

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 694
Tuesday, December 12, 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

Linker, Legal
Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, December 8, 1995, at 3:45 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 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** the minutes of November 28, 1995 (No. 694).

UNFINISHED BUSINESS

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 NW/c East 20th Street and South Lewis Avenue.

Comments and Questions:

Mr. Beach advised that the applicant, **Ken Cox**, has requested by letter (Exhibit A-1) that Case No. 17232 be continued to February 13, 1996.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **CONTINUE** Case No. 17232 to February 13, 1996.

Case No. 17239

Action Requested:

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

Presentation:

The applicant, **Leon Ragsdale**, 324 South Main, Suite 200, submitted a packet (Exhibit B-1) containing a plot plan, elevations and photographs. He explained that the structure in question was previously the information center for the Gilcrease Hills development and is located on a 4.5-acre tract. Mr. Ragsdale stated that the property is being sold for conversion into a residence and the third story deck slightly exceeds the permitted height limitation. He pointed out that the tract is wooded and the nearest townhouse is 400' to 500' away. The applicant noted that City park wraps around the property. Additional photographs (Exhibit B-2) were submitted.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** c the maximum structure height from 35' to 39' to permit modifications to an existing structure - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the structure is located on a large heavily wooded tract and is surrounded by a City park; finding that the house is removed from other residential developments in the neighborhood; 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 SE/c Sec. 16, T-18-N, R-13-E; thence due W for 84.97'; thence due N for 50.00' to P.O.B.; thence due W for 150.00'; thence N00°01'59"E for 175.00'; thence due E for 175.00'; thence S00°01'59"W for 150.00'; thence S45°01'00"W for 35.37' to P.O.B., 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.

Case No. 17242 (continued)

Comments and Questions:

Mr. Beach advised that a timely request for a continuance was received by Staff.

Floyd Propps, 3555 Northwest 58th Street, Suite 510, Oklahoma City, Oklahoma, requested that the application be continued to allow research on Health Department Certificate of Need and licensing approval, as well as a determination as to the impact the proposed use will have on other health facilities in the area.

Mr. Bolzle asked Mr. Propps if his client is a competitive business, and he replied that his client is the Ambassador Manor Nursing Center. He informed that the center is a licensed nursing facility that provides Alzheimer's care.

The applicant, **Harry Burt**, stated that a Certificate of Need is not necessary because the facility in question is strictly a residential care area, with no nursing.

Mr. Doverspike asked the applicant if he is requesting that the application be heard at this time, regardless of whether or not the Certificate of Need is required, and he answered in the affirmative.

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** the request for a continuance and hear the item as it appears on the agenda.

Presentation:

The applicant, **Harry Burt**, 4236 South Pittsburg, informed that the first phase of the project will be a 40-bed facility containing 8 home groupings. He noted that each area will be staffed with a house mother. Mr. Burt informed that each home area will contain a dining room, living room and kitchen area, with a common area being provided for walking. A packet (Exhibit C-1) containing project information was submitted. Mr. Burt stated that the proposed use will be a quiet neighbor and will be an asset to the area. Photographs (Exhibit C-2), mortgage information (Exhibit C-3) and a letter to the homeowners association (Exhibit C-4) were submitted.

Comments and Questions:

Mr. Doverspike asked if the only entrance to the facility is from South Yorktown, and the applicant answered in the affirmative.

In reply to Mr. Doverspike, Mr. Burt stated that ambulances will travel down Yorktown and park in the parking lot and other emergency vehicles could access the subject property by traveling down the south side of Graham Park. He informed that only 40 units will be constructed at this time, but requested approval of 80 units on the property.

Case No. 17242 (continued)

In response to Mr. Doverspike, Mr. Gardner stated that the Zoning Code does not list a parking requirement for this particular use, but the parking requirement should probably be based on nursing home use. He pointed out that the Alzheimer's residential facility would not be classified as elderly housing in regard to parking.

Mr. Bolzle inquired as to the total square footage of the building, and Mr. Burt replied that the facility will contain approximately 14,000 sq ft of floor area and the size of the tract is two and one-half acres.

Protestants:

Reece Morrell Jr., 5310 East 31st Street, informed that he grew up in the area and noted that the soil is unstable at this location, which causes buildings and driveways to crack. He pointed out that drainage along Joe Creek is also a problem in the neighborhood.

Nancy Wills stated that she is a homeowner in the area and is opposed to the application. She noted that the soil base is unstable near Joe Creek and the proposed site is not suitable for the project.

Paul Lovoi, 1751 East 63rd Street, stated that there is a school in the neighborhood and the athletic events generate a lot of heavy traffic, along with a great deal of street parking. He stated that the proposed location is not an appropriate location for the Alzheimer's facility and asked the Board to deny the request.

Gary Dundee, 1845 East 63rd Street South, noted that Yorktown is a busy street and parked cars cause it to be more narrow and dangerous during sports activities. He pointed out that existing social service uses in the neighborhood have had a negative impact on property values and asked that the Alzheimer's facility be denied.

Interested Parties:

Ross Weller, a representative of the City Park and Recreation Department, stated that he is uninformed about the project, but could have a concern with the emergency access being through the abutting park.

In reply to Mr. Doverspike, Mr. Weller informed that new parking lots are being installed that should accommodate peak load traffic; however, people may choose to park on the street along Yorktown.

John Crater informed that he has 20 rental units that back up to the ball park on 66th and Yorktown and pointed out that Yorktown does not have curbs at this location.

Case No. 17242 (continued)

Floyd Propps, 3555 Northwest 58th Street, Suite 510, Oklahoma City, Oklahoma, informed that he is representing the Ambassador Nursing Center. He pointed out that the State of Oklahoma does require a Certificate of Need and this Alzheimer's facility will house 80 people who are nursing home residents.

Pat Blair stated that she is a homeowner in Cambridge Square I and, although she is not opposed to the Alzheimer's facility, is against overbuilding on this narrow strip of land. She stated that the land is more suitable for park use and asked the Board to deny the request.

Lisa Perryman, president of the Cambridge Square Homeowners Association, stated that some of the homeowners in the area are supportive of the application, and that she would like to see the vacant lot developed.

Applicant's Rebuttal:

Mr. Burt stated that the facility will not be a nursing home and will be an asset to the neighborhood. He informed that the trees will be retained and noted that sufficient on-site parking will be provided for the use.

In reply to Ms. Turnbo, the applicant stated that the facility will be a one-story building.

Mr. Doverspike voiced a concern that there is not a paved roadway to the east end of the building to accommodate a fire truck, and Mr. Burt stated that, in case of a fire, the fire hose would extend to that east area. He pointed out that the building will be equipped with a sprinkler system.

