

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 695
Tuesday, January 9, 1996, 1 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Abbott
Bolzle
Turnbo, Chair
White

Gardner
Beach
Moore

Linker, Jackere
Legal Dept.

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, January 5, 1996, at 2:24 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 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** the minutes of December 12, 1995 (No. 694).

UNFINISHED BUSINESS

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 loading - **SECTION 1304.C. DESIGN STANDARDS FOR OFF-STREET LOADING AREAS**, located 2222 East 11th Street.

Presentation:

The applicant, **David Rich**, 2140 South Harvard, informed that the property in question was acquired from the railroad and is located on former railroad right-of-way. He stated that the tract is long and narrow and it is not possible to obtain additional street frontage. He submitted a plot plan (Exhibit A-1) and informed that the 50-year-old building has never had all-weather parking. Mr. Rich submitted photographs (Exhibit A-2) of the property.

Case No. 17246 (continued)

Comments and Questions:

In reply to Mr. Bolzle, the applicant stated that mattresses are currently manufactured at this location. He pointed out that the Commercial Lumber Company acquired property on the opposite of the railroad tracks and use gravel driveways.

Ms. Turnbo inquired as to the amount of traffic using the gravel driveways, and Mr. Rich stated that delivery trucks travel the road approximately once each month. He noted that customer parking is along the front of the building and that area is paved.

Mr. Bolzle noted that the lot is extremely narrow and the use is not intense.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **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 loading - **SECTION 1304.C. DESIGN STANDARDS FOR OFF-STREET LOADING AREAS**; per plan; subject to the building size and use unit remaining the same; finding a hardship demonstrated by the narrowness of the lot, the infrequent use of the unpaved surface and the small size of the graveled area; and finding that there are other unpaved driveways in the older area; on the following described property:

A tract of land in the Missouri Pacific Railroad Company right-of-way located in the NE/4, Sec 7, T-19-N, R-13-E, Indian Base and Meridian, Tulsa County, Oklahoma described as follows: commencing at the NE/c Lot 1, Block 1, M.E. Bailey Subdivision of Block 1, Terrace Drive Addition, City of Tulsa, Tulsa County, Oklahoma; thence S32°22'34"E for 5.92' to the P.O.B., said point being on the Southerly right-of-way line of E. 11th St. S.; thence S32°22'34"E for 300'; thence N57°59'22"E for 48.90'; thence N32°00'38"W for 81.97'; thence N57°59'22"E for 10.00'; thence N32°00'38"W for 180.00'; thence due south for 71.72' to the P.O.B.; 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**, 6944 East Joplin Avenue, #1106, was not represented.

Comments and Questions:

Mr. White noted that the Christmas tree lot was in operation during the 1995 Christmas season without Board approval.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **DENY** without prejudice Case No. 17267; finding that the applicant failed to appear at two consecutive Board meetings.

East 150', east 300', north 300' of south 375', SE/4, NE/4, Section 12, T-20-N, R- 12-E, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 17255

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**; and a variance of the required 50' setback from the centerline of Utica to 35' for a sign - **SECTION 1221.C.6 General Use Conditions for Business Signs**, located 104 South Utica Avenue.

Presentation:

The applicant, **James Adair**, 8014 South 79th East Avenue, submitted photographs and a plot plan (Exhibit B-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. 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. 17255 (continued)

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "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 50' setback from the centerline of Utica Avenue to 35' for a sign; 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 2, Block 1, Midway Second Addition, being a resubdivision of Lots 1, 2, 3 and 24, Block 2, Midway Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17256

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**;- Use Unit 21, located 3105 South Garnett Road.

Presentation:

The applicant, **James Adair**, 8014 South 79th East Avenue, submitted photographs and a plot plan (Exhibit C-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. 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 17256 (continued)

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "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**; Use Unit 21; per plan 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:

Lot 1, Block 1, Briarglen Center, a Resub. of Blocks 1-4, Briarglen Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17258

Action Requested:

Variance of the maximum height for a ground sign from 25' to 35' - **SECTION 1221.E.1. CG, CH, CBD, IL, IM and IH Use Conditions for Business Signs**, Use Unit 21, located 2109 South Sheridan Road.

Presentation:

The applicant, **James Adair**, 8014 South 79th East Avenue, submitted photographs and a plot plan (Exhibit D-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 35' sign was permitted at the current setback before the Code was revised in 1992.

