

**CITY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 726**  
Tuesday, May 13, 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>
Dunham Turnbo White	Abbott, Chair Bolzle	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 Friday, May 9, 1997, at 2:33 p.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.

**MINUTES:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** the minutes of April 22, 1997, (No. 725).

**Comments:**

Mr. White informed the audience and applicants that normally the Board consist of five (5) members. He explained that there are only three (3) members of the Board present today, which is the minimum number required for a quorum. He further explained that by the rules and regulations set up for the Board, in order for a motion to pass, all three (3) members must vote for a motion in an unanimous gesture.

**UNFINISHED BUSINESS**

**Case No. 17664**

**Action Requested:**

Variance of side yard from 10' to 1' to allow construction of a new garage. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2137 East 24th Street.

**Presentation:**

The applicant, **Tony Harris**, represented by Ron Harris, 2137 East 24th Street, submitted photographs (Exhibit A-1) and a revised site plan (Exhibit A-2). Mr. Harris stated the house was built in the early 1930's and the garage is currently 4' from the property line. He proposes to replace the existing garage with a porte-cochere, which is present on numerous houses in the neighborhood. He stated that he is also considering rebuilding the existing garage as it currently exists. Mr. Harris explained that the neighbors do not have a problem with the existing 4' property line as it currently sets.

**Comments and Questions:**

Mr. Dunham asked the applicant if 4' from the property line is where the current garage is sitting? He answered affirmatively.

Mr. Beach stated that the applicant currently has a non-conforming garage. The applicant is asking to tear down the garage and build a porte-cochere with a story above for living space.

In response to Mr. Beach, Mr. Harris stated that there will be a half story for a bathroom over the porte-cochere.

Mr. Gardner stated that the applicant will need the variance for the 4' from the side yard for the new construction.

**Interested Parties:**

**Brad Heckenkemper**, representing the neighbors to the west of Mr. Harris's property, stated that his clients have no exception to Mr. Harris rebuilding the garage on the existing property, which has a 4' setback.

**Comments and Questions:**

Mr. White asked Mr. Heckenkemper if his clients have any concerns with the new building proposed? He answered negatively.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** a **Variance** of side yard from 10' to 4' to allow construction of a new garage. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, per the revised plan; finding that this house was built prior to 1970 and cannot meet the current Codes; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will not impair the purpose, spirit and intent of the Code, on the following described property:

Case No. 17664 (continued)

E 15', Lot 20 and all of Lot 21, Block 2, Wildwood, City of Tulsa, Tulsa County, Oklahoma.

**Additional Comments:**

In response to Mr. Harris, Mr. Beach stated that the new construction will have to adhere to the revised site plan submitted. He explained to the applicant that if the porte-cochere extends anywhere beyond the striped area on the revised site plan, then the building inspector will not issue a building permit.

**Case No. 17679**

**Action Requested:**

Variance of the 150 day time limit to 180 days for a previously approved open-air sales of yard furniture; produce, misc. retail and flowers in a CS zoned district. **SECTION 1202.C.1 USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES;** Use Conditions, located 2102 South Yale.

**Presentation:**

The applicant, **Sandra Harmon**, requested a continuation to May 27, 1997.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **CONTINUE** Case No. 17679 to May 27, 1997 at 1:00 p.m.

**Case No. 17687**

**Action Requested:**

Variance of setback from Charles Page Blvd. to allow 2 mobile offices. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS**, located 3311 Charles Page Boulevard.

**Presentation:**

The applicant, **C. Wade McPhearson**, represented by John Rutter, 3311 Charles Page Boulevard, submitted a site plan and photographs (Exhibit B-1). Mr. Rutter stated he is representing the John Crane Limco, Inc. He explained that the company is a three (3) story manufacturing facility in West Tulsa facing Charles Page Boulevard. Mr. Rutter stated the company has out grown their present facility and will be moving the facility to a new location in North Tulsa. He explained that in the interim the company needed additional office space and are currently renting a couple of office trailers, which are located in the parking lot of the building. Mr. Rutter stated the trailers are temporary until the facility moves to their new location.

Case No. 17687 (continued)

**Comments and Questions:**

In response to Mr. Dunham, Mr. Rutter stated that the company anticipates approximately 180 days before they will move to the new location.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** a **Variance** of setback from Charles Page Blvd. to allow 2 mobile offices. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS**; subject to the period not to exceed nine (9) months; finding that the requirements for a variance in Sec. 1605.C. has been met, on the following described property:

Comm. Meander Cor Govt., Lot 5, thence N 216.5', SW 54' to intersect Wly right-of-way Charles Page Blvd. & S right-of-way SSRR and POB, thence SW along RR right-of-way 387.80', SE 120.90' to N right-of-way Charles Page Blvd., thence Ely along right-of-way on right curve 120.59', NE 83.47', NEly curve left 249.99' POB, Sec 4, T-19-N, R-12-E City of Tulsa, Tulsa County, Oklahoma.

**NEW APPLICATIONS**

**Case No. 17703**

**Action Requested:**

Variance of the allowable size for an accessory building from 750 SF to 1,100 SF. **SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1220 South 135th East Avenue.

**Presentation:**

The applicant, **James B. Thompson**, 1220 South 135th East Avenue, submitted a site plan (Exhibit C-1) and requested a variance for an accessory building.

**Comments and Questions:**

Mr. White asked Mr. Thompson if he would be removing one or two of the existing buildings? Mr. Thompson stated that after completion of the new building, one of the existing buildings will be removed.

Mr. White asked Mr. Thompson if the accessory building will be for storing the two trailers and tractors on the property? He answered affirmatively.

In response to Mr. Dunham, Mr. Thompson stated the accessory building will be used for personal storage only.

Case No. 17703 (continued)

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** a **Variance** of the allowable size for an accessory building from 750 SF to 1,100 SF. **SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, per plan submitted; subject to the existing building being removed once the new accessory building is completed; finding that the requirement for a variance in Section 1605.C. have been met, on the following described property:

E 244', Lot 4, Block 2, Romaland Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17704**

**Action Requested:**

Variance to permit more than 750 SF of detached accessory buildings in a residential district. **SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 3055 West 77th Street South.

**Presentation:**

The applicant, **Lyle Seefeldt**, 3055 West 77th Street South, submitted photographs (Exhibit D-1); a site plan (Exhibit D-3); case map (Exhibit D-4), case history of previous approvals (Exhibit D-6) and letters of support (Exhibit D-5). Mr. Seefeldt stated he is purchasing his mother's 2 1/2 acre lot located at the northeast corner of 77th Street South and 33rd West Avenue. He described the lot as being heavily wooded and can easily support the addition of a 40' x 54' accessory building. Mr. Seefeldt pointed out on the case map that the property is heavily wooded and it is difficult to see the existing home. The lot has a 7' privacy fence between the existing building and the creek, which runs through the northwest corner of the property. Mr. Seefeldt detailed that the lot is bordered by undeveloped AG zoned property and Creek County. He informed the Board that the subject area has numerous accessory buildings and detailed the locations on the case map. Mr. Seefeldt stated he needed the accessory building to store his woodworking tools, his hobby of restoring vehicles and storage for his various recreational vehicles. He further stated that the accessory building will not be used for commercial purposes. Mr. Seefeldt expressed the opinion that the accessory building will not be out of character for the subject area. Mr. Seefeldt explained that he sold his former home, which had an oversized two car garage and a 16 x 32 storage building, in order to move to the subject property. He further explained that he made the move to enable him to have more storage space and a larger home. Mr. Seefeldt stated he would not have purchased the accessory building nor moved to the subject property if he thought there was any chance he would not be allowed to have the storage building. He contacted the permit office on several

