

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 693
Tuesday, November 28, 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
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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 Monday, November 27, 1995, at 11:15 a.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 November 14, 1995 (No. 692)

NEW APPLICATIONS

Case No. 17227

Action Requested:

Variance to permit expansion of a building containing an approved nonconforming use - **SECTION 1402.A. NONCONFORMING USE OF BUILDINGS AND LAND IN COMBINATION** - Use Unit 12A;

Variance to permit the required off-street parking to be located on an adjoining lot other than the lot containing the principal use - **SECTION 1301.D. GENERAL REQUIREMENTS;**

Variance of the required number of off-street parking spaces from 26 to 24 - **SECTION 1212. USE UNIT 12. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS;**

Case No. 17227 (continued)

Variance of the required 25' setback to 5' from the applicant's adjoining property - **SECTION 404.F.4. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, located 1123 East Young Street.

Presentation:

The applicant, **George Monroe**, 1111 East Young, was represented by **J. T. Trigg**, 1823 South Jackson, who submitted a plot plan (Exhibit A-2) and advised that he is the building contractor for the expansion project. He explained that the existing building has been at the current location for approximately 30 years and the proposed addition will provide sufficient space for large gatherings and special area meetings. Mr. Trigg stated that the private club is not disruptive to the neighborhood and submitted several letters of support (Exhibit A-1).

Comments and Questions:

Ms. Turnbo asked if members of the club pay dues, and Mr. Trigg replied that the owner charges for use of the facility.

Ms. Turnbo asked if alcoholic beverages are sold on the premises, and Mr. Trigg replied that beer will be sold, but mixed drinks will not be available.

In reply to Mr. Doverspike, Mr. Trigg stated that the new building will be 24' by 43'.

Ms. Abbott inquired as to the current use of the building, and Mr. Trigg stated that the business is known as the Pink House (private club).

In response to Ms. Turnbo's question regarding parking, Mr. Trigg advised that 24 parking spaces are available.

Mr. Doverspike asked if a portion of the parking area is located on an adjoining lot, and Mr. Trigg answered in the affirmative.

Mr. Gardner advised that the business was initially approved as a use variance, which is no longer permitted, and this use could be classified somewhere between a private lodge (non-profit) or a community center (club house, pool, etc., funded by the neighborhood) and a public dinner club (restaurant).

Mr. Doverspike stated that he would not be amenable to expanding the use beyond its historical use. He stated that he would not support the operation of a sexually oriented business, which would be detrimental to the residential neighborhood.

In reply to Mr. Doverspike, Mr. Trigg stated that his client would not be opposed to a condition of approval that would prohibit the operation of a sexually oriented business on the property.

Case No. 17227 (continued)

Mr. Doverspike inquired as to days and hours of operation, and Mr. Trigg stated that the existing club is open Thursday, Friday and Saturday until approximately 2 a.m.

Mr. White inquired as to the occupancy rate, including the new addition, and Mr. Trigg replied that the structure will accommodate approximately 65 people.

Mr. White inquired as to the number of cars that will have to park in the street, and Mr. Trigg informed that approximately 24 parking spaces are available on the parking lot and the remainder of the customers will park on the street.

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 expansion of a building containing an approved nonconforming use (social/dinner club) - **SECTION 1402.A. NONCONFORMING USE OF BUILDINGS AND LAND IN COMBINATION** - Use Unit 12A; a **Variance** to permit the required off-street parking to be located on an adjoining lot other than the lot containing the principal use - **SECTION 1301.D. GENERAL REQUIREMENTS**; a **Variance** of the required number of off-street parking spaces from 26 to 24 - **SECTION 1212. USE UNIT 12. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS**; and a **Variance** of the required 25' setback to 5' from the applicant's adjoining property - **SECTION 404.F.4. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**; per plan submitted; subject to alcohol sales being limited to 3.2 beer only; subject to no sexually oriented business being operated at this location; subject to days of operation being limited to Thursday, Friday and Saturday (2 a.m. closing); and subject to the execution of a tie contract between the lot containing the principal use and the adjoining parking lot; finding that the private club is existing lawfully (previous Board approval of a use variance) and that the expansion of the use will not have an adverse impact on the neighborhood; on the following described property:

West 79' Lot 3, Block 3, and N/2 of East 50' Lot 3, Sunny Slope Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17232

Action Requested:

Variance of the required parking setback from the centerline of South Lewis Avenue - **SECTION 1302. SETBACKS** - Use Unit 19, located northwest corner East 20th Street and South Lewis Avenue.