Mr. Bolzle inquired as to the number of employees for the use, and Mr. Burt replied that there will be approximately 27 employees for Phase I and approximately 40 for the completed facility. He pointed out that there will be three shifts and there will be no more than 16 or 18 individuals on duty at any given time.

Additional Comments:

Mr. Bolzle stated that he is concerned with traffic congestion near the school and the street parking during athletic activities.

Mr. Doverspike noted that Yorktown is the main arterial through the neighborhood and the use is not consistent with RT zoning.

Mr. White and Ms. Turnbo agreed that townhouses would be more appropriate for the tract, and that the proposed use would be injurious to the neighborhood.

Mr. Bolzle questioned if the proposed use would generate more traffic than townhouses.

Case No. 17242 (continued)

Mr. Doverspike stated that the proposed facility would create more activity than townhouse use.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-1 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; Abbott, "abstaining"; none "absent") to **DENY** a **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; finding that there is limited emergency access to the east end of the building; finding that the street is narrow and there is excessive street parking during athletic events and school functions; and finding that the proposed development would be detrimental to the area and inconsistent with RT zoning; on the following described property:

Part of Lots 8 and 23, Pecan Acres Addition to the City of Tulsa, Tulsa County, Oklahoma according to the recorded plat thereof, described as follows: Beginning at a point on the Northerly line of said Lot 8 being 531.00' Easterly of the NW/c thereof; thence S89°51'53"E for 20.00' to the NE/c Lot 8; thence S55°54'54"E for 40.72'; thence S12°41'44"E for 83.23' to a point of curve; thence Southeasterly along a curve to the right, a central angle of 12°49'31" and a radius of 432.96' for 96.92' to a point on the Southerly line of Lot 8; thence N89°51'53"W along said Southerly line for 82.59' to a point 531.00' Easterly of the SW/c Lot 8; thence Due North for 200.00' to the P.O.B. and the West 531' of said Lot 8.

Case No. 17245

Action Requested:

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

Presentation:

The applicant, **James Parker**, 3211 West 21st Street, informed that the sign in question will replace an old 108 sq ft sign that is in bad repair. He informed that the new sign will project 42½' from the centerline of 21st Street, while the old sign is at 43'8'.

Comments and Questions:

In reply to Mr. Bolzle, Mr. Parker stated that all of the existing structure will be removed.

Case No. 17245 (continued)

Interested Parties:

John Stairs informed that he is an electrical inspector for the City of Tulsa and has previously worked as a sign inspector. He stated that he examined the site and noted that the front of the building is 50' from the centerline of the street, which would cause any sign placed on the front of the building to encroach into the required setback. He pointed out that the new sign will contain less square footage than the existing one.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-1-0 (Abbott, Bolzle, Turnbo, White, "aye"; Doverspike, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of 21st Street from 50' to 42'.6" to permit a replacement sign - **SECTION 1221.C.6. - Use Unit 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**; General Use Conditions for Business Signs; per plan submitted; finding that the new sign will be smaller than the existing sign; and finding that the existing building is only 50' from the centerline of the street and any sign on the front of the building will encroach; on the following described property:

Lot 1, Block 3, Bonnie Brae, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 17246

Action Requested:

Variance of the required street frontage on an arterial street from 200' to 71.72' to permit a lot split - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS**; and a Variance of the required all-weather surface for off-street parking and off-street loading - **SECTION 1304.C.DESIGN STANDARDS FOR OFF-STREET LOADING AREAS**, located 2222 East 11th Street.

Presentation:

The applicant, **David Rich**, 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. 17246 to January 9, 1996.

Case No. 17247

Action Requested:

Variance of the maximum height for a ground sign from 25' to 30' - **SECTION 1221.E.1. CG, CH, CBD, IL, IM AND IH, Use Conditions for Business Signs**; variance of the required 40' setback from the centerline of Main Street to 36' for a sign; and a variance of the required 50' setback from the centerline of 15th Street to 37' - **SECTION 1221.C.6. General Use Conditions for Business Signs**, located 1506 South Main Street.

Presentation:

The applicant, **James Adair**, 8014 South 79th East Avenue, submitted photographs and a plot plan (Exhibit E-1) and informed that Bank IV has contracted with Texaco to install ATM machines in numerous Texaco stations around the City. He stated that the only change to the existing Texaco sign will be the addition of a panel containing the ATM wording. Mr. Adair pointed out that the existing 30' sign was permitted at the current setback before the Code was revised in 1992.

Comments and Questions:

Mr. Bolzle asked if the sign is located on the property, and Mr. Adair answered in the affirmative.

Mr. Beach advised that the sign was constructed prior to the revision of the sign ordinance in 1992 and it currently has a nonconforming status; however, the addition of a Bank IV panel would require that the sign comply with the current Code or be permitted by a variance.

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 the maximum height for a ground sign from 25' to 30' - **SECTION 1221.E.1. CG, CH, CBD, IL, IM AND IH, Use Conditions for Business Signs**; a **variance** of the required 40' setback from the centerline of Main Street to 36' for a sign; and a **variance** of the required 50' setback from the centerline of 15th Street to 37' - **SECTION 1221.C.6. General Use Conditions for Business Signs**; per plan and photographs submitted; subject to the execution of a removal contract; finding that the sign structure is existing and only one panel (6'1" by 2') will be added; 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 1, 2 and 3, Block 2, Stansbery Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17248

Action Requested:

Variance of the maximum height for a ground sign from 25' to 32' - **SECTION 1221.D.1. CS District Use Conditions for Business Signs**; and a Variance of the required setback from the centerline of 71st Street from 60' to 50' for a sign - **SECTION 1221.C.6. General Use Conditions for Business Signs**, located 9606 East 71st Street.

Presentation:

The applicant, **James Adair**, 8014 South 79th East Avenue, submitted photographs and a plot plan (Exhibit F-1) and informed that Bank IV has contracted with Texaco to install ATM machines in numerous Texaco stations around the City. He stated that the only change to the existing Texaco sign will be the addition of a panel containing the ATM wording. Mr. Adair pointed out that the existing sign was permitted at the current setback before the Code was revised in 1992.

Comments and Questions:

Mr. Bolzle asked if the sign is located on the property, and Mr. Adair answered in the affirmative.

Mr. Beach advised that the sign was constructed prior to the revision of the sign ordinance in 1992 and it currently has a nonconforming status; however, the addition of a Bank IV panel would require that the sign comply with the current Code or be permitted by a variance.

Interested Parties:

Lloyd Hobbs, chairman for District 18, asked if the sign will obstruct the line of sight at the intersection and add to the clutter at this location. He suggested that a removal contract be required if the Board is inclined to approve the application.

