

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 738
Tuesday, November 4, 1997, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bolzle Cooper Dunham Turnbo White, Chair		Beach Huntsinger Stump	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, November 3, 1997, at 8:31 a.m., as well as in the Reception Area of the INCOG offices.

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

NEW APPLICATIONS

Case No. 17865

Action Requested:

Variance of required parking from 53 to 23 to permit an existing office. **SECTION 1211. USE UNIT 11. OFFICES, STUDIOS AND SUPPORT SERVICES**, or in the alternative: a Variance of required parking from 53 to 38. **SECTION 1211. USE UNIT 11. OFFICES, STUDIOS AND SUPPORT SERVICES**, and a Variance of Design Standards for off-street parking to allow smaller than 8 ½' x 18' spaces and less than 24' drive aisle width. **SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, located 2843 East 51st Street.

Presentation:

The applicant, **R. L. Reynolds**, 2727 East 21st Street, submitted a previous site plan (Exhibit A-1) and a new site plan (Exhibit A-2). Mr. Reynolds stated that his request would be for the alternative and per site plan submitted. He explained that the subject property was previously before the Board in 1971 and at that time the Board approved a parking plan that permitted 23 parking spaces on the subject property per site plan. He commented that he considers this application to be an amendment of the previous site plan or a technical revision of the site plan. The property owner has found a way to park more cars on the property than the 26 that was previously approved. He requested a technical amendment and approve the proposed parking per site plan submitted.

Comments and Questions:

Mr. Dunham asked the applicant if anyone has really determined the number of parking spaces available? Mr. Reynolds stated that there are 38 parking spaces on the subject property and there are 12 in the City right-of-way.

In response to Mr. Dunham, Mr. Reynolds stated that there were 26 parking spaces when the 1971 site plan was approved. He explained that he is asking for a modification of the previous site plan to allow 38 spaces on the subject property with a different configuration and location.

Mr. White asked the applicant if the 38 spaces are per code or are they smaller than the 8 ½' x 18'? Mr. Reynolds stated that some of the spaces are smaller than 8 ½' x 18'.

In response to Mr. White, Mr. Reynolds stated that the problem is the 11 parking spaces that are to the immediate north of the building. He explained that the lines on the 11 spaces to the north of the building are approximately 12' deep and 8 ½' wide. The 11 spaces are not quite deep enough and if they were deep enough, there would be an aisle width problem with the 11 spaces to the north and 13 spaces along the north property line of the building.

Mr. White asked the applicant if the 11 spaces to the north of the building are 12' in order to maintain a 24'-aisle width? He answered affirmatively.

Mr. White asked the applicant if the previous site plan had parking spaces against the north property line in the highway right-of-way? Mr. Reynolds stated he did not know the answer to that question.

Mr. Bolzle asked the applicant what has changed that is causing the application to come before the Board, the previous site plan was approved for less parking spaces why does the subject property need more parking spaces? Mr. Reynolds stated that the configuration of the spaces are different than the previously approved site plan. He explained that his client has been technically advised that his parking configuration is different than the approved site plan. He stated that he would like to amend the site plan to the new configuration.

Mr. Bolzle asked the applicant what would happen if the Board did not approve the new configuration? Mr. Reynolds stated that if the configuration is not approved, his client will not purchase the building.

In response to Mr. Bolzle, Mr. Reynolds stated that the difference between the previous parking and the proposed is that there were two access entrances into the subject property before a re-configuration resulted in a different amount, size and location of the parking spaces.

Case No. 17865 (continued)

Mr. Stump stated that the parallel parking spaces on the east side of the building are not to Code. He explained that the parallel spaces are approximately 2 ½' short the aisle width.

Mr. Cooper asked the applicant how many parking spaces exist at this time? He stated that there are 38 parking spaces and 12 in the City right-of-way, which total 50 spaces. Mr. Reynolds stated that the property where the 12 parking spaces are in the right-of-way was dedicated to the City of Tulsa when it was rezoned in order to extend the City's right-of-way.

