

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 687
Tuesday, August 22, 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
Turnbo, Chair
White

Gardner
Beach
Moore

Jackere, Legal
Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, August 18, 1995, at 1:46 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 2-0-2 (Doverspike, White, "aye"; no "nays"; Bolzle, Turnbo, "abstaining"; Abbott, "absent") to **APPROVE** the minutes of August 8, 1995 (No. 686)

UNFINISHED BUSINESS

Interpretation Request - Accessory Use in Park Community Centers (Section 1606.B)

Ms. Hubbard, City zoning official, informed by letter (Exhibit AA) that the Park and Recreation Department has operated limited pre-school programs in various park community centers around the City for a number of years. Their intent is to continue to provide this service in two half-day sessions, five days per week, at several park locations. They have recently been informed that, if this service is provided for more than 15 hours per week, a license is required from the Department of Human Services (DHS). In order to issue this license, DHS requires confirmation of compliance with all zoning requirements. It is Staff's opinion that, since these community centers are intended to provide a wide variety of recreational and educational opportunities for citizens in the community, such a pre-school would be an accessory use to an approved park community center use, and would not require further Board of Adjustment (BOA) approval.

Interpretation (continued)

Ms. Hubbard noted that the Zoning Code provides that schools which have been approved by the BOA for school use also permit a children's nursery/pre-school (Section 1201.C.6). The BOA determined that churches which provide for a full-scale children's nursery/pre-school (more than 15 hours per week) require BOA approval. Private schools in church facilities require BOA approval since these uses are not considered traditional church uses. The Board has determined that a church may seek special exception approval of a day nursery/pre-school as an outreach program of the church.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; Abbott, "abstaining"; none "absent") to make the **INTERPRETATION** that a children's nursery/pre-school for more than 15 hours per week is a permitted accessory use in a City park community center (Section 1606.B), and that this same use requires Board of Adjustment approval in a church as a special exception outreach program of the church.

Case No. 17125

Action Requested:

Variance of the required setback from the centerline of South Florence from 65' to 55' to permit an existing structure - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 3144 East 33rd Street South.

Presentation:

The applicant, **Steve Herrin**, 3048 East 38th Place, informed that he recently purchased the subject property and it was found that the dwelling encroaches into the required setback from South Florence Avenue. He informed that this application was filed in order to clear the title to the property. A plot plan (Exhibit A-1) was submitted.

Comments and Questions:

In reply to Mr. Doverspike, the applicant stated that the house was constructed in the 1950s and there have been no additions to it since that time.

Protestants:

None.

Case No. 17125 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of South Florence from 65' to 55' to permit an existing structure - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the dwelling was constructed prior to the adoption of current zoning regulations; and that approval of the variance will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lot 6, Block 6, Resubdivision of Lots 5-12, Block 5 and Lots 4-6, Block 6, Ranch Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 17161

Action Requested:

Minor variance of the required front yard to permit a 1.7' encroachment by an existing structure - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE AGRICULTURAL DISTRICTS** - Use Unit 6, located 7509 South 69th East Court.

Presentation:

The applicant, **Grace Fawcett**, 7509 South 69th East Court, submitted a plot plan (Exhibit B-1) and explained that she is proposing to sell the subject property and the minor variance is required to clear the title. She informed that one corner of the structure encroaches into the required front yard.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Minor Variance** of the required front yard to permit a 1.7' encroachment by an existing structure - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE AGRICULTURAL DISTRICTS** - Use Unit 6, per plan submitted; finding a hardship demonstrated by the irregular shape of the lot, which is located on a cul-de-sac street; on the following described property:

Lot 17, block 2, Valley South Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17163

Action Requested:

Minor Amendment to a previously approved site plan - Use Unit 2, located 724 North Birmingham. *(Standard to High)*

Presentation:

The applicant, **Tulsa Public Schools**, was represented by **Aaron Peters**, 1555 North 77th East Avenue, who submitted a plot plan (Exhibit C-1) and informed that the trailers will be used for additional classroom space, in order to comply with House Bill 1017 - student to teacher ratio. He stated that they are existing on the property, but have not been hooked up to utilities.

