

**CITY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 700**  
Tuesday, March 26, 1996, 1 p.m.  
Francis F. Campbell City Council Room  
Plaza Level of City Hall  
Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Abbott Box Turnbo, Chair White	Bolzle	Gardner Beach Moore Huntsinger	Romig, Legal Department Linker, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, March 21, 1996, at 2:28 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, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** the minutes of March 12, 1996 (No.699)

**UNFINISHED BUSINESS**

**Case No. 17315**

**Action Requested:**

Variance of the required aisle width for 90° parking spaces from 24' to 16'. **SECTION 1303.A.2.d.(Figure 4) DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**  
- Use Unit 14, located 13012 East 21st. Street.

**Presentation:**

The applicant, Dan Alaback, 2642 East 21st Street, Suite 225, was represented by Kerry Miller, 2642 East 21st Street, submitted a revised plot plan (Exhibit A-1), Mr. Miller stated the 16 spaces will be met. After discussing the 2' overhang with Scott Bruce of INCOG, it was determined that this will meet the 40' requirement for the minimum parking depth and backing up distance.

Case No. 17315 (continued)

**Comments and Questions:**

Jim Beach asked the applicant if parking space 16 is wider than the standard, applicant answered affirmatively.

Bob Gardner states if the space is wider you can begin your turning movements sooner.

In response to Mr. Gardner, the applicant stated the 16 spaces originally provided 3 spaces at the southwest corner of the site, with the revised plan it will be a single parking space.

Responding to Mr. Beach, the applicant stated the remaining paved area to the north of space 16 will be striped to prevent parking.

Ms. Abbott asked if applicant needed a variance of 24' to 16' with the configuration for the parking space 16, applicant responded affirmatively.

**Protestants:** None.

**Board Action:**

On **MOTION** of **ABBOTT**, the Board voted 4-0-0 (Abbott, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Variance** of the required aisle width for 90° parking spaces from 24' to 16' on parking space 16 only. **SECTION 1303.A.2.d.(Figure 4) DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 14: per plan submitted with parking area to the north of number 16 being striped to designate no parking; finding slot 16 provides additional turning space and the variance will not be injurious to the area or violate the spirit or intent of the Code; on the following described property:

Lot 1, Block 1, Garnett Place, City of Tulsa, Tulsa County, Oklahoma.

**NEW APPLICATIONS**

**Case No. 17297**

**Action Requested:**

Variance of the required setback from the centerline of South Florence Place. from 35' to 22.5' to permit an existing dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; located 3818 South Florence Place.

Case No. 17297 (continued)

**Presentation:**

The applicant, **Jaunita Satterfield**, 1424 Terrace Drive, submitted a plot plan (Exhibit B-1) and requested a front setback from 25' to 22 1/2' to permit an encroachment of the existing dwelling. She stated the building corner encroaches 2 1/2' over the 25' building line. The applicant further stated this is not an alteration, the house was built in 1960 and the encroachment is due to the curve of the street.

**Comments and Questions:**

Mr. Gardner stated that this is an example of when the structure was originally built there was a 25' setback on the plat and that was the zoning requirement at that time. He further stated that since that time the requirements have changed, so technically the amount of the variance is whatever the ordinance requires at this point and time. He explained the structure barely encroaches the setback line that was on the plat at the time and she is asking that the title be cleared up to allow this property to remain as it was originally built.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of South Florence Place. from 35' to 22.5' to permit an existing dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted, finding the structure was built in 1960 and that approval of the request will not be detrimental to the neighborhood or violate the spirit or intent of the Code; on the following described property:

Lot 12, Block 32, Blocks 28-35 Ranch Acres Resubdivision, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17323**

**Action Requested:**

Special Exemption to permit a temporary tent for a 7 day period in July or August each year for five years to permit the Gatesway International Balloon Festival. **SECTION 851. PRINCIPAL USES PERMITTED IN THE SCIENTIFIC RESEARCH DISTRICT** - Use Unit 2; located SW/c East 41st Street and South 129th East Avenue.

