

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 719  
Tuesday, January 28, 1997, 1:00 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>
Bolzle Dunham Turnbo White	Abbott, Chair	Gardner Beach Huntsinger	Ballentine, Code Enforcement Parnell, Code Enforcement Romig, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, January 27, 1997, at 10:06 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Vice Chair White called the meeting to order at 1:00 p.m.

**UNFINISHED BUSINESS**

**Case No. 17581**

**Action Requested:**

Variance of the required 1200' spacing between outdoor advertising signs. **SECTION 1221.F.2**, Use Conditions for Outdoor Advertising Signs; a Variance of the requirements that the sign be oriented to be primarily visible from the freeway. **SECTION 1221.F.7**. Use Conditions for Outdoor Advertising Signs; a Variance to allow cutouts or extensions to exceed 15% of the display surface area. **SECTION 1221.F.9** Use Conditions for Outdoor Advertising signs and a Variance to allow the sign to be supported by more than one post. **SECTION 1221.F.10**. Use Conditions for Outdoor Advertising Signs, located 10708 East 61st Street.

**Presentation:**

The applicant, **Jack R. Easley**, represented by Scott Case, 9412 East 97th Street, stated he is requesting a variance for a "dog house" type of sign. He explained the sign is to advertise his property on U.S. Highway 169. Mr. Case indicated that he has no advertising on 61st Street and the public does not know where to locate the property.

Case No. 17581 (continued)

**Comments and Questions:**

Mr. White asked the applicant if this sign is tied in with the existing sign for the other apartment complex adjacent to this property? He answered negatively.

Mr. White asked the applicant if the existing sign will remain in its location? He answered affirmatively.

Mr. Case informed the Board that he has already received TMAPC and the City Council's approval contingent on the Board's approval for the variances requested.

Mr. White stated that there are two signs in the area with less than 1200' of spacing between them. He commented there did not seem to be any problem with the spacing, nor are the signs injurious to the surrounding area.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott "absent") to **APPROVE** a **Variance** of the required 1200' spacing between outdoor advertising signs. **SECTION 1221.F.2**, Use Conditions for Outdoor Advertising Signs; a **Variance** of the requirements that the sign be oriented to be primarily visible from the freeway. **SECTION 1221.F.7**. Use Conditions for Outdoor Advertising Signs; a **Variance** to allow cutouts or extensions to exceed 15% of the display surface area. **SECTION 1221.F.9** Use Conditions for Outdoor Advertising signs and a **Variance** to allow the sign to be supported by more than one post. **SECTION 1221.F.10**. Use Conditions for Outdoor Advertising Signs; per plan submitted; finding that there are two signs in the are that are less then 1200' of space between the signs; finding that the sign is needed for directions; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Block 1, Lot 1, Fred C. Langenkamp, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17611**

**Action Requested:**

Variance of the required parking to allow expansion of a veterinary clinic. **SECTION 1214.D. Use Unit 14. SHOPPING GOODS AND SERVICES; Off-Street Parking and Loading Requirements**, located 2732 East 15th Street.

**Presentation:**

The applicant, **Danny Mitchell**, 6106 South Memorial, submitted a site plan (Exhibit A-1) and stated the building has set vacant for several years. He explained that the new owner has leased the space to a veterinary clinic, which is now occupying the space. Mr. Mitchell indicated that the veterinary clinic and another business, that will occupy the subject property, require additional storage for products. He explained that there is not a certificate of occupancy in effect on the subject property and realized he would have to come up to Code regarding parking. The building was previously used for medical purposes by a doctors office. Mr. Mitchell stated that in laying out the expansion he discovered he will be two parking spaces short of the requirement. He indicated that parking is allowed on the adjacent street. Mr. Mitchell stated that there is a church adjacent to the east of the subject property, which has offered a letter to the owner, if needed, stating that their parking lot is available. He explained that the veterinarian will use the space during the day and the other tenant will use the space in the evenings.

**Comments and Questions:**

Mr. Bolzle asked the applicant if he knew who the other tenant will be? He stated it will be a dog obedience school.

Mr. Bolzle asked the applicant where will the school be held? He stated the obedience school will be using the proposed addition. He explained that the majority of the space in the proposed addition will be used for storage of dog food and pet supplies. He indicated that the City would classify the proposed addition as a storage facility.

Mr. Bolzle asked the applicant where in the proposed addition will the training occur? He stated it would be on the west side. He further stated that approximately two thirds of the building is the veterinary clinic.

Mr. Mitchell approached the Board and indicated the exact location of the dog obedience training and offices.

**Protestants:**

**Alice Childers**, 5411 South 72nd East Avenue, stated she owns the property that is in Lot 4 & 5 of Glen Subdivision, which is the first residential property south of the subject property. Ms. Childers indicated that she objects to the request for the variance of the required parking. She explained that 15th Street is an all rolling zone and Columbia Place has no parking to the corner. She further explained that there are frequently parked cars on the street for other businesses in the area and residences in the area at night. Ms. Childers stated that since the notice was sent out, she has observed the clinic (the present clinic that is not yet expanded) during the day and the parking lot is full or near full. If the present clinic is using its capacity for

parking for its current clients, then where will the expanded clinic clients park? She indicated that there are already parking problems with the very active church to the east of the subject property. She commented the church uses their parking and then over flow into the street. She stated that Lot 3 is between her property and the clinic, which is part of the parking area for the church.

**Comments and Questions:**

Mr. White asked Ms. Childers if the cars parking in the clinic's lot are customers or church members? She stated she wouldn't have any idea. She further stated that there are approximately seven (7) spaces. She expressed concerns that the parking will spill into the neighborhood.

**Applicant's Rebuttal:**

Mr. Mitchell clarified that the majority of the addition will be used in the evenings and not during the day. The current tenants will not overlap their parking. He explained that the parking lot at the current building is opened and has been used for many years in cooperation with the church parking. He commented that his experience during the day has been that the entire south parking lot at the church, which is immediately south of this building, is not utilized. The church has been willing to give a letter to grant the use of their parking lot.

Mr. Dunham stated he drove by the subject property around 4:00 p.m. on Monday, January 13, 1997, and it appeared that the parking lot was full and there was a good deal of parking in the church parking lot. He asked the applicant if he knew whether that was the church parking on the veterinarians lot or the employees from the clinic? Mr. Mitchell stated the employment at the clinic is currently four (4).

