

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 685
Tuesday, July 25, 1995, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Abbott
Bolzle
Doverspike
Turnbo, Chair
White

Beach
Moore

Jackere, Legal
Department
Parnell, Code
Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, July 21, 1995, at 3:58 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chair Turnbo 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 July 11, 1995 (No. 684).

UNFINISHED BUSINESS

Case No. 17100

Action Requested:

Special Exception to permit convenience goods and services and shopping goods and services in an OM District - **SECTION 602.A. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Units 13 and 14; a variance of the required minimum 50,000 sq ft to 15,230 sq ft; and a variance to permit exterior pedestrian access - **SECTION 604.C.1.2. - SPECIAL EXCEPTION USES IN OFFICE DISTRICTS, REQUIREMENTS**, located 2432 East 51st Street.

Presentation:

The applicant, **Wallace Wozencraft**, 5801 East 41st Street, Suite 802, informed that he is representing the Magic Empire Council of Girl Scouts, and noted that a similar application was approved in 1991 (BOA Case No. 15698), but it was not utilized and has expired. He submitted a plot plan (Exhibit A-1) and stated that the organization now has sufficient funding and the project can go forward. The applicant informed that Girl Scout paraphernalia (uniforms, badges, books, etc.) and services will be sold

Case No. 17100 (continued)

at this location. He stated that the sales area will have a separate entrance, and the new facility will be devoted primarily to counseling services, meetings and other training programs regarding the Girl Scout philosophy. Mr. Wozencraft pointed out that the new facility will be an asset to the area.

Comments and Questions:

Mr. Bolzle inquired as to the amount of space dedicated to sales, storage and dressing area, and the applicant replied that the actual sales area is 20' by 22', with the storage area being 8' by 20'.

In reply to Mr. Bolzle, Ms. Brewster advised that the items being sold will be badges, insignias, uniforms, handbooks and small gift items with the Girl Scout logo. She informed that large items (tents, canoes, boats, etc.) will not be sold at this location.

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 convenience goods and services and shopping goods and services in an OM District - **SECTION 602.A. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Units 13 and 14; a **variance** of the required minimum 50,000 sq ft to 15,230 sq ft; and a **variance** to permit exterior pedestrian access - **SECTION 604.C.1.2. - SPECIAL EXCEPTION USES IN OFFICE DISTRICTS, REQUIREMENTS**; per plan submitted; subject to the retail portion of the building containing a maximum of 800 sq ft; and subject to products for sale being Girl Scout related items only, as presented; finding the use to be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

N/2, W/2, E/2, of NW/4, NW/4, NW/4, Section 32, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17101

Action Requested:

Special Exception to permit a public park in an RM-1 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located northeast corner Admiral Boulevard and Utica Avenue.

Case No. 17101 (continued)

Presentation:

The applicant, **City of Tulsa**, was represented by **Ross Weller**, 707 South Houston, Suite 201, who submitted a plot plan (Exhibit B-1) and stated that the park in question is an older park that has never been approved by the Board. He stated that current improvements to the site include a new parking lot, upgrading of tennis and basketball courts. Mr. Weller noted that the spray pool will be renovated in the future.

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 public park in an RM-1 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; finding that the proposed improvements will be compatible with the residential area and in harmony with the spirit and intent of the Code; on the following described property:

Case No. 17102

Action Requested:

Amendment to a previously approved site plan - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located East 63rd Street South and South Yorktown Avenue.

Presentation:

The applicant, **City of Tulsa**, was represented by **Ross Weller**, 707 South Houston, Suite 201, who submitted a plot plan (Exhibit C-1) and advised that improvements are being made to the park at the above stated location. He informed that funded improvements include security lighting, drinking fountains, a new playground, additional parking, tennis court lighting and ball field grading.

Protestants:

None.

Case No. 17102 (continued)

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 **APPROVE** an Amendment to a previously approved site plan - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; finding that the proposed improvements will be compatible with the area; on the following described property:

Case No. 17103

Action Requested:

Special Exception to permit a home occupation (beauty salon) in an RS-3 zoned district - **SECTION 402.B.6.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS** Use Unit 6, located 1536 South Florence Place.

Comments and Questions:

Ms. Turnbo advised that Mr. Doverspike will abstain from hearing Case No. 17103.