Comments and Questions:

In reply to Mr. White, Mr. Peters informed that they have been on the property for some time, but could not be utilized without the approval of this Board.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 5-0-0 (Bolze, Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Minor Amendment** to a previously approved site plan; per plan submitted; finding that the trailers will serve as classroom space and will not be detrimental to the neighborhood; on the following described property:

All of George Schmidt Subdivision and Lots 1-13, Block 1, Ohio Place Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17164

Action Requested:

Minor Amendment to a previously approved site plan - Use Unit 2, located 715 South Columbia. *(Standard to High)*

Presentation:

The applicant, **Tulsa Public Schools**, was represented by **Aaron Peters**, 1555 North 77th East Avenue, who submitted a plot plan (Exhibit D-1) and informed that the trailers will be used for additional classroom space, in order to comply with House Bill 1017 - student to teacher ratio. He stated that they are existing on the property, but have not been hooked up to utilities.

Case No. 17164 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bolzle, Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Minor Amendment** to a previously approved site plan; per plan submitted; finding that the trailers will serve as classroom space and will not be detrimental to the neighborhood; on the following described property:

Lots 1-6 and Lots 7-12, Block 15, Highland Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 17117

Action Requested:

Special Exception to permit a public park to be located in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located southwest corner 117th East Avenue and Admiral Place (Clark Park).

Presentation:

The applicant, **City of Tulsa**, was represented by **Ross Weller**, 707 South Houston, Suite 201, who submitted a plot plan (Exhibit E-1) and informed that park improvements include a picnic shelter and tables, jogging path, tennis court lighting, water fountains, refurbishing of back stops and grading work. He noted that a children's theater is located on the property and an expansion of the facility, with additional parking, is proposed in the future.

Protestants:

None

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bolzle, Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a public park to be located in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, per plan submitted for funded items, and unfunded items conceptually approved, with no further Board of Adjustment approval required; finding the proposed improvements to be compatible with the neighborhood; on the following described property:

Case No. 17117 (continued)

Beginning at a point 532.36' N9°34'38"E of the NE/c Lot 11, Block 1, Western Village Addition, thence N9°34'38"E for 9'; thence due north for 375'; thence S89°53'00"E for 585'; thence due south for 198'; thence along a curve to the right, a radius of 158.58' for 96.87'; thence S35°00'00"W for 50'; thence along a curve to the left, a radius of 637.67' for 62.38'; thence due west for 495.92' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17119

Action Requested:

Special Exception to permit a public park to be located in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located northeast of Marshall Street and Knoxville Avenue (Grotto Park).

Presentation:

The applicant, **City of Tulsa**, was represented by **Ross Weller**, 707 South Houston, Suite 201, who submitted a site plan (Exhibit F-1) and stated that proposed park improvements consist of a jogging trail and handicapped parking along a stub street. He informed that the park has been at this location for several years and has not had Board of Adjustment approval.

Comments and Questions:

In reply to Mr. White, Mr. Weller agreed that the park is difficult to locate and has been in reserve since it was acquired in the 1970s.

Protestants:

John Knox, 3625 East Newton, informed that his dwelling is across the street from the parking area and voiced a concern with improvements at this location. He stated that improvements would increase gang activity, trash and graffiti, which is an existing problem.

Applicant's Rebuttal:

Mr. Weller stated that parking is not proposed on Newton, and only one handicapped parking space will be designated on existing paving where the street stubs out.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 5-0-0 (Bolzle, Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a public park to be located in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; subject to funded improvements only, with the unfunded items being considered by the Board at the time of funding; finding the proposed funded improvements to be compatible with the neighborhood; on the following described property:

Case No. 17119 (continued)

Starting at the NW/c of the SE/4, NW/4, Section 33, T-20-N, R-13-E, IBM, thence south 210' to the POB; thence south for 450'; thence easterly for 495'; thence north for 450'; thence westerly for 495' to the POB and the E/2, NE/4, SW/4, NW/4, Section 33, T-20-N, R-13-E, IBM, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17120

Action Requested:

Special Exception to permit a public park to be located in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located north of Haskell Place and Yale Avenue (Lantz 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 the only funded improvements in this park are two picnic tables and additional trees. He pointed out that the majority of the program will be funded from a future plan. Mr. Weller noted that this older park has not been approved by the Board of Adjustment.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bolzle, Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a public park to be located in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted for funded items only; finding the improvements to be beneficial to the neighborhood; on the following described property:

SW/4, NW/4, SW/4, Section 34, T-20-N, R-13-E, IBM, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17121

Action Requested:

Special Exception to permit a public park to be located in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located south of 16th Street and Florence Avenue (Pratt Park).

Case No. 17121 (continued)

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 improvements to the small neighborhood park consist of a picnic table and security lighting. He informed that a picnic table/gazebo has been deleted from the plan.