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 **ABBOTT**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** of the maximum height for a ground sign from 25' to 35' - **SECTION 1221..1. CG, CH, CBD, IL, IM and IH Use Conditions for Business Signs**, Use Unit 21; per plan submitted; finding that the sign structure is existing and only one panel (6'1" by 2')

Case No. 17258 (continued)

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 NW/c Sec. 14, T-19-N, R-13-E; thence due E for 235.00'; thence S0°07'42"W for 50.00' to P.O.B.; thence S0°07'42"W for 280.00'; thence due W for 185.00' to a point on the E right-of-way line of S Sheridan Rd.; thence N0°07'42"E for 245.00'; thence N45°03'51"E for 35.39'; thence due E for 48.50'; thence N0°07'42"E for 10.00'; thence due E for 111.50' to P.O.B., City of Tulsa, Tulsa County, Oklahoma.

Case No. 17259

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** - Use Unit 21; and a variance from the centerline of South Yale from 60' to 50' - **SECTION 1221.C.6 General Use Conditions for Business Signs**; and a special exception to amend a previously approved site plan to allow additional signage - **SECTION 1221.D.1 CS District Use Conditions for Business Signs** - Use Unit 21, located 5 North Yale Avenue.

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 35' sign was permitted at the current setback before the Code was revised in 1992.

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.

Case No. 17259 (continued)

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "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** - Use Unit 21; and a **variance** from the centerline of South Yale from 60' to 50' - **SECTION 1221.C.6 General Use Conditions for Business Signs**; and a **special exception** to amend a previously approved site plan to allow additional signage - **SECTION 1221.D.1 CS District Use Conditions for Business Signs** - Use Unit 21; per plan 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 7 except east 15' thereof, Block 2, White City Addition and east 15' Lot 7 and W/2 Lot 8, Block 2, White City Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17271

Action Requested:

Variance of the required livability space - **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; and a variance of the required 20% maximum coverage of the rear yard to permit an accessory building - **SECTION 210.B.5 YARDS** - Use Unit 6, located 1039 East 36th Street.

Presentation:

The applicant, **Bart Lowrance**, 1039 East 36th Street, submitted a packet (Exhibit F-3) containing a history of the case and informed that initial construction of the accessory building began in September 1995, without a building permit. The applicant stated that he was unaware that a building permit was required; however, this was pointed out by a concerned neighbor, and application for a permit was filed October 9, 1995. He stated that the City notified him on October 13, 1995 that a complaint concerning the accessory building had been filed. Mr. Lowrance stated that the City issued a building permit for the structure on November 13, 1995 and construction continued. He informed that the building inspector visited the site and advised that there was a potential problem with the permit. The applicant stated that the City issued a stop work order on November 30, 1995 and on December 1, 1995 the City advised that the permit was rescinded on the basis of a zoning violation. Mr. Lowrance advised that he then filed the two variance requests; however, it has been determined by the inspector that the variance of livability space is not needed. He

Case No. 17271 (continued)

pointed out that a large tree stump and existing overhead utility lines caused him to choose the current location for the accessory building (90% complete). Photographs (Exhibit F-2) were submitted.

Comments and Questions:

Mr. Gardner advised that the building inspector issued the building permit in error; however, the building would have met all requirements if moved 7' farther to the interior of the yard. He pointed out that the new building (20' by 14' = 280 sq ft) is 140 sq ft more than permitted by the Zoning Code, since the Code permits 200 sq ft and the existing garage contains 60 sq ft in the required yard, for a total of 340 sq ft.

Protestants:

Byron Brown advised that he is an abutting landowner and is representing **Pat Oglesby** and **David Smith**, who also own abutting properties. Letters of protest (Exhibit F-2) were submitted. He informed that the applicant already has a detached garage and pointed out that multiple detached buildings are not customarily found in the neighborhood. Mr. Brown stated that a hardship has not been demonstrated, and noted that the applicant continued construction after the stop work order was issued. He suggested that any hardship is self-imposed. Mr. Brown pointed out that the City was notified when the initial construction began, and that he also spoke with the applicant concerning the project. Mr. Brown stated that it is his opinion that the applicant is in need of a variance of the required livability space, because the driveway has been widened and additional concrete exists.

Jim Doherty addressed the Board concerning livability space and there was additional Board discussion on this issue.