Presentation:

The applicant, **Jackie Sanders**, 1536 South Florence Place, informed that she has been operating a beauty salon at this location for 11 years and requested that her shop be permitted to remain. Ms. Sanders stated that her house is set back from the street and the driveway is long enough to provide adequate parking for her customers.

Comments and Questions:

In reply to Ms. Turnbo, the applicant stated that her business is in operation Wednesday through Friday, 9 a.m. to 3 p.m.

Ms. Turnbo inquired as to the number of customers that customarily visit the shop, and the applicant replied that she has a maximum of six customers per day, except for holidays.

In answer to Ms. Turnbo, the applicant stated that she is familiar with the home occupation guidelines.

Case No. 17103 (continued)

Mr. Bolzle asked Ms. Sanders if she has employees, and she replied that her business has no employees.

Protestants:

Pete Sandman, 1631 South Florence Place, stated that he was not aware that the business had been in operation for 11 years. He informed that his major concerns are future expansion and business encroaching into the residential neighborhood.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-1 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; Doverspike, "abstaining"; none "absent") to **APPROVE** a **Special Exception** to permit a home occupation (beauty salon) in an RS-3 zoned district - **SECTION 402.B.6.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; subject to the shop being limited to one chair only; subject to a 15-minute interval between appointments; subject to days and hours of operation being Wednesday, Thursday and Friday, 8 a.m. to 4 p.m.; and subject to home occupation guidelines; finding that the use, per conditions, will not be detrimental to the area; and finding that the salon has been in operation for several years and has proved compatibility with the neighborhood; on the following described property:

Lot 9, Block 4, Exposition Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17104

Action Requested:

Special Exception to permit a mobile home in an RS-1 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located 1221 South 169th East Avenue.

Presentation:

The applicant, **Leota Pyles**, 16910 East 11th Street, submitted a plot plan (Exhibit E-1) and requested permission to install a mobile home on the subject property.

Comments and Questions:

In reply to Mr. Bolzle, Ms. Pyles informed that the land is vacant, except for an old barn in the southeast corner.

In response to Ms. Abbott, the applicant stated that the mobile home is new.

Protestants:

None.

Case No. 17104 (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 mobile home in an RS-1 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, subject to a building permit and Health Department approval; and subject to the mobile unit being skirted and tied down; finding the use to be appropriate for the area and in harmony with the Code; on the following described property:

Lot 1, Block 5, Lynn Lane Estates Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17105

Action Requested:

Variance of the required 30' of frontage on a public street to 0' to permit a lot-split - **SECTION 206. STREET FRONTAGE REQUIRED** - Use Unit 6, located 8217 South Maybelle.

Presentation:

The applicant, **Danny Beeler**, 1230 West C, Jenks, Oklahoma, submitted a plot plan (Exhibit F-1) and stated that he is proposing to obtain a lot split and build a house on land belonging to his father. He informed that two other family members have already constructed homes on the property.

Comments and Questions:

In reply to Mr. White, the applicant stated that the road is extended to within 100 yards of his father's boundary line. Mr. Beeler noted that utilities have been installed.

Ms. Turnbo advised that a mutual access easement must be filed of record, and the applicant stated that he is aware of this requirement.

Protestants:

None.

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** of the required 30' of frontage on a public street to 0' to permit a lot-split - **SECTION 206. STREET FRONTAGE REQUIRED** - Use Unit 6; per plan submitted; subject to a mutual access easement being executed and filed of record; finding that the tract complies with all other Code requirements; on the following described property:

Case No. 17105 (continued)

Commencing at the SW/c, S/2, N2/3, N/2, NE/4, Section 14, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma; thence north for 227' to POB; thence east for 1559.28'; thence north for 215.57'; thence west for 912.58'; thence south for 202.07'; thence west for 646.70'; thence south for 13.50' to POB.

Case No. 17107

Action Requested:

Amendment to previously approved site plan, located 50th Place North and North Wheeling (Berry Park).

Presentation:

The applicant, **City of Tulsa**, was represented by **Ross Weller**, 707 South Houston, Suite 201, who submitted a plot plan (Exhibit G-1) and informed that City representatives met with the neighborhood homeowners association concerning the application. He stated that the major aspect of the development is the walking trail around the park. Mr. Weller informed that additional funded development includes back stops, erosion control and picnic tables. He stated that future additions include the construction of a shelter and the removal of asphalt to the north.