Case No. 17323 (continued)

**Presentation:**

The applicant, **Gatesway Foundation**, 1217 East College, Broken Arrow, Oklahoma, was represented by Jeri Smith, 4608 South Garnett, Suite 413, submitted a plot plan (Exhibit C-1) and requested an extended exemption to permit a temporary tent for a 7 day period in July or August each year for five years for the Gatesway International Balloon Festival.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Special Exemption** to permit a temporary tent for a 7 day period in July or August each year for **five years** to permit the Gatesway International Balloon Festival. **SECTION 851. PRINCIPAL USES PERMITTED IN THE SCIENTIFIC RESEARCH DISTRICT** - Use Unit 2; per plan submitted; finding the use to be compatible with the area; in harmony with the spirit and intent of the Code; on the following described property:

N/2, NE/4, Sec. 29, T-19-N, R-14-E, Part of Cities Service Center Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17324**

**Action Requested:**

Variance of the allowable display surface area for a sign to allow 610 SF along 129th East Avenue. **SECTION 1221.D.3. CS District Use Conditions for Business Signs** - Use Unit 21, located NW/c East 51st Street and South 129th East Avenue.

**Presentation:**

The applicant, **Transwestern Property Company**, 12221 Merit Drive, Suite 450, Dallas, Texas, was represented by Gary Larsen, 533 South Rockford, who submitted a plot plan (Exhibit D-1) and requested permission to decorate support poles to look like silos on the property.

**Protestants:**

None.

Case No. 17324 (continued)

**Comments and Questions:**

Mr. White asked Mr. Larsen if the site plan he submitted is located on the corner, applicant responded affirmatively and there will be two signs.

Mr. Gardner stated that if the supports attached to the sign are attention getting, then they become a part of the display surface area; the building inspector has determined that because of the uniqueness of this design it is obviously drawing attention and so therefore, the applicant requires a variance.

**Action Requested:**

On **MOTION** of **WHITE** the Board voted 4-0-0 (Abbott, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Variance** of the allowable display surface area for a sign to allow 610 SF along 129th East Avenue. **SECTION 1221.D.3. CS District Use Conditions for Business Signs** - Use Unit 21, per plan permitted; finding the decorated supporting poles are considered part of the display surface area and therefore the relief is needed; finding a hardship demonstrated by the unique design of the sign and the size of the site; on the following described property:

Beginning at the NW/c SE/4 Sec. 29, T-19-N, R-14-E. City of Tulsa, Tulsa County, Oklahoma; thence S89°52'46"E for 2590.45'; thence S0°04'14"W for 2253.62'; thence N89°55'46"W for 8.00'; thence S0°04'14"W for 310.00'; thence S45°05'07"W for 39.58'; thence N89°54'01"W for 727.90'; thence N58°53'31"W for 337.49'; thence N66°21'31"W for 1214.70'; thence along a curve to the left, a radius of 21,585.92' and a central angle of 1°16'02" for 477.42'; thence N0°02'15"E for 1712.51' to POB less and except lot 1, Block 1, including Reserve "A", Amberjack a subdivision in the City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17325**

**Action Requested:**

Special Exception to permit automobile sales in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located W. of SW/c 31st Street and South Mingo Road.

**Presentation:**

The applicant, **David Rich**, 2140 South Harvard, submitted a plot plan (Exhibit E-1) and requested a special exception to permit auto sales. The applicant informed the Board of previous special exceptions in the area for higher density parking and larger signs. Applicant stated the property is relatively small and lies in the Mingo Creek flood plain, because of restrictions it is not possible to expand facilities to make it more multipurpose for other commercial uses; submitted photos (Exhibit E-2). He further stated the immediately adjoining property to the east received a special exception in 1992 for automotive and allied activities for use as a muffler shop.

**Protestants:**

None.

**Comments and Questions:**

Mr. Gardner asked the applicant if the entire site was paved and how many automobiles would actually be displayed, the applicant responded that the site was paved and approximately 10 to 12 cars would be displayed.

Mr. White stated that the applicant is currently using the front and back of the lot at this time and there are more than 12 cars displayed.

Ms. Abbott asked applicant if the customer parking spaces are striped, applicant stated that the front spaces are striped, approximately 6 spaces.

Mr. White inquired if Thoroughbred Auto's is the tenant at this time, Mr. Rich responded affirmatively.

Mr. White stated Thoroughbred Auto's currently display the autos parked to the west and the east, customers park in the center to view cars.

