

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 692
Tuesday, November 14, 1995, 1 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 Doverspike Bolzle Turnbo, Chair White		Gardner Beach Moore	Linker, Legal Department Parnell, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Thursday, November 9, 1995, at 4:28 p.m. (addendum posted Monday, November 13, 1995), as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chair Turnbo called the meeting to order at 1:03 p.m.

MINUTES:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** the minutes of October 24, 1995 (No. 691)

UNFINISHED BUSINESS

Case No. 17217

Action Requested:

Special Exception to permit expansion of an existing cemetery in an AG zoned district
- **SECTION 302. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT**
- Use Unit 2, located southeast of East 91st Street and South Harvard Avenue.

Presentation:

The applicant, **David Stumpff**, 1012 East 35th Place, informed that the existing cemetery was established in 1925 and requested permission to expand to the south. A plat (Exhibit A-1) was submitted.

Comments and Questions:

In response to Mr. White, the applicant stated that the expansion will be approximately 400' in depth.

Case No. 17217 (continued)

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 expansion of an existing cemetery in an AG zoned district - **SECTION 302. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 2; per plat submitted; finding that the expansion of the use will not be detrimental to the area; on the following described property:

Beginning at a point 24' east of the Quarter Corner of Secs. 21 and 16. T-18-N, R-13-E, Tulsa County, Oklahoma; thence east along said section line for 790'; thence south for 827.1'; thence west for 790'; thence north for 827.1' to POB, City of Tulsa, Tulsa County, Oklahoma..

Case No. 17218

Action Requested:

Variance to permit an accessory building to be a principal use; and a variance of the maximum size of an accessory building from 750 sq ft to 1536 sq ft - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and **SECTION 402.B.1.d - ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 3, located 1387 East 64th Street.

Presentation:

The applicant, **Roberta Clark**, 16 East 26th Place, submitted a plot plan (Exhibit B-1) and explained that she purchased the subject tract approximately one year ago with the intent of constructing a 1536 sq ft barn to house her horses. Ms. Clark stated that there are numerous barns in the area and the neighbors are supportive of the request.

Comments and Questions:

Ms. Abbott inquired as to the size of the tract, and the applicant stated that she owns approximately 10 acres and has four horses.

In reply to Ms. Turnbo, the applicant stated that the horses are for her personal use and there will be no schools (horse training) on the property.

Protestants:

None.

Case No. 17218 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; Bolzle, "abstaining"; none "absent") to **APPROVE** a **Variance** to permit an accessory building to be a principal use; and a **variance** of the maximum size of an accessory building from 750 sq ft to 1536 sq ft - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and **SECTION 402.B.1.d - ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 3; per plan submitted; subject to no commercial use on the property; finding that there are large lots and numerous barns in the area; 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:

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

Case No. 17219

Action Requested:

Variance to permit two identification ground signs per perimeter street frontage in a multifamily development - **SECTION 402.B.4.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 8, located 7605 East 49th Street.

Presentation:

The applicant, **James Millspaugh**, 2941 East 39th Street, requested permission to install lettering on two walls, one of which will be on each side of the driveway entrance to the multifamily development. He informed that the total signage will be below the maximum amount permitted for the complex. A plot plan (Exhibit C-1) was submitted.

Comments and Questions:

Mr. Doverspike asked if the signs in question will have two sides, and Mr. Millspaugh replied that they are one-sided signs.

Protestants:

None.

Case No. 17219 (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 identification ground signs per perimeter street frontage in a multifamily development - **SECTION 402.B.4.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 8; per plan submitted; finding the total square footage of signage is below the maximum permitted; and finding that approval of the request will not be detrimental to the area; on the following described property:

Lot 1, Block 4, Cambridge Hills Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17220

Action Requested:

Special Exception to permit a home occupation; and a variance of the required all-weather surface for a period of one year - - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 6, located 4525 South Jamestown Avenue.

Comments and Questions:

Ms. Turnbo advised that Mr. Doverspike will abstain from hearing Case No. 17220.