Mr. Bolzle informed that the panel will be installed between two existing panels and will not obstruct the line of sight or add ground clutter.

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 Variance of the maximum height for a ground sign from 25' to 32' - **SECTION 1221.D.1. CS District Use Conditions for Business Signs**; and a Variance of the required setback from the centerline of 71st Street from 60' to 50' for a sign - **SECTION 1221.C.6. General Use Conditions for Business Signs**; per plan and photographs submitted; subject to the execution of a removal contract; finding that the sign structure is existing and only one panel (6'1" by 2') will be added; 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:

Lot 1, Block 1, Wembley Station, City of Tulsa, Tulsa County, Oklahoma less Beginning at the NW/c said Lot 1; thence easterly along the northerly line Lot 1 for 169.94' to a point of curve to the right with a central angle of 90°06'45" and a radius of 30' for 47.18'; thence southerly along the easterly line of Lot 1 for 1.94'; thence northwesterly along a deflection angle to the right of 134°56'38" for 28.26'; thence easterly along a deflection angle to the left of 45°03'22" for 180.00'; thence northerly along the westerly line of Lot Lot 1 for 12.00' to the P.O.B.

Case No. 17249

Action Requested:

Variance of the maximum height for a ground sign from 25' to 30' - **SECTION 1221.D.1. CS District Use Conditions for Business Signs**, located 5736 East 41st Street.

Presentation:

The applicant, **James Adair**, 8014 South 79th East Avenue, submitted photograph and a plot plan (Exhibit G-1) and informed that Bank IV has contracted with Texaco to install ATM machines in numerous Texaco stations around the City. He stated that the only change to the existing Texaco sign will be the addition of a panel containing the ATM wording. Mr. Adair pointed out that the existing 30' sign was permitted at the current setback before the Code was revised in 1992.

Comments and Questions:

Mr. Bolzle asked if the sign complies with all setback requirements, and Mr. Adair answered in the affirmative.

Mr. Beach advised that the sign was constructed prior to the revision of the sign ordinance in 1992 and it currently has a nonconforming status; however, the addition of a Bank IV panel would require that the sign comply with the current Code or be permitted by a variance.

Protestants:

None.

Case No. 17249 (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 Variance** of the maximum height for a ground sign from 25' to 30' - **SECTION 1221.D.1. CS District Use Conditions for Business Signs**, per plan and photographs submitted; finding that the sign structure is existing and only one panel (6'1" by 2') will be added; 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 at a point on the E line, 50 feet S of the NE/c E/2, W/2, NW/4, NE/4, Sec. 27, T-19-N, R-13-E; thence S along said E line for 113.2'; thence S48°34'30"W for 200'; thence northwesterly 273.2' to a point 200' W and 25' S of the NE/c said E/2, W/2, NW/4, NE/4; thence E along a line parallel to and 25' S of the N line said E/2, W/2, NW/4, NE/4 for 125'; thence S along a line parallel to and 75' W of the E line said E/2, W/2, NW/4, NE/4 for 25'; thence E for 75' to the P.O.B.

Case No. 17250

Action Requested:

Variance of the maximum height for a ground sign from 25' to 37' - **SECTION 1221.E.1. CG, CH, CBD, IL, IM and IH Use Conditions for Business Signs**, located 6051 South Garnett Road.

Presentation:

The applicant, **James Adair**, 8014 South 79th East Avenue, submitted photographs and a plot plan (Exhibit H-1) and informed that Bank IV has contracted with Texaco to install ATM machines in numerous Texaco stations around the City. He stated that the only change to the existing Texaco sign will be the addition of a panel containing the ATM wording.

Comments and Questions:

Mr. Bolzle asked if the sign is located on the property, and Mr. Adair answered in the affirmative.

Mr. Beach advised that the sign was constructed prior to the revision of the sign ordinance in 1992 and it currently has a nonconforming status; however, the addition of a Bank IV panel would require that the sign comply with the current Code or be permitted by a variance.

Case No. 17250 (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 the maximum height for a ground sign from 25' to 37' - **SECTION 1221.E.1. CG, CH, CBD, IL, IM and IH Use Conditions for Business Signs**, per plan and photographs submitted; finding that the sign structure is existing and only one panel (6'1" by 2') will be added; 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 at a point 50' N and 50' E of the SW/c of the S/2, SW/4, SW/4, Sec. 32, T-19-N, R-14-E, Tulsa County, Oklahoma; thence N and parallel to the W line said Sec. 32 for 200'; thence S 89°58'49"E for 200'; thence S and parallel to the westerly line of said Sec. 32 to a point which is 50' N and 250' E of the SW/c said Sec. 32; thence N89°58'49"W to the P.O.B.

Case No. 17251

Action Requested:

Variance of the maximum height for a ground sign from 25' to 40' - **SECTION 1221.D.1. CS District Use Conditions for Business Signs**; and a variance of the required setback from the centerline of South Yale Avenue from 60' to 55' - **SECTION 1221.C.6. General Use Conditions for Business Signs**, located 9014 South Yale Avenue.

Presentation:

The applicant, **James Adair**, 8014 South 79th East Avenue, submitted photographs and a plot plan (Exhibit J-1) and informed that Bank IV has contracted with Texaco to install ATM machines in numerous Texaco stations around the City. He stated that the only change to the existing Texaco sign will be the addition of a panel containing the ATM wording.

Comments and Questions:

Mr. Beach advised that the sign was constructed prior to the revision of the sign ordinance in 1992 and it currently has a nonconforming status; however, the addition of a Bank IV panel would require that the sign comply with the current Code or be permitted by a variance.

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 the maximum height for a ground sign from 25' to 40' - **SECTION 1221.D.1. CS District Use Conditions for Business Signs**; and a **variance** of the required setback from the centerline of South Yale Avenue from 60' to 55' - **SECTION 1221.C.6. General Use Conditions for Business Signs**; per plan and photographs submitted; and subject to the execution of a removal contract; finding that the sign structure is existing and only one panel (6'1" by 2') will be added; 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 SE/c Sec. 16, T-18-N, R-13-E; thence due W for 84.97'; thence due N for 50.00' to P.O.B.; thence due W for 150.00'; thence N00°01'59"E for 175.00'; thence due E for 175.00'; thence S00°01'59"W for 150.00'; thence S45°01'00"W for 35.37' to P.O.B., City of Tulsa, Tulsa County, Oklahoma.

Case No. 17252

Action Requested:

Variance of the maximum height for a ground sign from 25' to 30' - **SECTION 1221.E.1. CG, CH, CBD, IL, IM and IH Use Conditions for Business Signs**, located 70 North Sheridan Road.

