the street easement vacated by Ordinance #17308, City of Tulsa, Oklahoma described as follows: Commencing at the NW/c said Lot 6, thence N88°39'05"E 10' to the P.O.B.; thence due S 282.60'; thence SE along a 30' radius curve to the left, a central angle of 32°12'58" 16.87'; thence due N 290.17'; thence S89°39'05"W 15.01' to the P.O.B. **and** W 10', S106.5', Lot 6, Block 2, Woody Crest Subdivision to the City of Tulsa, Oklahoma and being located in an RS-1 zoned district.

Case No. 17075

Action Requested:

Special Exception to permit a home occupation (silk screening) in an RS-3 zoned district - **SECTION 402.B.6.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 3313 South Urbana.

Presentation:

The applicant, **Robert Piland**, 3313 South Urbana, requested permission to operate a part-time business in his home. He informed that there are no employees, signs or displays, and the entire silk screening process is completed inside the garage. Mr. Piland stated that a printer and conveyer are the pieces of equipment that are used in the business, and there are no customers visiting the home. The applicant stated that UPS makes deliveries approximately one or two times per month, and it is not apparent that a business is being operated on the premises. A letter explaining the use (Exhibit T-3) was submitted.

Protestants:

Mr. Doverspike informed that a letter of protest and a newspaper article (Exhibit T-1) were received from **Glatha Codrey**, who is concerned with fumes from the silk screening process.

Comments and Questions:

In reply to Mr. Doverspike, the applicant stated that there are no fumes emitted by the silk screening process. He informed that the heat from the dryer is vented outside.

Mr. Doverspike advised the applicant that, if the application is approved, he should obtain a copy of the Home Occupation Guidelines in regard to operating the business.

Ms. Turnbo asked if the garage door is closed during the silk screening process, and the applicant stated that the garage is open in the summer and closed in the winter.

In reply to Mr. White, the applicant stated that the business is sometimes operated as late as 2 a.m.

Protestants:

George Berry, 3315 South Urbana, stated that the use is not enclosed and residue from the business accumulates on the porch. He added that noxious fumes are also emitted by the silk screening process.

Glatha Codrey, 3315 South Urbana, stated that she objects to the business because of health and safety reasons. She informed that the fumes are especially offensive.

Case No. 17075 (continued)

Skeeter Smallwood, 4416 West Princeton, stated that her mother's health has deteriorated drastically and she has had to have medical assistance because of lung and vision complications. She noted that fumes are emitted that can be smelled outside the dwelling.

Interested Parties:

Martha Houser and **Betty Baker**, 3307 South Urbana, advised that they live next door to the applicant and are supportive of the application. Ms. Houser advised that her mother's bedroom is next to the garage where the business is conducted and she is not able to hear the silk screening equipment, or smell any unusual odor. Photographs (Exhibit T-2) were submitted.

Patricia Hubbard, 3310 South Urbana, informed that she lives across the street from the applicant and has never noticed an unusual odor in the neighborhood.

John Burkes, 3316 South Urbana Avenue, stated that his residence is across the street from the property in question and was not aware that a home occupation was being conducted in the garage. He informed that he is supportive of the application.

Bernie Nally informed that he is employed by the State of Oklahoma's air quality division and received a complaint regarding the silk screening business on June 6 1995. He advised that he has not completed the investigation of the complaint and does not have final results.

Mr. Doverspike asked if, by the nature of the business, some type of fumes will be produced, and Mr. Nally answered in the affirmative.

Mr. Doverspike asked if the level of release could be insignificant enough to fall within the exemption, but still cause an allergic reaction, and Mr. Nally stated that this is possible because of the wide range of individual sensitivity. He noted that this would be a personal matter and would not be regulated by the Department of Health.

Applicant's Rebuttal:

Mr. Piland stated that he is an engineer and understands the requirements for different levels of contamination. He noted that solvents are not kept on the premises and only ink is used in the operation.

Mr. Jackere asked if solvents are used to clean the screens, and Mr. Piland stated that ink is scraped from the screens.

Ms. Parnell advised that other silk screening businesses have been previously approved as home occupations.

Case No. 17075 (continued)

In reply to Ms. Turnbo, the applicant stated that the garage door can be closed except during the summer months.