Presentation:

The applicant, **Steve Sembritzky**, 4525 South Jamestown, informed that he is a video producer and works in his home. A plot plan (Exhibit D-2) was submitted. The applicant noted that his business is similar to that of a computer programmer or an artist and he does not have employees. The applicant stated that his business is not advertised to the public and no more than one or two clients visit the residence each week. Photographs (Exhibit D-3) and a brochure (Exhibit D-4) were submitted.

Comments and Questions:

Ms. Turnbo inquired as to the hours of operation for the business, and Mr. Sembritzky informed that he works 8 a.m. to 5 p.m., Monday through Friday. He stated that video production involves shooting on location and editing. Mr. Sembritzky stated that editing is done on a computer in his home.

Mr. Bolzle inquired as to the portion of the home that is dedicated to the business, and the applicant replied that approximately 400 sq ft of the northwest corner of the dwelling is reserved for business use. He informed that a water problem is existing on the property and requested that gravel parking be permitted to allow him sufficient time to raise the driveway and direct the water away from the house.

Case No. 17220 (continued)

Protestants:

Joseph Turner, 4343 South Jamestown, stated that the business in question has previously had employees and advised that numerous neighborhood property owners are opposed to the application (Exhibit D-5).

Interested Parties:

Mark Pickell, 4527 South Jamestown, stated that he lives in the neighborhood and there has been no indication that a business is being operated on the subject property. Mr. Pickell informed that he is supportive of the application.

Waymon Riker, 4344 South Jamestown, advised that Mr. Sembritzky's business is not detrimental to the neighborhood and that he is supportive of the proposed use.

Applicant's Rebuttal:

The applicant stated that he will pave the gravel parking area in one year, and pointed out that his business is listed in the yellow pages (Exhibit D-6), but very few customers actually visit the home. He pointed out that his clients are large corporations in Tulsa and any meetings are usually conducted in their offices. Mr. Sembritzky informed that he previously had one employee, who was released when he found that employees were not permitted in a home occupations. He stated that the business has been in operation for eight years and the neighbors he contacted were not opposed to his home occupation.

Additional Comments:

Ms. Turnbo inquired as to the number of personal vehicles that will be parked on the property, and the applicant informed that his family owns three cars.

In reply to Ms. Turnbo, the applicant stated that he receives deliveries approximately once every three months.

In response to Mr. Bolzle, Ms. Parnell advised that she visited with Ms. Smart when she viewed the property and found one employee to be working inside the office.

Ms. Smart pointed out that some of the individuals signing the protest petition were supportive of the request when her husband explained the intended use.

Case No. 17220 (continued)

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 video editing home occupation ; and a **variance** of the required all-weather surface for a period of one year - - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 6; finding the use, as presented, to be compatible with the residential neighborhood and in harmony with the spirit and intent of the Code; on the following described property:

South 105' of Lot 6, Block 4, Villa Grove Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17221

Action Requested:

Variance of lot width from 60' to 58.6', and a variance of the lot width from 60' to 55' to permit a lot split - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1235 South Braden.

Presentation:

The applicant, **Thomas Henley**, 5678 South Delaware Place, was represented by **James Unruh**, who submitted a plot plan (Exhibit E-3) and advised that his client is proposing to divide the large lot to permit construction of a new dwelling. He informed that the existing house is located on the extreme edge of the property, and there are four lots in the immediate area that are more narrow (50') than the requested lot widths. A location map (Exhibit E-1) and photographs (Exhibit E-1) were submitted.

Comments and Questions:

Mr. Gardner pointed out that it appears that there were originally three lots and the center one was divided, with one-half being added to the property on either side.

Ms. Parnell advised that each homeowner originally purchased one and one-half lots.

Protestants:

Jim Stillwell, 1228 South Canton, advised that his back yard abuts the subject tract and that he is opposed to the construction of a two-story apartment building on the property.

Mary Rodden, 1234 South Canton Avenue, informed that the rear of her property abuts the subject tract, and requested that an apartment building be denied on th property.

Case No. 17221 (continued)

Applicant's Rebuttal:

Mr. Unruh stated that his client is proposing to construct a one-story single-family dwelling for rental purposes.