Comments and Questions:

Mr. White asked if the weather monitoring device will be relocated, and Mr. Weller answered in the affirmative.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bolzle, Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a public park to be located in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted for funded items, with conceptual approval of the unfunded items, with the exception of the gazebo (No.9); finding the use and improvements to be compatible with the neighborhood and in harmony with the spirit and intent of the Code; on the following described property:

Lots 6, 7, 17, 18, 19, 20 less the east 8.5' thereof and 21, Block 5, Exposition Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17122

Action Requested:

Special Exception to permit a public park to be located in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located southwest of 78th East Avenue and Independence (Norvell Park).

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 informed that improvements consist of a new playground area, a new walkway from the parking lot to the play area, and security lights. He stated that the unfunded portion of the project is two jogging paths.

Protestants:

Ms. Turnbo informed that an unsigned letter of protest stated that there are numerous cars parked in a nearby yard and the entrance to the park.

Case No. 17122 (continued)

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 5-0-0 (Bolzle, Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a public park to be located in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted for funded items, and with conceptual approval for the unfunded items, not requiring additional Board of Adjustment approval; on the following described property:

East 488.52' of the north 535' of the N/2, SW/4, SE/4, Section 35, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17132

Action Requested:

Special Exception to permit an existing construction company in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 15, located 401 South Memorial Drive.

Presentation:

The applicant, **Sharon Moody**, 401 South Memorial Drive, was represented by **Art Couch**, who submitted a petition of support (Exhibit K-3) and informed that the construction company has been in operation at this location since 1959. He stated that the building in question was constructed in 1979, and requested that a 600 sq ft addition be permitted and that the business be allowed to remain. A plot plan (Exhibit K-1) and aerial (Exhibit K-2) were submitted.

Comments and Questions:

In reply to Mr. White, Mr. Couch stated that the rear portion of the tract is for sale.

In response to Mr. Doverspike, Mr. Couch informed that four buildings have been constructed on the property since 1958, with the office structure (built in 1979) being the newest structure.

Mr. Doverspike inquired as to uses in the buildings, and Mr. Couch advised that an automobile mechanic works in building "C" and the other buildings are used by individuals with hobbies that work in the evenings. He informed that he uses building "D" for personal storage. Mr. Couch noted that building "D" was rented for auto sales, but the tenant moved out shortly after beginning operation.

Mr. Gardner advised that the use would be permitted by right on the tracts to the north and east, and noted there are office and industrial uses in the area, as well as mixed light and heavy commercial uses.

Case No. 17132 (continued)

In reply to Mr. Doverspike, Mr. Couch replied that two or three acres of the property are used for outside storage of equipment. He informed that the main drive in front of the office is asphalt and the space directly in front of the buildings is hard surfaced, with the remainder of the property being gravel or grass. Mr. Couch stated that the existing dwelling is occupied and the entire tract is properly maintained.

Mr. Doverspike inquired as to the use of the abutting residential property, and Mr. Couch informed that this property is owned by a church, with temporary buildings along this boundary line.

In response to Ms. Abbott, Mr. Couch stated that equipment and materials used in utility construction are stored on the property.

In reply to Mr. Bolzle, Mr. Jackere advised that the construction company is a use permitted in a CS District by special exception.

Protestants:

None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 5-0-0 (Bolzle, Abbott, Doverspike Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit an existing construction company in a CS zoned district for a period of **three years** only - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 15; per plan submitted (30' by 50' existing building, with a 20' by 30' addition); subject to outside storage of construction business equipment and materials being limited to the two acres located immediately east of the 30' by 50' building; finding that there are mixed uses in the area; finding that the use has existed at this location for many years; 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:

Beginning 210' north of the SW/c of the NW/4, Section 1, T-19-N, R-13-E, IBM; thence north 276'; thence east 627.40'; thence south 276'; thence west 627.40' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17133

Action Requested:

Variance of the required livability space from 4000 sq ft to 3600 sq ft to permit a new garage and driveway, and a variance of the required rear yard from 20' to 8' **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 5144 East 30th Place.

Case No. 17133 (continued)

Presentation:

The applicant, **John Madden**, 5144 East 30th Place, submitted a plot plan (Exhibit L-1) and informed that he is proposing to construct a garage, with a workshop located in the rear portion of the structure. Mr. Madden noted that woodworking is his hobby and the shop will be used for this purpose.

Comments and Questions:

In reply to Mr. Doverspike, the applicant stated that a driveway to the rear of the dwelling is existing.

Interested Parties:

Ms. Turnbo informed that a letter was received from the residents at 5137 East 30th Place, who are supportive of the project, but voiced a concern with water runoff.