occasions prior to purchasing the new home and accessory building at which time he was told there would be no problem. He stated he was told he could have an accessory building that is no more than 750 SF or 20% of the land area of the lot. The home and the two existing buildings only have 4.3% of the lot built up, which falls well within the stipulations stated to him by the permit office. Mr. Seefeldt stated that with the assurance of the permit office and the numerous over sized accessory buildings in the subject area, he proceeded by selling his home and purchasing the accessory building. Mr. Seefeldt explained that the building inspector suggested he attach the accessory building to the existing home, however, that will require removing four mature trees, relocating PSO feeder lines to the house, moving the entire electrical service in the house, SW Bell lines, TCI cable lines, both air-conditioning condensers and the lateral lines. Mr. Seefeldt suggested that by attaching the building to the house it would devalue the house. The subject home does not have an attached garage and therefore reduces the amount of vehicle and recreational storage available for use. He stated that his neighbors who will have direct site line of the proposed site agree with granting the application. Mr. Seefeldt informed the Board that granting the variance will not be detrimental to the neighborhood, nor harmful to the spirit and intent of the Code or the Comprehensive Plan. Mr. Seefeldt made reference to numerous cases in the subject area that have approved variances for accessory buildings. Mr. Seefeldt stated that the public good will be better served if he is allowed to store his vehicles and recreational vehicles inside rather than parked in the driveway in plain view. He did not feel that the value of the residential homes in the subject area will be affected by the approval of the variance. Mr. Seefeldt stated the proposed building will be a Steel Master metal arched building with a wood frame, which will face the front of the subject property. He explained that the building will have siding that will match the appearance of the existing home.

**Comments and Questions:**

Mr. White asked the applicant if the two (2) existing buildings will remain on the subject property? He stated the small portable building will be removed because it is deteriorating. He explained that the semi-trailer is storing his woodworking tools and it will be removed once the accessory building is up.

**Protestants:**

**Steve Dixon**, 3003 West 77th Street, stated that he is representing three neighbors ,as well as himself, who would like to protest the application. He indicated that there is a 12 x 20 portable building parked next to the semi-trailer. Mr. Dixon stated the design of the metal building shows an 8' overhead door and he is not sure a motor home can go inside an 8' overhead door. Mr. Dixon expressed concern that the accessory building will be a metal building and would like to see something more architecturally pleasing to the subject area. He stated he would also like to see the existing storage

Case No. 17704 (continued)

buildings removed from the subject property. Mr. Dixon indicated that there may be a code violation by storing a semi-trailer on the property and skirting the trailer as if it is a permanent addition.

**Comments and Questions:**

Ms. Turnbo asked Mr. Dixon if he is aware that there are metal buildings on numerous lots in the subject area? He stated he was not aware of the metal buildings in the subject area.

Ms. Turnbo reiterated that the applicant stated he would remove the existing storage building and semi-trailer once the proposed accessory building is built.

Mr. Dixon informed the Board that there are two (2) portable buildings on the applicant's property and one of the portable buildings is not reflected on the site plan. Mr. Dixon submitted letters of protest from neighbors in the subject area (Exhibit D-2).

**Protestants:**

**Tom Wright**, 3068 West 77th Street, stated he is directly across the street from the subject property. Mr. Wright expressed concerns that the subject property is beginning to look like an industrial area rather than a residential area. He requested assurance that the existing portable buildings and trailers will be removed. Mr. Wright expressed concerns that the subject property will detract from the neighbors property value.

**Applicant's Rebuttal:**

**Mr. Seefeldt**, stated that it is not unusual for the subject area to have a steel building as an accessory building. He explained that the photograph indicating an 8' overhead door is only an example and his building will have a taller overhead door so that he can move his motor home inside the proposed building. He stated that the 16 x 20 portable building belongs to his mother and it will either be moved to her new home or sold. He reiterated that the smaller portable building will be disassembled and the semi-tractor trailer will be removed as soon as the equipment and tools are removed. Mr. Seefeldt indicated that the gooseneck trailer will be parked behind the proposed building, which will have a fence to block its view.

**Comments and Questions:**

Mr. White asked the applicant if he had any concerns if the Board made stipulations that the existing buildings be removed and the items listed above be stored in the proposed accessory building? He stated he did not have a problem with any stipulations because that is his intent.

Case No. 17704 (continued)

In response to Mr. Dunham, Mr. Seefeldt stated he is an equipment technician for the Quik-Trip Corporation. He explained that he does not do any work on the side, nor does he have any plans to be self-employed.

Mr. Dunham asked the applicant if there would be any commercial activity in the proposed accessory building? He answered negatively.

Mr. Gardner asked the applicant how large the accessory building on Lot 3 is? He stated the accessory building on Lot 3 is approximately 25 x 30.

Mr. Gardner informed the board that the applicant's proposed building is three times the size of what the ordinance calls for. The accessory building on Lot 3 is less than 900 SF and is considered an oversized accessory building. If the Board is inclined to support the proposed building, with the existing accessory buildings the applicant will be five (5) times in excess of what is allowed. He informed the Board that the existing accessory buildings should have to be removed if the Board were inclined to approve this application.

Mr. Seefeldt referred to Case No. 16223 which approved a 2281 SF accessory building and the proposed building is 2160 SF plus the 648 SF of the existing building. He recounted several past cases where oversized buildings were approved in the subject area, which measure approximately the same or more than the proposed building.

Mr. Gardner explained to the applicant that the number 20% is not of the lot, but is of the required rear yard and you have to leave nearly two-thirds or more of the lot in open space.

In response to Mr. Gardner, Mr. Seefeldt stated he understood the 20% requirement. He reiterated that the lot is a 2 1/2 acre lot, which has enough room for the proposed building.

Ms. Turnbo stated that the applicant has presented his case well and it is well documented.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** a **Variance** to permit more than 750 SF of detached accessory buildings in a residential district. **SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; subject to existing storage units being removed and subject to the semi-trailer being removed upon completion of the detached accessory building; subject to all existing outside storage being stored inside the detached accessory building (gooseneck trailer to be



Case No. 17704 (continued)

parked behind the new building); subject to there being no commercial activity in the detached accessory building; finding that the existing garage may remain on the subject property and finding that the approval of this application will not be injurious to the neighborhood; finding that the requirements for a variance in Sec. 1605.C. has been met, on the following described property:

NW/4, NW/4, NW/4, SW/4, Sec. 10, T-18-N, R-12-E, I.B.M., City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17706**

**Action Requested:**

Special Exception to allow single-family use in an OL district. **SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 6, located 1814 West Newton Street.

**Presentation:**

The applicant, **Julius Pegues**, 1141 West Virgin, submitted a site plan (Exhibit E-1) and stated that the subject property is currently vacant. Mr. Pegues requested a special exception to allow a single-family use in an OL district and plans to build a single unit at the present time. He indicated that there are no plans for any government assisted housing.

**Comments and Questions:**

Ms. Turnbo asked the applicant if he intended to plat the property in the future for development? He stated possibly four or five single-family homes could be developed in the future. He explained that at the time of purchase he was informed the property was zoned single-family, not light office.