Case No. 17232 (continued)

Presentation:

The applicant, **Kenneth Cox, Jr.**, 320 South Boston, requested by letter (Exhibit B-1) that Case No. 17232 be continued.

Comments and Questions:

Mr. Beach advised that the continuance request was received on November 27 and was not timely.

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 **CONTINUE** Case No. 17232 to December 12, 1995.

Case No. 17234

Action Requested:

Appeal the issuance of a building permit by an administrative official for a site plan which shows a driveway onto 16th Street when the Zoning Code requires screening from abutting residential districts - **SECTION 1605 APPEALS FROM AN ADMINISTRATIVE OFFICIAL**, located northeast corner East 16th Street and South Lewis Avenue.

Comments and Questions:

Mr. Beach advised that Case No. 17234 and Case No. 17236 are both appeals regarding the same issue, and requested that these two cases be heard together.

Presentation:

The applicant, **Shirley Forsythe**, 16011 South Lewis Avenue, informed that she and **Coy Gallatin**, who also filed an appeal, have reached an agreement with the Sonic representative regarding the question of access on 16th Street. She informed that they have met with Ted Sack and he has agreed to a revision of the site plan (Exhibit C-1) to reflect a screening fence, with no access to the residential street. Letters of opposition (Exhibit C-2) were submitted.

Ted Sack stated that he is representing the owners of the Sonic franchise and informed that curb cuts on 16th Street were used by the previous owner of the property. He noted that the neighborhood was opposed to the driveway on 16th Street and the plan has been revised to remove the curb cut. He informed that a 6' screening fence will be installed along 16th Street and the east side of the property.

Case No. 17234 (continued)

Mr. Sack stated that a Board application will be filed requesting permission to locate the sign on the City right-of-way, near the northwest corner of the property:

Mr. Jackere stated that, although there is an agreement between the neighbors and the applicant, the Board should take action to protect the neighborhood and prevent the removal of the fence at a future date. He pointed out that a building permit was issued, per the previous site plan with the curb cut. Mr. Jackere advised that the appeal should be approved at this time if the Board finds the screening fence to be required along the entire 16th Street boundary, since there is no other request before the Board.

Interested Parties:

Karen Smith, 2502 East 19th Street, stated that she is concerned that it has been stated that there is an agreement between the Sonic representative and the neighborhood; however, those involved in the agreement were Ms. Forsythe, Mr. Gallatin and Mr. Sack. She pointed out that there is no agreement between Sonic and all members of the Lewiston Gardens Homeowners Association. Ms. Smith stated that CH zoning is inappropriate at this location and violates the spirit and intent of the Code and the Comprehensive Plan.

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** an **Appeal** of the issuance of a building permit by an administrative official for a site plan which shows a driveway onto 16th Street, since the Zoning Code requires a screening fence along the entire boundary of the lot abutting a residential district - **SECTION 1605 APPEALS FROM AN ADMINISTRATIVE OFFICIAL**; per revised site plan; finding the Board's interpretation to be that a commercial use having access to both an arterial street and a nonarterial street must construct solid continuous screening along the entire* length of an abutting nonarterial residential street as required by the Zoning Code, or seek a variance of that screening requirement; on the following described property:

Lots 15, 16 and 17, Block 2, McDonnell's Subdivision, City of Tulsa, Tulsa County, Oklahoma.

*except that portion which is needed by the Traffic Engineer for clear visibility onto the arterial street.

Case No. 17235

Action Requested:

Special Exception to amend a previously approved site plan to include two new classroom trailers - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 2010 East 58th Street North.

Presentation:

The applicant, **Aaron Peters for Tulsa Public Schools**, 1555 North 77th East Avenue, submitted a plot plan (Exhibit D-1) and requested permission to install two classroom trailers on school property. He informed that the relief is required to allow the school to comply with House Bill 1017 regarding student/teacher ratio.

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 amend a previously approved site plan to include two new classroom trailers - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; finding that the two classroom units will be compatible with the area; on the following described property;

Lots 13, 14, 15 and 16, Block 1, Lots 1, 2 and 3, Block 2 and the east 210' of Lots 10, 11 and 12, Block 2, North Highland Acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17236

Action Requested:

Appeal of the issuance of a building permit by an administrative official for a site plan which shows a driveway onto 16th Street when the Zoning Code requires screening from abutting residential districts - **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL**, northeast corner East 16th Street and South Lewis Avenue.