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 lot width from 60' to 58.6', and a **variance** of the lot width from 60' to 55' to permit a lot split - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted, subject to construction on the lot being limited to a one-story dwelling, as agreed to by the applicant; finding that there are several other lots in the area that are more narrow than the lots in question; and finding that approval of the request will not be detrimental to the neighborhood; on the following described property:

S/2, N/2, W/2, Tract 13 and north 38', south 151.2', west 144', Tract 13, Crowell Heights, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17222

Action Requested:

Variance of floor area ratio in a CS zoned district to increase the permitted commercial floor area in PUD 507 from 151,380 sq ft to 152,443 sq ft - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** and **SECTION 1104.A.2. BULK AND AREA REQUIREMENTS, Nonresidential Intensity**, located southeast of South Memorial Drive and East 71st Street.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, advised that he is representing Woodland Hills Plaza Shopping Center and noted that the project was processed as a Planned Unit Development (PUD). He informed that the permitted floor area is 151,380 sq ft (.5 floor FAR) and during construction a mezzanine was added that raised the floor area to 152,443 sq ft. Mr. Johnsen requested that the slight increase in FAR (less than 1%) be permitted. He pointed out that the Planning Commission has approved a minor amendment to the PUD, subject to Board of Adjustment approval of the increase in FAR. A survey (Exhibit R-1) was submitted.

Comments and Questions:

Mr. White asked if the Old Navy Store is covered in this application, and Mr. Johnsen answered in the affirmative.

Case No. 17222(continued)

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 **Variance** of floor area ratio in a CS zoned district to increase the permitted commercial floor area in PUD 507 from 151,380 sq ft to 152,443 sq ft - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** and **SECTION 1104.A.2. BULK AND AREA REQUIREMENTS, Nonresidential Intensity**; per survey submitted; finding the increase in the FAR to be minimal (less than 1%), and that approval of the application will not change the footprint or increase parking requirements; on the following described property;

Lots 1 and 2, Block 1, Woodland Hills Plaza, City of Tulsa, Tulsa County, Oklahoma.

Additional Comments:

At the conclusion of the meeting, Mr. Johnsen informed that permanent financing is being completed and the lender, Metropolitan Life, inquired if reconstruction would be permitted if the building was destroyed, or if the variance would be void at that time. He requested a clarification by the Board that the variance is permanent and not voidable, and that the building could be reconstructed as it is today if it is destroyed.

Mr. Linker stated that it is his opinion that the structure could be rebuilt and this would be cleared through the permitting process.

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 ***CLARIFY** that the variance herein granted is not voidable in the event of a casualty (serious accident or disaster).

Case No. 17223

Action Requested:

Special Exception to permit an automobile repair shop in a CS zoned district, and a variance to permit outside storage within 300' of an R zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** and **SECTION 1217.C.C - AUTOMOTIVE AND ALLIED ACTIVITIES** - Use Unit 17, located 4102 South Harvard.

Case No. 17223 (continued)

Presentation:

The applicant, **AJS Auto, Inc.**, 4102 South Harvard Avenue, was represented by **Andrew Spears**, 3375 West 74th Street, who requested that an automobile repair shop be permitted on the subject property. He informed that the residential area is screened by a 12' fence. Photographs (Exhibit F-1) were submitted.

Comments and Questions:

Mr. Doverspike inquired as to the maximum number of vehicles on the property at any given time, and Mr. Spears replied that approximately 28 vehicles will be parked on the lot.

In reply to Ms. Turnbo, Mr. Spears stated that the hours of operation for the business will be 7:30 a.m. to 6 p.m., Monday through Friday, and 8 a.m. to 5 p.m. on Saturday.

Mr. Doverspike asked if there will be outside storage on the property, and Mr. Spears stated that a rack of used tires is displayed outside the building, but this rack can be removed.

Mr. Gardner asked what type of business is operating to the south of the subject property, and the applicant stated that a transmission shop is located to the south.

Protestants:

Steven Been, 3624 South Gary Place, stated that he is representing the Ranch Acres Homeowners Association, which is opposed to the application. He pointed out that the business is an eyesore and creates an exceptional amount of noise for nearby residents. Mr. Been noted that the cars are lined up within 10' of the sidewalk and the lot is too small to conduct a business of this nature. .