Mr. Gardner stated that the subject property is zoned for light office and normally you do not have a single-family residential subdivision located in such a zoned district. He advised the applicant, that if he should return to the Board for additional houses and platting, he should rezone the property to a residential category. The applicant can protect the subject area with protective covenants, however with the subject property zoned OL, someone could buy a lot and build an office next to or between the new houses.

Mr. Dunham asked the applicant if he would have a problem with the Board approving the application per plan with one home as indicated on the plan at this time? Mr. Pegues stated he would not have a problem with the approval per plan with only one home at this time.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** a **Special Exception** to allow one single-family use in an OL district. **SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 6, per plan submitted, finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

A tract of land located in part of Lot 1, Block 1, Oak Creek, an addition to the City of Tulsa, Osage County, Oklahoma.

**Case No. 17707**

**Action Requested:**

Variance of required livability space of 4,000 SF to allow an addition to an existing dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2636 East 14th Street.

**Presentation:**

The applicant, **Bob Bracken**, representing the owners of 2636 East 14th Street, submitted a boundary survey site plan (Exhibit F-1). Mr. Bracken stated that there are three residents of the subject home who have some type of disability. He proposes to build a handicap bathroom on the back of the subject property, which is 8' x 13'. He stated the addition will be over the livability requirement, however the subject property has previously been over the livability requirement for some time. He explained that the subject property has had several additions and each addition has had permits issued. Mr. Bracken indicated that the residents of the subject property currently have one bathroom and it is difficult to use with their physical disabilities.

**Interested Parties:**

**Marie Gross**, 2611 East 14th Street, stated she does not oppose the application.

**Comments and Questions:**

Mr. Gardner stated that the lot is non-conforming because it is only 50' wide and it is zoned RS-3. He explained that the lot only needs half of the area to be livability and so it is not 4,000 SF but rather 3,500 SF. The applicant is going from 3,500 SF to 3,100 SF.

Case No. 17707 (continued)

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** a **Variance** of required livability space of 3,500 SF to allow 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 requirements for a variance in Sec. 1605.C. has been met, on the following described property:

Lot 4, Block 2, City View Hill, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17708**

**Action Requested:**

Variance of the maximum permitted coverage of the required rear yard from 20% to 30% to construct an addition to an existing accessory building. **SECTION 210.B.5. YARDS** - Use Unit 6, located 3215 South Detroit.

**Presentation:**

The applicant, **Joe Remondini**, 3215 South Detroit Avenue, submitted a site plan (Exhibit G-1) and photographs (Exhibit G-2). Mr. Remondini stated he is requesting the variance for the required rear yard to go from 240 SF to 360 SF. He explained that there are underground electrical service that prohibits moving the building to one side and there is a large cottonwood tree to the west that he would like to save. Mr. Remondini stated he would like to convert the existing accessory building into a large two (2) car garage and remodel the accessory building. Mr. Remondini informed the Board that he owns the lot south of the subject property which is 114 feet of frontage. He stated the subject property is located at the end of a dead-end street. He indicated that the neighbors have no problems with this application. Mr. Remondini stated that the application will not be a detriment to the neighborhood. He pointed out to the Board that there are several large accessory buildings in the surrounding area.

**Comments and Questions:**

Ms. Turnbo stated that there are some over sized garages in the subject area and she did not have a problem with this request. Ms. Turnbo commented the application will not be harmful to the neighborhood.

Case No. 17708 (continued)

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** a **Variance** of the maximum permitted coverage of the required rear yard from 20% to 30% to construct an addition to an existing accessory building. **SECTION 210.B.5. YARDS** - Use Unit 6, per plan submitted; on the following described property:

N 51', Lot 26 and S 9', Lot 27, Pebbles II Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17709**

**Action Requested:**

Variance of the maximum permitted coverage of the required yard from 20% to 40% to re-construct an existing garage. **SECTION 210.B.5. YARDS** - Use Unit 6, located 2450 South Cincinnati.

**Presentation:**

The applicant, **Matt Thayer/C&T Contractors**, represented by Craig Chase, 2235 East 8th Street, submitted a site plan (Exhibit H-1) and photographs (Exhibit H-2). Mr. Chase stated the proposal is to tear down the existing garage, which use to be the old railroad station for the Midland Railroad Valley. He explained that the existing garage is infested with termites and his client would like to rebuild the garage. The proposed garage will have a roof pitch similar to the existing house.

**Comments and Questions:**

Mr. White asked the applicant for the distance from the north property line? Mr. Chase stated the north property line will have a setback of 3' and the west property line will have a setback of 7'.

Mr. Beach stated that according to the submitted site plan the applicant will be 19' back from 26th Street and the addition is required to be 20'.

Mr. Chase stated that the new garage will be 45' from the centerline of 26th Street.

Mr. White stated that the applicant will be 2' from the north property line if the garage is 28'.

Mr. Gardner informed the applicant that he will have to have a 20' setback on the south and a 3' setback from the north without a variance.

Case No. 17709 (continued)

Mr. Beach advised the applicant that the garage will have to be 27' in depth according to the dimensions submitted on the site plan.

In response to Mr. Beach, Mr. Chase agreed with the 27' garage in order to stay within the required setback of 20' from 26th Street.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** a **Variance** of the maximum permitted coverage of the required yard from 20% to 40% to re-construct an existing garage. **SECTION 210.B.5. YARDS** - Use Unit 6; per plan submitted; subject to the garage being 27' deep instead of the 28' deep as indicated on the submitted site plan, finding that the requirements for a variance in Sec. 1605.C. has been met, on the following described property:

Lot 6, Block 6, Sunset Terrace, an addition to the City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17710**

**Action Requested:**

Variance of the required spacing between adult entertainment establishments from 300' to 18'. **SECTION 1212a.C.3.c. ADULT ENTERTAINMENT ESTABLISHMENTS**, located 11118 East Admiral Place.

**Presentation:**

The applicant, **Rafael Irom**, 2705 South 98th East Avenue, submitted a site plan (Exhibit I-1) and stated he has owned the shopping center since 1980. He explained that since 1986 the shopping center has been experiencing difficulty in finding renters. Mr. Irom stated that he recently rented a vacant TG&Y store to a renter who has special events, such as marriages, birthdays, etc. He expressed the opinion that he did not believe that the new renter caused any problems with the existing adult entertainment establishment in the subject shopping center. He stated that there are no residences close to the shopping center and the shopping center is located in a commercially zoned area. He requested the Board to approve his application because he has a difficult time finding renters.

**Comments and Questions:**

Ms. Turnbo asked the applicant if the subject property is a bar? He stated the renters bring in bands for weddings and parties. He explained that the renter does not sell liquor, but he does sell beer and soda.

Ms. Turnbo asked the applicant if the subject property is opened to the public? He stated it is opened to the public. Mr. Irom commented he did not know about the spacing ordinance.

In response to Ms. Turnbo, Mr. Irom stated that if the renter has a band or dance it is opened to the public and that anyone can buy beer or sodas.

Ms. Turnbo asked the applicant if the club is private? He stated it is not a private club.

Ms. Turnbo asked the applicant if the renter opens his establishment to the public? He answered affirmatively.

Mr. Beach stated that if the public can buy beer or receive beer free, it qualifies as a beer bar.

Mr. Gardner stated he understands that the subject property is not open on a regular basis, but when it is open it qualifies as a beer bar.