Mr. Madden stated that he installed a French drain approximately one year ago.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 5-0-0 (Bolzle, Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required livability space from 4000 sq ft to 3600 sq ft to permit a new garage and driveway, and a **variance** of the required rear yard from 20' to 8' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the garage could be detached and placed within 3' of the rear property line by right; and finding that the long driveway to the rear results in the livability space deficit; on the following described property:

Lot 5, Block 13, Grandview Manor 8-13, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17135

Action Requested:

Special Exception to permit dry wall/ceiling contractor (Use Unit 15) in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 15, and a variance of the required setback from 19' to 15' along the entire north property line to permit a building 19'6" high - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 15, located east of Garnett Road on 19th Street South.

Presentation:

The applicant, **B. R. Hutson, Inc.**, 10842 East Newton Place, was represented by **Dana Hutson**, who submitted a plot plan (Exhibit M-1) and stated that the existing buildings to the west have a 15' setback. He noted that the existing structures are also the same height as the building in question.

Case No. 17135 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit dry wall/ceiling contractor (Use Unit 15) in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 15, and a variance of the required setback from 19' to 15' along the entire north property line to permit a building 19'6" high - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 15; per plan submitted; subject to the north building wall of the proposed structure aligning with the buildings currently existing to the west; 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:

Lot 2, Block 1, less the west 155.25', Tri-Angle Commercial Park, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 17136

Action Requested:

Variance of the required setback from the centerline of East 11th Street from 50' to 35' to replace an existing sign - **SECTION 1221.C.6. BUSINESS SIGNS AND OUTDOOR ADVERTISING** - Use Unit 21, located 1330 East 11th Street.

Presentation:

The applicant, **Frank Williams**, 901 South Redbud, Broken Arrow, Oklahoma, was represented by James Adair, who submitted a sign plan (Exhibit N-2) and explained that the new business at this location requires a new sign. He informed that the sign would be in the driveway if installed at the required setback, and noted that the existing sign structure will be used and the new sign is one-half the size of the previous one. Mr. Adair stated that one of the two steel pole supports will be removed and the entire structure will be 1' shorter than the old sign. Photographs (Exhibit N-1) were submitted.

Comments and Questions:

Mr. Doverspike asked how long the old sign has been at this location, and Mr. Adair replied that the sign is approximately 20 years old.

In reply to Mr. Doverspike, Mr. Adair informed that the pole nearest the street will be retained.

Case No. 17136 (continued)

Mr. White asked when the new sign was installed, and Mr. Adair replied that the sign has been in place approximately two weeks.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of East 11th Street from 50' to 35' to replace an existing sign - **SECTION 1221.C.6. BUSINESS SIGNS AND OUTDOOR ADVERTISING** - Use Unit 21; per sign plan; subject to the sign being placed on the existing north pole support; subject to the new sign extending no farther toward the street and being no taller than the previous sign; finding that the display surface area of the sign will be reduced; and finding that approval of the request will not be detrimental to the area; on the following described property:

Lots 47 through 52, less the north 2½' of Lot 52, Block 3, Orchard Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17138

Action Requested:

Variance of required setback from 31st Street from 50' to 40' to permit a fence, and a variance of the maximum fence height in the front yard from 4' to 6' with an 8' gate - **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** and **SECTION 210. YARDS** - Use Unit 6, located 2902 East 31st Street.

Presentation:

The applicant, **Philip Smith**, 2902 East 31st Street, submitted a plot plan (Exhibit P-1) and informed that he is proposing to construct a decorative 6' wrought iron fence. He noted that the land has a change in grade of approximately 18'. The applicant submitted photographs (Exhibit P-2) and pointed out that there are similar fences in the neighborhood.

Comments and Questions:

Mr. Doverspike asked if the gate is the only portion of the fence that will exceed 6', and the applicant answered in the affirmative.

Protestants:

None.

Case No. 17138 (continued)

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 5-0-0 (Bolzle, Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of required setback from 31st Street from 50' to 40' to permit a wrought iron fence, and a **variance** of the maximum fence height in the front yard from 4' to 6' with an 8' gate - **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** and **SECTION 210. YARDS** - Use Unit 6; per plan submitted; finding the wrought iron fence to be appropriate for the area and in harmony with the spirit and intent of the Code; on the following described property,

Lots 4 and 5, Block 1, Charlane Estates, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17139

Action Requested:

Variance of required rear yard from 25' to 15' (Tract A) and 25' to 20' (Tract B) and a variance of the lot width from 57.5' to 53' on Tract A to permit a lot split - **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 2304 South Lewis Avenue.