Case No. 17236 (continued)

Presentation:

The applicant, **Coy Gallatin**, 1604 South Lewis Place and **Shirley Forsythe** (Case No. 17234), 16011 South Lewis Avenue, advised that they have reached an agreement with the Sonic representative regarding the question of access on 16th Street. They informed that they have met with Ted Sack and he has agreed to a revision of the site plan (Exhibit C-1) to reflect a screening fence, with no access to the residential street. Letters of opposition (Exhibit C-2) were submitted (exhibits in file No. 17234).

Ted Sack stated that he is representing the owners of the Sonic franchise and replied that curb cuts on 16th Street were used by the previous owner of the property. He noted that the neighborhood was opposed to the driveway on 16th Street and the plan has been revised to remove the curb cut. He informed that a 6' screening fence will be installed along 16th Street and the east side of the property. Mr. Sack stated that a Board application will be filed requesting permission to locate the sign on the City right-of-way, near the northwest corner of the property:

Mr. Jackere stated that, although there is an agreement between the neighbors and the applicant, the Board should take action to protect the neighborhood and prevent the removal of the fence at a future date. He pointed out that a building permit was issued, per the previous site plan with the curb cut. Mr. Jackere advised that the appeal should be approved at this time if the Board finds the screening fence to be required along the entire 16th Street boundary, since there is no other request before the Board.

Interested Parties:

Karen Smith, 2502 East 19th Street, stated that she is concerned that it has been stated that there is an agreement between the Sonic representative and the neighborhood; however, those involved in the agreement were Ms. Forsythe, Mr. Gallatin and Mr. Sack. She pointed out that there is no agreement between Sonic and all members of the Lewiston Gardens Homeowners Association. Ms. Smith stated that CH zoning is inappropriate at this location and violates the spirit and intent of the Code and the Comprehensive Plan.

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** an **Appeal** of the issuance of a building permit by an administrative official for a site plan which shows a driveway onto 16th Street since the Zoning Code requires a screening fence along the entire boundary of the lot abutting a residential district - **SECTION 1605 APPEALS FROM AN ADMINISTRATIVE OFFICIAL**; per revised site plan; finding the Board's interpretation to be that a commercial use having access to both an arterial street and a nonarterial street must construct continuous solid continuous screening

Case No. 17236 (continued)

along the entire* length of an abutting nonarterial residential streets, as required by the Code, or seek a variance of that screening requirement; on the following described property:

Lots 15, 16 and 17, Block 2, McDonnell's Subdivision, City of Tulsa, Tulsa County, Oklahoma.

*except that portion which is needed by the Traffic Engineer for clear visibility onto the arterial street.

Case No. 17237

Action Requested:

Minor Special Exception to permit one classroom trailer at a public school in an RS-3 zoned district (minor amendment to an approved site plan) - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 1105 East 33rd Street North.

Presentation:

The applicant, **Aaron Peters for Tulsa Public Schools**, 1555 North 77th East Avenue, submitted a plot plan (Exhibit F-1) and requested permission to install one classroom trailer on school property. He informed that the relief is required to allow the school to comply with House Bill 1017 regarding student/teacher ratio.

Protestants:

None.

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 **Minor Special Exception** to permit one classroom trailer at a public school in an RS-3 zoned district (minor amendment to an approved site plan) - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; finding the use to be compatible with the residential neighborhood; on the following described property:

All that part of NE/4, NE/4, Section 24, T-20-N, R-12-E which is east of Midland Valley Railroad ROW except south 20' and north 587.5' thereof, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17238

Action Requested:

Variance to reduce the required side yard from 20' to 13' to permit a carport - **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 6146 East 4th Street South.

Presentation:

The applicant, **David Thompson**, 8232 East 38th Street, submitted a plot plan (Exhibit G-1) and informed that he is representing the owner of the property in question. He requested permission to construct a carport on the front portion of an existing dwelling to accommodate a van that is used for a handicapped individual. Photographs (Exhibit G-2) were submitted.

Comments and Questions:

In reply to Mr. Bolzle, the applicant stated that there are other carports in the area.

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** to reduce the required side yard from 20' to 13' to permit a carport - **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that there are other carports in the area, and finding that the carport will extend slightly beyond the existing dwelling and will not be detrimental to the neighborhood; on the following described property:

Lot 1, Block 3, Sheridan Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17239

Action Requested:

Variance of the maximum height from 35' to 39' to permit modifications to an existing building - **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1615 North 24th West Avenue.