Comments and Questions:

Mr. White asked Mr. Beene if the transmission business creates noise, and he replied that it is noisy, but it is not possible to differentiate between the noise of the transmission business and the automobile repair shop. He pointed out that he did not get notice or a chance to voice his concerns about the transmission operation.

Applicant's Rebuttal:

Mr. Spears stated that he wants to be a good neighbor and would be amenable to limiting the number of automobiles on the lot.

Additional Comments:

In reply to Mr. Doverspike, Mr. Spears stated that 14 vehicles can be stored inside the building.

Ms. Parnell advised that the maximum number of cars permitted on the property would be determined when application is made for a zoning clearance permit.

Case No. 17223 (continued)

- Mr. Bolzle stated that there is a great difference between the two-bay service station that was previously operating on the property and the proposed use (6000 sq ft). He pointed out that approval of the repair shop, with this size building, would result in a substantial increase in intensity.

Mr. Doverspike and Mr. White were in agreement that, although the use may not be inappropriate, the size of the operation on the small lot is not in keeping with the spirit and intent of the Code.

In reply to Ms. Abbott, Mr. Gardner stated that the transmission business next door was approved by the Board.

Mr. Bolzle pointed out that the transmission business is on a larger lot and does not have frontage on 41st Street where pedestrian traffic is heavy during school months.

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 **DENY** a **Special Exception** to permit an automobile repair shop in a CS zoned district, and a **variance** to permit outside storage within 300' of an R zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** and **SECTION 1217.C.C - AUTOMOTIVE AND ALLIED ACTIVITIES** - Use Unit 17; finding that the lot is too small to support the use in the existing size building; and finding that the outside storage of 28 vehicles on the property would be detrimental to the neighborhood and violate the spirit and intent of the Code; on the following described property:

North 200, east 150', NE/4, NE/4, NE/4, less north 50' and less east 50', Section 29, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17224

Action Requested:

Special Exception to permit automobile sales in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, 1645 South Memorial Drive.

Presentation:

The applicant, **Larry Kester**, 4200 East Skelly Drive, Suite 750, was represented by **Viviana Varnado**, who submitted a plot plan (Exhibit G-1) and requested that the existing automobile sales business be permitted to expand to the north.

Case No. 17224 (continued)

Comments and Questions:

Mr. Doverspike asked if the only repair work will be minor repairs to prepare the automobiles for sale, and Ms. Varnado answered in the affirmative.

In response to Mr. Doverspike, Ms. Varnado advised that all vehicles on the lot will be operable.

In response to Mr. White, Ms. Varnado informed that the storage building on the property is not included in the lease and parking for the storage is not indicated. She pointed out that the owner of the property will reserve the storage facility for his use.

Mr. Bolzle asked Mr. Beach if parking is the only Staff concern, and he answered in the affirmative.

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 automobile sales in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; subject to no automobile repairs except for minor repairs to prepare them for sale; subject to no storage of inoperable vehicles; and subject to Board approval of parking necessitated by future use of the existing storage building; finding that an existing car lot abuts the subject property; and finding the use, per conditions, to be compatible with the area; on the following described property:

Lot 2, Block 1, John Calvin Addition, a Resub of Lot 4, Block 4, O'Connor Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17225

Action Requested:

Variance of the required 15' side setback from a public street to 10' to permit expansion of an existing nonconforming garage, and a variance of the required 15' setback from a public street to permit a new accessory building - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2506 South Evanston Avenue.

Case No. 17225 (continued)

Presentation:

The applicant, **Gary Gould**, 2506 South Evanston Avenue, submitted a plot plan and photographs (Exhibit H-1) and informed that he is proposing to convert an existing breezeway and garage to additional living space. He stated that a new three-bay garage with an 8' storage area will be constructed on the northwest corner of the property. Mr. Gould requested that the required setback be reduced to 10' for the existing garage and the new garage.