Mr. Dunham asked the applicant if the church is offering all of their parking spaces or just the lot to the south of the proposed site? Mr. Mitchell stated currently the parking lot for the subject building, south of the existing building, opens into the church's parking lot and there is no way to discern either parking lot.

In response to Mr. Dunham, Mr. Mitchell stated that the church's letter would give the veterinary clinic permission to park in their lots and the owner of this project has agreed to give the church a similar letter recognizing that on Sunday mornings the church may use his parking.

Mr. Dunham asked the applicant if he had any idea how many people and their dogs will be enrolled in the obedience school or how many additional parking spaces they will need? Mr. Mitchell stated approximately from 5 to 10, which includes staff. He explained that they try to keep the obedience classes small.

Case No. 17611 (continued)

Mr. Dunham asked the applicant what the hours of operation will be for the obedience school? He stated they will meet strictly in the evenings.

Ms. Turnbo stated that as she understands it this is non-conforming regarding parking currently and the property is two spaces short. She further stated that if it is used as a dog obedience school then the property will need seven (7) more spaces. Technically the property is nine (9) spaces short. She stated she has a real problem with the parking shortages, because she does not know the church's activities and how many activities are held at night. She commented that there are many churches that are opened every night. "There is a parking problem on 15th Street and I can see people parking on Columbia Place." She explained that she knows the street and people would go down to park in front of houses. Ms. Turnbo stated she does not know the hours for the obedience school and they mentioned 10 people at night attending the school. She further stated she has a problem with granting this variance.

Mr. Bolzle asked the Staff if some of the parking spaces that are shown are in the designated right-of-way, and would they need a variance for that as well? Mr. Gardner stated that if the spaces are in the planned right-of-way and they do not exist currently, then they would need a variance.

In response to Mr. Bolzle, Mr. Gardner stated the fact that the spaces in the planned right-of-way are currently existing and would not meet today's ordinance, then they are non-conforming.

Mr. Bolzle stated he is not inclined to approve this variance with just a letter from the church. He further stated at the minimum the Board would need a perpetual/mutual parking and access easement executed by both parties. Mr. Bolzle commented that people usually take the easiest route to parking and they will park in front of someone's house before searching for a space in a half full parking lot.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 2-2-0 (Bolzle, Turnbo, "aye"; Dunham, White "nays" no "abstentions"; Abbott "absent") to **DENY** a **Variance** of the required parking to allow expansion of a veterinary clinic. **SECTION 1214.D. Use Unit 14. SHOPPING GOODS AND SERVICES; Off-Street Parking and Loading Requirements**, finding that the applicant failed to present a hardship unique to the property that would warrant the granting of the variance requested.

Case No. 17611 (continued)

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 2-2-0 (Dunham, White, "aye"; Bolzle, Turnbo no "nays" no "abstentions"; Abbott "absent") to **APPROVE** a **Variance** of the required parking to allow expansion of a veterinary clinic. **SECTION 1214.D. Use Unit 14. SHOPPING GOODS AND SERVICES; Off-Street Parking and Loading Requirements**, subject to a perpetual mutual parking easement with the church that lies adjacent to the south of the subject property; finding that the use is non-conforming; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lots 1-2, Wren Subdivision of Lot 26, Glen Acres Subdivision, City of Tulsa, Tulsa County, Oklahoma.

**The motion was defeated by a split vote.**

**NEW APPLICATIONS**

**Case No. 17619**

**Action Requested:**

Variance of permitted display surface area from 40 SF to 80 SF. **SECTION 602.B. 4.c. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 21, located 2858 East 51st Street.

**Presentation:**

The applicant, **Acura Neon, Inc.**, represented by Jim Westville, 1801 North Willow, Broken Arrow, submitted a plat of survey (Exhibit B-1), an architectural drawing (Exhibit B-2) and photographs( Exhibit B-3). Mr. Westville stated he is representing the owner, Jerry Heritage, who owns the facility called Interim Plaza. He explained that there is currently a 40 SF sign located 50' from the 51st Street setback. He stated he could locate another sign 50' from the Delaware Place setback, but he would have to eliminate parking spaces. He explained that he would like to combine the 40 SF of signage that would be allowed on Delaware Place with the 51st Street sign. He further explained that the sign would be set basically right on top of the existing sign, which would be 80 SF of signage. He stated it would avoid taking up parking spaces and cutting down a large tree. Mr. Westville explained that the existing sign is not visible when viewed from east or west for 200'. He further explained that by combining the two signs and making it an 80' SF sign, which is taller, then you will be able to see the sign better.

Case No. 17619 (continued)

**Comments and Questions:**

Mr. White asked the applicant, if the current sign for Dr. Cate will be removed? He stated the sign face will be changed. He explained that basically they will take Dr. Cates' sign and set another 40 SF on top of it.

Mr. Dunham asked the applicant if he would have a problem with a restriction that there will be no signs on Delaware Place? He commented he is asking for only one sign.

Mr. Bolzle asked the applicant what is unusual about the property that is not the case at the two next office buildings to the west or with the Exchange Center, Calumet Center on the north side of the street farther west? He stated that the subject building has 21,000 SF and it is spaced for eight tenants in the building. He explained that they do not want to take out any of the parking spaces because the parking lot is usually full.

In response to Mr. Bolzle, Mr. Westville stated that a sign on Delaware would not help the business.

Mr. Bolzle asked the applicant what is unusual about this building that would allow this variance? Mr. Westville stated the trees and a high line pole that blocks the sign from view at 200'.

Mr. Dunham stated the sign is almost invisible currently.

In response to Mr. Bolzle, Mr. Westville stated the height is not in question, the question is combining the allowable signage for Delaware onto the sign on 51st Street.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-1-0 (Dunham, Turnbo, White, "aye"; Bolzle "nay" no "abstentions"; Abbott "absent") to **APPROVE** a **Variance** of permitted display surface area from 40 SF to 80 SF. **SECTION 602.B. 4.c. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 21; per plan submitted; subject to restriction of there being no second sign on Delaware Place; finding that the major transmission line pole sets on the subject lot and the trees currently block the view of the existing sign; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lot 1, N190', Lot 2, Block 1, Villa Grove Gardens Amended, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17620**

**Action Requested:**

Special Exception to allow automobile sales (Use Unit 17) in a CS zoned district.

**SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use

Unit 17, located 7092 East 15th Street.

**Presentation:**

The applicant, **Mike M. Naily**, represented by David W. Davis, 4606 South Boulder, Suite 416, submitted a site plan (Exhibit C-1) and photographs (Exhibit C-2). Mr. Davis stated Mr. Naily is proposing to use the subject property for automobile sales. He indicated the subject property is currently zoned CS district under Section 701. He stated the abutting property to the north and west are RS-3 zoned properties. Mr. Davis indicated that there is a church located to the north, duplexes to the west and a vacant lot to the northwest of the property. He explained that RD and RM-2 zoning is to the south of the subject property. He further explained that to the east there is property zoned CS, which is totally paved over as a parking lot with a business in the middle of the lot. He stated the CS property is owned by Cimarron Equipment, which is a heavy equipment dealership. Mr. Davis indicated that there are existing car wash bays on the subject property and the bays will not be opened to the public, but used for business solely. He stated that recently the subject lot has been used as a parking lot for the import sports business, which is at the corner of 15th and Memorial. He explained that unless Use Unit 17 is applied to this property, Mr. Naily will not be allowed to sell automobiles. He stated the subject property is well suited to the car sales business due to the car wash, the large lot and the sales office. He commented that the variance will not cause substantial detriment or impair the purpose of the zoning ordinance. He explained that there is currently a board fence, which separates this property from the residentially zoned properties. He indicated the owner will keep this fence in good repair. He commented that there will be lower traffic volume than a car wash or quick stop gas station, which has been used in the past on the subject property. Mr. Davis stated that lighting will be directed away from any residentially zoned areas and the hours of business will be primarily from 8:00 a.m. to 6:00 p.m., Monday through Saturday. He commented that since his client will be closed on Sundays he will not interfere with the church across the street.

**Comments and Questions:**

Mr. White asked Mr. Davis if the moving vans that are currently parked on the extra parking area of the subject property will be removed? Mr. Naily, 9113 East 74th, stated the moving van company rents the property to park their vans at this time. He further stated that there are two vans parked on the subject property currently.

Mr. Dunham asked the applicant if the moving van company will continue to use the parking lot? Mr. Naily stated the moving company will no longer park there once he purchases the property.



Case No. 17620 (continued)

Mr. Bolzle asked Mr. Davis if his client intends to only have 30 cars at any one time? He stated that his client has indicated he will only have 30 cars at one time.

**Protestants:** None.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott "absent") to **APPROVE** a **Special Exception** to allow automobile sales (Use Unit 17) in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; subject to a maximum of 30 cars for sale at any one time; subject to days and hours of operation being 8:00 a.m. to 6:00 p.m., Monday through Saturday; subject to no outside loud speakers; subject to lighting being directed away from the residential areas and the screening fence shall continue to be provided/maintained along the west and south property lines abutting the residential area; subject to the car wash not being open to the public; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lot 1, N190', Lot 2, Block 1, Villa Grove Gardens Amended, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17621**

**Action Requested:**

Special Exception to allow an 8' fence in the front yard in an AG district. **SECTION 210.B.3. YARDS; Permitted Obstructions in Required Yards** - Use Unit 6, located 10901 South Louisville.

**Presentation:**

The applicant, **Liberty Construction of Tulsa/John F. Weiss**, 3701 South Harvard, submitted a site plan (Exhibit D-1) and an architectural drawing (Exhibit D-2). Mr. Weiss stated the property belongs to Bill and Kathy Bartmen. He explained that the owners want an exception from an 8' to a 10' wall height. He further explained that the property is unique that it is 1316' deep and 661' wide (approximately 20 acres).

**Comments and Questions:**

Mr. White questioned Mr. Weiss if he wanted to go from 8' to 10'? He answered affirmatively.

Mr. White informed the applicant that he is not advertised for a 10' high fence.

Case No. 17621 (continued)

Mr. Beach informed the applicant that his application requested for a special exception to allow an 8' fence in the required front yard.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott "absent") to **CONTINUE** Case No. 17621 to February 25, 1997 at 1:00 p.m. to re-advertise.

**Case No. 17622**

**Action Requested:**

Variance to allow a ground sign of 108 SF n an OMH District. **602.B.4.c.**

**ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 21, located 3355 East Skelly Drive.

**Presentation:**

The applicant, **Amax Sign Company**, represented by Don Beatt, 9520 East 55th Place, submitted a site plan (Exhibit E-1), sign plan (Exhibit E-2) and a photograph of the existing sign to be removed (Exhibit E-3). Mr. Beatt stated that the subject property was formerly operated by the Stratford Tower Hotel and was sold to the Towers Hotel. He explained that the Towers Hotel is requesting a variance to erect a sign for their hotel that will not exceed the square footage or height that was allowed Stratford Tower. He stated the new hotel will utilize the existing pole structure that the former sign utilized.

**Comments and Questions:**

Mr. Gardner stated that this piece of property was once zoned commercial and then they zoned it OMH to get the 2.0 FAR (floor area ratio) and in doing so the sign became nonconforming. He further stated that the new owners have to have approval by this Board to use the existing pole structure for a business sign. He explained that the subject property is limited to office signage.

Mr. Beach stated that the discussion in the minutes from previous cases indicated that is why they were rezoning (to get additional floor area ratio), but there was also considerable discussion regarding the type of sign, size of the sign, and at the time of approval they were asked to come back to the board with a sign plan. He further stated that he believes the applicant did bring back a sign plan, but there is no indication that they were ever granted the 30' of height. He explained that Mr. Beatt may need to request relief from the height requirement, since the OMH district has a 20' height limitation.

Case No. 17622 (continued)

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott "absent") to **APPROVE** a **Variance** to allow a ground sign of 108 SF in an OMH District. **602.B.4.c. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 21; per plan submitted; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, and **CONTINUE** the balance of Case No. 17622 to February 25, 1997, at 1:00 p.m. to allow the applicant to advertise for relief from the height requirement in an OMH zoned district, on the following described property:

Part of W/2, SE/4, SW/4, SW/4, Sec. 28, T-19-N, R-13-E, I.B.M., Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, and being more particularly described as follows, to-wit: Beg. at a point 66.77' S of the NW/c, SE/4, SW/4, SW/4 of said Sec; thence S89°55'18"E, 150.00'; thence S00°03'17"E, 150.00'; thence N89°55'18"W, 150.00'; thence N00°03'17"W, 150.00' to the POB, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17623**

**Action Requested:**

Variance of side yard requirements in the RS-2 zoning district from 5' & 10' to 4' & 9.3' and a Variance of the required livability space to permit an addition to an existing dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1123 East 25th Street.