Mr. Ballentine informed the Board that the advertisement on the door of the subject property gives the hours of operation, which are Friday through Sunday. He stated that the renter is charging an admission charge which is plainly posted on the subject property. Mr. Ballentine stated that it is his understanding that if a customer pays the \$5.00 cover charge they can go in and purchase a drink. He commented that security is provided when it is opened. He stated the subject property is a bar, which is opened regularly on Friday through Sunday.

**Protestants:**

**Harold Pittenger**, 11448 East 6th Street, representing the East Tulsa Mingo Valley Association and the Western Village Homeowners Association, stated that the two associations comprise of Planning District 5 and Council District 6, which have approximately 80,000 residents. Mr. Pittenger stated that the current business in the subject area that are adult entertainment businesses include the Magic Bottle, Pattie's Place, the Down Under and Francine's. He further stated that in the same subject area there are several private clubs. He explained that the sign posted at La Hacienda is a homemade wood sign with Christmas Lights to identify the area. Mr. Pittenger detailed that the shopping center is unkempt with an outside storage on the east end of the strip center which is an unsightly view for the residents. He stated the strip center is encompassed by residential areas. He informed the Board that Code Enforcement has been called regarding the subject area and have asked the owners to clean up the shopping center. He detailed that there have been a total of six (6) 911 emergency calls to the subject business. Prior to La Hacienda moving into the subject property there were a total of six (6) 911 emergency calls for burglary, shots being fired, etc. Mr. Pittenger stated that there are nine (9) tenant spaces located in

ase No. 17710 (continued)

the subject shopping center and one is currently occupied by Pattie's Place. He explained that if La Hacienda's variance is approved, then 1/3 of the subject shopping center will be adult entertainment businesses. He stated that La Hacienda occupies two (2) tenant spaces. Within 1/4 mile there are four (4) bars, three (3) private clubs and an adult gift shop, which is a sexually oriented gift shop. Mr. Pittenger stated that due to the physical condition of the area, emergency calls and the element that the subject business attracts, the homeowners request the variance be denied.

**Julia Beckwar**, stated she owns the Wagon Wheel Mobile Home Park. She commented that she has had constant complaints from her tenants regarding the loud music, gun shots, etc. She requested the Board to deny the applicant's request.

**Leslie Davie**, 9134 East Newton Place, representing Kerr Elementary PTA, stated that Kerr Elementary is approximately 1/6 mile from La Hacienda. She commented that keeping the business open is not in the best interest of the children of the school.

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

**Richard Brazier**, 2331 South 99th East Avenue, representing St. Mark's United Methodist Church, **Lou Stackler**, 6736 East 20th Place, **Marcene Tennyson**, 10925 East 4th Street, **Virginia Tennyson**, 408 South 109th East Avenue, **Marylin Shiever**, 435 South 108th East Avenue, **J. La Vern Flint**, 445 South 108th East Avenue, **Adele Hargland**, 510 South 108th East Avenue, **John & Gretchen Battaglia**, 341 South 117th East Place, **Barbara Norris**, 16 South 120th East Place, **Dianne Hyiubaugh**, 11350 East 3rd Street, **Barbara Fiszal**, 10 South 120th East Place, **Nancy Crayton**, 245 South 120th East Avenue, **Rae J. & Oleg Gable**, 11902 East 7th Street, **John & Sharon Kadel**, 327 South 119th East Avenue, **Ned Mayrath**, 10909 East 3rd Street, **Andrew Greenwood**, 11812 East 7th, **Marjorie Owen**, 240 South 118th East Avenue, **Bobbie Gray**, 2465 South 141st, **Mr. Sharp**, 10906 East 3rd.

**Applicant's Rebuttal:**

**Mr. Irom** stated he did not own the whole place. He explained that he has promised to fix the parking lot. Mr. Irom stated he did not realize that there was so much opposition regarding the subject property. He commented that the issue is not about closing the La Hacienda, because he can close the other bar that is not causing any problems. Mr. Irom expressed the opinion that the subject property is not a detriment to anyone in the surrounding area. He explained that the La Hacienda occupies 9,000 SF and Pattie's Place is approximately 1,000 SF. Mr. Irom indicated that he will close down Pattie's Place in order for the La Hacienda to continue business.

**Comments and Questions:**

Mr. Dunham stated he can appreciate the owners problems with leasing the subject shopping center, but there is no hardship to base the variance on.

Case No. 17710 (continued)

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **DENY** a Variance of the required spacing between adult entertainment establishments from 300' to 18'. **SECTION 1212a.C.3.c. ADULT ENTERTAINMENT ESTABLISHMENTS**; finding that the applicant failed to present a hardship unique to the property that would warrant the granting of the variance request; on the following described property:

W 216.4', E 584.8', N 427', Gov., Lot 8, LESS N 75' for Street, Sec. 6, T-19-N, R-14-E, unplatted, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17711**

**Action Requested:**

Variance of the required setback from the centerline of Harvard from 100' to 50' to permit an addition to an existing building. **SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS**, located 1545 South Harvard.

**Presentation:**

The applicant, **Gene Shaw**, 1503 East 53rd Street, submitted a site plan (Exhibit J-1) and stated the surveyor indicated he had a 50' setback from the centerline of Harvard, but he only has 40'. He requested the variance to allow the addition to the existing building. Mr. Shaw indicated that the addition will not be any closer to Harvard than the property to the south of the subject property.

**Comments and Questions:**

Mr. Beach informed the Board that the subject property had been approved previously, however the site plan that was submitted reflected a 50' right-of-way on Harvard and it is actually 40'. The applicant needs more relief than what the previous action granted.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** a **Variance** of the required setback from the centerline of Harvard from 100' to 50' to permit an addition to an existing building. **SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS**; per plan submitted; finding that the requirements for a variance in Sec. 1605.C. has been met, on the following described property:

Lot 9, Block 1, Less W 10', Sunrise Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.



## **Case No. 17712**

### **Action Requested:**

Special Exception to permit open air sales. **SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS**, located SW/c Apache and North Lewis.

### **Presentation:**

The applicant, **Floyd and Carlene Barret Bales**, 2833 North Kenosha, submitted a site plan (Exhibit K-2) and stated he is a disabled veteran. He explained that in the State of Oklahoma he has veteran's benefits (Exhibit K-1). Mr. Bales stated that approximately a month ago he was stopped by a Code Enforcement Officer and was told he needed a permit to conduct open air sales. He reiterated he has veteran's rights and would like the rights carried out.

### **Protestants:**

**David Patrick**, City Councilman District 3, stated he had been contacted by several residences in the subject area. He explained that the homeowner's oppose the approval of this application. He stated that the type of produce is unsightly and Mr. Bales takes up their parking while hawking his produce.

**Roscoe Turner**, 3415 East Haskell Street, representing the Sequoyah Neighborhood Association, requested that the application be denied. He explained that the subject area is in transition and homeowner's are trying to revitalize the neighborhood. Mr. Turner stated that open air sales is detrimental to the neighborhood.

### **Applicant's Rebuttal:**

**Mr. Bales** stated that he was stopped by Code Enforcement.

### **Comments and Questions:**

Mr. Beach stated that the applicant was notified by Code Enforcement that he needed a permit.

Mr. Dunham stated the Board approved an open air sales on the same tract previously.