Mr. Stump stated that with the new proposal there are 23 parking spaces that meet the current standards and the balance do not meet the standards.

Mr. Cooper asked the applicant what his hardship is for granting the alternative variances? Mr. Reynolds stated that the original hardship was the amount of land left over with the size of the building on the subject property. He commented that the hardship was originally created because there was a misunderstanding by the party who developed the subject property whether he owned the 15' that he dedicated to the City of Tulsa under a right-of-way deed. He stated that the right-of-way in itself would not transfer fee title, however there was a lot split stamp on the deed and it would appear that the intent was to transfer fee title to the City of Tulsa. He commented that the confusion came up when this was part of a building permit application for the subject property. He requested the Board to allow the same hardship and variance as in 1971 to permit the parking to be different than the previously approved site plan. He commented that the proposed site plan is the favorable site plan because it permits more parking on the subject property. He acknowledged that some of the spaces do not comply with the Code, but he does not think that it will be a problem because the subject property is self-contained. He commented that the proposed site plan has worked for several years on the subject property.

Mr. Bolzle asked the applicant if he would be comfortable with an approval that allows 26 parking spaces striped to City standard? He informed the applicant that he could achieve 26 standard parking spaces, but he did not know why the Board would want to approve the proposed site plan. Mr. Reynolds stated that he would lose some of the non-complying spaces if there are 26 complying spaces. He explained that he has 23 spaces that comply with the Code, but he cannot have any more spaces that comply without losing several non-complying spaces. He commented that the proposed plan does work for the subject property and has worked for years. The existing striping has been in place for several years.

Mr. Bolzle stated that the applicant can stripe the property however he wants to as long as he can show the Building Inspector that he can provide 26 standard size spaces in a layout that meets all of the ordinances.

Case No. 17865 (continued)

In response to Mr. Stump, Mr. Bolzle stated that if the applicant stripes the subject property for 26 spaces and that is all he can accomplish, he feels that was the intent of the original approval.

Mr. Beach informed the Board that the previously approved plan indicates 26 parking spaces and the minutes make the approval subject to the plan submitted, which would mean 26 parking spaces were approved.

Mr. Reynolds stated that at the time of the previous hearing the Code required larger spaces and the Code has changed, as well as cars being smaller.

Mr. Bolzle asked Mr. Romig if it is appropriate for a Board member to make a motion for relief that is different than what the applicant is requesting? Mr. Romig stated that under the law the Board can amend a proposal.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-2-0 (Bolzle, Turnbo, White, "aye"; Cooper, Dunham "nays" no "abstentions"; none "absent") to **APPROVE** a **Variance** of required parking from 53 to 26 to permit an existing office. **SECTION 1211. USE UNIT 11. OFFICES, STUDIOS AND SUPPORT SERVICES**, finding that the requirements for a variance in Sec. 1607.C. have been met,

AND

DENY the alternative: a **Variance** of required parking from 53 to 38. **SECTION 1211. USE UNIT 11. OFFICES, STUDIOS AND SUPPORT SERVICES**, and a **Variance** of Design Standards for off-street parking to allow smaller than 8 ½' x 18' spaces and less than 24' drive aisle width. **SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, 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

S 215', Lot 17, Block 3, Villa Grove Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17866

Action Requested:

Special Exception to allow a manufactured home in a RM-2 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** – Use Unit 9; a Variance to allow two dwelling units on one lot of record. **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** and a Variance of the time limit for a manufactured home from 1 year to permanent. **SECTION 404. E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, located 1943 East Newton Place

Case No. 17866 (continued)

Presentation:

The applicant, **Lee Ellen Crain**, Route 2, Box 199, Catoosa, submitted a site plan (Exhibit B-1) and photographs (Exhibit B-2). Ms. Crain stated she was the owner of the subject property where her parents are currently living. She explained that she would like to move a mobile home on the property in order to care for her parents. She indicated that there are several mobile homes within a three-block area that have been there for several years. Ms. Crain explained that the lot was formerly two lots and she has combined the lots under one deed in order to build a garage on the subject property. The combining of the two lots created a larger lot than normal for the area.