Presentation:

The applicant, **William Howard**, 2620 South Columbia Place, stated that the property in question has been an eyesore in the neighborhood, and that it is his intent to divide the tract and construct two dwellings that will enhance the aesthetic value of the neighborhood. He submitted a packet (Exhibit R-1) containing renderings, site plan, easements and letters of support.

Comments and Questions:

Mr. Gardner advised that the tract to the west has a 15' rear yard, but this 15' is measured from the 10' handle of the eastern lot and, therefore, there will still be 25' from the abutting property to the south. He pointed out that a detached garage could be constructed within 3' of the rear property line by right.

In reply to Ms. Abbott, Mr. Howard advised that the structure on Tract B, with the attached garage, has a livability space of 4792 sq ft and the original request was for a reduction to 3000 sq ft. He stated that a structure is not planned for Tract A at this time.

Mr. Bolzle inquired as to the plan for the small 10' handle, and Mr. Howard replied that a fenceline easement has been executed to permit this area to be fenced and included in the yard of Tract A.

Case No. 17139 (continued)

Interested Parties:

Dick Sherry, 2247 East 24th Street, stated that he lives to the south of the subject property and is supportive of the applicant's proposal; but would be opposed to the extension of the main sewer east through his property. He pointed out that this would damage his yard and landscaping.

Robert Glass, 2203 East 23rd Street, stated that he is supportive of the development, but voiced a concern with the garage location on the west lot (Tract A). He requested that the garage be placed to the rear of the property or substantially screened.

Applicant's Rebuttal:

Mr. Howard stated that he would prefer that the garage location be optional, but will comply with any Board requirements.

Additional Comments:

In reply to Ms. Abbott, the applicant stated that, if extended, the sewer line would have to be at least the width of the westerly tract (approximately 60').

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Tumbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Varlance** of required rear yards from 25' to 15' (Tract A) and 25' to 20' (Tract B) and a **varlance** of the average lot width from 57.5' to 53' on Tract A to permit a lot split - **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS -** Use Unit 6; per plan submitted; subject to the execution of a perpetual fenceline easement (owner of Tract A utilizing 10' easement handle, with ingress and egress rights for sewer maintenance); and subject to the garages on Lot A being located on the south end of the lot (consistent with Lot B); finding a hardship imposed by the City's requirement for a 10' sewer easement (handle) to the rear of Lot A; and finding that approval of the request will not be detrimental to the area, or violate the spirit, purpose or 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 less the south 10' of the east 47.5' thereof, City of Tulsa, Tulsa County, Oklahoma.

Tract B: West 57.5', east 92.5', north 130', SE/4, Section 18, T-19-N, R-13-E, IBM and south 10', east 47.5', west 57.5', east 150', north 130' of said SE/4, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17140

Action Requested:

Variance of the required setback from Utica Avenue from 50' to 34'8" to permit a sign - **SECTION 1221.C.6 General Use Conditions for Business Signs - Use Unit 21**, located 1784 South Utica Avenue.

Presentation:

The applicant, **Bradley Garber**, 1705 East 19th Street, #408, submitted a site plan (Exhibit S-2) and informed that he is moving his office to a new location, which requires the installation of a sign. He requested that the sign be permitted approximately 34' from the centerline of South Utica Avenue, and noted that it will not create a visibility problem for motorists entering Utica from 19th Street.

Comments and Questions:

Ms. Turnbo informed that a letter (Exhibit S-1) was received from **Pam Deatherage**, District 6 chair, stating that she does not object to the proposed sign location.

In reply to Mr. Bolzle, Mr. Gardner advised that the sign location is in the planned right-of-way, but not in the existing right-of-way.

Mr. Garber stated that, if installed at the required setback, the sign would be in a low area away from the street and very close to the building.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-2-0 (Abbott, Turnbo, White, "aye"; Bolzle, Doverspike, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from Utica Avenue from 50' to 34'8" to permit a sign - **SECTION 1221.C.6 General Use Conditions for Business Signs - Use Unit 21**; per plan submitted.

Additional Comments:

Mr. Jackere noted that the Board routinely requires a removal contract if a sign is located in the proposed right-of-way.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-2-0 (Abbott, Turnbo, White, "aye"; Bolzle, Doverspike, "nay"; no "abstentions"; none "absent") to **AMEND** the previous motion to require the execution of a removal contract; on the following described property:

Lot 6, Block 2, Swan Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17141

Action Requested:

Variance of the required 3' setback from property line to permit a detached accessory building - **SECTION 402.B.1.C. Accessory Use Conditions** - Use Unit 6, located 1415 South St. Louis.