Ms. Abbott asked if there were any outside storage at this site, Mr. White stated there were auto parts and pieces of vehicles that were in the back.

Ms. Turnbo asked applicant if there would be a problem with limits of how many automobiles could be displayed, applicant indicated he would down size his operation substantially and handle a higher grade of used cars.

Case No. 17325 (continued)

**Board Action:**

On **MOTION** of **ABBOTT**, the Board voted 4-0-0 (Abbott, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Special Exception** to permit automobile sales in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; per plot plan, subject to no on-site repair; no outside storage of inoperable vehicles or parts and parking spaces directly in front of the building will be reserved for customers; finding the use per conditions to be compatible with area and in harmony with the spirit and intent of the Code; on the following property:

Beginning 50' S of the N line and 250' W of the E line of the NE/4, NE/4, Sec. 24, T-19-N, R-13-E IBM, City of Tulsa, Tulsa County, Oklahoma; thence due W along S r/w line E 31st Street S for 91'; thence due S parallel to E boundary S 93rd E Ave. for 200'; thence due E parallel to the N boundary said NE/4 NE/4 for 91'; thence N0°11'14"E for 200' of POB.

**Case No. 17326**

**Action Requested:**

The applicant, **John L. Williams**, 19534 East 4th Street, has requested by letter (Exhibit F-1) that Case No. 17326 be withdrawn.

**Case No. 17327**

**Action Requested:**

Special Exception to permit church and accessory uses in a RS-3 zoned district to permit expansion of the existing church. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 1204, 1212, 1214 South 75th East Avenue.

**Presentation:**

The applicant, **Fred J. Catlett**, 13216 North 105th East Avenue, Collinsville, Oklahoma, submitted a plot plan (Exhibit G-1) and requested a permit to expand the existing church onto lots 1212 and 1214 South 75th E. Ave., the church is currently under negotiations to purchase the lots if the permit is allowed.

**Protestants:**

None.

Case No. 17327 (continued)

**Comments and Questions:**

Mr. Gardner stated the applicant will need a tie agreement to tie the 4 lots together, Mr. Catlett shows a future addition on the plot plan and this will be authorized for up to three years if approved by the Board.

Ms. Abbott asked the applicant if there were easements on lots two and three that would effect development of the lots, the applicant responded with a negative answer.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Special Exception** to permit church and accessory uses in a RS-3 zoned district to permit expansion of the existing church. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; subject to execution of a tie contract for the four lots; finding the use to be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

Lots 1, 2, 3 and 4, Block 6, Eastmoor Park, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17328**

**Action Requested:**

Special Exception to waive the screening requirements. **SECTION 212. SCREENING WALL OR FENCE** - Use Unit 11, located 5577-5579 South Lewis Avenue.

**Presentation:**

The applicant, **Kerry D. Barnett**, 1020 North Sandusky, submitted a plot plan (Exhibit H-1) and requested a waiver of the screening fence required by the Code. Applicant further stated the 6' screening fence would not accomplish the purpose of the Code except screen the retaining wall behind the building as seen in photographs (Exhibit H-2).

**Protestants:**

J. W. Raper, 5550 South Lewis Court, stated that he lives in one of the four units in the duplexes that abut to the applicants property. He requested a denial of the application to dismiss the screening fence requirement. He stated that there are no peculiar circumstances in the terrain which would make it exceedingly burdensome for anyone to place a screening fence. Mr. Raper stated that he is economically harmed by the lack of a screening fence and is at greater risk of crime because of the easy access from Lewis to the back yard of his property.



**Comments and Questions:**

Ms. Turnbo stated that if the applicant installs a 6' screening fence it would not solve Protestant's problem, Mr. Raper responded that he understands, however, if applicant will stop preventing the construction of the retaining wall where it belongs, then the 6' screening fence would most appropriately block and separate the view of the use of the two properties.

Mr. Gardner stated the applicant and protestant may have a private matter to resolve and the Board needs to find out if the applicant built a retaining wall on the protestant's property or not, Mr. Raper clarified that he did not state applicant built the retaining wall but, whoever constructed the office building.

Ms. Abbott asked protestant if the retaining wall was on his property, he responded affirmatively.

Ms. Abbott asked Mr. Raper if the applicant installed a 6' screening fence on the built up area will it be sufficient, he responded no.