Comments and Questions:

Ms. Turnbo asked the applicant for the address of the mobile home on East Marshall Street? Ms. Crain stated she did not know the address, but the mobile home is at the end of the street.

Protestants:

Edwina Maddox, 1923 East Oklahoma Street, expressed concerns that the neighborhood is becoming a slum. She stated that one of her concerns with regard to moving another mobile home into the area is that there is not enough parking to support the number of cars that each dwelling currently has. She indicated that up and down Oklahoma Street and Newton place there are cars parked in the yards. She stated that she has lived in the neighborhood for 30 years and there are still a few nice homes, but if mobile homes are allowed to move in it will impact the on-street parking, which already exists. She requested the Board to deny this case.

Comments and Questions:

Mr. Bolzle asked Ms. Maddox if she is familiar with the lot that the applicant wants to move the mobile home on? She stated she drove by the lot and there are several double-lots in the area. She indicated that several of the double-lots are over grown. She stated that she has had problems in the past with the City not enforcing their ordinances due to a shortage of manpower.

Applicant's Rebuttal:

Ms. Crain stated she understands the protestant's concerns, but the subject lot has adequate space for her mobile home. She explained that there is a garage on the subject property and she will pour a driveway to the garage in order to utilize it for parking. She stated that she will not be parking in the street. Ms. Crain commented that on Newton Place there are not as many cars on the street or over grown yards. She acknowledged that cars parking in the street and over grown yards are a problem in the immediate area. Ms. Crain commented that she would not be adding to the slum area, but improving the neighborhood. She indicated that her future plans are to move the mobile home on to 10 acres.

Case No. 17866 (continued)

Comments and Questions:

In response to Mr. Dunham, Ms. Crain stated she did not have any idea how long she will have the mobile home on the subject lot. She indicated that her parents are in bad health and she needs to be close by to care for them. Ms. Crain stated she would be willing to come back each year and renew the time limit if needed.

Discussion ensued with regards to whether the one-year time limit should be extended and what the hardship would be to compel the Board to extend the one-year limitation.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to allow a manufactured home in a RM-2 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** – Use Unit 9; a **Variance** to allow two dwelling units on one lot of record. **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**; subject to tie downs and skirting; subject to the Health Department approval and a building permit; 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

DENY a **Variance** of the time limit for a manufactured home from 1 year to permanent. **SECTION 404. E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, 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 58', S/2, Lot 35, Less the S 25' dedicated roadway, Springdale Acre Lot Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded Plat thereof; AND, E 58', W 116', N 130', S 150', Lot 35, Springdale Acre Lot Addition.

Case No. 17867

Action Requested:

Variance of the setback from the corner of 33rd W. Ave. & Southwest Blvd. (at point of curve) to allow from 50' to 45' for new sign. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**, located 4363 Southwest Boulevard.

Case No. 17867 (continued)

Presentation:

The applicant, **Oklahoma Neon, Inc./Jerry Howard**, 6550 East Independence, submitted a site plan (Exhibit C-1) and stated he met with the Sign Inspector and there was a question on the setback. He indicated that the sign and the sign's foundation is on the owner's property, but the City setback line is 50' and the owner's property line is at 40'. The actual base is on the owner's property, but the sign overhangs into the City's right-of-way. He explained that he measured 50' back and the foundation of the sign is on the right-of-way line and the whole sign is behind the property line. He indicated that if he moved the sign back, the sign would overhang into the parking lot where it can be hit by cars.

Comments and Questions:

Mr. Dunham asked the applicant if the sign is an existing sign? He answered affirmatively.

Mr. Howard stated that the Sign Inspector did not have a problem with the location of the foundation, but he could not sign off on the sign hanging into the City's right-of-way with out a variance.