Applicant's Rebuttal:

Mr. Lowrance stated that he is aware of Mr. Brown's complaints concerning the obstruction of airflow and the negative affect the building would have on the aesthetics of his adjacent property. He pointed out that the roof on Mr. Brown's garage is in bad repair and noted that his fence and large trees would more adversely affect the airflow than the new accessory building. The applicant informed that the additional paving on the property is not used for parking.

Ms. Abbott inquired as to the date construction began on the property, and the applicant replied that work on the project began in September 1995.

Ms. Abbott asked the applicant when he became aware that a permit was required to construct the building, and he stated that he made inquiry after a neighbor asked if a permit had been issued.

Case No. 17271 (continued)

Ms. Abbott stated that the building permit was issued and it is her determination that this constitutes a hardship.

Mr. Bolzle contended that an error in the issuance of a building permit is not a waiver of a violation, as is stated on the building permit.

Mr. Gardner advised that the applicant could remove 13 sq ft of paved area (widened driveway) and comply with the requirements, based on staff calculations.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** of the required livability space (13 sq ft) - **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6;

Mr. Bolzle's motion to deny a variance of the required 20% maximum coverage of the rear yard died for lack of a second.

On **MOTION** of **ABBOTT**, the Board voted 2-2-0 (Abbott, White, "aye"; Bolzle, Turnbo, "nay"; no "abstentions"; Doverspike, "absent") to **APPROVE*** a **variance** of the required 20% maximum coverage of the rear yard to permit an accessory building - **SECTION 210.B.5 YARDS** - Use Unit 6; on the following described property:

East 50' of S/2, Lot 5, Block 4, Peoria Gardens Addition to the City of Tulsa, Tulsa County, Oklahoma.

*The variance of the maximum 20% coverage within the required rear yard was denied, due to the lack of three affirmative votes.

Case No. 17272

Action Requested:

Minor Special Exception to amend a previously approved site plan to permit a canopy addition to a church - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 5324 East 46th Street.

Presentation:

The applicant, **Lawrence Meyers**, 4208 East 104th Street South, submitted a plot plan (Exhibit G-1) and informed that church use was approved on the subject property in 1982, and requested permission to add a canopy to the existing building.

Comments and Questions:

In reply to Mr. Bolzle, Mr. Beach advised that the canopy will be 20' by 38.3'.

Case No. 17272 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Minor Special Exception** to amend a previously approved site plan to permit a canopy addition to a church - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; finding that the minor change (addition of canopy) to the previously approved site plan will not be injurious to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

W/2 Lots 1, 2 and 3, Block 1, Allen's Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17273

Action Requested:

Variance of the required parking for a restaurant to 20 spaces - **SECTION 1217 EATING ESTABLISHMENTS OTHER THAN DRIVE-INS** - Use Unit 12, located 1411 South Harvard.

Presentation:

The applicant, **Jeffrey Levinson**, 35 East 18th Street, informed that his client, Cherry Street Bakery, is proposing to construct a 3000 sq ft facility at the above stated location. He submitted a plot plan and data sheet (Exhibit N-1) and explained that a restaurant will be added to the current use; however, the entire second floor will be used exclusively as office space for the business and a large kitchen area will also be required. Mr. Levinson advised that twenty spaces are available, which should be sufficient for the use.

Interested Parties:

Allan Stewart, 2244 East 7th Street, planning chair for District 4, stated that the bakery has been a good neighbor in the Cherry Street area and that he is supportive of the application.

Comments and Questions:

Mr. Gardner advised that, if inclined to approve the request, the second floor of the building should be restricted to office use for the business.

In reply to Mr. White, the applicant stated that there are three or four off-street parking spaces in front of the building.

Case No. 17273 (continued)

Mr. Gardner pointed out that this type of use is referred to as a specialty restaurant and should be restricted to this use, because the parking lot could not support a traditional restaurant.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** of the required parking for a restaurant to 20 spaces - **SECTION 1212. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS** - Use Unit 12; per plan submitted; subject to the restaurant being operated as a specialty restaurant only (operated in conjunction with the bakery); and subject to the second floor being limited to office space for the bakery and restaurant, and not used as additional restaurant seating ; finding that the use, per conditions, will not be injurious to the area or violate the spirit and intent of the Code; on the following described property:

Lots 10 and 11, Block 3, Summit Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17274

Action Requested:

Variance of the required side yard from 10' to 5' to permit an addition to an existing dwelling - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1715 East 30th Place.