**Applicant's Rebuttal:**

The applicant, Kerry Barnett, stated that the retaining wall was already in place and was constructed in 1979, before he purchased the building.

**Comments and Questions:**

Mr. White stated the purpose of the screening fence is to shield from the activities of parking from view. The parking is in front, the building is approximately 11' high, the retaining wall is about 5' high and if the screening fence is installed on the retaining wall, it would still only be as high as the top of the building, therefore, the top of the building would still be in full view from the east.

Mr. Gardner stated there could also be a question of privacy, however, in this particular instance, if they built a 6' screening fence at the property line it will be 1' taller than the retaining wall, which means the elevated duplexes have absolutely no benefit of a screening fence and will still be able to see the office building.

Mr. White pointed out that there would be a 1' 1/2" space between the retaining wall and the screening fence, where grass and weeds will grow.

Case No. 17328 (continued)

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Special Exception** to waive the screening requirements. **SECTION 212. SCREENING WALL OR FENCE** - Use Unit 11; per plan submitted; finding that the installation of a screening fence on the property line as required by the Code would not provide a visual separation as intended by the Code and would serve no purpose; on the following described property:

Beginning at the NW/c SW/4, Sec. 32, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, thence E along the N line said SW/4 for 200'; thence S parallel to W line said SW/4 for 165'; thence W parallel to N line said SW/4 for 200'; thence N along W line said SW/4 for 165' to POB.

**Case No. 17330**

**Action Requested:**

Special Exception to permit a convenience store and accessory uses in an IL zoned district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 13, located NW/c North Sheridan Road and East Easton Street.

**Presentation:**

The applicant, **Darin Frantz**, 2202 East 49th Street, was represented by Joe Westervelt, 2431 East 61st Street, Suite 430, who submitted a plot plan (Exhibit I-1) and location map (Exhibit I-2) and requested a special exception to permit a convenience store and accessory uses.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **ABBOTT**, the Board voted 4-0-0 (Abbott, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Special Exception** to permit a convenience store and accessory uses in an IL zoned district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 13, finding the use to be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

E 205' of the W 210' of the S 60' of Lot 12 and the E 205' of the W 210' of Lots 13 and 14, Polston Second Subdivision, an Addition in the City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17331**

**Action Requested:**

Variance of the 200' setback from the centerline of East 71st Street to 108'. **SECTION 803. BULK AND AREA REQUIREMENTS IN THE CORRIDOR DISTRICT;** Variance of the required all-weather surface to permit gravel parking. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS,** and Variance of the landscape requirement to require no landscaping. **SECTION 1001. LANDSCAPE REQUIREMENTS; APPLICABILITY AND EXEMPTIONS** - Use Unit 2, to permit a temporary tent with a fruit and vegetable stand for 5 years in a CO zoned district, located East of the SE/c US169 and East 71st Street.

**Presentation:**

The applicant, **John Moody**, 5555 East 71st Street, Suite 6230, submitted a plot plan (Exhibit J-1) and stated he had an amendment of the request from a 5 year period to a 2 year period. This is a request for a temporary use within a Corridor District with a variance to permit the setback to be modified to 108' from the centerline of East 71st Street South. He further stated this would be a temporary use for only two years and requested the parking areas not be required hard surface pavement for the fruit and vegetable stand and Christmas tree lot.

**Comments and Questions:**

Ms. Turnbo asked Mr. Moody for the months of operation, he responded it would be opened year around, at least 10 months out of the year.

Mr. Gardner stated tents are for temporary use only and are listed under Use Unit 2 and cannot be operated year around, but is limited to 150 days a year. The applicant responded he is not asking this to be a permanent use, however, he would like to use the tent more than the 150 days which is normally permitted by the ordinance.

Ms. Turnbo asked applicant how many days he was requesting, the applicant responded he intended to operate the tent sales for 365 days a year.

Mr. Moody requested this application to be continued for two weeks. He will consult with his client for specific days of operation.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **CONTINUE** Case No. 17331 to April 9, 1996.

**Case No. 17332**

**Action Requested:**

Special Exception to permit a home occupation to sell antiques. **SECTION 402.B.6.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 1131 & 1131 1/2 East 21st Place.