Mr. Bales stated he is not asking for a permit for any particular location. He reiterated that he is asking that his veterans rights not be violated.

Mr. White informed the applicant that the Board cannot address the issue of whether his veterans rights are being violated. He explained that the Board acts on land use only.

Mr. Bales stated he wants a permit because in the State of Oklahoma he is entitled to a permit. He explained that he has an honorable discharge and is service connected.

Mr. White explained to the applicant that Exhibit K-1 states that he does not have to pay any municipal taxes, but it does not say anything about not meeting the Zoning Code Regulations, which is before the Board today.

Mr. Romig stated that the applicant has benefits which relieve him of certain economic considerations dealing with taxes. He explained that Exhibit K-1 is simply a relief from municipal taxes and has nothing to do with land use.

Mr. White stated that if Mr. Bales wanted to conduct open air sales in an appropriate zoned or approved location by Code, then he is allowed to do so.

Mr. Bales stated he sales watermelons, tomatoes and fruit.

In response to Mr. Dunham, Mr. Bales stated he has a City license and a State license that allows him to have open air sales.

Mr. Ballentine stated that on the three (3) occasions that he has contacted Mr. Bales and his family, the only produce being sold is eggs. He indicated that the eggs are being sold from a non-refrigerated truck. He explained that the enforcement of refrigeration is with the Tulsa County Health Department.

Mr. Bales stated he has a license and permit from the Health Department to sell eggs. He commented that he knows what he is doing and has never had a complaint. He indicated that he does refrigerate the eggs.

Ms. Parnell stated that on the three (3) occasions that she has notified Mr. Bales and his family they were selling eggs from a non-refrigerated truck.

In response to Ms. Parnell, Mr. Bales stated that when eggs are fresh and cold, they do not need to be refrigerated.

Mr. Dunham stated that whether the eggs are refrigerated is not the issue for the Board. He explained that the Board only hears land use issues.

Ms. Parnell stated she did not know why the applicant has indicated the subject property because she has never notified him on the subject property. She indicated that she has notified the applicant on several other locations.

Case No. 17712 (continued)

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **DENY** a **Special Exception** to permit open air sales. **SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS**, finding that the approval of this application will be injurious to the neighborhood and will not be in harmony with the spirit and intent of the Code, on the following described property:

N/2, NE, NE, NE, LESS E 40', LESS N 40', and LESS W 205' of E 245', of S 125' and LESS W 60', Sec. 30, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17713**

**Action Requested:**

Variance of required parking from 204 to 183 spaces. **SECTION 1211. USE UNIT 11. OFFICES, STUDIOS AND SUPPORT SERVICES; SECTION 1212. USE UNIT 12. EATING ESTABLISHMENTS, OTHER THAN DRIVE-INS; SECTION 1213. USE UNIT 13. CONVENIENCE GOODS AND SERVICES; SECTION 1214. USE UNIT 14. SHOPPING GOODS AND SERVICES**, located SW/c East 21st Street and Utica Avenue.

**Presentation:**

The applicant, **Kevin C. Coutant**, 320 South Boston, requested a continuance to May 27, 1997 at 1:00 p.m. Mr. Coutant stated the application is of great interest and concern to his client and he would like the opportunity to be heard by the entire Board. He explained that a four member Board would be more appropriate for the consideration of the matter considering the amount of protestants present and the matter deserves the full consideration of the Board.

**Comments and Questions:**

Mr. Beach informed the Board that they are a quorum and could hear the case, however in the past the Board has continued cases when there were only three members present.

Mr. Romig stated that the continuance is the discretion of the Board.

Mr. Beach asked Mr. Coutant if he has seen the case map that INCOG has prepared? He answered negatively.

Case No. 17713 (continued)

Mr. Beach asked Mr. Coutant if the subject property extends to the corner? He answered affirmatively.

Mr. Beach informed Mr. Coutant that since the property does extend to the corner, then the legal description submitted is incorrect.

Mr. Gardner stated that if the legal description is incorrect it will need to be re-advertised before hearing this case. He explained that the case will need to be continued to meet the notification requirements.

Mr. Coutant requested that the application be continued to resolve the legal description issue and have the opportunity to present the case with all four (4) Board members present at the next scheduled meeting. (One Board position was unfilled at the time of application).

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **CONTINUE** Case No. 17713 to May 27, 1997 at 1:00 p.m. to enable the applicant to readvertise with a corrected legal description.

**Additional Comments:**

Mr. Gardner informed the Board that INCOG will re-notify the property owners within 300' of the subject property. He explained that if there is anyone who would like a notice that is not in the 300' radius of the subject property, they will need to give their name and address to INCOG for notification.

**Case No. 17714**

**Action Requested:**

Special Exception to allow a used auto sales in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 2212 East Pine Street.

**Presentation:**

The applicant, Sandra Gomez, not present.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **CONTINUE** Case No. 17714 to May 27, 1997 at 1:00 p.m. to enable INCOG to contact the applicant.

## **Case No. 17715**

### **Action Requested:**

Special Exception to allow auto sales in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS**, a Variance to allow open air storage or display of merchandise within 300' of an R district and a Variance of screening requirement when abutting R district for Use Unit 17 uses. **SECTION 1217.C. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES**; Use Conditions and a Variance of required landscape. **SECTION 1002. LANDSCAPE REQUIREMENTS**, located 6505 East 11th Street.

### **Additional Comments:**

Mr. Gardner informed the Board that the RM-1 zoned district that is shown on the case map has been recently rezoned to CS, but has not been updated on the drafting map. He explained that because of the CS zoning change, there will not be a screening fence requirement on the north boundary, but there may be a concern regarding access to 10th street from the commercial sales lot.

### **Presentation:**

The applicant, John R. Scott, 2308 SE 28th, Suite 8, Bentonville, Arkansas, 72712, submitted a site plan (Exhibit L-1), plot plan (Exhibit L-2) and stated he represents the owners of Carmart Used Cars. He explained that the owner has a contract to purchase the two parcels if the application is approved. The Lots 5-8 are currently vacant and apparently have always been vacant, which are zoned CS. Lots 12-18 are zoned CH and are currently occupied by a used automobile business, which his client operates on a lease hold basis from the owner. The eastern portion of the lots are vacant except for fencing surrounding the lots and asphalt on the surface. Mr. Scott submitted photographs (Exhibit L-3). He stated the building his client plans to build on the subject site will be identical to the photograph submitted. Mr. Scott commented he did not know of the opposition from the neighbors until today. He indicated he discussed his plans with the neighbors before the meeting. The surrounding areas to the subject site are commercial zoned properties. He explained that both to the north and east of the subject site there are storage buildings. Mr. Scott stated he is asking for the waiver of the screening requirements because of the topography in the subject area. He explained that 10th Street is lower in elevation then the lot (approximately 10' or 12'). He stated that it is a steep bank from the street up to the lot surface proper and having to screen would not be effective from the residential areas. Mr. Scott indicated that there has been a used car business at the subject lot for some time and his client has been in business at the subject location for four (4) years. The neighbors have informed him that they have no objection to his client having his

business on 11th Street, but they object to the use of the northern lots that are adjacent to 10th Street. He explained that the northern lots will be used for access only. The rear of the building will have bays where his client will work on his inventory, which is a light mechanical nature (changing oil, fluids, spark plugs, etc.). He indicated that his client does not do motor work or transmission work on the site and there are no hoists or lifts on the site. He proposes to use the access off of 10th Street (northwest corner) to the rear of the building.