**Presentation:**

The applicant, **Harold A. Lewis & Karen T. Lewis**, 1123 East 25th Street, submitted a plot plan (Exhibit F-1) and a survey and plat (Exhibit F-2). Mr. Lewis stated he is seeking the variances for the purposes of adding on to the backside of the house. He indicated the addition will be for living space and bathroom space. He explained that the existing house is 4' from the west property line and he will continue that line toward the back for an additional 13'. He further explained that the existing house is less than 10' from the east property line and he would like to add an addition on the back that is setback slightly from the existing house line on the east side to enable him to use his driveway.

**Protestants:** None.

**Comments and Questions:**

Ms. Turnbo stated she has no problem with this application.

Case No. 17623 (continued)

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott "absent") to **APPROVE** a **Variance** of side yard requirements in the RS-2 zoning district from 5' & 10' to 4' & 9.3' and a **Variance** of the required livability space to permit an addition to an existing dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Sunset Terrace, Lot 15, Block 4, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17624**

**Action Requested:**

Special Exception to permit a beauty salon as a home occupation. **SECTION 401.A. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 4625 South Gary Avenue.

**Presentation:**

The applicant, **Roseann Rolph**, 8957 East Newton Place, submitted a site plan (Exhibit G-1) and stated she wants to purchase the subject property contingent upon this Board's approval for the beauty salon. She further stated that the salon will be a one station salon and there is already an existing two car parking space, which will be sufficient for her use. Ms. Rolph explained that there is a detached three car garage where the family will be parking and the salon would not create a parking problem on South Gary Avenue. She proposes an entry on the north side of the house instead of the west side, which would be a side entrance.

**Comments and Questions:**

Mr. White asked the applicant how many customers would the salon be handling at one time? She stated at one time she usually has one customer in the chair and one waiting. She indicated that there are never any more than two customers at any one time.

Mr. Bolzle asked the applicant if the proposed salon is in an existing portion of the house? She answered affirmatively.

In response to Mr. Bolzle, Ms. Rolph explained that there is no entry on the west at this time, but she submitted her plans with the entry proposed to the west. She further explained that it was suggested that the best place for the entry would be on the north side of the home, which would be the side of the home.

Case No. 17624 (continued)

Mr. Bolzle asked the applicant what her proposed days and hours of operation will be? She stated she works Tuesday through Friday from 1:00 p.m. to 7:00 p.m. and on Saturday from 9:00 a.m. to 5:00 p.m.

Mr. Bolzle asked the applicant if she currently operates a salon out of her home? She stated she is currently working at Hair Emporium.

Mr. Bolzle asked the applicant if she will be doing any nails or tanning salons? She answered negatively.

**Protestants:**

**Martin Claymen**, 4625 South Florence Place, submitted an area map (Exhibit G-2) and a petition (Exhibit G-3). Mr. Claymen stated he is representing approximately 20 people from the neighborhood. He further stated that he protests the revision of a residential area into a commercial area. He commented that there are a lot of commercial spaces available for any business. He explained the neighborhood is mostly retired people and their home is their sanctuary. Mr. Claymen commented that the proposed special exception will deteriorate the neighborhood. Mr. Claymen asked the Board if it is fair to take their residential area and turn it into a commercial area? He requested the Board deny this application.

**Richard Spears**, 4610 South Gary, stated his business has more customers in Houston than Tulsa, but he chooses to live in Tulsa. He explained that Houston's zoning laws are almost nonexistent. He further explained that in Houston you can have an office building next to a family home or a family home next to a barber shop, etc. Mr. Spears stated the reason he chooses Tulsa to live is because it is a great place to raise your family, because of the zoning laws that Tulsa has adopted. He explained that he would like to keep his neighborhood strictly residential. He requested the Board deny this application.

**Allen West**, 4640 Gary Place, reiterated the previous protest. He commented the approval of this application will set a precedent for future types of home occupations. He stated this would lead to a down-grade of the residential neighborhood. Mr. West gave a lengthy explanation of how variances and special exceptions changed Harvard from residential into commercial. He requested the Board deny this request.

**Applicant's Rebuttal:**

Ms. Rolph stated she understands the neighbors concerns, but the purpose of putting her salon in her home is so that she can spend more time with her young children. She explained that there will not be any signs promoting the salon. She further explained that her clients will be her current clients she is already servicing. Ms. Rolph stated she sees several retired people and understand that they have lived in the area a long time and want to preserve their neighborhood. She commented that this would not be a hindrance to the neighborhood and that she is not changing the atmosphere of the home. She explained that the only thing she is adding to her home is a side entrance for the salon, which could be an added door entrance to her home without approval for the salon. Ms. Rolph commented this application will not take away from the neighborhood.

**Comments and Questions:**

Mr. Bolzle informed the protestants that this is not a zoning change or a variance request. He explained that this probably requires the least test of any application that comes before the Board. He commented that it is a test of appropriateness. Mr. Bolzle stated the Board sees a lot of these types of applications and this site probably provides the best kind of buffer for this type of use of any that the Board has seen. This site has adequate parking, which is the primary concern. He commented the hours are reasonable.

Mr. White stated the street situation would have been a major concern because it is a substandard width street with asphalt. He further stated that there are bar ditches on each side and that would preclude any parking on the street. Mr. White indicated that the subject property does have a lengthy drive with a larger garage in the back for the family's use. He commented that there are two different turnouts that can be used for parking by the customers. He further commented that with the maximum of two customers at a time, there should not be any necessity for parking on the street.

Mr. Bolzle commented that there are probably home offices all over this neighborhood that are there by right. The Code recognizes that business has changed and people are doing business out of their homes, which gives the Board the power to set safeguards for these kinds of uses.

Ms. Turnbo stated the subject property has adequate parking in the driveway and the hours are reasonable.