**Presentation:**

The applicant, **Walt Haskins**, 1131 East 21st Place, submitted a plot plan (Exhibit K-1) and requested permission to sell antiques out of his home. He stated he purchased 15 pieces of antique furniture in the Grand Lake area and would like to sell the furniture part time out of his home.

**Protestants:**

Jenny Thomas, 1207 East 21st Place, submitted photos of the Maple Ridge neighborhood (Exhibit K-4) and petitions against the applicant (Exhibit K-3). Ms. Thomas stated the reason the neighborhood does not want the applicant to operate a retail antique business from his home are the following: property values will go down, the neighborhood would be more vulnerable to robberies and burglaries, it would set a precedence and would lead to more consignment shops, gift shops, etc., heavier traffic, children would be at greater risk with strangers in the neighborhood. Ms. Thomas requested that this application be denied.

John Moody, 5555 East 71st Street, representing P. A. McGinley, 1105 East 21st Place, one lot to the West of the applicant, and stated this particular application is not consistent with any of the land use planning principals or with home occupation standards. He further stated the nature of the activity will be inconsistent with the established residential character, the RS2 residential zoning, the comprehensive plan, and this application does not fit in within any traditional guidelines that is established for home occupations. Mr. Moody further requested this application be denied.

William J. Welch, Trustee for the property of 1207 East 21st Street, stated the location of the applicant is one of the most dangerous intersections in the entire city and it is posted that trucks above 1 ton weight cannot go into the neighborhood. Mr. Welch stated any additional traffic that this request will incur may be dangerous to the neighborhood and request this application be denied.

Beth Fisher, 2221 South Madison, submitted a petition (Exhibit K-3) and stated the homeowners association request this application be denied. She further stated that Mr. Haskins' home is included in the HP Zoning pending application and the association does not want a home business in the neighborhood so they can keep the neighborhood's integrity intact.

Case No. 17332 (continued)

Terry James, representing the south district of Maple Ridge Board, requested this application be denied. She stated the homeowners do not believe this will be a temporary activity and the traffic and parking will be a problem to the neighborhood.

**Applicant's Rebuttal:**

Mr. Haskins stated he wished the Maple Ridge Association had contacted him before these proceedings and inquired regarding his intent. He further stated he would have advised the association he was not proposing an antique shop or retail shop. The applicant did not think the selling of 4 to 5 pieces of antique furniture a year would increase the neighborhood's chances of burglary or more retail businesses opening in the area. He further stated the Board could impose restrictions on parking in the street, to limit sales of no more than 5 pieces of furniture in one year. The applicant indicated the restrictions will resolve the concerns raised by the neighborhood associations.

**Comments and Questions:**

Ms. Turnbo stated a retail business is not like tutoring a child or giving a piano lesson, there would be trucks coming into the neighborhood to move the antique furniture.

Ms. Box stated the applicant bought the furniture for resale purposes, which would make this a retail business.

Mr. White responded this will be an inappropriate activity for the area.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **DENY** a **Special Exception** to permit a home occupation to sell antiques. **SECTION 402.B.6.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 2; finding the use to be injurious to the neighborhood; and finding that approval of the special exemption would violate the spirit and intent of the Code; on the following described property:

Lots 5 & 6 & part of 7 described as follows: Beginning at the NE/c Lot 7, thence W 24', thence S 32', thence SE 24.41', thence S 23', thence SE 46.10', thence N 120' to POB, all in Block 14, Amended Plat of Sunset Park Addition, City of Tulsa, Tulsa County, Oklahoma.

## Case No. 17333

### Action Requested:

Variance to permit a nonconforming structure to be enlarged. **SECTION 1405.A. STRUCTURAL NONCONFORMITIES**, Variance of the required setback from an abutting R district from 10' to 0' to permit new construction on an existing nonconforming building. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** and a variance of the required setback from the centerline of 15th Street from 100' to 50' to permit new construction on an existing nonconforming building up to the property line. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS**, Variance to permit open air storage or display of merchandise within 300' of an abutting R district all to permit a bicycle shop. **SECTION 1214.C. USE UNIT 14. SHOPPING GOODS AND SERVICES**; Use Conditions, located SW/c East 15th Street and South Owasso.