Comments and Questions:

Mr. Bolzle asked if the tennis and basketball courts will have lighting, and Mr. Weller advised that they are too close to the residential area to have lights

Protestants:

David Paton, 1908 East 50th Place North, stated that he received a notice regarding the meeting and is concerned about the extent of the project and if dwellings will be removed.

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 **APPROVE** an Amendment to the previously approved site plan; per amended plan submitted (funded portion), and the balance of the plan being conceptual, with final shape and location of improvements being determined during the final design and not subject to further Board approval; and subject to no lighting on the playing courts; finding the proposed improvements to be compatible with the neighborhood; on the following described property:

SW/4, NW/4, SE/4 and S/2, NW/4, NW/4, SE/4, Section 7, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17108

Action Requested:

Special Exception to permit a public park in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located SE/c East Virgin Street and North Utica Avenue.

Presentation:

The applicant, **City of Tulsa**, was represented by **Ross Weller**, 707 South Houston, Suite 201, who submitted a plot plan (Exhibit H-1) and informed that the park in question has not been previously approved by the Board. He stated that the park will undergo renovation, with no major improvements.

Comments and Questions:

In reply to Mr. Bolzle, Mr. Weller informed that the acquisition area was added to the development plan for future expansion.

Mr. Jackere advised that the City does not own the property and approval for the use of this land cannot be granted by the Board.

Protestants:

Winston Gantt, 1826 North Utica Avenue, inquired as to the planned use of the site and Mr. Weller explained the proposed improvements to the park.

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-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, per plan submitted; finding the proposed improvements to be beneficial to the neighborhood and in harmony with the spirit and intent of the Code; on the following described property:

All of that part of the W/2, NW/4, SE/4, Section 30, T-20-N, R-13-E, Tulsa County, Oklahoma lying north and west of the AT&SF Railroad and Lot 2, Block 3, Conservation Acres Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 17109

Action Requested:

Special Exception to permit a public park in an RD zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located north of North Columbia and Mohawk Boulevard.

Case No. 17109 (continued)

Presentation:

The applicant, **City of Tulsa**, was represented by **Ross Weller**, 707 South Houston, Suite 201, who submitted a plot plan (Exhibit J-1) and explained that a jogging trail, an outdoor gym and trees will be the funded improvements placed on a vacant tract of land.

Protestants:

Mary Summers, 3717 North Columbia, stated that her land abuts the subject property to the south and voiced a concern that a park at the proposed location will increase the crime rate in the area.

Comments and Questions:

Ms. Turnbo asked Ms. Summers if she is aware that most of the proposed improvements will be on the north portion of the property, and she replied that she is opposed to the increased activity and the traffic that would be generated.

Applicant's Rebuttal:

Mr. Weller noted that this will be a neighborhood park, with no parking areas, and it should not cause an increase in traffic. He informed that response from the neighborhood indicated that a jogging trail was preferred over a playground.

In reply to Ms. Abbott, Mr. Weller stated that the City had a low response rate to the neighborhood survey.

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 public park in an RD zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; finding park use to be compatible with the area and in harmony with the Code; on the following described property:

Lot 4, Barrett-Evans Subdivision of the E/2, SW/4, Section 17, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17110

Action Requested:

Special Exception to permit a public park in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located southeast of 12th Street and South Gary Place.

Case No. 17110 (continued)

Presentation:

The applicant, **City of Tulsa**, was represented by **Ross Weller**, 707 South Houston, Suite 201, who submitted a plot plan (Exhibit K-1) and informed that the park has been at this location for many years and does not have Board of Adjustment approval. He informed that a swing area, picnic table and concrete walk are currently proposed, with future improvements being benches, a drinking fountain and additional grading and landscaping.

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 public park in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; finding that the park has been at this location for many years and proposed improvements will be compatible with the neighborhood; on the following described property:

Lots 18, 19 and 20, Block 4, East Lawn Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 17111

Action Requested:

The applicant, **City of Tulsa**, was represented by **Ross Weller**, 707 South Houston, Suite 201, who submitted a plot plan (Exhibit L-1) and explained that the community center in the park will be renovated and, a part of the tennis courts will be converted to a basketball court. He informed that a jogging trail is proposed as a future improvement.

Protestants:

Dorothy Martin, 3504 East 4th Street, advised that the case map indicates that the park includes her property and asked that this error be corrected.

Don Snyder, 3531 East 4th Place, stated that the neighborhood is concerned that houses will be removed for park expansion, and Ms. Turnbo advised that the issue before the Board is the improvement plan for the existing park.