Case No. 17624 (continued)

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott "absent") to **APPROVE** a **Special Exception** to permit a beauty salon as a home occupation. **SECTION 401.A. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; subject to the Home Occupation Guidelines; subject to only one chair installed in the salon; subject to there being no nails or tanning and no sales of products; subject to the days and hours of operation as follows: Tuesday through Friday 1:00 p.m. to 7:00 p.m. and Saturday 9:00 a.m. to 5:00 p.m.; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

S 128', W/2, Less S 10', W/2, Lot 1, AND less W 5' to public, Claypool Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17625**

**Action Requested:**

Approval of an amended site plan to add an additional sign on the NE/c of the building. **SECTION 402.A. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 110 East Second Street.

**Presentation:**

The applicant, **J.D. Turner**, City of Tulsa Public Works Engineering, 2317 South Jackson, submitted a key plan (Exhibit H-1), sign plan (Exhibit H-2) and a marquee plan (Exhibit H-3). Mr. Turner stated he has requested this variance to put a sign on the north face of the building near the east end of the building. He indicated the sign will be approximately 20' above the sidewalk.

**Comments and Questions:**

Mr. White commented the original site plan indicated a sign on the southeast corner. He asked the applicant if the sign was changed or modified? He stated his department has taken bids to build the sign and if this variance is granted than he will build the other sign as well.

Mr. Bolzle asked the applicant if this will be an addition to the previously approved triangular sign? He answered affirmatively.

Case No. 17625 (continued)

**Interested Parties:**

**John Scott**, Director of the Performing Arts Center, stated that when the previous proposed sign was applied for there was a shortage of funds, but now the funds have been expanded and so the additional sign is possible. He explained that the sign on the northeast corner is primarily for the purpose of advertising the events in the three theaters, which are accessed off of 2nd street on the north side of the building. He further explained that the three sided sign on the southeast corner will be for the events in Chapman Music Hall, which is accessed off of 3rd Street.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott "absent") to **APPROVE** of an amended site plan to add an additional sign on the NE/c of the building. **SECTION 402.A.**

**ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

A tract of land consisting of a part of Block 106, Original Town of Tulsa, including the alley, City of Tulsa, Tulsa County, Oklahoma, and described as follows: Beg. NE/c, Block 106; thence Sly along the common boundary of Block 106 and Wly boundary of Cincinnati Ave. for 300.00'; thence Wly along the common boundary of said Block 106 and the Nly boundary of Third St. for 186.30' to a point 113.7' from the SW/c of said Block 106; thence northerly parallel to and 113.7' from the Wly boundary of said Block 106 for 300.00' to a point in the Sly boundary of Second St.; thence Ely along the common boundary of said Block 106 and the Sly boundary of Second St. for 186.30' to the POB. Being otherwise described as: All of Lots 1-4, all of the alley lying between Second St. & Third St. and the Ely 263' of Lots 5-8, Block 106; original town of Tulsa, Tulsa County, Oklahoma.

**Case No. 17626**

**Action Requested:**

Appeal from the decision of Administrative Official in issuing an occupancy permit to the Drug Enforcement Administration, located 7615 East 63rd Place.

**Presentation:**

The applicant, **C.E. "Chuck" Patterson**, 2642 East 21st Street, submitted a packet with photographs, applications and newspaper articles (Exhibit J-1). Mr. Patterson stated that the DEA is going into an OL building, which is over an office he has an interest in. He expressed that he is 100% behind the DEA, ATF, FBI and all the work they do that is necessary. He commented that this is a discussion to determine the



Case No. 17626 (continued)

appropriateness of the DEA being in an OL zoning. Mr. Patterson explained that these types of agencies used to be in Federal buildings in the past, but now they are going into the outlying areas and decentralizing their operations. He stated that the GSA has issued specs for the construction of office space and he does not believe that they were specific enough in the type of activities that the DEA engages in, as far as being appropriate for an OL zoning. Mr. Patterson informed the Board that he would like to appeal or challenge the issuing of a certificate of occupancy. He stated the certificate of occupancy was issued for a Use Unit 11, which is normal office use and this is not normal office use for the following reasons: detaining criminals, storage of ammunitions and weapons. Mr. Patterson cited different uses that require a special exception under the Use Unit 11 and OL zoning Codes. He stated that the DEA should be required to apply for a special exception to allow their use in an OL zoning. He commented that there is a potential adverse affect to the other tenants of the building and the residents around this operation. Mr. Patterson contends that the DEA is a Use Unit 2 rather than a Use Unit 11. He referred to the commercial building permit application, which states the proposed use is office only. He questioned that the use of the building by the DEA is office use only. He stated that the plans submitted to the City in the permitting process should have indicated that the use is other than normal office use. He explained that the plans indicate steel mesh; concrete block walls behind the regular walls; ballistic fiberglass panels and bullet proof glass. Mr. Patterson stated that the building plans are not normal for the regular office uses in the subject building. He indicated that the plans show two weapons storage rooms in the facility, drug evidence storage, unmarked detention and holding cells, including steel doors without knobs. He explained that when there was a public hearing and the question if weapons would be in the office, it was denied and indicated the weapons would be held in the cars and the DEA agent's homes. He expressed concern for increased risk to the tenants in the parking lot if the DEA agents keep guns in their cars. He stated the building has been a weapons free building and this is a significant change for the tenants. He further stated that the DEA has already moved ammunition into the facility. Mr. Patterson stated the DEA is not a normal office use under Use Unit 11.

**David Momper**, 5319 East 27th Place, President of Remax Executive Realtors, stated he is directly below the DEA's new occupancy. He explained that he has respect for the men and women in drug enforcement and this is not a fight with the DEA. He further explained that the agencies involved are the Government Services Agency or the "GSA", who are the government's leasing agents. Mr. Momper feels that this is an irresponsible act and that the blame lies with the GSA and the building's leasing agents. Mr. Momper described the subject office as a garden park office setting in a residential neighborhood. He pointed out that the first home of the Shadow Mountain Neighborhood is less then 200' from the DEA's office (Exhibit J-1). He informed the Board that there is a private school in the subject building and it is a major concern that there is a school in the building. Mr. Momper pointed out that the subject office