### Presentation:

The applicant, **Gaylord Oscar Herron**, 106 East 25th Street, submitted a plot plan, plat of survey and photos (Exhibit L-1, L-2 and L-5). Mr. Herron requested to enlarge the existing bicycle shop and permit outdoor display of bicycles. He further stated he would like to hear from the protestant of his application before continuing.

### Protestants:

Ken Dornblaser, 601 South Boulder, Suite 900, and represents Troy Langham who owns the property immediately to the south. Submitted a letter and photographs (Exhibits L-3) he stated his client does not have an objection to the bicycle shop, but he does object to variances to permit the structure to be enlarged, which has already been constructed, the old structure is only 7'.22" from his wood frame house and the new addition is to the property line and presents a fire hazard. He further stated to reduce the setback from the centerline of 15th Street to build the deck and display bicycles will reduce parking space and cause the overflow to run into the neighborhood. He requested the encroaching structure be removed.

Jim Lay, 1520 S. Owasso, submitted letter (Exhibit L-3), petition (L-4) and stated there is no objection to the bicycle shop, however, he objected to the structure already constructed. He further stated Mr. Herron is in violation of the zoning ordinance and the structure is unattractive according to the area.

Richard Mulligan, President of Home Owners Association of Maple View on Cherry Street, 1413 South Owasso, which is directly north of Mr. Herron's property and stated the association welcomes the bicycle shop. The association does object to the changes allowing the reduction of the setback from 100' to 50' from the centerline of 15th street and the request to display open air merchandise. He stated the association would like to see the plans before any variances are granted.

Case No. 17333 (continued)

In reply to Ms. Turnbo, Mr. Mulligan responded he would like to see how the bicycles would be displayed to be sure they are displayed in an attractive way.

Beth Fisher, 2221 South Madison, representing the Maple Ridge Board, submitted a petition (Exhibit L-4) and requested the application be denied.

Steve Fleming, 1524 South Owasso, stated if this variance was approved, the neighborhood will not have any say in the development and request this application be denied.

**Applicant's Rebuttal:**

Mr. Herron stated the zone is CS for commercial use and further stated he is requesting permission to enlarge the building as it already exists. He explained the use of the skylights are to enclose the bicycles and protect the display from the weather. He also stated the skylights make it difficult for burglary, yet still allows customers to see the display from the street. He plans to build in stages toward 15th street, toward the north, and to eventually build a showroom to display his bicycles with ample parking, workshop for repairs on bicycles, which is an important function in a bicycle shop. He went on to state the setback he has requested from the centerline on 15th street is already being utilized by island supports for fuel pumps that will be removed and enclosed with a new structure eventually.

**Comments and Questions:**

Ms. Turnbo asked the applicant if the variance requested from the setback of the abutting R District from 10' to 0' is already built on, he responded affirmatively.

Mr. White reminded the original distance to the property line from the original building was 6'.8" and was already less than the 10'.

Ms. Turnbo asked what he was going to store outside, he responded he would not be storing anything outside, he would be displaying bicycles outside and they would be brought into the shop at night.

Mr. Gardner stated the applicant and neighborhood have many issues that need to be resolved and additional time may be needed to do that.

Ms. Abbott asked Mr. Gardner if there were any plans to change the comprehensive plan, he responded no, the only alternative the City would have is to purchase the property if it is not to be used for commercial purposes.

Ms. Turnbo expressed concerns of granting variances without having good plans, it is difficult to understand applicant's plans for the new structure.

Case No. 17333 (continued)

Mr. Beach asked if applicant intended to build a deck or building 50' from the centerline of 15th street, applicant responded that it would be a deck to display bicycles.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **CONTINUE** Case No. 17332 to April 9, 1996, to enable applicant to revise the plan and to meet with the neighborhood to resolve issues.

**Case No. 17334**

**Action Requested:**

Variance of the required number of off-street parking spaces from 375 to 300 to permit a comedy club. **SECTION 1212a. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS;** Off-Street Parking and Loading Requirements, located SW of East 68th Street and South Lewis Avenue.

**Presentation:**

The applicant, **Tulsa Comedy Club**, 6906 South Lewis Avenue, represented by Andrew Kinslow, 2021 South Lewis, Suite 150, submitted an existing parking layout (Exhibit M-1) and a layout for restriping for maximum parking (Exhibit M-2). He requested an exception to restriping the parking lot.