Comments and Questions:

Mr. Doverspike asked the applicant why he cannot comply with the required 15' setback requirement, and he replied that one garage is existing and bringing it into compliance would require removal of a portion of the structure. He noted that there are trees and shrubbery along the lot line abutting the neighbor's property to the west.

Mr. Gardner advised that the required setback for the garage would be 20' if access is from East 25th Street.

The applicant stated that there is an existing 15' street easement, and additional setbacks result in a large side yard, which is not needed. He noted that there are other accessory buildings in the area that have been constructed on the property line.

There was discussion concerning averaging and whether or not the applicant would be permitted to construct the new garage at the 15' setback by using this process.

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 required 15' side setback from a public street to 10' to permit expansion of the existing residence - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the existing structure does not comply with current setback requirements and the building wall of the proposed expansion will align with the current wall.

On **MOTION** of **BOLZLE**, the Board voted 3-0-2 (Abbott, Bolzle, Turnbo, "aye"; Doverspike, White, "nay"; no "abstentions"; none "absent") to **APPROVE** a Variance of the required setback from a public street from 20' to 15' to permit a new accessory building - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the new garage will not extend as close to the street as the existing dwelling; finding that the 15' setback will not obstruct the view of the house to the west; and finding that there are other buildings in the area that are closer to the street than the proposed structure; on the following described property:

Lot 12, Block 9, Bryn-Mawr Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17226

Action Requested:

Variance of the required 45' setback from the centerline of East 25th Street to 33' to permit construction of a new garage - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2507 South Evanston Avenue.

Presentation:

The applicant, **David Weber**, 2507 South Evanston Avenue, submitted a plot plan (Exhibit J-1) and requested permission to construct a new garage 33' from the centerline of the street. He explained that the existing garage is to be converted to a master bedroom and the new structure will be constructed over an existing driveway and parking area. The applicant stated that the garage cannot be moved farther back because of an existing swimming pool.

Comments and Questions:

Mr. Bolzle asked Mr. White if the existing structure is 5.1' from the property line, and he answered in the affirmative.

At the conclusion of Board discussion concerning averaging, it was determined that the applicant would be permitted to construct the garage 37½' from the centerline of the street by right.

Ms. Abbott inquired as to the distance from the pool to the rear of the proposed garage, and Mr. Weber replied that there will be approximately 12' from the garage to the pool deck.

Ms. Turnbo stated that she viewed the site and is concerned that there will not be sufficient space to park a car between the garage and the street right-of-way.

Ms. Abbott stated that she would be supportive of a 37½' setback, which was determined by averaging.

Protestants:

None.

Case No. 17226 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-1-0 (Abbott, Bolzle, Turnbo, White, "aye"; Doverspike, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required 45' setback from the centerline of East 25th Street to 37½' to permit construction of a new garage - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the 37½' setback, which was determined by averaging; would allow sufficient space to park a vehicle in front of the garage without overhanging the street right-of-way; on the following described property:

Lot 1, Block 10, Bryn-Mawr Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17229

Action Requested:

Variance of the floor area limitations, and a variance of the setback requirements - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 19.

Variance of the parking requirements, and a special exception to modify the screening requirements - **SECTION 1219.D. HOTEL, MOTEL AND RECREATION FACILITIES** - Use Unit 19.

Determination of the extent of nonconformity of improvements lawfully constructed prior to July 1, 1992, located east of southeast corner I-44 and Yale Avenue.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, submitted a plat of survey (Exhibit K-4) and informed that this application involves the Ramada Hotel, which is located on a six-acre tract. He stated that, prior to 1970, the applicant sought a modification of the floor area limitations, which was approved by the Board. Mr. Johnsen noted that there was a 65' residentially zoned access strip along the east boundary and another Board application was filed to permit hotel construction to extend into this residential district. He informed that a building permit was issued for the first phase of the hotel and it was completed. Mr. Johnsen stated that a new Tulsa Zoning Code was adopted July 1, 1970 and any permits issued before that time could be used within two years after its adoption. He pointed out that the second phase of hotel construction (75 rooms and 107 parking spaces) did not begin until eight years later and the zoning officer, apparently overlooking the fact that more than two years had lapsed, issued the building permit in error. Mr. Johnsen noted that there were no parking or screening requirements before 1970. He stated that he finds the project to be nonconforming as to parking, screening and floor area. The applicant advised that additional off-site parking is leased; however, these spaces could become