In response to Mr. Beach, Mr. Howard stated that there is a light pole to the east and the sign would be right up against the light pole, which is for the parking lot. He explained that if he moved the sign back behind the line, it will overhang into the parking lot and vehicles could hit the sign. He indicated that the subject sign is a lower sign than most.

In response to Mr. Dunham, Mr. Howard stated that the contractors for the building install the foundation for the signs. The contractor installed the base with a 50' setback not realizing the base was too close to the right-of-way. He explained that the Sign Inspector discovered the sign overhanging into the City's right-of-way on final inspection. Mr. Howard stated he met with the Sign Inspector to measure the overhang and there is no visibility problem with the streetlights.

Mr. Stump stated that the overhang danger would be in the parking lot. He commented that the current location of the subject sign will be safe, but it should be subject to a removal contract with City of Tulsa.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Variance** of the setback from the corner of 33rd W. Ave. & Southwest Blvd. (at point of curve) to allow from 50' to 45' for new sign. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**; per plan submitted; subject to a removal contract with the City of Tulsa; finding that the requirements for a variance in Sec. 1607.C. have been met, on the following described property:

Case No. 17867 (continued)

Legal Description: Tract I: Lot 8, Block 8, Less the NWly 10' thereof, Park Addition to Red Fork, Tulsa County, Oklahoma, according to the recorded Plat thereof, AND, Lot 7, Block 8, Less the NWly 10' thereof, Less the following described tract beg. NE/c of said Lot 7, Block 8; thence SWly along the Nly line for 25'; thence SEly parallel with the Ely line of Lot 7 to a point on the Sly line, 25' SWly, SE/c, Lot 7; thence NEly along the Sly line for 25'; SE/c; thence NWly along the Ely line for 140' to POB. Tract II: Lots 9 & 10, Block 8, Less the NWly 10' thereof, Park Addition of Red Fork, Tulsa county, Oklahoma according to the recorded Plat thereof. Tract III: Lots 15-18, Block 8, Park Addition to Red Fork, Tulsa County, Oklahoma, according to the recorded Plat thereof. Tract IV: Lot 11, Block 8, Park Addition to Red Fork, Tulsa County, Oklahoma, according to the recorded Plat thereof. Tract V: Lot 14, Block 8, Park Addition to Red Fork, Tulsa County, Oklahoma, according to the recorded Plat thereof, LESS and EXCEPT the SEly 5' (adjacent to S 32nd W. Ave.) of said Lot 14, Block 8, Park Addition to Red Fork, according to the recorded Plat thereof, more particularly described as follows: Beg. SE/c, Lot 14; thence NEly along the Ely lot line of said Lot 14 to the most NE/c thereof; thence NWly along the Nly line of said Lot 14 for 5' from the SE/c thereof; thence SEly along the Sly line of said Lot 14 for 5'; SE/c thereof and the POB, City of Tulsa, Tulsa County, Oklahoma

Case No. 17868

Action Requested:

Special Exception to permit a 6' high wall in the required front yard. **SECTION 210.B.3. YARDS**, located: 1508 East 31st Street.

Comments and Questions:

Mr. Beach informed the Board that there appear to be several issues involved with this case that might warrant a continuance. He explained that the wall in question, which is the subject of the application, might be taller than 6' in some locations along its length. It appears to be located in the planned right-of-way, if not the existing right-of-way. He stated that there might be other issues with regard to livability space, etc. Mr. Beach suggested that the Board continue this case in order for the issues to be explored and additional relief advertised.

Presentation:

The applicant, **Warren F. Kruger**, stated he no longer owns the subject property, but he made the application. He explained that there are issues with regards to right-of-ways, which is a zoning issue. Mr. Kruger stated that there are three separate issues, height, setbacks and right-of-ways.

Case No. 17868 (continued)

Comments and Questions:

In response to Mr. Kruger, Mr. Beach stated that the only issue that is advertised and may be considered today is the issue of the wall height.