building is surrounded by residential use. Mr. Momper explained that the newspaper articles in Exhibit J-1 are articles regarding bomb threats and in the articles it was pointed out that the bomber had pictures of the former building the DEA occupied (The Meridian Tower). He further explained that the accused individual had bomb materials in his possession. He stated that if the accused individual or any self proclaimed terrorist put his mind to it, they could infiltrate this office building and destroy it with ease. Mr. Momper commented the DEA believes this is a real possibility or they would not have built this fortress over his office. He questioned why were there so many misrepresentations and discrepancies in the actions of the leasing company and the DEA. Mr. Momper explained that when he heard a rumor that the DEA was moving into the subject building, he questioned the leasing agent and was told that it was not true. He further explained that several weeks later there was another rumor and the activity began up-stairs. He stated he again inquired with the management and was told that the GSA was involved and not the DEA. He further stated that when in fact he found out it was the DEA moving in he called the Special Agent in charge, Mr. Ken Lee, to protest. He commented that Mr. Lee sounded surprised and felt that the location may not be a good choice. He stated Mr. Lee indicated he would put a hold on the DEA moving in, but instead of slowing down, the process sped up considerably. He explained that the construction company started working overtime. When there was a town meeting several weeks ago, another DEA representative (Mr. Marty Pratt) attempted to assure those protesting this occupancy that people will only be jailed for a little while, only some drugs and guns would be stored in the office and very little ammunition.

**Comments and Questions:**

Mr. Bolzle explained to Mr. Momper that today's hearing is to determine if the Administrative Official acted properly or improperly. He further explained that the motivations behind the DEA moving there are not in question here and not for the Board to discuss. Mr. Bolzle stated the issue is simply the question of whether the Administrative Official made the right judgment in granting this occupancy permit. He commented that the presentation has gone beyond that point and unless there are some other issues points relative to the issues that Mr. Patterson brought up as why this does not fall under standard office use, as defined in the Code, then we need to move on.

In response to Mr. Bolzle, Mr. Momper stated the zoning laws of Tulsa are designed to protect the public interest.

Mr. Bolzle stated the hearing today is not for that and the proper place for the issues he is discussing is during the variance or special exception hearing. He explained that if the Board rules in the applicant's favor, there will be a special exception hearing if the DEA wishes to pursue it. Mr. Bolzle further explained that at the special exception hearing is when Mr. Momper should discuss the issues he is discussing today.

Case No. 17626 (continued)

Mr. Momper stated he understands Mr. Bolzle's statements and wanted the Board to know that this is certainly not the use that the current zoning allows.

**Protestants:**

**Candy Sexton**, 5100 East Skelly Drive, Suite 530, Meridian Towers, stated her office was on the same floor that the DEA occupied while at the Meridian Towers. She further stated that on several occasions she witnessed agents carrying guns and rifles into the building in plain view. She explained that the agents would put their bullet proof vests and guns on in the parking garage and outside in full view of everyone. The agents brought in prisoners through the same doors that all of the other visitors come through. They would use the public elevators to bring their prisoners to their office. The agents used the public bathroom on the floor to take urine test from their prisoners. She stated that on one occasion she witnessed the agents load the elevator with ammunition that took up the whole elevator and was at least 5' tall when stacked. She further stated that when the "Drug Lord" was in town the building had 24 hour guards to the entrance of the building, however the tenants didn't know why there was 24 hour guards. She commented that she didn't know if the "Drug Lord" was housed in the Meridian Towers, but once the "Drug Lord" was out of Tulsa the guards were gone. When the Oklahoma City bombing occurred there were extra security guards, motorcycle policemen in and out of the parking garage. She explained that no one could park around the building and they still practice that occasionally without telling anyone in the building why. Ms. Sexton concluded that she does not think the above mentioned activity is normal office use. She stated she does not think the general public should have to see this and it should not be in a building where there are children.

**Comments and Questions:**

Mr. White asked the Staff if they knew what the Use Unit was on the building the DEA is moving out of at 5100 East Skelly? Mr. Gardner stated it is zoned commercial, but he is not sure what particular type of commercial it is zoned.

**Protestants:**

**C.E. Patterson**, submitted photographs (Exhibit J-2) which showed the DEA loading twelve to thirteen cases of ammunition in the elevator to their office.

Case No. 17626 (continued)

**Terry Doverspike**, City Council District 7, 200 Civic Center, stated he supports the decision that activities that have been described today regarding detention of individuals or the holding of drugs or weapons is an item that, even if it is determined to be incidental to a principal use and even it is determined later in testimony to be a minor part of this particular occupancy operation, is one that is offensive enough and serious enough to require the review by the Board of Adjustment. The Board should determine whether it is appropriate, whether it is within the confines of an office use and if it is appropriate, that adequate safeguards and protections are placed. He stated that he is not, at this moment registering his complaint to the DEA's proposed use, but he is very much opposed to an Administrative Official making this determination as he believes it is not appropriate and he would reserve his judgment, decision and arguments with respect to this particular applicant at such time it becomes an issue if it were to come before the Board as a special exception or variance.

**The following names indicate protestants who did not speak:**

**Tom Siefer**, 5939 S. 94th E. Place  
**William J. Hucke**, 63605 S. 80th E. Ave.  
**Ray Richards**, 109 W. Hot Spring, Broken Arrow  
**Margaret Wolf**, 6504-B S. Memorial  
**Susan Burke**, 7615 E. 63rd Place, #105  
**Penny Richardson**, 7615 E. 63rd Place, #105  
**Ann & Jim Maske**, 6959 E. 76th Street  
**John Stewart**, 625 S. Detroit  
**Elizabeth Easton**, 1211 S. 111th E. Ave.  
**Anita Baker**, 9115 S. Darlington  
**Karen Fisher**, 3321 S. Florence Place  
**R. & L. Fritze**, 7504 E. 63rd Place  
**Kelly Cantrel**, 7615 E. 63rd Place, #105  
**Elizabeth Talcott**, 7615 E. 63rd Place, #105  
**Kathy Gorrell**, 7615 E. 63rd Place  
**Majorie Bohannan**, 7615 E. 63rd Place  
**Dennis Becker**, 2927 S. 95th Street  
**Linda McAfee**, 7517 E. 63rd Place  
**Edd Prothio**, 7615 E. 63rd Place  
**L. Roper**, 7615 E. 63rd Place

**Interested Parties:**

**Lou Reynolds**, 2727 East 21st Street, Suite 200, stated he represents Eagle One Investments, which are the owners of the subject office building. He further stated that this decision should be fairly easy for three reasons. The first reason is that according to the case of **Fennett Court vs. The Board of Adjustment, 108, New Jersey 65:**

A use by the Federal Government may not be restricted by local zoning notwithstanding that the land has been leased to the government by a private land owner.