Presentation:

The applicant, **Jack Arnold**, 7318 South Yale Avenue, was represented by **Jim Santon**, who submitted a plot plan and informed that Mr. Arnold's client is proposing to construct an addition to an existing dwelling. He informed that the neighbors have been contacted and there has been no opposition to the project.

Comments and Questions:

Mr. Bolzle asked if the addition can be designed to comply with the Code, and the applicant stated that he is not familiar with the requirements; however, relocation of the addition would require extensive reworking of the interior of the house.

Mr. Bolzle noted that approval of the request would create a narrow space between the dwelling in question and the property to the east. He stated that it appears that the addition could be constructed to comply with Code requirements.

Case No. 17274 (continued)

It was the consensus of the Board that additional information is needed to adequately evaluate the case.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **CONTINUE** Case No. 17274 to January 23, 1996.

Case No. 17275

Action Requested:

Variance of the required side yard from 10' to 6'8' to permit an addition to an existing dwelling - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 8, located 16 Woodward Boulevard.

Presentation:

The applicant, **George Saxby**, 20420 South Lewis, was represented by **John Wallace Trepp**, who submitted a plot plan (Exhibit J-1) and requested that he be permitted to enclose a porch on an existing condo. He pointed out that the property owner next door has already completed a similar project, and the proposer's construction will align with that building wall. Photographs (Exhibit J-2) were submitted.

Comments and Questions:

Mr. Bolzle remarked that the property is unique, due to the high elevation.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** of the required side yard from 10' to 6'8" to permit an addition to an existing dwelling - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 8; finding that the condominiums are much higher than surrounding properties; and finding that the building wall will not extend farther into the side yard than that of the abutting property owner; on the following described property:

East 344.58', Block 8, Riverside Drive Addition Third Amended, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17276

Action Requested:

Variance of a nonconforming use to allow a liquor store in an RS-3 zoned district - **SECTION 1402.F. NONCONFORMING USE OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION** - Use Unit 13, located 1545 East Pine Street.

Comments and Questions:

Mr. Beach informed that the address advertised for the subject property was in error and a continuance has been requested.

Protestants:

Protestants were in attendance.

Presentation:

The applicant, **Alta Spruzzola**, 1520 North College, was not present.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **CONTINUE** Case No. 17276 to January 23, 1996 to permit proper advertising.

Case No. 17277

Action Requested:

Variance of the required setback from the centerline of Haskell Place from 50' to 30'; special exception to amend a previously approved site plan - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS**; special exception to waive the screening requirement on the south and east sides - **SECTION 212.C. SCREENING WALL OR FENCE** - Use Unit 25, located 1006 East Independence.

Presentation:

The applicant, **Richard Morgan**, 7798 East 24th Street, was represented by **Charles Norman**, who submitted a plot plan (Exhibit K-1) and informed that the existing aircraft cylinder reconditioning business is proposing an expansion project. He stated that the contractor was advised by the building inspector that setback relief from 75' to 30' was required from the centerline of Haskell Place; however, the hearing notice states the request to be from as 50' to 30'.

Mr. Linker advised that the requested relief is a 30' setback and the application is properly before the Board.

Case No. 17277 (continued)

Mr. Norman submitted photographs (Exhibit K-2) and informed that the nearby residential property is zoned for multifamily use. He stated that a storage building is proposed on the south side of the existing structure, and noted that variances were previously approved on Independence and Madison to permit a 30' setback for the existing buildings. He pointed out that the property owner has planted trees along the west side of the property and retaining walls have been constructed. Mr. Norman informed that numerous properties in the area are in bad repair and the proposed structure will be an asset to the neighborhood. He pointed out that the properties in this area were developed before the adoption of the current Code.

Comments and Questions:

Mr. White asked if the building will extend to the property line along Haskell Place, and Mr. Norman replied that the structure (20' in height) will be 5' north of the property line.

Mr. Bolzle inquired as to the hardship for the 30' setback, and Mr. Norman replied that the topographical change and the fact that the area was platted many years ago constitute a hardship. He pointed out that the size of these older lots are not consistent with current requirements, resulting in lots that are not easily developed without Board relief.

Mr. Gardner advised that solid building walls (no windows) are sometimes used as type of screening, and many lots were developed in this manner prior to 1970.