Presentation:

The applicant, **John Joyce**, 1415 South St. Louis, submitted a plot plan (Exhibit T-1) and explained that a large tree fell across the previous garage, which was constructed on the lot line, and requested that he be permitted to build a new structure on the same concrete slab. Photographs (Exhibit T-2) were submitted.

Interested Parties:

Betty Hill stated that she owns the duplex to the north of the subject property and is not opposed to the application.

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 **Variance** of the required 3' setback from property line to permit a detached accessory building - **SECTION 402.B.1.C. Accessory Use Conditions** - Use Unit 6; per plan submitted; finding that a garage was previously at this location, and the new structure will be placed on the existing slab; and finding that there are other accessory buildings in the neighborhood that were constructed at the same setback; on the following described property:

Lots 17, 45 and 46, Block 12, Re-Amended Plat of Forest Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17142

Action Requested:

Variance of the required all-weather surface to permit gravel parking for 3 years -
SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS
Use Unit 17, located 11th Street and Detroit Avenue.

Presentation:

The applicant, **Vanallen Motors**, 308 East 10th Street, was represented by **Sylvia Spilman**, who informed that the company has been in business for 3½ years and consists of leasing, repairing and selling older vehicles. Ms. Spilman stated that they are currently leasing Public Service property and requested that the company be permitted to continue the use of the gravel parking on this lot. She noted that all vehicles that cannot be repaired have been removed from the lot and the property has been cleared of all weeds and debris. Photographs (Exhibit U-1) were submitted.

Comments and Questions:

Mr. Doverspike inquired as to the number of cars parked on the gravel, and **Anthony Mason** advised that there are approximately 50 vehicles on the lot. Mr. Mason stated that he anticipates that all cars will be operable and removed from the lot in three years.

Mr. White asked if the cars stored on the lot are stripped for parts, and Ms. Spilman replied that the cars are not stripped at this location.

In reply to Mr. Bolzle, Mr. Gardner advised that the floodway is located in the southeast corner of the interchange. He noted that the Zoning Code was recently amended to permit the parking of automobiles on an unpaved surface as a special exception and, therefore, this application can be considered as a special exception instead of a variance.

Ms. Spilman stated that the lot has been accessible during all rainy seasons throughout the year.

Protestants:

Kevin Coutant, 320 South Boston, Suite 500, stated that he represents United States Cellular Telephone Company. He informed that they are in the process of refurbishing their building to the south and moving their offices to this location. Mr. Coutant stated that this type of operation cuts directly against the momentum of redevelopment in the area.

Applicant's Rebuttal:

Ms. Spilman stated that the operation of the business in question is as important to downtown development as that of United States Cellular.

Case No. 17142 (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 gravel parking for **1 year only** - **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** Use Unit 17; finding that temporary approval of the request will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

Lot 2, Block 199, Original Townsite of Tulsa, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 17143

Action Requested:

Variance of required side yard from 15' to 10' to permit the construction of an addition to an existing dwelling - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2216 East 47th Street.

Presentation:

The applicant, **Dean Nunneley**, 3514 East 69th Place, was represented by **Dr. Rieger Wood**, 2216 East 47th Street, who requested approval of the variance to permit construction of an addition to the existing dwelling. He informed that neighbors have been advised of the plan and they are not opposed to the project (Exhibit V-2). A plot plan (Exhibit V-1) and photographs (Exhibit V-3) were submitted.

Comments and Questions:

In reply to Mr. Doverspike, Mr. Wood stated that he needs the additional space for a computer area in his children's room.

Mr. Bolzle asked if the addition will be one story, and Mr. Wood replied that the front portion will be one story and the rear will be two stories, due to the slope of the back yard.

Interested Parties:

Robert Simpson, 4717 South Wheeling, informed that he is representing South Bolewood property owners association, and lives down the hill to the west of the applicant. He stated that there has been flooding in the neighborhood and voiced a concern with any construction that will cause additional water flow to the lower properties.

Case No. 17143 (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 **Variance** of required side yard from 15' to 10' to permit the construction of an addition to an existing dwelling - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the area was recently rezoned to RE; and finding that approval of the application will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 3, Block 1, Darrell-Wayne, an additon to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 17144

Action Requested:

Variance to permit a pylon sign with a maximum of 85 sq ft of display surface area and 9' in height to be located in the 68th Street ROW at 68th Street and Memorial Drive - **SECTION 1221.C.6 BUSINESS SIGNS AND OUTDOOR ADVERTISING** - Use Unit 21.