Case No. 17111 (continued)

Mike Murphy, 446 Jamestown, stated that he lives across from the park and is concerned with the trash and additional traffic that will be generated by the park improvements. He pointed out that there is currently limited parking available for the use and further additions would add to the existing problem.

Mr. Weller stated that it is anticipated that the majority of park visitors will walk from the neighborhood.

Mr. Bolzle asked if the City rents the community center for various group activities, and Mr. Weller answered in the affirmative.

Ms. Abbott noted that she has observed a parking problem in the evening during scheduled basketball activities.

After discussion, it was the consensus of the Board that the application should be continued to allow Mr. Weller to return with information concerning available parking, and the number and size of groups meeting in the community building.

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 **CONTINUE** Case No. 17111 to August 8, 1995.

Case No. 17112

Action Requested:

Special Exception to permit a public park in an RM-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 12th Street and South Utica Avenue.

Presentation:

The applicant, **City of Tulsa**, was represented by **Ross Weller**, 707 South Houston, Suite 201, who submitted a plot plan (Exhibit M-1) and stated that the park in question will be graded on the south to redirect water flow, and circulation will be modified to comply with requirements.

Protestants:

None.

Case No. 17112 (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 public park in an RM-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; finding that proposed improvements will upgrade the area and will be in harmony with the spirit and intent of the Code; on the following described property:

Lots 1-14, Block 4, and Lots 1-7, Block 3, McNulty Addition, City of Tulsa, Tulsa County, Oklahoma

Case No. 17113

Action Requested:

Special Exception to permit a public park in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 3909 West 41st Street.

Presentation:

The applicant, **City of Tulsa**, was represented by **Ross Weller**, 707 South Houston Suite 201, who submitted a plot plan (Exhibit N-1) and explained that a new playground is proposed for the park, with drinking fountains and handicapped access being added. He informed that the majority of the park improvements will be funded in the future.

Protestants:

None.

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 **APPROVE** a **Special Exception** to permit a public park in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan for funded items; subject to the unfunded portion being conceptual with the location and improvements being determined during final design and not subject to further Board of Adjustment approval; on the following described property:

E/2, W/2, SW/4, SE/4, and W/2, E/2, SW/4, SE/4, Section 21, T-19-N, R-12-E, IBM, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17123

Action Requested:

Special Exception to permit a temporary one day carnival on Saturday, September 16, 1995 - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and **SECTION 851. PRINCIPAL USES PERMITTED IN SCIENTIFIC RESEARCH DISTRICTS** - Use Unit 2, located 5324 East 46th Street.

Presentation:

The applicant, **Bethany Lutheran Church**, 9036 East 68th Street, was represented by **Howard Seigfreid**, who informed that proceeds from the proposed event will be given to charitable organizations. A plot plan (Exhibit P-1) was submitted.

Comments and Questions:

In reply to Mr. Doverspike, Mr. Seigfreid advised that the hours of operation are from 11 a.m. to 7 p.m.

Mr. White asked if provisions have been made for security and traffic control, and Mr. Seigfreid replied that nearby parking lots have been acquired for the event and church members will organize security.

Ms. Turnbo asked what type of animals will be in the zoo area, and Mr. Seigfreid replied that they are working with the Tulsa Zoo in order to provide a children's petting area; however, these plans have not been finalized at this time.

Protestants: None.

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 temporary one day carnival on Saturday, September 16, 1995 - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and **SECTION 851. PRINCIPAL USES PERMITTED IN SCIENTIFIC RESEARCH DISTRICTS** - Use Unit 2; per plan submitted; subject to hours of operation being 11 a.m. to 7 p.m., and subject to the animal petting area being coordinated through the Tulsa Zoo; finding that the temporary use will not be detrimental to the area; on the following described property:

W/2 Lots 1, 2 and 3, Block 1, Allen Subdivision and Lot 3, Block 1, Amended Plat, Sinclair Research Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17124

Action Requested:

Variance to permit required parking to be located on a lot other than the lot containing the principal use - **SECTION 1301.D. OFF-STREET PARKING - GENERAL REQUIREMENTS**, located 7435 East Reading.

Comments and Questions:

Ms. Turnbo informed that Mr. White will abstain from hearing Case No. 17124.