**Protestants:**

None.

**Comments and Questions:**

In reply to Ms. Turnbo, the applicant indicated he still needed 83 parking spaces.

Mr. Gardner asked how many parking spaces are marked at this time, he responded 279 and the requirement is 362.

Mr. White asked applicant what the seating capacity (number) is, the applicant responded 290, which requires 109 parking spaces.



Case No. 17334 (continued)

**Board Action:**

On **MOTION** of **ABBOTT** the Board voted 4-0-0 (Abbott, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Variance** of the required number of off-street parking spaces from 362 to 279 for **one year only** to permit a comedy club . **SECTION 1212a.** Use Unit 12a; per plan submitted, finding that the lot could be restriped to comply with Code requirements; finding that the club is one of the few uses that are open in the evening; finding the temporary approval to be in harmony with existing development and will not violate spirit or intent of the Code; on the following described property:

Lot 1, Block 2, Lewis Village Addition, City of Tulsa, Tulsa County, Oklahoma and the N 195' of SE/4, SE/4, SE/4, Sec. 6, T-18-N, R-13-E, Tulsa County, Oklahoma.

**Case No. 17335**

**Action Requested:**

Variance to permit 15 of the required parking spaces to be located on a lot other than the lot containing the principal use. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS** and Variance to permit expansion of a nonconforming structure to add a drive-thru on the north side of the building **SECTION 1405.A. STRUCTURAL NONCONFORMITIES** - Use Unit 12, located 2115 N. Cincinnati.

**Presentation:**

The applicant, **Arlando Parker**, 1027 East Brooks, Apartment C., submitted a plot plan (Exhibit N-1) and requested the additional parking spaces required by the Code be located on a lot next to the principal lot and permission to install a drive-thru on the north side of the building.

**Comments and Questions:**

Mr. Gardner asked applicant if he owns the lot to the east, the applicant answered affirmatively.

In response to Ms. Turnbo, the applicant explained the existing building is on one lot and agreed to a tie contract to tie the three lots together.

Ms. Abbott asked the applicant if he purchased the additional third lot then will he have enough land to meet the parking requirement, the applicant answered affirmatively.

Case No. 17335 (continued)

**Protestants:**

Dwain Midget, Mayor's Office, 200 Civic Center, 11th Floor, stated the Mayor's office has had several calls about Mr. Parker's proposed development from residents in the area. There is a service road that leads off north of the property on to Woodrow Avenue and originally the driveway should have been closed off when PDA purchased the land. The neighbors primary concern is the commercial traffic onto this residential street. Mr. Midget stated further that the neighbors are concerned about the encroachment into the neighborhood with the commercial business, the need for additional parking, traffic control, hours of operation and whether or not there would be adequate buffering with this facility. He further stated the neighbors are wanting to keep as much of the commercial property and traffic on Cincinnati and the applicant has indicated he is willing to work with the neighbors and the Mayor's office. Mr. Midget requested a continuance to work issues out with both parties.

**Board Action:**

On **MOTION** of **ABBOTT**, the Board voted 4-0-0 (Abbott, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **CONTINUE** Case No. 17335 to April 9, 1996.

**Case No. 17336**

**Action Requested:**

Variance of the required rear yard on the east lot from 10' to 0', a Variance of the required side yard on the west lot from 5' to 0', a Variance of the required lot width on the west lot from 60' to 30' and a Variance of the previously approved minimum lot area from 4,500 SF to 3,750 SF to permit 2 single family dwellings in a RM-2 zoned district **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located SE/c East 14th Place and South Frisco.

**Presentation:**

The applicant, **Jack Crowley**, 1411 South Galveston, submitted a plot plan (Exhibit O-1), and requested allowance to refigure lots to create two flag lots, which would cause the two lots to abut the necessary utilities.

**Protestants:**

None.

**Comments and Questions:**

Mr. Gardner advised that the rear yards are separated from abutting residences by the 10' handle of the lot.