Variance to permit a pylon sign in an AG zoned district and a pylon sign 30' in height and 99 sq ft of display surface area in the AG and CS zoned districts, located at the principal entrance to the mall on South Memorial Drive - **SECTION 302.B.2.b. ACCESSORY USES PERMITTED IN THE AGRICULTURAL DISTRICT** - **SECTION 1221.D.1. BUSINESS SIGNS AND OUTDOOR ADVERTISING** - Use Unit 21.

Variance to permit a pylon sign with a display surface area of 85 sq ft in the AG District, located at the west entrance to the mall on 71st Street - **SECTION 302.B.2.b. ACCESSORY USES PERMITTED IN THE AGRICULTURAL DISTRICT** - Use Unit 21.

Variance to permit a pylon sign 30' high with a display surface area of 100 sq ft in the OL District - **SECTION 602.B.4.e. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 21, located northeast corner East 71st Street and South Memorial Drive (Woodland Hills Mall).

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, informed that Woodland Hills Mall is undergoing a major renovation internally and externally, which includes new signage for the project (Exhibit W-1). He informed that this application concerns four proposed signs on the Memorial Drive and 71st Street frontages. Mr. Norman stated that the new signs will be located at 68th and Memorial, one at the main

Case No. 17144 (continued)

entrance to the south, another on 71st Street and the remaining sign will be installed at the main entrance. Photographs (Exhibit W-5) of existing signs were submitted. The applicant noted that the subject property has three zoning classifications (CS, OL, AG) and Board of Adjustment relief was sought rather than rezoning. He pointed out that three of the signs would be permitted by right if the tract was zoned CS. Mr. Norman informed that one sign will be placed in the grass median on 68th Street, which is a publicly dedicated right-of-way and is maintained and landscaped by the mall. He stated that a low pylon sign (8' by 12') with Woodland Hills Mall lettering will be installed at this location, which will require a license agreement from the City and Planning Commission approval. Mr. Norman informed that the remaining identification sign on Memorial will be 30' in height, with 99' sq ft of display surface area. It was noted that the two proposed signs on 71st Street will be low and high pylon signs. A sign plan (Exhibit W-3), sign locations (Exhibit W-4) and a lighting plan (Exhibit W-2) were submitted.

Comments and Questions:

In reply to Mr. Bolzle, Mr. Norman stated that all proposed signs, except for the one on 68th Street, would be permitted by right if located in the CS District instead of the AG zoned perimeter. He informed that the hardship is created by the extremely unusual zoning pattern on the property.

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 **Variance** to permit a pylon sign with a maximum of 85 sq ft of display surface area and 9' in height to be located in the 68th Street ROW at 68th Street and Memorial Drive - **SECTION 1221.C.6 BUSINESS SIGNS AND OUTDOOR ADVERTISING** - Use Unit 21; to **APPROVE** a **Variance** to permit a pylon sign in an AG zoned district and a pylon sign 30' in height and 99 sq ft of display surface area in the AG and CS zoned districts, located at the principal entrance to the mall on South Memorial Drive - **SECTION 302.B.2.b. ACCESSORY USES PERMITTED IN THE AGRICULTURAL DISTRICT** - **SECTION 1221.D.1. BUSINESS SIGNS AND OUTDOOR ADVERTISING** - Use Unit 21; to **APPROVE** a **Variance** to permit a pylon sign with a display surface area of 85 sq ft in the AG District, located at the west entrance to the mall on 71st Street - **SECTION 302.B.2.b. ACCESSORY USES PERMITTED IN THE AGRICULTURAL DISTRICT** - Use Unit 21; and to **APPROVE** a **Variance** to permit a pylon sign 30' high with a display surface area of 100 sq ft in the OL District - **SECTION 602.B.4.e. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 21; per plan submitted; finding that approval of the request will be compatible with the area, and in harmony with the spirit, purpose and intent of the

Case No. 17144 (continued)

Code; and finding a hardship demonstrated by multiple zoning classifications on the tract; on the following described property:

The south 150' of Block 1 and the west 150' of Block 1, Woodland Hills Mall, an addition to the City of Tulsa, Tulsa County, Oklahoma and the west 150' of Lot 1, Block 2, Woodland Hills Mall, Blocks 2, 3, 4 and 5, an addition to the City of Tulsa, Tulsa County, Oklahoma and the west 150' of the east 68th Street right-of-way measured from the centerline of South Memorial Drive.

Case No. 17145

Action Requested:

Special Exception to permit a home occupation (lawn mower and small engine repair) for a period of 3 years - **SECTION 402.B.6. Home Occupations - Use Unit 14**, located 7613 East 21st Place.