**Comments and Questions:**

Mr. Dunham asked the applicant how his client will address the grade on 10th Street? He stated that on the western side of the subject lots the grade is not as steep as it is on the eastern side closer to the residential areas. He explained that there are currently two (2) curb cuts on 10th Street that have been used. He stated he did not know why the curb cuts were installed, but they are present. He commented that his client will be closing one of the curb cuts and relocating the other curb cut.

**Protestants:**

**David Patrick**, City Councilman District 3, stated he had been contacted by area residents who are concerned with the northern boundary lots. He indicated the neighbors are concerned about outside storage on the northern lots and parking of automobiles. He stated the northern lots are not paved and the neighbors are concerned that the applicant will park cars on the northern lots. Mr. Patrick stated the applicant has assured the neighbors that his client will not use the northern lots for parking cars. He concluded that the main concern of the neighbors is the possibility of the applicant parking cars on a non-paved surface.

**Comments and Questions:**

Mr. Gardner stated that outdoor sales is the nature of business, even though there is a building. The advertisement sounds as if there will be something besides automobiles stored outside.

**Protestants:**

**Bob Steiferman**, 6738 East 9th Street, stated that the neighbors are concerned with the Lot directly across from Lots 8 and 7. He explained that the owner of the lot made a junk yard out of the subject lot and the neighbors are concerned that this applicant may do the same. He stated that if the applicant is using the northern lots for access only, then the neighbors have no concerns. Mr. Steiferman explained that the neighbors do not want cars moved onto the lots and then car parts removed. He stated that currently there are vehicles on the subject lot that are in this type of disrepair.

**James Barnett**, 6530 East 9th, submitted photographs (Exhibit L-3) and stated the photographs show what exists today on the northside of the subject lot. Mr. Barnett commented that the applicant does not own the property. He expressed concerns that if the variance is approved, it will go with the land and not the owner. He questioned the Board that if the applicant did not go through with buying the land, then someone else can move in and park cars without screening and do whatever he wants?

Mr. White stated that the variance does go with the land, but whoever owns the property will have to adhere to whatever the Board approves with any restrictions that are imposed.

**Betty Bishop**, 6741 East 10th, stated that her daughter lives directly across the street from the subject lot. She commented that she drove into the lot that the applicant is attempting to buy and there are cars at the back of the lot in disrepair. She stated that it is obvious that the cars are not on display for sale, but are being utilized for storage of junk. Ms. Bishop commented that the neighbors do not want that type of outside storage on the subject lot. She requested the Board to deny this application.

**Applicant's Rebuttal:**

**Mr. Scott** stated that all of the outside storage will be on the southside of the subject lots, which will be on the southside of the building that is proposed. He reiterated that there will not be any vehicles that are inoperable or damaged stored outside. Mr. Scott stated that his client has several lots in the Tulsa area and this is the first time there has been any opposition. He explained that in the past he has had a neighborhood representative that he could contact with proposed locations, but recently discovered that the program no longer exists. Mr. Scott restated that there will be no storage on the northside of the building on the north Lots 5-8. He explained that all of the storage will be on the south Lots 12-18. Mr. Scott stated that his client is contractually obligated to buy the subject property if the Board approves this application. Mr. Scott reassured the neighbors that the vehicles in disrepair will be removed and informed the neighbors to call him if they are not removed promptly. This is the first time to his knowledge that there have been any complaints about storage on the subject site. He assured the neighbors that the issues will be addressed in a timely manner. Mr. Scott stated that if his client is required to landscape as the Code requires, then his client will have to dig up asphalt and concrete. He commented that the volume of the landscaping will be met with the landscaping surrounding the immediate area of the building. He explained that his client may have to relocate utility poles to comply with the landscaping requirement.

**Comments and Questions:**

Ms. Turnbo asked the applicant if he is using the access off of 10th Street to drive into the bays for car repairs? He answered affirmatively.

Case No. 17715 (continued)

Ms. Turnbo asked the applicant if the cars that are brought in for repair will be on the northside of the property waiting for repairs? He stated that his client is aware of the hardsurface requirement for storing vehicles and the vehicles will not be stored on the northside of the subject property.

Ms. Turnbo asked the applicant if there will be any stored cars visible from 10th Street. He stated that the only cars visible will be inside the bays being repaired.

In response to Ms. Turnbo, Mr. Gardner stated that technically the applicant has two street frontages. He has the frontage on 11th and 10th, which the southern lot is already paved and the northern lot is not paved. Mr. Gardner stated that if the Board were to impose landscaping along the northern boundary as a condition for approval, there is a provision in the ordinance for alternative compliance.

Mr. Scott stated that his client would not have concerns with planting trees along 10th Street.

Mr. Gardner stated that the applicant has requested a variance of the required landscaping and if the Board grants the variance, then there is not a landscaping requirement. If the Board was to grant a variance subject to a landscape plan being approved along the north boundary, then staff could take the plan to TMAPC for alternative compliance.

Ms. Turnbo asked the applicant if he had any concerns with the Board limiting all auto sales being conducted on the southside of the subject property? Mr. Scott requested that the Board limit all retail sales to the south face of the building.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** a **Special Exception** to allow auto sales south of the south face of the building in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS**, a **Variance** to allow open air storage or display of merchandise within 300' of an R district and a Variance of screening requirement when abutting R district for Use Unit 17 uses. **SECTION 1217.C. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES**; Use Conditions and a **Variance** of required landscape. **SECTION 1002. LANDSCAPE REQUIREMENTS**; per plan submitted; subject to the northern lots along 10th Street having minor repairs in the building and no permanent outside storage of automobiles north of the building; subject to an approved landscape plan along the northern boundary along 10th Street; subject to there being no outside repair to automobiles and that all minor repairs to automobiles must be inside the proposed building; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:



Case No. 17715 (continued)

Lots 5-8, E 20', Lot 9, 12-18, Block 36, Sheridan Hills, An Addition to the City of Tulsa, Tulsa County, Oklahoma.

**Additional Comments:**

Mr. White informed the applicant that the Planning District Concept has been modified or enhanced significantly. He explained that there are homeowner's association, neighborhood associations and Jeannie McDaniels from the Mayor's office will be able to give him information regarding the new concept.

**Case No. 17716**

**Action Requested:**

Special Exception to allow a home occupation (sculptured nails) in a RS-3 zoned district. **SECTION 402.B.4.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS -** Use Unit 13, located 1416 South New Haven.

**Presentation:**

The applicant, **L. Jean Wofford**, 1416 South New Haven, submitted a site plan (Exhibit M-1) and stated she would like to have a nail shop in her home. Ms. Wofford explained that the room that she will utilize has an outside entrance and her driveway will accommodate two (2) vehicles. She stated that her neighborhood does allow on street parking as well. Ms. Wofford indicated that she does not anticipate more than one car at her home at any one time. The hours of operation will be 9:00 a.m. to 8:00 p.m., Tuesday through Saturday.

**Comments and Questions:**

Ms. Turnbo asked the applicant how many vehicles does she personally own? Ms. Wofford stated she owns only one car.

Mr. Beach asked the applicant if she had a copy of the home occupation guidelines? She answered negatively.

Ms. Turnbo informed the applicant that she cannot have a sign nor hire someone to help in the shop and she cannot alter the exterior of the building to look like a business.