Mr. Reynolds stated that the protestants have failed to comply with §1605B of the Tulsa Zoning Code in that they failed to appeal the decision of the Building Inspector within 10 days after his determination, which is a jurisdiction a prerequisite to get before this Board on this matter. He further stated he also feels that as a matter of substance on the facts of this case, that even without the superseding Federal Supremacy Law, even without their failure to follow the procedures set out in the Zoning Code, he feels this use is clearly an office use and this use is ancillary to the office use being made there. He commented that it is accessory and incidental to that use as provided in the Code. He further commented that the Building Inspector exercised common sense and good judgment in issuing the occupancy permit, because this was explained to him in some detail. He indicated that he has talked with the DEA representatives and the General Services Administration. He stated he has been through the office space the DEA will occupy. He explained that no person stays in the office that has been arrested more than three (3) hours. He further explained that no one spends the night in the office. The DEA does not serve food, nor do they have showers and if someone is arrested over the weekend or at night, they go to the City/County Jail. He stated that if at anytime the arrest is taking place with the Tulsa Police or the Tulsa County Sheriff, the prisoner is taken to the Jail. He explained that the only time that they bring a prisoner to their office is when it has been an arrest solely by the DEA. He indicated that he has spoken to representatives from the DEA and it was stated that twelve (12) people were arrested in their office last year. The concern that has been raised here for the type of finish is understandable. He explained that the purpose of the steel mesh is to keep people from coming and not to keep people from getting out. He further explained the reason for the steel mesh is because they keep confidential files, a wire tapping room, a cryptograph room and a weapons room. The rooms that have been referred to as holding cells are nothing more than bathrooms with special facilities so that they do not have to take people down the hall. He explained that in the DEA's former occupancy they only had one bathroom, but now they have two, which is one for men and one for women. Mr. Reynolds read the Zoning Code regarding detention and commented that it is a very broad definition. It does not apply to this office use by the DEA. Mr. Reynolds compared the DEA detaining criminals to stores detaining shoplifters when they do not have any special exception for a detaining facility. He

Case No. 17626 (continued)

stated that the security and type of finish-out that the protestants have listed are no different than what you would find in a diamond merchant's office or a jewelry store. Mr. Reynolds further stated that he supports the Building Inspector's decision. He indicated the primary use is for a law enforcement agency's office. He explained that the DEA happens to be in the business of law enforcement and has a file room for drug evidence. He further explained that DEA's procedure is to send the drug evidence out for testing and it does not come back to the office. He stated the drug evidence is not there more than 24 hours. They also have a non-drug evidence room and it is secured.

**Comments and Questions:**

Mr. Bolzle asked Mr. Reynolds if P & H Properties operate other office buildings in this City? He answered affirmatively.

Mr. Bolzle asked Mr. Reynolds if typically office buildings have rules and regulations that are part of the lease and part of the normal operation of the office building? Mr. Reynolds agreed with Mr. Bolzle's statement.

Mr. Bolzle asked Mr. Reynolds if P & H Properties do not have rules and regulations? He stated he is not aware if they have rules and regulations for this particular building or not.

Mr. Bolzle asked Mr. Reynolds if he would be in error to assume that most rules and regulations prohibit weapons on site and prohibit the storage or use of drugs on site? Mr. Reynolds stated that most regulations that are applicable to a tenant would be something like that.

Mr. Bolzle asked Mr. Reynolds that if this organization does not fall within a category of governmental agencies, not elsewhere classified, where would it fall? Mr. Reynolds stated it would fall under general office use.

Mr. Bolzle asked Mr. Reynolds at what point, in his opinion, should an office use, whether it is governmental or not with other ancillary uses, which may affect the safety or peaceable occupancy of other tenants come before the Board of Adjustment and why doesn't this use fit with those that should be before the Board for special exception? Mr. Reynolds stated that the reason this case does not come before the Board for special exception is it does not fall within the use unit classification of area wide uses by exception. He further stated that there is no jail, prison, rehabilitation center, drug treatment center, etc. The uses shown on the plans do not come close to dominating the use of the facility by the DEA. They are merely incidental and ancillary to this office use.

Case No. 17626 (continued)

Ms. Turnbo asked Mr. Reynolds if the file room is reinforced with the mesh and steel walls? He answered affirmatively.

Mr. White stated two additional letters were submitted to the Board. Letter of opposition (Exhibit J-3) and a letter of support (Exhibit J-4).

Mr. Bolzle stated he would like to make a motion and then if the Board wishes to hear additional comments or discussion they can do so after the motion.

Mr. Bolzle stated that in many ways this case is somewhat similar to the case the Board heard regarding Shadow Mountain. He further stated that the Board is seeing more and more cases that tend to fall in the gaps that the Code has, which any ordinance has just by their very nature. Mr. Bolzle commented that there are enough elements that are linked with this office use that are not traditionally office oriented and are traditionally prohibited by most rules and regulations of every office building that he knows of.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott "absent") to **UPHOLD** the Appeal and **DENY** the decision of Administrative Official in issuing an occupancy permit to the Drug Enforcement Administration.

**Case No. 17627**

**Action Requested:**

Special Exception to permit used car sales in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 9137 East 11th Street.

**Presentation:**

The applicant, **Andrew W. Ross**, representing the Tulsa Auto Auction, submitted a site plan (Exhibit K-1) and stated that he has purchased the subject property to install a used car lot operation. Mr. Ross indicated that the subject property has been a car lot in the past and for the last 11 years it has been a mechanical shop. He further indicated that the property in the past has been an eye-sore for the neighborhood and he has already cleaned up the lot. Mr. Ross pointed out that there are several other used car operations in the same area. He explained that there are numerous car related shops in the area.

**Interested Parties:**

**Curtis Anx**, representing Eastwood Baptist Church, stated the church is immediately adjacent to this property across from Joe Creek. He further stated he isn't sure he wants to protest the operation as it has been described. Mr. Anx agreed with Mr. Ross's comment that the subject property has been an eye-sore in the past. He expressed concerns regarding the number of automobiles and the types of automobiles that will be located on the subject lot. Mr. Anx did not agree with Mr. Ross's statement that there are other car related shops within the near vicinity and stated the other used car lots are 1 mile to 1/2 mile away. He expressed concerns regarding the ingress/egress of the proposed used car lot since there is pedestrian traffic from local schools. He questioned whether the proposed used car lot would be parking cars on the sidewalks and grassy area in front of their lot. He explained that the church has a very large parking lot and he is concerned that people will utilize the parking lot to test drive the cars.