Case No. 17229 (continued)

unavailable. He pointed out that the overall use is nonconforming as to parking, but the second phase of construction had sufficient parking (175 spaces). Mr. Johnsen informed that the hotel is partially located in a residential district, does not have screening along Braden and exceeds the floor area ratio. He submitted a copy of the building permit that was issued in 1978 (Exhibit K-1) and a zoning clearance permit (Exhibit K-2) that was issued in 1989. Mr. Johnsen stated that he has filed a CS rezoning application on the east 65' of RS-3 zoned property, and submitted a list of determinations and conditions (Exhibit K-3) as follows:

1. Variance of floor area limitations to permit a floor area ratio of .81 (219,000 sq ft).
2. Variance of off-street parking requirements to require not less than 388 on site off-street parking spaces.
3. Special Exception modifying screening requirements to permit an existing wrought iron fence along the Braden Avenue frontage in lieu of sight-proof fence or wall, and removal of screening requirement along south boundary.
4. The actions herein granted are subject to and conditioned upon:
 - (a) maintenance of the improvements in accordance with the as-built survey entitled "Plat of Survey", bearing a revision date of June 12, 1995 and certified by Hammond Engineering.
 - (b) approval by the Council of the City of Tulsa of rezoning application Z-6515 resulting in the rezoning of the east 65' of the property to a CS Commercial shopping District.

Comments and Questions:

Mr. Bolzle asked if the hotel club was expanded after 1978, and Mr. Johnsen advised that he is not aware of an expansion.

Mr. Bolzle asked if the facility and uses on the property are the same as they were in 1978, and Mr. Johnsen answered in the affirmative.

Mr. Johnsen stated that wrought iron fencing is in place and the abutting uses (apartments and commercial) do not warrant solid screening.

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 **Variance** of the floor area limitations - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS**; to **WITHDRAW** a **Variance** of the setback requirements - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 19; to **APPROVE** a **Variance** of the parking requirements, and to **APPROVE** a **Special Exception** to modify the

Case No. 17229 (continued)

screening requirements - **SECTION 1219.D. HOTEL, MOTEL AND RECREATION FACILITIES** - Use Unit 19; per plat of survey submitted; subject to the following determinations and conditions:

1. Variance of floor area limitations to permit a floor area ratio of .81 (219,000 sq ft).
2. Variance of off-street parking requirements to require not less than 388 on site off-street parking spaces.
3. Special Exception modifying screening requirements to permit an existing wrought iron fence along the Braden Avenue frontage in lieu of sight-proof fence or wall, and removal of screening requirement along south boundary.
4. The actions herein granted are subject to and conditioned upon:
 - (a) maintenance of the improvements in accordance with the as-built survey entitled "Plat of Survey", bearing a revision date of June 12, 1995 and certified by Hammond Engineering.
 - (b) approval by the Council of the City of Tulsa of rezoning application Z-6515 resulting in the rezoning of the east 65' of the property to a CS Commercial shopping District; finding that the use is existing and has not been expanded; on the following described property:

Lots 1 - 27, Block 1, Staiger Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17230

Action Requested:

Variance of the requirement that access must be by an internal collector street in a Corridor District - **SECTION 804. ACCESS REQUIREMENTS**, located southwest corner East 96th Street and South Memorial Drive.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, submitted a plot plan (Exhibit L-1) and informed that a mutual access easement is stubbed to the south boundary of the subject property for future development within the corridor to the south. He noted that the easement will continue to the south and an internal collector could be installed at a later date. Mr. Johnsen stated that the corridor site plan was approved by the City Council, subject to Board approval of the variance.

Protestants:

None.