Presentation:

The applicant, **James Adair**, 8014 South 79th East Avenue, submitted photographs and a plot plan (Exhibit K-1) and informed that Bank IV has contracted with Texaco to install ATM machines in numerous Texaco stations around the City. He stated that the only change to the existing Texaco sign will be the addition of a panel containing the ATM wording. Mr. Adair pointed out that the existing 30' sign was permitted at the current setback before the Code was revised in 1992.

Comments and Questions:

Mr. Bolzle asked if the sign complies with all setback requirements, and Mr. Adair answered in the affirmative.

Mr. Beach advised that the sign was constructed prior to the revision of the sign ordinance in 1992 and it currently has a nonconforming status; however, the addition of a Bank IV panel would require that the sign comply with the current Code or be permitted by a variance.

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 the maximum height for a ground sign from 25' to 30' - **SECTION 1221.E.1. CG, CH, CBD, IL, IM and IH Use Conditions for Business Signs**, per plan and photographs submitted; finding that the sign structure is existing and only one panel (6'1" by 2') will be added; 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:

North 165' Lot 13, Block 2, Greenlawn Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17253

Action Requested:

Variance of the maximum height for a ground sign from 25' to 30' - **SECTION 1221.D.1. CS District Use Conditions for Business Signs**, located 8108 South Harvard.

Presentation:

The applicant, **James Adair**, 8014 South 79th East Avenue, submitted photographs and a plot plan (Exhibit L-1) and informed that Bank IV has contracted with Texaco to install ATM machines in numerous Texaco stations around the City. He stated that the only change to the existing Texaco sign will be the addition of a panel containing the ATM wording. Mr. Adair pointed out that the existing 30' sign was permitted at the current setback before the Code was revised in 1992.

Comments and Questions:

Mr. Bolzle asked if the sign complies with all setback requirements, and Mr. Adair answered in the affirmative.

Mr. Beach advised that the sign was constructed prior to the revision of the sign ordinance in 1992 and it currently has a nonconforming status; however, the addition of a Bank IV panel would require that the sign comply with the current Code or be permitted by a variance.

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

the maximum height for a ground sign from 25' to 30' - **SECTION 1221.D.1. CS District Use Conditions for Business Signs**, per plan and photographs submitted; finding that the sign structure is existing and only one panel (6'1" by 2') will be added; 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:

South 25', north 35', west 126' and the East 15', south 39', north 80' and the east 20', south 20', Lot 1, Block 1, Walnut Creek Mall, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17254

Action Requested:

Variance of the maximum height for a ground sign from 25' to 35' - **SECTION 1221.D.1. CS District Use Conditions for Business Signs**; and a variance of the required 60' setback from the centerline of East 21st Street to 50' for a sign - **SECTION 1221.C.6. General Use Conditions for Business Signs**, located 12909 East 21st Street.

Presentation:

The applicant, **James Adair**, 8014 South 79th East Avenue, submitted photographs and a plot plan (Exhibit M-1) and informed that Bank IV has contracted with Texaco to install ATM machines in numerous Texaco stations around the City. He stated that the only change to the existing Texaco sign will be the addition of a panel containing the ATM wording.

Comments and Questions:

Mr. Beach advised that the sign was constructed prior to the revision of the sign ordinance in 1992 and it currently has a nonconforming status; however, the addition of a Bank IV panel would require that the sign comply with the current Code or be permitted by a variance.

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 the maximum height for a ground sign from 25' to 35' - **SECTION 1221.D.1. CS District Use Conditions for Business Signs**; and a **variance** of the required 60' setback from the centerline of East 21st Street to 50' for a sign - **SECTION 1221.C.6. General Use Conditions for Business Signs**; per plan and photographs submitted; subject to the execution of a removal contract; finding that the sign structure is existing and only one panel (6'1" by 2') will be added; 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:

Lot 1, Block 1, Skelly Heights Addition, less beginning at the SW/c said Lot 1; thence north along the west line said Lot 1 for 26'; thence southeasterly 35.38' to a point on the south line said Lot 1; thence west along the south line said Lot 1 for 24' to POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17260

Action Requested:

Special Exception to permit a structure used primarily to support antennas and the related operations building in an RS-3 zoned district - **SECTION 1204. USE UNIT 4 PUBLIC PROTECTION AND UTILITY FACILITIES**, located 1132 East 38th Street.

Presentation:

The applicant, **Brookside Church of Christ**, was represented by **Kevin Coutant**, who submitted a packet (Exhibit N-1) containing a plot plan, photographs and letters of consent. He informed that a 70' monopole transmission tower (additional 10' antenna at the top) and an electronic equipment building (12' by 20') will be placed in the parking lot of the existing church. Mr. Coutant informed that his client, U. S. Cellular Telephone Company, is leasing a 45' by 90' portion of the property for this use. He noted that all abutting landowners have been contacted and are not opposed to the tower location. Mr. Coutant pointed out that there are numerous commercial uses slightly west of Peoria Avenue.

Comments and Questions:

Mr. Bolzle inquired as to the distance from the base of the tower to the nearest residence, and Mr. Coutant replied that the closest residences are to the south and west, approximately 110'.

Mr. Doverspike asked if lighting will be installed on the pole, and Mr. Coutant stated that he has not been informed about the lighting, but the pole will comply with FAA requirements in that regard.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a 70' monopole tower used primarily to support antennas and the related operations building in an RS-3 zoned district - **SECTION 1204. USE UNIT 4 PUBLIC PROTECTION AND UTILITY FACILITIES**; per plan submitted; finding that

the tower 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 SE/c Lot 1, Brockman's Subdivision, City of Tulsa, Tulsa County, Oklahoma; thence W along the S line of said Lot 1 for 163.75'; thence N parallel to the E line said Lot 1 for 25.00' to the P.O.B.; thence W, parallel to the S line of said Lot 1 for 45.00'; thence N, parallel to the E line said Lot 1 for 90.00'; thence E, parallel to the S line said Lot 1 for 45.00'; thence S, parallel to the E line said Lot 1 for 90.00' to the P.O.B.

Case No. 17261

Action Requested:

Variance of the required number of parking spaces from 9 to 7 in an OM zoned district - **SECTION 1211. OFFICES, STUDIOS AND SUPPORT SERVICES** - Use Unit 11, located 4940 East 73rd Street South.

Presentation:

The applicant, **Jeff Primm**, P. O. Box 33209, Tulsa, Oklahoma, was represented by **Keith Wilson**, who submitted a plot plan (Exhibit P-1) and advised that he is a partner in the proposed business. He informed that only 7 parking spaces are available and noted that the business will not require additional parking. Mr. Wilson advised that the major portion of the business income will be derived from mail order sales of oils, lotions and similar products, with very few walk-in customers. Photographs (Exhibit P-2) were submitted.