Mr. Beach stated that if the Board is inclined to approve this application, then INCOG can provide a copy of the home occupation guidelines.

Ms. Turnbo asked the applicant if she had any concerns with a 15 minute break between appointments so that the vehicle will be gone before the next client arrives? She stated she did not have a problem with that restriction.

Case No. 17716 (continued)

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** a **Special Exception** to allow a home occupation (sculptured nails) in a RS-3 zoned district. **SECTION 402.B.4.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 13; per plan submitted; subject to the home occupation guidelines and that there is to be only one customer at any one time with a 15 minute spacing between appointments; subject to the hours and days of operation being 9:00 a.m. to 8:00 p.m., Tuesday through Saturday; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Lot 18, Block 8, Summit Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17717**

**Action Requested:**

Special Exception to allow car wash in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17 and a Variance of setback from Sheridan Road from 50' to 20' to allow a car wash. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, located 2197 South Sheridan Road.

**Comments and Questions:**

Mr. Beach asked the applicant if he intended to build a mini-storage as well as the car wash? He answered affirmatively.

Mr. Beach explained to the applicant that he is not properly advertised for a mini-storage and he will have to re-advertise.

**Presentation:**

The applicant, **Larry D. Graves**, 8892 Haskell Drive, Broken Arrow, 74014, submitted a site plan (Exhibit N-1), proposal (Exhibit N-2) and photographs (Exhibit N-3). Mr. Graves stated he is requesting variance on CS property for a mini-storage and car wash facility. He further requested an 80' setback from the centerline of Sheridan Road, which the standard setback is 100'. He explained that the buildings to the south and north of the subject property are 10' closer than his request.

**Comments and Questions:**

In response to Mr. White, Mr. Beach stated the application does not include the mini-storage and the Board will not be able to take action on the mini-storage request.

Mr. Beach informed the applicant that the balance of the application will have to be continued and heard on June 10, 1997 at 1:00 p.m.

In response to Mr. White, Mr. Cory Crockett, 1728 East 53rd Street, representing the owner, stated that he requested a mini-storage along with the car wash, however the mini-storage was not included in the application.

Mr. Beach stated the application signed by the applicant does not include a mini-storage request and therefore it is not properly advertised.

Mr. Graves explained that the mini-storage will be located behind the car wash. He stated he needed 20' variance for the construction of the proposed building in front, which is 10' further back then the properties on the south property line. He commented that the mini-storage will not be a part of the front of the facility, other then the rental office, which is a 20 x 20 building. He explained that the 20x20 building will be setback 5' from the property line.

**Comments and Questions:**

Mr. Romig explained to the applicant that there are legal requirements for notices to be given to the neighborhood. One of the notices will have to be given to the neighborhood is that a mini-storage is proposed. The notice was not given to the neighbors and without that, the Board cannot legally go forward on the mini-storage proposal. Mr. Romig informed the applicant that the Board could hear the car wash proposal at today's hearing, but they cannot hear the proposal for the mini-storage.

In response to Mr. Graves, Mr. Gardner stated that INCOG will take care of re-advertising and notification.

Mr. Graves stated he would like to have the car wash proposal heard and continue the balance of the application to June 10, 1997 at 1:00 p.m.

**Presentation: (continued)**

**Mr. Graves** stated he has been in the car wash business for 20 years and he currently has seven (7) Spot Free car washes.

**Protestants:**

**Lou Stackler**, 6735 East 25th Place, expressed concerns with traffic congestion increasing due to the new car wash. He explained that there are three (3) schools in the are subject area and the amount of egress/ingress into this area will impact an already existing heavy traffic load. Mr. Stackler stated that the subject area already has a car wash and it is not necessary to have another car wash. He expressed concerns regarding drainage problems and indicated that there are existing drainage problems on South Sheridan Road between 21st and 31st. Mr. Stackler requested the Board to deny this application.

**Bill Ramsey**, 7796 East 41st Street, stated he owns the adjoining Payless Shoe Store on the northside of the subject property. Mr. Ramsey opposes a facility being built that will block the Payless Shoe Store that has been there for several years. He stated the setback should be the same as the Payless Shoe Store's setback. Mr. Ramsey requested a 4" curb to be installed between his property and the subject property to prevent water runoff onto his property. He stated he had no objections to there being a car wash or mini-storage being built.

**Comments and Questions:**

Mr. Gardner stated that the applicant is requesting a variance of the setback by 20', which means he is 80' from the centerline of Sheridan. Mr. Gardner explained that the applicant really only needs a variance of 20'.

Mr. Dunham stated that according to the applicant's site plan, the covered patio and the attendant area is the only thing that is encroaching Sheridan.

**Applicant's Rebuttal:**

**Mr. Graves** stated he has to have a grading permit and the grading permit will show how the drainage will run to the storm sewer, which in this case is on the north of the northeast corner of the property. He explained that the car wash will be 94' from the centerline of Sheridan Road. He stated the water will be contained in pits which will go into a trench, an oil/water separator pit and then to the sanitary sewer. Everything from Memorial to the rear of the subject property will drain to the rear of the property and to the north because that is where the hook up to the sanitary sewer is located. He indicated he will have to privately finance public improvements for the drainage based on a grading report done by Tanner Engineering. He stated the water is not a problem because the storm sewer already exists and he will have sewer for his

sanitary sewer. Mr. Graves commented that the property is 300.62' wide and a 10' easement on the northside of the subject property line and no easements on the southside of the property line. In regards to traffic he explained that someone could build a 300' long shopping center which would create a good deal more traffic going in and out then a car wash. Mr. Graves stated that there will be a trash can at every bay and there will be two attendants on duty throughout the day. He detailed that the car wash will be will illuminated for security and will be a respectful business.

**Comments and Questions:**

In response to Ms. Turnbo, Mr. Graves stated the car wash is opened 24 hours a day, but there will be an attendant on duty from 7:00 a.m. to 7:00 p.m. during the summer hours and winter. Mr. Graves explained that when it snows or rains there will be someone there for two hours to check the soap and then they will come back at 4:00 p.m. in the afternoon to check on soap and clean the subject area.

Ms. Turnbo asked the applicant what the vending machines are for under the covered patio? He stated the vending machines will be for towels, cleaners, deodorizers, etc. He explained that there will be six (6) or seven (7) vending machines in the front, which are all car related.

Ms. Turnbo asked the applicant if there will be vending machines for food? He answered negatively.

Mr. Graves stated he will have two (2) tables and benches on the patio for passengers to sit and while the driver is washing his or her car.

In response to Ms. Turnbo, Mr. Graves stated that there will be no food service, however, there will be a cold drink vending machine.

Mr. White asked the applicant if the drainage will all be sub-surface and not on the surface? He stated that all of the drainage will be under ground.

Mr. Dunham stated that there appears to be an existing building to the north of the subject property that extends further west then what the applicant is asking for. He further stated the car wash has a covered patio that will encroach Sheridan Road and the patio is a see through facility, which does not have walls or block the view.

Case No. 17717 (continued)

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** a **Special Exception** to allow car wash in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17 and a **Variance** of setback of the required setback from the centerline of Sheridan Road from 100' to 80' to allow a car wash. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**; per plan submitted exclusive to anything pertaining to the rental storage; subject to the carport remaining open and no vending machines of food items except cold drinks, finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code.