In reply to Mr. Bolzle, Mr. White stated that he is not concerned with the approval of a 30' setback on this particular lot, due to the elevation of the property.

Mr. Bolzle stated that the property owner is attempting to overbuild the lot and a hardship is not evident. He voiced a concern with creating a tunnel 60' wide and 35' long.

Mr. Norman pointed out that the absence of driveways and service entrances at this location should be considered, and stated that trees could be planted along Independence, similar to those already in place along Haskell.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-1-0 (Abbott, Turnbo, White, "aye"; Bolzle, "nay"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of Haskell Place from 50' to 30'; special exception to amend a previously approved site plan - **SECTION 903. BULK AN AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS**; special exception to

Case No. 17277 (continued)

waive the screening requirement on the south and east sides - **SECTION 212.C. SCREENING WALL OR FENCE** - Use Unit 25; per plan submitted; subject to trees being planted and maintained along the south side of the building between the retaining wall and the curb; finding that the property in this area was platted many years ago and the lots do not comply with current Code requirements; and finding that the solid building wall and the required trees will provide adequate screening; on the following described property:

Lots 23 through 28, Block 2, Frisco Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17278

Action Requested:

Variance of the required frontage on a public street from 50' to 10' to permit a lot split (No. 18204) - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 23, located 9509 and 9511 East 46th Street.

Presentation:

The applicant, **George Twilley**, PO Box 35651, submitted a plot plan (Exhibit L-1) and explained that the variance is required to allow separate ownership of the two existing buildings on the tract. He informed that each building will retain the areas they currently use (parking, shipping docks, sidewalks, etc.), and pointed out that there have been similar lot splits in the immediate area.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** of the required frontage on a public street from 50' to 10' to permit a lot split (No. 18204) - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 23; per plan submitted; and subject to Technical Advisory Committee approval; finding that the two buildings are existing and will retain the area they are currently using; and finding that approval of the request will not be detrimental to area; on the following described property:

Beginning at the NW/c Lot 5, Block 1, Regency Industrial Addition, thence S40°12'48"E for 120.05'; thence S47°59'37"W; thence N42°0'23"W for 10'; thence N47°59'37"E for 180'; thence N40°12'48"W for 110.04'; thence N47°59'37"E to POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17279

Action Requested:

Special Exception to permit a bed and breakfast inn with not more than 4 rental bedrooms in an RS-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 7134 South Quincy.

Comments and Questions:

Ms. Turnbo advised that Mr. Bolzle will abstain from hearing Case No. 17279.

Presentation:

The applicant, **Nancy Crow**, 2814 East 82nd Street, informed that she is proposing to split the lot and retain the existing dwelling on Quincy. She stated that the new dwelling, which will be used for a bed and breakfast inn, will be located on the lot with street frontage on Riverside Drive. A plot plan (Exhibit M-1) was submitted. Ms. Crow noted that it is her intent to access the lot from Quincy. She pointed out that the bed and breakfast business will not be advertised and customers will consists of business contacts that travel extensively and are interested in a home setting in lieu of a hotel room. Ms. Crow stated that there will be no more than four rental bedrooms and the house will contain approximately 4500 sq ft of floor space.

Protestants:

Ms. Turnbo informed that the Board has received three letters of protest (Exhibit M-2).

Larry Williamson, 7131 South Quincy, informed that he and his mother live near the subject property and stated that he was not able to acquire sufficient information to adequately evaluate the use. Mr. Williamson pointed out that the size and style of the proposed inn are not compatible with the existing dwellings in the neighborhood. He stated that he views the use as a small hotel, with a conference center.

Ms. Turnbo advised that conferences are not permitted and only meals will be served to guests that are staying at the inn.

Mr. Beach advised that, if approved by this Board, the project would be subject to platting, a review by the Technical Advisory Committee and approval of the lot split by the Planning Commission.

Councilor Darla Hall noted that the Council's purpose and intent in permitting a bed and breakfast business in a residential area was to allow an existing building to become a bed and breakfast.

Jim Doherty, a member of the TMAPC, informed that the preservation of older structures was discussed during the planning stage prior to the adoption of the ordinance regarding a bed and breakfast operation. He suggested that a guideline to determine compatibility would be the developed area surrounding the site.

Case No. 17279 (continued)

Betty Rather, 7208 South Quincy, stated that she is the property owner to the south of the subject tract and finds the proposed use to be commercial in nature. She pointed out that Quincy is very narrow at this location and cannot adequately accommodate heavy traffic that could be generated by the bed and breakfast.