**Comments and Questions:**

In response to Mr. Dunham, Mr. Ross stated he would have approximately 30 cars on the lot at any one time

Mr. Dunham asked the applicant if he would have a problem with a restriction of 30 cars at any one time? He stated he would not have a problem with a limit of 30 cars.

Mr. Dunham asked the applicant for his days and hours of operation? He stated the hours will be 9:00 a.m. to 6:00 p.m., however occasionally used car lots do stay open until 8:00 p.m. He explained that this particular lot has a large canopy that has been re-lighted, along with two large PSO light poles that illuminate the whole property and it wouldn't be unusual for the dealer to want to stay open until 8:00 p.m. He stated that there will not be any mechanics working on the lot.

Mr. Dunham asked the applicant if he knew whether the property is in a floodplain? He stated he did not know, however, his attorney reviewed all of the paper work prior to purchasing the property and he felt his attorney would have mentioned if it is in a floodplain. He further stated the west and south side of the subject property has a tremendously high retaining wall. He explained that the property goes back to the creek, which has an 8' or 10' fence around the west and north side of the property.

Mr. Dunham asked the applicant if he planned to make any additional improvements, such as building any buildings? He answered negatively.

Ms. Turnbo stated the Staff has some concerns that the site plan does not show the location of proposed parking of the 30 cars. She further stated he will need to return with a detailed site plan.



Case No. 17627 (continued)

Mr. Gardner stated that one of the other concerns were that there be no parking on the grass or in the right of way. He commented that the cars would have to be parked on the concrete surface and limited to 30 cars.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott "absent") to **APPROVE** a **Special Exception** to permit used car sales in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; subject to a limit of 30 cars at any one time; cars are to be parked on the paved parking area only; subject to a review by Public Works that there is no problems with impeding the flow of water; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

All that part of SE/4, Sec. 1, T-19-N, R-13-E, I.B.M., Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, more particularly described as follows: Beg. at a point 1,371.16' W, 65' N at a right angle of the SE/c of said Sec. 1; thence W and parallel to the S line for 57.04'; thence N at a right angle for 10.00'; thence W and parallel to the S line for 162.96' to a Point on the Ely line of Lot 38, Block 32, Clarland Acres, said point being 75' N of the S line of Sec. 1; thence Nely at an angle of 74°59'3" along the Ely line of said Lot 38 for 101.46'; thence E. and parallel to the S line of Sec. 1 for 193.71'; thence S at a right angle for 108' to the POB; LESS and EXCEPT a strip, tract or parcel of land lying in and being a part of the SE/4, Sec. 1, T-19-N, R-13-E, I.B.M., Tulsa County, Oklahoma, and particularly described as follows, to-wit: Beg. at a point 1,591.16' W, 75' N, SE/c, SE/4; thence, parallel to the S line of said SE/4, N 88°40'20" E for 53.34'; thence N 30°15'00" E for 115.03'; thence, parallel to the S line, S 89°40'20" W for 87.29' to a point on the E line of Lot 38, Block 32, Clarland Acres; thence S 13°41'17"W along the E line, for 101.46' to the POB, City of Tulsa, Tulsa County, Oklahoma

**Case No. 17628**

**Action Requested:**

Variance of the required all weather surface to permit gravel parking for a boat storage facility. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 23, located 1211 North Mingo Road.

**Presentation:**

The applicant, **Tom & Brigitte Harris**, 13404 East 94th Street North, Owasso, submitted a site plan (Exhibit L-1) and stated that he purchased the subject property to build a boat facility for a retirement income. He explained that the subject property is located on North Mingo and directly in front of Mingo Creek. He further explained that the subject property is not in as desirable a location as other facilities in the City might be, therefore it will not generate the rent that the other facilities might generate. He stated he is trying to keep his construction costs down to a minimum so that he can request less rent than other facilities. He commented that it would not be detrimental to the area to have gravel drives because the majority of the businesses to the north and south already have gravel drives. Mr. Harris concluded that the subject property is in a floodplain and it would be better if rain fall could soak through the gravel and into the ground rather than all of the rain fall being on a hard surface.

**Comments and Questions:**

Mr. White asked the applicant if the subject property is the vacant property immediately south of the existing boat storage? He answered affirmatively.

Mr. White asked the applicant if he owned the existing boat storage? He stated his father owns the existing boat storage.

Mr. White informed the Board that the existing boat storage has gravel drives rather than paved drives. He indicated that there is another boat storage a 1/4 of a mile away that also has gravel drives.

Ms. Turnbo asked the applicant if the boat storage is for boats waiting to sell or for people who own boats that need room to store them? He stated it will be for people who own boats and need a place to store them.

Mr. Gardner asked the applicant if it is his intention to store any of the vehicles in front of the building, which is all driveway coming into the building? He stated that it is a driveway in front of the building and there will not be any vehicles stored there.

Mr. Bolzle asked if the vehicles will be stored inside the building or no farther west than the front face of the building? Mr. Gardner answered affirmatively.

**Interested Parties:**

**Tom Clark**, representing Century 21 Preferred, 9761 East 31st Street, stated he is the facilitator in the transaction between these two parties. He further stated the property has been up for sale for a long time, but hasn't been able to be sold because it is in a floodplain. He commented that being able to use the gravel near the Mingo Creek is probably the best idea.

Case No. 17628 (continued)

**Comments and Questions:**

Mr. Bolzle asked the Staff if there are any screening requirements on a use like this? Mr. Gardner stated the applicant will have to screen from an abutting R district. Mr. Gardner further stated he will have to screen on the east side.

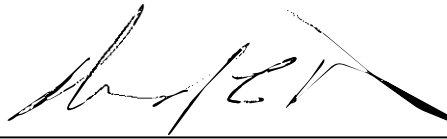
**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott "absent") to **APPROVE** a **Variance** of the required all weather surface to permit gravel parking for a boat storage facility. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS -** Use Unit 23; per plan submitted; subject to all of the storage being behind the building setback; finding that the subject property is in a floodplain and several businesses are using gravel drives for rain water to filter through; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lots 5 & 6, Edmund's Addition, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:13 p.m.

Date approved: FEBRUARY 11, 1997



Chair