**AND**

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **CONTINUE** the balance of Case No. 17717 to June 10, 1997, at 1:00 p.m.; on the following described property:

Lots 1-2 and W 30.72' of Lot 3, Block 1, and Lots 1, 2 & W 30.72' of Lot 3, Block 2, and 60' of vacated 22nd St., Cozy Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17718**

**Action Requested:**

Special Exception for school use on new property and existing property. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, A Variance of total number of required parking spaces from 1375 to 916. **SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES**; Off-Street Parking and Loading Requirements and a Variance to allow parking on a lot other than the lot containing the principal use. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS**, located 12150 East 11th Street.

**Comments and Questions:**

Mr. Beach informed the Board that after the case was advertised, a final site plan was submitted and the parking has been reduced further then advertised. Mr. Beach explained that the applicant will need additional relief for the parking. He stated the Board may want to consider only a portion of the stadium today, which would be the southside so the applicant can get started with construction. He indicated that with the readvertising, the balance of the case could be heard May 27, 1997.

Mr. Gardner stated that the applicant has 800 seats on the northside of the stadium, which will require 200 parking spaces and the applicant is 72 parking spaces short of what was advertised today. Mr. Gardner suggested that the Board could continue the balance of this application in order for INCOG to readvertise the 844 parking spaces. Mr. Gardner explained that the applicant has a lease for 200 parking spaces on the northside of 11th Street.

**Presentation:**

The applicant, **A. Blaine Imel**, represented by Jim Spear, Tulsa Public Schools, submitted a site plan (Exhibit O-1) and stated the application is for a new sports complex at East Central High School. He explained that the proposed stadium will be the home field for East Central High School as well as Hale High School. He stated the school is purchasing an additional lot west of the subject site to add 300 parking spaces to bring the total parking spaces to 844. He explained that he also has an agreement with Daylight Donuts and Lowrance Electronics to use their parking lots for events at the sports complex.

**Comments and Questions:**

Ms. Turnbo asked the applicant if the requirement for parking spaces is 1375? He answered affirmatively. He explained that the 1375 parking spaces represents the school parking and the stadium parking. He stated the stadium will be used exclusively after school hours. Mr. Spear explained that the stadium is a track and football field and the football stadium would not be used concurrently with the school during school hours. He stated that he needs enough parking to handle the stadium, which is approximately 1,000 seats.

In response to Ms. Turnbo, Mr. Spear stated that the school has 512 parking spaces on the existing school site presently. The proposed site has the additional 332 parking spaces to bring it up to 844 parking spaces.

Mr. Gardner stated that there will be a total of 4,000 seats at the stadium when it is completed. He explained that there are 3,200 on the southside and 800 on the northside. Mr. Gardner indicated that if the stadium has 4,000 seats they will need 1,000 parking spaces. He explained that presently they have 844, plus several hundred that the school leases to the north side of the subject property. When the application was advertised, the school thought they would have 914 parking spaces, however there are 72 parking spaces less than predicted. He suggested that the Board consider only the parking on the southside of the stadium, which they can meet the requirements, then consider the parking on the northside of the stadium in two (2) weeks when the re-advertisement is completed for the 844 number. He stated that the Board could limit the use of the stadium for hours when the school is not in use.

**Protestants:**

**Bill Gillespie**, 1133 South 120th East Avenue, stated that there is an easement through the subject property's parking lot that does not appear on the site plan. He commented it would be unwise to have a powerline easement with teenagers parking in the parking lot. Mr. Gillespie commented that the description is not accurate and requested the Board to take his concerns into consideration before acting on this application.

**Applicant's Rebuttal:**

**Mr. Spear** stated that there is a PSO easement running through the subject property, however, the school will be working with PSO regarding moving the poles. He explained that during the normal business hours of the school the students will not be allowed to park on the subject property. He proposes to fence and use post/wire barriers around the subject parking lot. He explained that the school already has ample parking for the students during regular school hours. Mr. Spear stated that the subject parking lot will be used for marching and ROTC practices during the school hours.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** a **Special Exception** for school use on new property and existing property. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, a **Variance** of total number of required parking spaces. **SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES**; Off-Street Parking and Loading Requirements and a **Variance** to allow parking on a lot other than the lot containing the principal use. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS**; subject to limiting the major events in the stadium to be held at times other than normal school hours; subject to a tie contract; and that only the 3200 seats on the southside of the stadium be approved at this time based on the 844 parking spaces being provided, **AND CONTINUE** the balance of Case No. 17718 to May 27, 1997 at 1:00 p.m.; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:



Case No. 17718 (continued)

W, NE, LESS, Beg NW/c, TH E to NE/c, TH S 682.66, NLY CRV RT 141.80, N495.27, to PT 505 NL NE TH W TO PT 505 NWC NE TH N POB SEC 8, T-19-N, R-14-E, and property situated in the NW/c, Sec. 8, T-19-N, R-14-E, I.B.M., Tulsa County, Oklahoma, according to the U.S. Government Survey thereof and being more particularly described as follows: E 130', N 660', NE/4, NE/4, NW/4, of said Sec. 8, less and except any roadway dedication thereof; (B&N Corp.); N 300', NE/4, NE/4, NE/4, NW/4, said Sec. 8, less and except the E 130' thereof, and less and except any roadway dedications thereof; (B&N Corp.), City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17719**

**Action Requested:**

Special Exception to permit a 10 bus-bay transit center in a CBD district. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS**, located 3rd Street to 4th Street and South Denver to South Cheyenne.

**Presentation:**

The applicant, **James H. Kramer**, represented by Bill Collins, 717 South Houston, submitted a boundary survey (Exhibit P-1), Geometric Plan (Exhibit P-2) and a site plan (Exhibit P-3). Mr. Collins stated that the proposal is 16,000 SF of covered platform for the use of transit and to transfer passengers from one bus to another. He explained that the proposed site will replace the transit transfer at Denver Avenue on the east and west sides. This proposal will take the transfer function off the street and locate it on a City block. There will be approximately 4,600 SF of enclosed space for the waiting area with restrooms and vending machines inside. He stated that there will also be a security office and ticket office located at the proposed transit transfer.

**Board Action:**

On **MOTION** of TURNBO, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** a **Special Exception** to permit a 10 bus-bay transit center in a CBD district. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS**; per plan submitted; finding that the use is consistent with the District 1 Plan and the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

S 50', Lots 1-3, E 10' of vacated alley and Lots 4-6, W 10' of vacated alley, Block 122, original townsite of the City of Tulsa, Tulsa County, Oklahoma.

## OTHER BUSINESS

### Case No. 17322

#### Action Requested:

Refund Request.

#### Presentation:

The applicant, Brett Rehorn, requested a refund.

#### Comments and Questions:

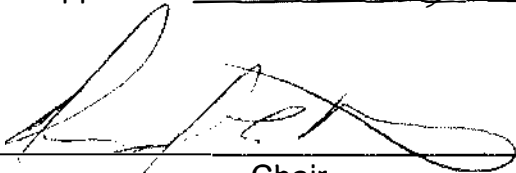
Mr. Beach informed the Board that Case No. 17322 was never heard by the Board because it was withdrawn the day before the hearing. The staff recommends only a refund of \$25.00 for the public hearing fee since all other work was completed.

#### Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** the refund request for \$25.00 in Case 17322.

There being no further business, the meeting was adjourned at 4:10 p.m.

Date approved: JUNE 10, 1997

  
Chair