Applicant's Rebuttal:

Ms. Crow explained that it is not imperative that the access point be located on Quincy, because a bridge can be constructed to provide a driveway from Riverside Drive. She noted that the bed and breakfast will be served by a sanitary sewer. Ms. Crow stated that she will merely open her home to individuals that would otherwise stay in a motel, but prefer a home setting. She pointed out that the dwelling will actually be on Riverside Drive and will not be a part of the neighborhood on Quincy. The applicant noted that the property has two street frontages and the existing house on Quincy will remain.

Ms. Turnbo asked Ms. Crow if she is aware that banquets and special events are not permitted in the residential district, and she answered in the affirmative.

Ms. Abbott inquired as to the method of attracting clients, and the applicant stated that she already has business clients that have speaking engagements in Tulsa.

Mr. Gardner advised that the property has frontage on two dedicated streets and could be split into two lots, with the lot on Riverside Drive being entitled to street access, unless the City has purchased the access rights.

In reply to Mr. White, Mr. Gardner stated that it was envisioned during the planning process that large existing houses in residential areas might be converted to a bed and breakfast; however, new structures for this use were not prohibited. He stated that the Board should determine if the location of the structure on Riverside Drive, and away from the residential neighborhood on Quincy, would make this use appropriate for this site.

Ms. Turnbo advised that she could support the application if the dwelling had only four rental rooms and access on Riverside Drive.

Board Action:

The **MOTION** of **WHITE** to **APPROVE** a **Special Exception** to permit a bed and breakfast inn with not more than 4 rental bedrooms in an RS-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan, with access being changed to Riverside Drive; subject to a maximum of four guest bedrooms, died for lack of a second.

Case No. 17279 (continued)

On **MOTION** of **WHITE**, the Board voted 2-1-1 (Turnbo, White, "aye"; Abbott, "nay"; Bolzle, "abstaining"; Doverspike, "absent") to **APPROVE*** a **Special Exception** to permit a bed and breakfast inn with not more than 4 rental bedrooms in an RS-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan, with access being changed to Riverside Drive; subject to a maximum of four guest bedrooms.

*The application was denied, due to the lack of three affirmative votes.

Part of Lot 3, Block 2, River Grove Subdivision, beginning at the NE/c said Lot 3; thence west 443.13'; thence SE 83.80'; thence east 35.70'; thence 81.89; thence east 390.8'; thence north 164' to POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17280

Action Requested:

Appeal from the decision of an administrative official that the gravel yard as shown on the site plan submitted must be paved with an all-weather surface - **SECTION 1605. APPEAL FROM AN ADMINISTRATIVE OFFICIAL**; and, in the alternative, a variance of the required all-weather surface for the gravel storage yard - **SECTION 1303.D.DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 23, located north of I-244, west of North 129th East Avenue.

Presentation:

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

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **CONTINUE** Case No. 17280 to January 23, 1996.

Case No. 17282

Action Requested:

Variance of the required setback from the centerline of South Lewis Avenue from 50' to 30' to permit a sign to be located in the planned right-of-way - **SECTION 215 - STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 18, located northeast corner East 16th Street and South Lewis Avenue.

Case No. 17282 (continued)

Presentation:

The applicant, **Ted Sack**, 111 South Elgin, submitted a plot plan (Exhibit N-1) and explained that a Sonic drive-in was previously approved at this location and the sign is proposed in the City right-of-way near the north property line and away from the residential neighborhood. Mr. Sack informed that he has met with the neighborhood (Exhibit N-1) and they are supportive of the sign location.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of South Lewis Avenue from 50' to 30' to permit a sign to be located in the planned right-of-way - **SECTION 215 - STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 18; per plan submitted; subject to the execution of a removal contract; finding that the proposed sign location will be farther from the residences; 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:

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

Case No. 17284

Action Requested:

Variance of the required all-weather surface for a parking/display area - **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 17, located west of the NW/c East Admiral Place and South 193rd East Avenue.

Presentation:

The applicant, **Jim Kuykendall**, 10905 East 25th Place, was not present.

Case No. 17284 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **CONTINUE** Case No. 17284 to January 23, 1996.

There being no further business, the meeting was adjourned at 3:53.

Date Approved 1-23-96


Chairman