Mr. White pointed out that the Board is determining land use and the Health Department will address the issue of the dryer used in the silk screening process and determine if there is a health risk.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a home occupation (silk screening) in an RS-3 zoned district - **SECTION 402.B.6.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; subject to Home Occupation Guidelines; subject to no cleaning solvents on the premises; subject to entire process being conducted within garage; subject to equipment being four-color-one-station- carousel and dryer; subject to no exterior alteration of the home, subject to no outside storage; subject to use being limited to 300 sq ft of garage; subject to no business vehicles; subject to no selling of merchandise from dwelling; subject to no customers picking up merchandise from the home; and subject to no more than two Ups deliveries per month; finding the use, per conditions, to be compatible with the neighborhood; on the following described property:

Lot 6, Block 1, Conway Park Third Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17076

Action Requested:

Variance of the required setback from the centerline of College Avenue from 65' to 30' to permit a fence/wall - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, and special exception to permit maximum fence height of 4' in the required front yard in an RS-1 zoned district - **SECTION 210.B.3. Permitted Obstructions in Required Yards** - Use Unit 6, located 3100 East 71st Street.

Presentation:

The applicant, **Martha Hendricks**, 3100 East 71st Street, submitted a plot plan (Exhibit V-2) and informed that neighboring properties have already been fenced at the 35' setback. She requested that her fence be installed at the same setback. Ms. Hendricks noted that her dwelling is located on a three-acre tract. Photographs (Exhibit V-1) were submitted.

Case No. 17076 (continued)

Comments and Questions:

Mr. Doverspike asked if there is a change in topography, and the applicant replied that her dwelling is located on a hill.

Protestants:

None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of College Avenue from 65' to 30' to permit a fence/wall - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, and **special exception** to permit maximum fence height of 4' in the required front yard in an RS-1 zoned district - **SECTION 210.B.3. Permitted Obstructions in Required Yards** - Use Unit 6, per plan submitted; finding that the fence will retain the established fence setback; and finding a hardship demonstrated by the topography; on the following described property:

Part of the NE/4, NE/4, Sec.8, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma being described as follows: Starting at the NW/c, NE/4, NE/4 said Sec. 8; thence due E 388.58'; thence due S for 111.83'; thence S4°30'00"W for 276.79'; thence S21°17'00"E for 255.60'; thence S52°00'33"W for 156.38'; thence N81°47'50"W for 204.51' to the P.O.B.; thence N81°47'50"W for 79.49'; thence N14°30'00"W for 100.0'; thence N75°30'00"E for 7.74'; thence N25°30'00"E for 172.06'; thence S88°24'40"E for 6.00'; thence N7°07'21"W for 21.57'; thence N along a curve to the right with a central angle of 17°32'11", a radius of 175.00', for 53.56'; thence S82°06'00"E for 18.20'; thence S0°07'39"W for 337.46' to the P.O.B. **and** Starting at the NW/c, NE/4, NE/4 said Sec. 8; thence due E for 388.58'; thence due S for 111.83'; thence S4°30'00"W for 276.79' to the P.O.B.; thence S21°17'00"E for 255.60'; thence S52°00'33"W for 156.38'; thence N81°47'50"W for 204.51'; thence N0°07'39"E for 337.46'; thence S82°06'00"E for 234.37' to the P.O.B. **and** Commencing at the NW/c, E/2, NE/4 said Sec. 8; thence due W for 30'; thence S0°07'39"W for 255.84'; thence on a curve to the left, a radius of 724.58', a central angle of 14°37'39" for 184.98'; thence S14°30'00"E for 36.78' to the P.O.B.; thence N66°58'50"E for 119.67'; thence S25°30'00"W for 172.06'; thence S75°30'00"W for 7.74'; thence N14°30'00"W for 114.01' to the P.O.B.

Case No. 17077

Action Requested:

Special Exception to permit a one day carnival in an RS-3 and CS zoned district - **SECTION 1202. AREA WIDE SPECIAL EXCEPTION USES** - Use Unit 2, located 603 East Pine Street.