Comments and Questions:

In reply to Mr. Doverspike, Mr. Wilson stated that items will not be advertised for sale at this location, but this will be primarily a mail-order business.

Mr. Beach stated that the use was presented as a physical therapy/medical studio/massage facility at the time the application was filed.

Mr. Wilson stated that this type of business may be operated in the future, but the use at this time is primarily the sale of merchandise by mail. He informed that he is currently operating a massage business at another location.

Mr. Doverspike inquired as to the number of employees at this location, and Mr. Wilson stated that there will be five or six individuals working in the business.

Protestants:

Ron Potts, 7181 South Braden, informed that he lives two doors north of the residence in question and pointed out that approximately 50% of the buildings in the OM zoned area are used for residences. Mr. Potts stated that he has attempted to contact the applicant concerning the proposed use and the individual answering the phone would not discuss the nature of the business. He submitted a petition of opposition (Exhibit P-2) to the operation of a massage parlor on the subject property.

Mr. Doverspike asked Mr. Potts if he would be opposed to a mail-order business being operated on the property, and he replied that he would not be opposed to a legitimate business.

Mark Myler, 4942 East 73rd Street, informed that he lives next door to the property in question and is opposed to the proposed business. He stated that a parking lot in the neighborhood would devalue his property and asked the Board to maintain the residential character of the area.

Jim Brown stated that he is a property owner in the neighborhood and is opposed to the business because of the additional traffic that would be generated by the use.

Applicant's Rebuttal:

Mr. Wilson stated that there are three or four existing business on the street where the proposed business will be located.

Additional Comments:

In reply to Mr. Doverspike, Mr. Gardner advised that the Code does not address a massage parlor, other than adult entertainment. He informed that the only legitimate massage parlor would be a medical related use, and pointed out that commercial sales would not be permitted unless related to the medical use, with products being prescribed by a doctor.

Mr. Bolzle stated that the applicant is proposing to enclose the residential garage and eliminate parking. He noted that the hardship is self-imposed.

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 **Variance** of the required number of parking spaces from 9 to 7 in an OM zoned district - **SECTION 1211. OFFICES, STUDIOS AND SUPPORT SERVICES** - Use Unit 11; finding that the applicant failed to present a hardship peculiar to the property that would warrant the granting of a variance request; on the following described property:

Lot 8, Block 2, Nob Hill Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17262

Action Requested:

Variance of the previously imposed Board of Adjustment condition that the sides of a covered patio remain open to permit enclosing the patio - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 4016 East 82nd Place.

Presentation:

The applicant, **Robert Slepka**, P. O. Box 702492, Tulsa, Oklahoma, submitted a plot plan (Exhibit R-1) and informed that the patio in question was constructed in 1994. He requested that the patio be enclosed to provide additional living space. Mr. Slepka informed that he has visited with the property owners in the neighborhood and they are supportive of the project (Exhibit R-2).

Comments and Questions:

Mr. Doverspike asked the distance from the corner of the patio to the rear property line, and he replied that the patio is approximately 6' from the rear boundary.

Mr. Gardner asked the applicant how far his neighbor's home is from the rear property line, and Mr. Slepka informed that he is not sure of the distance, but his neighbor has a large back yard (more than 50').

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 previously imposed Board of Adjustment condition that the sides of a covered patio remain open to permit enclosing the patio - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the houses in this area are located on large irregular shaped lots and approval of the request will not be detrimental to the neighborhood; on the following described property:

Lot 2, Block 8, forest Creek II Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17263

Action Requested:

Variance of the required setback from an abutting street as designated on the major street plan from 45' to 38' to permit a new structure - **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS**, located NW/c East 15th Street and South Newport Avenue.

Presentation:

The applicant, **Darin Frantz**, 2202 East 49th Street, was represented by **Dan Tanner**, who informed that a previous Board case permitted a 45' setback from 15th Street and the subject property is one of the last lots to be developed. He informed that a security gate is located in front of the lot and a continuous masonry wall extends along the south side. Mr. Tanner advised that the action requested is for a 38' setback, however, that figure has now been changed to 40'. He pointed out that the location of the security gate, the fence and the small nature of the lot make the variance necessary. He informed that there are other houses in the area that are as close or closer to the street than the proposed structure.

Comments and Questions:

Mr. White asked the applicant if the setback variance is being changed from 38' to 40', and Mr. Tanner answered in the affirmative.

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 the required setback from an abutting street as designated on the major street plan from 45' to 40' to permit a new structure - **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS**; finding that there are other structures in the area that are closer to the street than the proposes dwelling; and finding that approval of the request will not be detrimental to the neighborhood or violate the spirit and intent of the Code; on the following described property:

Lot 6, Block 1, Maplevue on Cherry Street Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17264

Action Requested:

Special Exception to permit multifamily buildings and accessory uses in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 8.

Special Exception to amend a previously approved site plan - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 8, located north and east of East 61st Street and South Memorial Drive.

Comments and Questions:

Mr. Doverspike and Ms. Turnbo abstained from hearing Case No. 17264.

Mr. Beach advised that **Carmen Lyman**, representative of the Woodland View Park I Property Owners Association, has requested a continuance, however, the request was not timely. He pointed out that a timely request should be received no later than noon on the Thursday before the Board of Adjustment meeting.

Ms. Lyman stated that, after she became aware of a revised site plan, there was not sufficient time to get a timely request to the INCOG staff.

In reply to Mr. Bolzle, Ms. Lyman stated that she was aware of the Board of Adjustment meeting date, but did not find that there was a revised site plan until late Wednesday.

Mr. Tanner advised that he does not object to a continuance, however, all matters relative to the property are stable and remain unchanged. He informed that one portion of the application involves a modification to a previously approved site plan to add garages and the other portion is the approval of Use Unit 8 in a CS District. He pointed out that out-of-state individuals that have interests in the project are present for the hearing today.

Ms. Lyman stated that the association feels that significant changes to the original site plan require their evaluation and study. She noted that this is the fourth site plan for the project.

Ms. Abbott asked if there has been a change in the number of units, and Mr. Tanner replied that there have been no changes.

It was the consensus of the Board that they should hear the case before considering the continuance request.