Presentation:

The applicant, **Leon Ragsdale**, 324 South Main, Suite 200, was not present.

Case No. 17239 (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 **CONTINUE** Case No. 17239 to December 12, 1995.

Case No. 17240

Action Requested:

Variance to permit existing encroachments in the planned right-of-way along East 41st Street, East 42nd Street and South Darlington Avenue - **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 11, located southeast corner East 41st Street and South Darlington Avenue.

Presentation:

The applicant, **William Eagleton**, 100 West 5th Street, requested by letter (Exhibit J-1) that Case No. 17240 be continued for 90 days.

Protestants:

The protestants in attendance voiced no objection to the requested continuance.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-1 (Abbott, Bolzle, , Turnbo, White, "aye"; no "nays"; Doverspike, "abstaining"; none "absent") to **CONTINUE** Case No. 17240 to February 27, 1996.

Case No. 17241

Action Requested:

Variance of required maximum floor area ratio from .50 to .58 to permit a new hotel in a CS District - **SECTION 703**. Use Unit 19, located 3300 South 79th East Avenue.

Presentation:

The applicant, **Phil Tomlinson**, 5780 South Peoria, submitted a plot plan (Exhibit K-2) and informed that he is part owner of the property in question. He stated that the property is under contract for sale and a motel is proposed, which does not comply with the floor area ratio requirement.

Comments and Questions:

Mr. Gardner advised that the proposed motel could be constructed by right (2.0 FAR, on abutting OMH zoned property to the north and OMH zoning would be appropriate for the subject tract.

Case No. 17241 (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 **Variance** of required maximum floor area ratio from .50 to .58 to permit a new hotel in a CS District - **SECTION 703**. Use Unit 19; finding that 2.0 FAR is permitted for OMH zoned property abutting the subject tract to the north; 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:

Commencing at the SW/c of Lot 3, Interchange Place, City of Tulsa, Tulsa County, Oklahoma, thence N18°34'40"W for 256.12'; thence N06°09'05" E a distance of 55.34' to the POB; thence continuing N06°09'05" E a distance of 179.22'; thence N27°07'25"E a distance of 146.06'; thence S62°52'35"E a distance of 228.12'; thence N89°57'52"E a distance of 243.00' to a point in the east boundary of said Lot 3; thence S00°02'08"E a distance of 204'; thence S89°57'52"W a distance of 531.95' to the POB; containing 119,475 sq ft or 2.74278 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17242

Action Requested:

Special Exception to permit an 80 unit Alzheimer's residential facility for the elderly in an RT zoned district - **SECTION 401**. **PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 6200 South Yorktown.

Comments and Questions:

Mr. Beach advised that a letter (Exhibit L-1) requesting a continuance was received from the Board of Directors of the Cambridge Square Condominiums.

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. 17242 to December 12, 1995.

Additional Comments:

The applicant, **Harry Burt III**, 4236 South Pittsburg, who arrived after the Board voted to continue the application, advised that he was not aware that a continuance request would be granted. He pointed out that his case was 12th on the agenda and he planned his arrival at the approximate time the application would have been heard.

Case No. 17242 (continued)

Mr. Bolzle explained that the Board normally grants one continuance to either the applicant or protestant, if the request is filed in a timely manner (Thursday before the meeting).

Case No. 17243

Action Requested:

Variance of lot width from 200' to 185.39' on Tract A; a variance of land area from 2.2 acres to 2.06 acres, and lot area from 2 acres to 1.72 acres on Tract B to permit a lot split in an AG zoned district - **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**, located west of the southwest corner 111th Street South and South Yale Avenue.

Presentation:

The applicant, **Jerry Ledford, Jr.**, 8209 East 63rd Place South, was represented by **Jerry Ledford, Sr.**, who submitted a plot plan (Exhibit M-1) and explained that originally the lot split was to be accomplished by splitting off the south 264' of the property; however, the neighborhood was opposed to the owners using the private street on the west boundary of the lots. He informed that a flag lot was then created with a 35' access from 111th Street South to the rear lot. Mr. Ledford stated that the dedicated future right-of-way along 111th Street causes the front tract to be less than the 2-acre requirement.

Comments and Questions:

Mr. Bolzle asked if Traffic Engineering approved the two private streets being adjacent to each other, and Mr. Ledford advised that one access is only a driveway and the Technical Advisory Committee has reviewed the project, with no negative comments regarding the location of the driveway next to the private street.