Case No. 17336 (continued)

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Variance** of the required rear yard on the east lot from 10' to 0', a **Variance** of the required side yard on the west lot from 5' to 0', a **Variance** of the required lot width on the west lot from 60' to 30' and a **Variance** of the previously approved minimum lot area from 4,500 SF to 3,750 SF to permit 2 single family dwellings in a RM-2 zoned district **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, per plan submitted, find the request will not be detrimental to the neighborhood or violate the spirit and intent of the Code; on the following described property:

Lot 10, Block 15, Childers Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17337**

**Action Requested:**

Special Exception to permit a restaurant in an IL zoned district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 12, located 1007 N. Madison.

**Presentation:**

The applicant, **Marieleta Ellsworth**, 1711 South Memorial, submitted plot plan (Exhibit P-1) and requested permission to open a restaurant.

**Comments and Questions:**

Mr. Gardner asked the applicant what size his restaurant will be, the applicant responded the building is 1800 SF.

In response to the applicant, Mr. Gardner informed him he would need 18 parking spaces, the applicant stated the plot plan proposes 18 spaces.

Mr. White asked the applicant if the lot will be striped for parking, the applicant responded affirmatively.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Special Exception** to permit a restaurant in an IL zoned district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 12, per plan submitted, 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 23-24, Block 7, Frisco Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17338**

**Action Requested:**

Special Exception to permit a children's nursery/preschool for more than 15 hours per week in an existing church building. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 1609 N. Evanston Place.

**Presentation:**

The applicant, **Harold W. Jones/Full Gospel House of Prayer**, 1609 North Evanston Place, represented by Sharon Cosby-Washington, requested permission for a special exemption to permit childcare in the existing church building.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Special Exception** to permit a children's nursery/preschool for more than 15 hours per week in an existing church building. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; finding that the use is ministry of the Church and 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 1 through 6, Block 1, Koonce Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17339**

**Action Requested:**

Variance to permit a portion of the required off-street parking spaces to be located on a lot other than the lot containing the principal use. **SECTION 1212.D Use Unit 12. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS; Off-Street Parking and Loading Requirements**, located 1134 South Harvard.

**Presentation:**

The applicant, **Sharon Phillips**, 1424 Terrace Drive, representing Preston Cloud, submitted a plot plan (Exhibit Q-1) and requested a variance of the parking requirement on the same lot as the use. Ms. Phillips stated the four employees of the restaurant will be parking off the site. She further stated the location is 14 parking spaces short and stated the Burger King restaurant has written a letter that allows Mr. Cloud's customers to use their off-site parking (Exhibit Q-2). She informed the Board that Mr. Cloud will utilize a security guard to prevent customers from using adjacent business parking areas.

Case No. 17339 (continued)

**Protestants:**

Sheila Swearingen, 1131 South College Avenue, representing the Renaissance Neighborhood Association, which opposes this application. The protestant submitted a letter from Mr. John Conley (Exhibit Q-3). She further stated the association would like to meet with Mr. Cloud and learn more about his prior business practices.

Rebecca Hamilton, 1135 South Gary Place, submitted a letter March 6, 1996 (Exhibit Q-3) and stated she was never notified about a meeting and she lives right behind the business in question. She further stated the following concerns from past experiences: Beer bottles thrown in her yard; music loud enough to shake her windows while she is trying to sleep; fencing being vandalized, and the smell of urine and vomit in her backyard from the night before. She requested the Board to deny the applicant's request.

**The following Protestants reiterated the similar concerns as stated above:**

John Heidebrecht, 1203 S. Gary Place.  
Terry Doverspike, 900 Oneoak Plaza.  
Gary Watts, 1564 South Gillette.  
Mike Cole, 1137 South Harvard.  
Jeannie McDaniel, Mayor's Office, 200 Civic Center, 11th Floor  
Loretta Blaylock, 1143 South Gary Place.

**The Following Protestants Signed the Oppose Form:**

Lloyd A. Scherwinski, 1204 South Harvard  
Brian Baxter, 1204 South Harvard  
Fran Pace, 1326 South Florence

**Applicant's Rebuttal:**

Ms. Phillips informed the board, after consulting with Mr. Cloud during the protest, that he was not aware of the hostility in the neighborhood and does not feel it will be productive to this community or to his business to operate a business in this location. She further informed the board that Mr. Cloud has withdrawn his application.

There being no further business, the meeting was adjourned at 4:27 p.m.

Date approved: 4-9-96

Norma Lumbro

Chair