Presentation:

The applicant, **Dan Tanner**, 2202 East 49th Street, submitted a site plan (Exhibit S-3) and informed that he is the engineer for the project in question. He explained that all issues relating to the development are contained in the request, however, there are two portions of the application. Mr. Tanner informed that construction of the initial 240-unit multifamily project was previously approved by the Board (Case No. 16860), with all buildings being limited to two stories. He asked that the plan be revised to include garages and slightly move some of the buildings and parking areas. A clarification to the staff report (Exhibit S-4), a site plan (Exhibit S-3) and development standards (Exhibit S-5) were submitted.

Additional Comments:

Ms. Turnbo asked if the project will be limited to two-story buildings, and Mr. Tanner answered in the affirmative.

In reply to Mr. Beach, Mr. Tanner informed that the location of the trash dumpsters has been changed, per site plan submitted. Mr. Tanner also noted that the masonry columns were a part of the previous development standards, however, these were deleted to acquire funds for a higher screening fence (higher than 6') if that is a request of the neighborhood.

In regard to windows, Mr. Tanner advised Mr. Bolzle that there will be no doors or windows within 75' of residences.

Mr. Tanner advised that the remaining tract (5 acres) will complete development of his clients property. He stated that new development on this property will consist of apartments, a clubhouse, with a managers unit, and a pool.

Mr. Bolzle asked if the trash dumpsters are enclosed, and Mr. Tanner answered in the affirmative.

In reply to Mr. Bolzle, Mr. Gardner advised that the north portion has 22.7 dwelling units per acre, with the overall density of the combined tracts being 19.5.

Protestants:

John Crater, 3504 East 88th Street, stated that he owns abutting property and voiced a concern with the type of screening being installed, dumpster locations, drainage, lighting, security and the height of the garages.

Pat Strand informed that she owns property at 5929 South 87th East Avenue and voiced a concern that she has not received information concerning the project.

Case No. 17264 (continued)

Carla Swain submitted Oklahoma Housing Finance Agency Information (Exhibit S-1) and stated that she is president of the Union Homeowners/Renters Association. She noted that the area does not provide needs for older individuals and the project is not appropriate at this location.

Mr. Bolzle pointed out that the purpose of the Board is to determine land use issues only.

Carmen Lyman, 8314 East 56th Place, submitted a petition of protest and read a letter of protest (Exhibit S-2) from **Lloyd Hobbs**, chairman for District 18. Ms. Lyman requested that the south parcel remain commercial and pointed out that commercial development in this area could serve individuals living in the nearby apartment complex.

Bobbie Needham, 5931 South 87th East Avenue, read a letter of protest (Exhibit S-2) from **Dale Leander**, 9005 East 60th Street, which stated that this project would add to an existing drainage problem in the area.

Terry Christiansen informed that she is a member of the Union Homeowners/Renters Association and noted that the project is for the elderly and asked the Board to determine if the project is appropriate for this location.

Judy Matthews, 5814 South 87th East Avenue, stated that her rear yard abuts the subject property, and noted that the lay of the land would cause the foundation of the building in question to be as high as the screening fence between the two properties. Ms. Matthews noted that commercial uses with regular business hours would be a more appropriate land use.

Jeffrey Stoermer, 8913 East 59th Street, stated that this area of the City is saturated with apartments and pointed out that an excessive amount of units overburdens the school system and becomes detrimental to the area. Mr. Stoermer stated that the application should be continued to allow interested parties to be heard.

Dick Lyman read a letter of protest (Exhibit S-2) from a residential property owner who advised that vandalism has increased substantially since the construction of apartments in the area and traffic congestion is existing.

Lewis Raines informed that he lives in the area and asked the Board that the neighborhood not be overburdened with housing projects.

Deborah McGlothlin informed that her property abuts the subject tract and noted that the neighborhood concerns regarding the project have not been answered.

Case No. 17264 (continued)

Neil Triteman, owner of the subject property, informed that the development on the five-acre tract receives no subsidy and is not elderly housing. He noted that a convenience store can be constructed on the property by right; however, it was suggested that a less intense use would be more compatible with the residential neighborhood.

Applicant's Rebuttal:

In reply to Ms. Abbott, Mr. Tanner advised that the dumpsters will have lids and will be screened. He informed that lighting is on the fence on the east and north perimeter and security gates will be installed on the driveways accessing the property. Mr. Tanner stated that his client would not object to the east screening fence continuing to 61st Street, as requested by Public Works. The applicant stated that the property slopes dramatically from the northwest to the southeast and the building will step up the hill. He advised that, although a drainage fee in lieu of detention may be acceptable, it is the intent of his client to provide on-site detention.

In reply to Mr. Bolzle, the applicant stated that 380 parking spaces will be provided on the north tract and 106 on the south site. He noted that the development complies with the parking requirements.

Mr. Gardner noted that commercial development will generate three times as much traffic as the proposed use.

Mr. Gardner advised that trees along the fenceline would aid in screening the building in question from the residential dwellings to the north and east.

In response to Mr. White, Mr. Gardner advised that a one-story commercial building requires a 10' setback from the residential boundary, plus 1' additional setback for each foot of height for buildings over 15' in height.

Mr. Bolzle asked if the type of tenancy should be considered in making a determination, and Mr. Gardner advised that the applicant is not requesting elderly housing as part of this application, but has asked for a special exception for apartments. He added that there is a provision for elderly housing in the Code and, if reduced parking is requested and approved, there are provisions in the Code that address the necessity for elevators, grab bars and emergency equipment. He noted that the total number of dwelling units proposed has been reduced from the amount previously approved by the Board on this property.

Mr. Tanner requested that the Board vote on each special exception item separately.

Case N. 17264 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-2 (Abbott, Bolzle, White, "aye"; no "nays"; Doverspike, Turnbo, "abstaining"; none "absent") to **DENY** the continuance request; finding that the neighborhood was adequately represented and appeared to be familiar with the application.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-2 (Abbott, Bolzle, White, "aye"; no "nays"; Doverspike, Turnbo, "abstaining"; none "absent") to **APPROVE** a **Special Exception** to permit multifamily buildings and accessory uses in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 8; per plan submitted; subject to the construction of a detention facility; finding that the extension of the apartment project to the south tract will allow the traffic from the north tract to enter 61st Street without entering the ring road around Eaton Square; finding that the addition of 64 apartment units will not be detrimental to the area or violate the spirit and intent of the Code.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-2 (Abbott, Bolzle, White, "aye"; no "nays"; Doverspike, Turnbo, "abstaining"; none "absent") to **APPROVE** a **Special Exception** to amend a previously approved site plan (north portion of tract) - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 8; per site plan submitted; subject to development standards attached (windows in building No. 7 being changed from 60' to 75' from the east property line); finding that the changes to the initial plan submitted are not detrimental to the area; finding that one building has been eliminated and that the added garages provide additional screening and separation; and finding that the relocation of the dumpsters to face west instead of east on the east side of the project will not have an adverse impact on the neighborhood; on the following described property:

Beginning at the SE/c Lot 1, Block 1, Memorial South Center, City of Tulsa, Tulsa County, Oklahoma; thence N89°59'55"W for 374.71'; thence N00°00'05"E for 90.00' to a point of curve; thence northerly and northwesterly along a curve to the left w/ a central angle of 45°00'00" and a radius of 250.00' for 196.35'; thence N44°59'55"W for 120.45' to a point of curve; thence northwesterly and northerly along a curve to the right with a central angle of 32°29'47" and a radius of 500.00' for 283.58'; thence N12°30'08"W for 64.86' to a point of curve; thence northerly and northwesterly along a curve to the left with a central angle of 21°23'19" and a radius of 250.00' for 93.32'; thence N26°00'00"E for 243.22'; thence N73°00'00"E for 195.00'; thence N00°00'08"W for 250.00' to a point on the northerly line of said Block 1; thence N89°59'52"E for 421.94' to the NE/c said Block 1; thence S00°08'45"E for 1271.51' to the P.O.B., City of Tulsa, Tulsa County, Oklahoma.

Proposed Development Standards - December 7, 1995 Woodland Manor - Extended Project Area

**BOA Case No. 17264 - 12/12/95 Agenda
Prior Approval Case No. 16860 - 9/22/94**

Land Area: 15.567 Ac Total

10.579 Ac Tract A - previous application
4.988 Ac Tract B - additional project area

Permitted Uses:

Attached residential dwelling units, townhouses, garden apartments and customary accessory uses, including detached garages and/or covered parking, clubhouses, tennis courts, swimming pools, laundry rooms and similar recreational or accessory management office facilities.

Maximum Number of Dwelling Units: 304

Maximum building Height: 2 Stories

The height of two story buildings will not exceed 35'

Minimum Building Setbacks:

From North Property Line 25' buildings
11' garage or carport

From East Property line 25' buildings
11' garage or carport

From Centerline of internal
private collector street 40'

From West Phase line 11' buildings
11' garage or carport

Minimum Off-Street Parking:

As required for Use Unit 8

Signs:

As permitted in the RM-1 District

Screening Fence:

6' high solid screening fence as per detail plan

Drainage:

On-site storm water drainage and any natural drainage from the north shall be directed to the and away form the adjacent residential areas on the north.

Trash:

Trash collection facilities shall be located as per detail plan submitted.

Lighting:

Light fixtures, other than tennis court lighting, within 100' of the north and east boundaries shall be attached to the screening fence or mounted on standards not more than 6' high. Tennis courts shall not be lighted after 11 p.m. on any day.

Windows:

Windows of building number 7 on the attached site plan shall be at least 60' from said property lines.

Site and Grading Plan:

Shall be submitted to and approved by the Board of Adjustment as being in compliance with these Development Standards prior to the issuance of a Building Permit.

Case No. 17265

Action Requested:

Variance to permit required off-street parking to be located on a lot other than the lot containing the principal use - **SECTION 1301.D.GENERAL REQUIREMENTS** - Use Unit 12; and a variance of the number of required off-street parking spaces from 24 to 21 to permit a new restaurant - **SECTION 1212. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS, Off-street parking and Loading Requirements** - Use Unit 12, located northeast corner East 16th Street and South Main Street.

Presentation:

The applicant, **Joe Wilkinson**, 16 East 16th Street, Suite 500, stated that the existing building is being remodeled and will be used as a sandwich shop. He informed that the small parking lot cannot accommodate the use, and requested that the vacant lot to the north be approved for off-street parking.

Comments and Questions:

Mr. Beach noted that one parking space would not meet Code because parking in this space would require backing out into the alley.

Protestants:

None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-1 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; Abbott, "abstaining"; none "absent") to **APPROVE** a **Variance** to permit required off-street parking to be located on a lot other than the lot containing the principal use - **SECTION 1301.D.GENERAL REQUIREMENTS** - Use Unit 12; and a **variance** of the number of required off-street parking spaces from 24 to 20 to permit a new restaurant - **SECTION 1212. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS, Off-street parking and Loading Requirements** - Use Unit 12; per plan submitted; subject to the execution of a tie contract; 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 4 and 5, Block 1, Stansbery Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17267

Action Requested:

Special Exception to permit Christmas tree sales and a tent in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, located 5108 North Peoria Avenue.

Case No. 17267 (continued)

Presentation:

The applicant, **Johnye Fuselier/Henry Adams**, 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. 17267 to January 9, 1996.

Case No. 17268

Action Requested:

Appeal from the decision of an administrative official denying permission to rebuild a nonconforming ground sign which was accidentally removed - **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL.**

Variance of the requirement that if a nonconforming sign is damaged or partially destroyed to the extent of more than 50% of its current replacement cost at the time of the damage, the sign shall be removed or made to conform - **SECTION 1403.A.3. NONCONFORMING SIGNS.**

Variance of the requirement that if a sign is nonconforming by reason of restrictions other than on its display surface area, height or setback from R Districts, said sign shall be removed or made to conform by January 1, 1996 - **SECTION 1403.B.5. NONCONFORMING SIGNS.**

Variance of the maximum aggregate display surface area for ground signs of 1 square foot per lineal foot of street frontage - **SECTION 1221.D.3. BUSINESS SIGNS AND OUTDOOR ADVERTISING** - Use Unit 21, located 1115 East 61st Street.

Presentation:

The applicant, **John Moody**, 5555 East 71st Street, Suite 6230, submitted photographs (Exhibit T-3) and informed that the nonconforming sign that was previously in place on the property contained four faces (600 sq ft of display surface area) and the owner contracted to remove this sign and install a two-face sign (300 sq ft of display surface area). He explained that, in replacing the sign, the contractor erroneously cut the pole and removed the entire sign instead of replacing the sign faces. Mr. Moody informed that the error was discovered immediately and the pole was being replaced when a sign inspector passed by, observed the procedure and stopped the work. He pointed out that the new sign will reduce the signage on the subject property, and noted that the property frontage will allow approximately 600 sq ft of total display surface area. The applicant asked the Board to permit one double-faced sign (300 sq ft) to be installed on the property, with only one side being used for advertising products not sold on the premises and one side for on-site advertising. A location map and sign plan (Exhibit T-1) were submitted.