Presentation:

The applicant, **Raymond Pipes**, 7613 East 21st Place, informed that he does lawnmower repair at his residence and requested that he be permitted to continue this use as a home occupation. A photograph (Exhibit X-3) and letters of support (Exhibit X-1) were submitted.

Comments and Questions:

Mr. Jackere advised that the Code has been revised and the Board can consider the application if the use is classified under Use Unit 14; however, if it is considered to be a Use Unit 15 use, it cannot be approved by the Board.

Protestants:

Daniel Fontana, 3609 East 21st Place, informed that he lives to the west of the business in question. He submitted photographs (Exhibit X-2) depicting the location of lawnmowers and discarded parts on the property. Mr. Fontana stated that his bedroom window is approximately 10' from the driveway where the lawnmowers are tested and his family is continually exposed to the noise and odor emitted from the engines. He pointed out that the engines are running seven days each week and suggested that, due to the volume of business, the lawnmower operation be moved to an area zoned for this type of operation. Mr. Fontana requested that, if approved, all repair be confined to the inside of the garage.

Applicant's Rebuttal:

Mr. Pipes stated that the solution used to clean the lawnmowers does not have an odor.

Case No. 17145 (continued)

Additional Comments:

Mr. Doverspike remarked that he finds lawnmower repair to be injurious to the neighborhood and more like a Use Unit 15.

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 **DENY** a **Special Exception** to permit a home occupation (lawn mower and small engine repair) for a period of 3 years - **SECTION 402.B.6. Home Occupations** - Use Unit 14; finding the proposed lawnmower repair business to be injurious to the neighborhood; and finding lawnmower repair a Use Unit 15 in violation of the home occupation requirements; on the following described property:

Lot 10, Block 1, Michael Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17146

Action Requested:

Special Exception to permit an outdoor recreation facility (3 ball diamonds with lights, concession stand, rest rooms and accessory uses) - **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 20, located 10510 South Delaware Avenue

Presentation:

The applicant, **Willa Brantley**, 8604 East 120th Street South, was represented by **Sherry Pipkin**, 2898 East 51st Street, who submitted a plot plan (Exhibit Z-1) and requested that the construction of an adult softball facility be permitted on the subject property. She informed that adequate hard-surface parking (120 spaces) will be provided for the use. A letter of support (Exhibit Z-3) was submitted.

Comments and Questions:

In reply to Mr. Doverspike, Ms. Pipkin replied that hours of operation will be Monday through Friday, 5:30 p.m. to 12 midnight and 8 a.m. to midnight on weekends.

Mr. Doverspike asked if the area will have security fencing, and Ms. Pipkin answered in the affirmative.

Protestants:

Cherrie Stunkard, 10717 South Delaware, stated that she lives near the property and is concerned with the noise and lighting. She pointed out that a soccer field owned by the City currently abuts her property, and the fact that there is no fencing allows the activities to overflow onto her tract. Ms. Stunkard voiced a concern that lighting will be installed on the City facility, as well as across the street on the proposed

Case No. 17146 (continued)

baseball fields. Stunkard stated that she is also concerned with the possibility that alcoholic beverages will be consumed on the property, and noted that traffic has always been a problem in this area.

Ray Volentine, 10727 South Delaware, stated that traffic has increased at this location since the construction of the turnpike and large trucks travel the road on a regular basis. He noted that erosion is taking place along the river bank in this area and the tracts between the river and the road are becoming smaller.

Joram Rauchwerger stated that he owns the property to the north and stated that he is concerned that those visiting the ball park will loiter in the area and that stray balls will be knocked in the direction of his property. If approved, Mr. Rauchwerger requested that an 8' wooden privacy fence be erected along the north boundary. A letter of opposition (Exhibit Z-2) and photographs (Exhibit Z-4) were submitted.

Applicant's Rebuttal:

Ms. Pipkin stated that the property will be landscaped and an irrigation system will be installed. She stated that alcoholic beverages will not be permitted on the premises and individuals will not be loitering in the area. Ms. Pipkin informed that two full-time employees will maintain the property.

Additional Comments:

In reply to Ms. Trunbo, Ms. Pipkin stated that all-night tournaments are held twice each year (Halloween and end of year).

After discussion, it was the consensus of the Board that the application should be continued to September 12, 1995. Mr. Doverspike stated that this would permit their further review of the application and to allow Staff sufficient time to research the intent of the Park Department in regard to City owned property in the area (including the soccer field), and the intended long range use of this park land.

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 **CONTINUE** Case No. 17146 to September 12, 1995.

Date Approved Norma Turnbo

9-12-95
Chair