Presentation:

The applicant, **White Surveying Company**, was represented by **Michael Denney**, 9936 East 55th Place, who submitted a site plan (Exhibit R-1) for the project. He informed that an addition to the existing building is proposed, and requested that parking for the use be permitted on an adjacent lot. Mr. Denney stated that a contract will be executed.

Comments and Questions:

Mr. Bolzle asked if the building meets all setback requirements, and Mr. Denney answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-1 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; White, "abstaining"; none "absent") to **APPROVE** a **Variance** to permit required parking to be located on a lot other than the lot containing the principal use - **SECTION 1301.D. OFF-STREET PARKING - GENERAL REQUIREMENTS**; per plan submitted; subject to the execution of a tie contract; finding that approval of the request will not be detrimental to the area; on the following described property:

Lots 4 and 5, Young Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17131

Action Requested:

Special Exception to permit a temporary revival from July 26, 1995 through August 27, 1995 - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, located northwest corner 36th Street North and Hartford Avenue.

Presentation:

The applicant, **Howard Small**, 9705 South 93rd East Avenue, submitted a plot plan (Exhibit S-1) and requested permission to conduct a temporary tent revival at the above stated location. He informed that the revival will be conducted six days each week from 7 p.m. to 9 p.m., with no meeting on Thursday. Mr. Small advised that plans have been finalized for the use of the property and a 40' by 60' tent will be erected for the event.

Comments and Questions:

Ms Turnbo asked if activities will be conducted outside the tent, and Mr. Small replied that all services will be conducted inside the tent.

In reply to Mr. White, the applicant stated that he has the option to place the tent inside or outside the fenced area, however, his original plan was to erect the tent outside the fence for visibility purposes.

Ms. Turnbo inquired as to the location of rest rooms, and the applicant stated that portable facilities will be located on the grassy area in front of the tent.

Mr. Doverspike stated that the revival is more lengthy than those customarily approved by the Board, and Mr. Small stated that this type of evangelistic effort is usually conducted once a year.

Ms. Turnbo asked if the tent will be used during daytime hours, and the applicant stated that the tent will be closed and under surveillance during the day.

Protestants:

Maxine Johnson, 345 East 36th Place North, submitted a petition of opposition (Exhibit S-2) and advised that area residents are concerned with the noise and traffic that will be generated by the revival. Ms. Johnsen voiced an objection to portable toilets being placed along the street. She pointed out that one month is too long for the abutting residential neighborhood to contend with the inconvenience of this use.

Case No. 17131 (continued)

Interested Parties:

Melton Spriggs advised that he is supportive of the application and that the revival will be good for the community.

Ms. Roy Randall, 1420 North Frankfort, informed that she is a resident of the area and does not find that the revival will be noisier than loud radios played in passing vehicles. She stated that the proposed revival will be an asset to the community.

Fredine Manuel, Bethel Church, stated that the hours of operation will be compatible with the residential neighborhood and the revival will provide a wholesome activity for the residents of the area.

Applicant's Rebuttal:

Mr. Small informed that police constantly patrol the area and this positive influence in the neighborhood could help to reduce undesirable activities. He noted that noise produced by the revival will be minimal, because the only instrument used in the services will be an electric keyboard. The applicant stated that only one portable toilet is proposed, however, others can be added if the attendance exceeds their expectations.

Additional Comments:

Mr. White inquired as to the expected attendance for the services, and Mr. Small advised that 100 chairs have been rented and the attendance is not expected to exceed that number.

After discussion, it was the consensus of the Board that a one-month revival is longer than those previously approved.

Mr. Jackere noted that a similar temporary use was approved several years ago, and remarked that tents for temporary produce sales are frequently approved for 150 days.

Mr. Bolzle noted that turning the speakers to the north would direct the noise toward the interior of the lot.

Mr. Jackere asked if the tent will be closed, and Mr. Small stated that the sides will be raised during the meeting time.

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 temporary revival from July 26, 1995 through August 27, 1995 **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 2; per plan submitted; subject to the tent being located outside the fence in the**

Case No. 17131 (continued)

center of the property; subject to a maximum of 100 chairs; subject to only one musical instrument (electric keyboard) being permitted; subject to the speakers being directed toward the north (interior of the lot); subject to days and hours of operation being limited to six days each week (no services on Thursday), 7 p.m. to 9 p.m.; finding the temporary use to be compatible with the area; on the following described property:

Block 1, Northland Center Addition, City of Tulsa, Tulsa County, Oklahoma.

Date Approved

August 8, 1995


Chairman