Presentation:

The applicant, **Morton Comprehensive Health Center, Inc.**, 603 East Pine Street, was represented by Connie Gambil, who submitted a plot plan (Exhibit W-1) and advised that the health carnival in question will provide free tests and immunizations for the public. She informed that entertainment and refreshments will be provided. Ms. Gambil advised that the date of the event will be July 18, 1995, 12 noon to 7:30 p.m.,

Protestants:

None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a one day carnival in an RS-3 and CS zoned district -**SECTION 1202. AREA WIDE SPECIAL EXCEPTION USES** - Use Unit 2; per plan submitted; finding the temporary use to be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

Lots 1-10, Block 5, Dunbar Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17078

Action Requested:

Special Exception to permit automobile repair in a CS zoned district - **SECTION 701 - PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located southwest corner Peoria Avenue and 58th Street.

Presentation:

The applicants, **Wayne Knight or Cynthia Woodson**, 6015 South Peoria Avenue, were not present.

Comments and Questions:

Mr. Beach informed that Case No. 17078 has been withdrawn.

Case No. 17079

Action Requested:

Variance of required livability space per dwelling unit from 5000 sq ft to 3000 sq ft to permit construction of two new houses with detached garages on two lots - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2304 South Lewis Avenue.

Presentation:

The applicant, **Thomas Tobias**, 1319 East 35th Street, submitted a plot plan (Exhibit X-1) and requested that rear detached garages be permitted on the subject property.

Comments and Questions:

Ms. Turnbo stated that she has visited the site and found the placement of the garage to the rear of the house to be consistent with the neighborhood development. She pointed out that all garages in this block have been constructed to the rear of the dwellings.

Mr. Gardner noted that the long driveway to the rear of the house is the reason the applicant is seeking a variance of the livability space.

In reply to Ms. Abbott, the applicant stated that a fence will be constructed along Lewis Avenue.

Protestants:

None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of required livability space per dwelling unit from 5000 sq ft to 3000 sq ft to permit construction of two new houses with detached garages on two lots - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that approval of the request will permit rear garages, which will be consistent with the existing development in the block; 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:

Tract A - west 57.5', east 150', north 130', SE/4, Section 18, T-19-N, R-13-E, IBM and Tract B - west 57.5', east 92.5', north 130', SE/4, Section 18, T-19-N, R-13-E, IBM, City of Tulsa, Tulsa County, Oklahoma.

ADDENDUM

Case No. 16975

Action Requested:

Determination that final plans for BOA 16975 (1006 East 17th Place) meet Board's approval of March 14, 1995.

Comments and Questions:

Ms. Turnbo stated that she has received phone calls from individuals that felt this request for a determination did not go through the proper procedure to be placed on the agenda.

Mr. Gardner advised that the building inspector did not choose to make the determination that the building permit should be issued, because the site plan was not identical to the initial plan. He asked that the Board determine if the final plan is or is not in conformance to the previously approved plan.

Mr. Jackere advised that the Board must determine if the final site plan is significantly different from the previous preliminary plan approved in March.

In reply to Mr. Doverspike, Mr. Jackere advised that the Board has the power to reverse the decision of the Preservation Commission, which they did when they approved the appeal for Case No. 16975, March 14, 1995.

Mr. Jackere noted that **Greg Warren** and **Kent Schell**, Tulsa Preservation Commission staff, were both advised of this meeting.

Presentation:

Mike Dankbar, 8704 South Indianapolis, stated that the preliminary plan was previously approved by the Board and the final plan is basically the same. He informed that the ground floor remains unchanged; however the and the second story has been changed to cantilever to the outside a small amount. Mr. Dankbar informed that the garage was shifted to make it more accessible and a breezeway was created. He stated that the remainder of the dwelling is the same as previously approved.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **DETERMINE** that final building plans submitted by the applicant for 1006 East 17th Place meet the Board's approval for Case No. 16975, on the basis that these plans are not significantly different from the preliminary plans previously approved.

OTHER BUSINESS

Election of Officers

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **ELECT** Norma Turnbo to serve as chair, Shirley Abbott to serve as vice chair and David White to serve as secretary for the City Board of Adjustment.

There being no further business, the meeting was adjourned at 5:50 p.m.

Date Approved

6/27/95

Norma Turnbo

Chairman