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 lot width from 200' to 185.39' on Tract A; a **variance** of land area from 2.2 acres to 2.06 acres, and lot area from 2 acres to 1.72 acres on Tract B to permit a lot split in an AG zoned district - **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**; per plan submitted; finding that the rear tract is accessed by a private road and that the lot area for the front tract is reduced by the 50' future right-of-way easement; on the following described property:

Case No. 17243 (continued)

Tract A: The South 264' and the west 35' of the north 568' of the E/2, E/2, NW/4, NE/4 and the south 264' of the north 568' of the W/2, W/2, E/2, NW/4, NE/4, Section 33, T-18-N, R-13-E, I.M., City of Tulsa, Tulsa County, Oklahoma.

Tract B: The north 568', less and except the south 264' and the west 35' of the E/2, E/2, W/2, NW/4, NE/4 and the north 568', less and except the south 264' of the W/2, W/2, E/2, NW/4, NE/4, Section 33, T-18-N, R-13-E, I.M., City of Tulsa, Tulsa County, Oklahoma

Case No. 17244

Action Requested:

Variance of required setback from an abutting R District from 75' to 52' to permit expansion of an existing building, and a variance of required screening from abutting R District - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** and **SECTION 1215.C. Use Unit 15 OTHER TRADES AND SERVICES** - Use Unit 15, located 5550 South 94th East Avenue.

Presentation:

The applicant, **Rick Engles**, 5550 South 94th East Avenue, submitted a plot plan (Exhibit N-1) and requested permission to expand an existing building approximately 3000 sq ft. to gain additional warehouse space. He informed that the R District abutting his property is a cemetery. Mr. Engles pointed out that the building to the north is closer to the lot line than the proposed structure.

Interested Parties:

Jack Warren, 9307 East 56th Street, stated that he was misinformed about the application and is not opposed to the variance request.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of required setback from an abutting R District from 75' to 52' to permit expansion of an existing building, and a **variance** of required screening from abutting R District - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** and **SECTION 1215.C. Use Unit 15 OTHER TRADES AND SERVICES** - Use Unit 15; per plan submitted; finding that the RS-3 zoned property to the west is a cemetery; finding that only one point of the tract abuts the residential property to the south and the new building is more than 75' from this boundary; finding that the existing building to the north extends closer to the residential boundary than the proposed structure; on the following described property:

Lot 22, Block 1, 5300 Commerce Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17245

Action Requested:

Variance of the required setback from the centerline of 21st Street from 50' to 42'6" to permit a sign replacement - **SECTION 1221.C.6. General Use Conditions for Business Signs - Use Unit 21**, located 3220 East 21st Street.

Presentation:

The applicant, **James Parker**, 3211 West 21st Street, was not present.

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 **CONTINUE** Case No. 17245 to December 12, 1995.

OTHER BUSINESS

Amendment to Zoning Code

Consider amendment to Tulsa City Zoning Code relating to notice requirement for appeal of a determination of an administrative official..

Comments and Questions:

Mr. Gardner informed that all amendments to the Zoning Code must be approved by the Planning Commission and the City Council. In regard to appeals, Mr. Gardner asked the Board to consider if the Zoning Code should be amended to require that notice of an appeal be given only to abutting property owners (as is the notice for minor variances and exceptions). He noted that there would not be a need for newspaper notice and this would reduce the time required in handling these appeals.

Mr. Doverspike stated that it is his opinion that the appeal process should be made as uncomplicated as possible for the applicant; however, the ordinance should state that additional notification could be required if deemed appropriate by the Board.

Mr. Jackere advised that there is usually no need for neighborhood input in a matter of interpreting the Code

Mr. Jackere pointed out that, in regard to an enforcement issue, it must be determined if the Code Enforcement officer is wrong because she has made an error in classifying the use, or if the use is nonconforming.

After discussion concerning the suggested changes to the notice procedures for an appeal of the decision of an administrative official, the Board agreed that a reduction in the amount of notice was appropriate. Notice would be given to abutting property owners and interested parties, provided the Board could require more notice if they determined it necessary before ruling on the appeal.

Case No. 17211

Action Requested:

Refund of fees.

Presentation:

The applicant, **Cathy Clift**, 300 West 49th Street, Sand Springs, Oklahoma, was not present.

Comments and Questions:

Mr. Beach advised that Case No. 17211 was not fully processed and suggested that filing fees in the amount of \$181.00 be refunded.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** a **REFUND** of filing fees in the amount of \$181.00. .

Date Approved 12-12-95

Norma Turnbo

Chair