Case No. 17230 (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** of the requirement that access must be by an internal collector street in a Corridor District - **SECTION 804. ACCESS REQUIREMENTS**; per plan submitted; finding that a similar situation occurred across the street to the east, with some lots being served by an internal collector and others deriving their access by mutual access easement; 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:

Commencing at the NE/c, NE/4, SE/4, Section 23, T-18-N, R-13-E, Tulsa County, Oklahoma; thence S88°45'34"W for 120' to POB; thence S01°07'48"E for 370'; thence S88°45'34"W for 417.30'; thence N01°07'48"W for 370'; thence N88°45'34"E for 417.30' to POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17231

Action Requested:

Special Exception to permit an accessory building for cellular telephone service, and a special exception to permit additional antennae - **SECTION 302. ACCESSORY USES PERMITTED IN THE AGRICULTURAL DISTRICT**, and a variance of the all-weather surface requirement on an access road - **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 4, located east of the northeast corner 41st Street and South 161st East Avenue.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, submitted a plot plan (Exhibit M-1) and informed that he is representing AT&T Wireless. He informed that a tower currently exists (Exhibit M-2) on the subject property by right, and his client is proposing to add cellular telephone antennae to this tower. Mr. Johnsen stated that a 20' by 10' unmanned building is required for this use. He explained that the facility is accessed by a gravel drive through a pasture and requested that the drive remain gravel. Mr. Johnsen pointed out that the road is used for maintenance purposes only and no more than two trucks will visit the site per month.

Comments and Questions:

Mr. Bolzle asked if there will be a need to hard surface the road in the future, and Mr. Johnsen replied that he does not see the need for hard surfacing as long as the property remains a cow pasture.

In reply to Mr. Doverspike, the applicant stated that it appears that the road is only used for feeding livestock.

Case No. 17231 (continued)

Mr. White noted that a large portion of the property is required to accommodate the guy wires.

Mr. Johnsen informed that the existing tower is 360' in height.

Mr. Doverspike asked if the proposed antennae extend the height of the tower, and Mr. Johnsen replied that the height will be approximately the same.

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 an accessory building for cellular telephone service, and to permit additional antennae on an existing tower - **SECTION 302. ACCESSORY USES PERMITTED IN THE AGRICULTURAL DISTRICT**, and a **variance** of the all-weather surface requirement on an access road - **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 4; per plan submitted; finding that the antennae will be attached to the existing tower; and finding that the area is rural in nature, with the roadway being used only for maintaining the tower and feeding the livestock; on the following described property:

NW/4, SW/4, SE/4, Section 23, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17233

Action Requested:

Minor Variance of the required 25' setback from the front property line to 24.6' to permit an existing encroachment - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 10912 East 25th Street South.

Presentation:

The applicant, **Ellen Conklin**, 2304 West Galveston, Broken Arrow, Oklahoma, submitted a plot plan (Exhibit N-1) and informed that one corner of the existing dwelling was constructed slightly over the required setback line.

Protestants:

None.

Case No. 17233 (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 **Minor Variance** of the required 25' setback from the front property line to 24.6' to permit an existing encroachment - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that one corner of the house was initially constructed .4' over the required setback line and the minor variance is required to clear the title; on the following described property:

Lot 8, Block 7, Magic Circle Third Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 17213

Action Requested:

The applicant, Sack and Associates, requested a refund of fees for Case No. 17213, which was withdrawn prior to the public hearing.

Comments and Questions:

Mr. Beach informed that Case No. 17213 was processed, but was withdrawn prior to public hearing. He suggested a refund of \$25.00.

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 **REFUND** of \$25.00 for Case No. 17213.

ADDENDUM

Case No. 17197

Action Requested:

Reconsideration of Case No 17197.

Presentation:

The applicant, **Alan Elias**, 1565 Swan Drive, was represented by **Warren Morris**, who requested that the case be reconsidered to permit additional information to be presented to the Board.

Comments and Questions:

In reply to Mr. Doverspike, Mr. Linker advised that the motion to reconsider should be made by a Board member that voted to deny the application, which was the prevailing side.

Case No. 17197 (continued)

- Ms. Turnbo stated that she has additional questions to ask the applicant and is amenable to rehearing the case.

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 **RECONSIDER** Case No.17197 on December 12, 1995.

There being no further business, the meeting was adjourned at 3:56 p.m.

Date Approved 11-28-95

Norma Turnbo
Chair