Interested Parties:

Roger Larkey, Building Inspections Supervisor, submitted a statement regarding the sign (Exhibit T-2), and informed that Reynolds Outdoor Advertising contracted with American Transfer Company to remove the top portion of the existing billboard. He stated that they removed the entire sign structure by mistake, which involved cutting the pole off at ground level. Mr. Larkey stated that a sign inspector was in the area and observed the pole being welded back in place. He pointed out that this type of repair is unsafe and would have been a potential hazard to the existing daycare center approximately 18' away. Mr. Larkey noted that the sign company did not make application for a permit, probably because the Code does not allow outdoor advertising signs outside a freeway corridor.

Applicant's Rebuttal:

Mr. Moody stated that his client was in error and that the new sign will be constructed in a safe manner. He informed that the sign permit was denied because of the nonconforming issue, and asked the Board to approve a sign at the proposed location.

Mr. Bolzle noted that the new sign will be smaller, and stated that the Board has been inclined to look favorably on applications that will result in reduced signage.

Mr. Gardner pointed out that, if the sign company had made application to modify the existing sign, the issue would have been heard by the Board.

Mr. Doverspike asked Mr. Linker if the sign will continue to be nonconforming if the variances are approved, and he replied that it will remain nonconforming if the Board is so inclined and this is made a part of the motion.

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 **UPHOLD** the decision of an administrative official in denying permission to rebuild a nonconforming ground sign - **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL**; and to **APPROVE** a **Variance** of the requirement that if a nonconforming sign is damaged or partially destroyed to the extent of more than 50% of its current replacement cost at the time of the damage, the sign shall be removed or made to conform - **SECTION 1403.A.3. NONCONFORMING SIGNS**; and to **APPROVE** a **Variance** of the maximum aggregate display surface area for ground signs of 1 square foot per lineal foot of street frontage - **SECTION 1221.D.3. BUSINESS SIGNS AND OUTDOOR ADVERTISING** - Use Unit 21; per plan submitted; subject to the sign remaining nonconforming; subject to only one side of the two-face sign (300 sq ft per face) being used to advertise products not sold on the premises; subject to the sign height being a maximum of 40'; finding the third variance request to be moot (requirement that if a sign is nonconforming by reason of restrictions other than on its

Case No. 17268 (continued)

display surface area, height or setback from R Districts, said sign shall be removed or made to conform by January 1, 1996, because of state law); finding that signage will be reduced approximately 300 sq ft and approval of the request will not violate the spirit and intent of the Code; on the following described property:

Lots 10-14 and west 25' vacated street adjacent thereto on east side Lots 10-12, all in Block 7, Broadview Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17269

Action Requested:

Variance of the required setback from an abutting R District from 75' to 50' - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 11, located 4949 South Mingo Road.

Presentation:

The applicant, **Becky Fugett**, 8717 South 72nd East Avenue, submitted a plot plan (Exhibit V-1) and informed that an insurance office is proposed at the above stated location. She explained that the abutting lot to the north is zoned RS-3, which requires a 75' setback; however, the owner has assured her that he intends to rezone the property to commercial. Ms. Fugett advised that the only abutting residential property is to the north.

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 the required setback from an abutting R District from 75' to 50' - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 11; finding that zoning in the area is predominately CS and IL; and finding that approval of the request will be consistent with the Comprehensive Plan and will not be detrimental to area or violate the spirit and intent of the Code; on the following described property:

Lot 1, Block 1, 4949 Mingo Center, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 17197

Action Requested:

Special exception to permit a private park as a children's amusement on a lot other than the lot containing the principal residence in an RS-3/HP zoned district - **SECTION 1202. AREA WIDE SPECIAL EXCEPTION USES** - Use Unit 2, located 1565 and 1559 Swan Drive.

Presentation:

The applicant, **Alan Elias**, 1565 and 1559 Swan Drive, was represented by **Warren Morris**, who informed that the property in question is located on the north side of Swan Lake. He informed that his client has complied with the requirements of the Department of Interior in regard to adequate space for keeping Galapagos tortoises. Mr. Morris noted that Mr. Elias has constructed a pond with a waterfall to accommodate the tortoises and an enclosed heated area is also provided. He pointed out that his client has conducted a neighborhood meeting concerning the application and found no opposition. Photographs (Exhibit W-2) and letters of support (Exhibit W-1) were submitted.

Mr. Elias submitted a petition of support (Exhibit W-3) and informed that the animals are not dangerous and the use will be compatible with the neighborhood. He commended various City agencies for their help with the project.

Comments and Questions:

Ms. Turnbo voiced a concern with numerous individuals congregating along the narrow street and the possibility that traffic congestion could become a problem.

Mr. Elias stated that large groups visiting the site will be scheduled, however, neighborhood residents will not be restricted. He pointed out that it is his intent to retain the quiet, peaceful atmosphere of the neighborhood.

Ms. Turnbo asked Mr. Elias if he intends to breed the animals, and he replied that it is not his intent to be a breeder and he will have only four animals. The applicant informed that a perpetual trust will be set up to care for the tortoises.

In reply to Ms. Turnbo, Mr. Elias stated that all waste matter will be removed in a timely fashion.

In regard to lighting, Mr. Elias advised Ms. Turnbo that the waterfall will have lights, but there will be no tall light poles on the property.

Ms. Turnbo asked Mr. Elias if he would be opposed to a one-year time limitation on any approval of the application, and he replied that a time limit is acceptable.

Case No. 17197 (continued)

In response to Ms. Abbott, Mr. Elias informed that the federal inspectors visit the property periodically to ensure compliance with all requirements. He pointed out that the Galapagos tortoises are internationally endangered and the governments work together to preserve these animals.

In reply to Mr. Gardner, Mr. Elias stated that he is not and will not be in the breeding business, and will not raise these animals to sell.

Protestants:

None.

Interested Parties:

Numerous individuals were in attendance to support the application.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a private park as a children's amusement on a lot (applicant's contiguous yard) other than the lot containing the principal residence in an RS-3/HP zoned district - **SECTION 1202. AREA WIDE SPECIAL EXCEPTION USES** - Use Unit 2; for a probation period of one year (the year beginning at the such time the animals arrive.), for private use by the applicant, not for general public use or commercial purposes; subject to screening of the extended yard; subject to no major area lighting; subject to animals on the premises being restricted to 4 Galapagos tortoises and temporary residence for any baby tortoises, which are to be removed as soon after birth as deemed practical; subject to no breeding for commercial purposes; subject to timely removal of animal waste; subject to compliance with local, state and federal laws governing animals; finding that the use, per conditions, will not be detrimental to the neighborhood; on the following described property:

Part of Lots 7 and 8, Block 1, Swan Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Consider Approval of 1996 Meeting Schedule

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** the 1996 meeting schedule as presented.

There being no further business, the meeting was adjourned at 6:45 p.m.

Date Approved 8-27-96


Chairman