Mr. Romig stated that what is advertised today is to permit a 6' high wall and at this point there is a question with whether the wall is built as 6' or greater. He explained that the wall may require greater relief than is requested today and the other issues are not advertised. He stated that it would not be appropriate to hear this case today.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **CONTINUE** Case No. 17868 to December 9, 1997 at 1:00 p.m.

Case No. 17869

Action Requested:

Variance to allow two dwelling units on one lot of record (guesthouse). **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** – Use Unit 6, located 7354 South 26th West Avenue.

Comments and Questions:

Mr. Beach stated that due to an error in the advertising this case is not properly before the Board and will need to be continued to November 15, 1997.

Presentation:

The applicant, **Stephen T. Lester**, not present.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **CONTINUE** Case No. 17869 to November 25, 1997 at 1:00 p.m. in order to re-advertise.

Case No. 17870

Action Requested:

Variance of the allowable height for a fence in the front yard from 4' to 5'. **SECTION 210.B.3. YARDS**, located 4619 South Vancouver Avenue.

Presentation:

The applicant, **Mildred B. Chaney**, 4619 South Vancouver Avenue, submitted a site plan (Exhibit D-1) and stated she has lived in her home since 1962. She explained that she recently remodeled her home and installed a 5' fence. Ms. Chaney indicated that she has barbed wire on top of her 5' fence for security reasons. She described her neighborhood as being made up of mainly rental property and drug dealers. She stated she lives alone and needs the fence with the barbed wire for security. She submitted photographs (Exhibit D-3) and stated that her fence is not any taller than her neighbor's fence.

Comments and Questions:

Mr. Beach questioned the applicant on whether her fence is 5' to the top of the barbed wire or 5' to the top of the chain link? She stated that the chain link is 5' and three strands of barbed wire are on top of the chain link. She indicated that she called Code Enforcement and they told her she could have the barbed wire on her fence. Ms. Chaney stated that she was told that she could have as many strands of barbed wire as she would like.

In response to Mr. Beach, Ms. Chaney stated that when Code Enforcement came to her home, she was informed that she could not have over 4' high fence in front of her home, but she could have 5' all around the rest of the home. She explained that it would be a financial hardship for her to remove the fence and she would like to keep her fence as it is.

Mr. Dunham stated that actually the applicant is asking for 5' plus the barbed wire. The applicant only requested relief from 4' to 5'.

Mr. Beach explained to the applicant that she has to include the barbed wire as a part of the fence. If it is more than 5' to the top of the barbed wire, the request to the Board is not adequate because she will need more relief than requested.

Ms. Chaney stated that she was told that she had to reduce her chain link down to 4' high and she could put the barbed wire on top of the 4' chain link. She indicated that she is willing to reduce the front fence, but she would like to leave the rest of the fence as it is. She stated she has had problems with people littering her yard, in her fruit trees, and drunks in her yard.

Ms. Turnbo asked the applicant if she was told by Code Enforcement that she could have the 4' of chain link plus a 1' of barbed wire? She answered affirmatively.

In response to Ms. Chaney, Mr. Ballentine stated he did not give the applicant the above information. He explained that he informed the applicant that Code allows a 4' high fence in the front yard.

Protestants:

David Miller, 4625 South Vancouver Avenue, stated he owned the adjoining property to Ms. Chaney. He described Ms. Chaney's yard as looking like a compound with the barbed wire on top of the chain link. He acknowledged that there have been problems in the past with the rental property across the street, but he understands that the owner's are taking measures to improve the situation. He stated he does not have a problem with the 5' high chain link fence, but he does have a problem with the barbed wire because it makes the area look like an industrial area. Mr. Miller informed the Board that the applicant has a 5' rollaway gate with 13" of barbed wire on top. He stated the gate abuts his fence and he views this gate from his front door. He requested the Board to deny the barbed wire on the top of the chain link fence.

Comments and Questions:

Mr. White stated that the Board received a protest letter from Mr. & Mrs. Blakely, 4522 South Vancouver Avenue (Exhibit D-2). Mr. White indicated that the letter expressed similar concerns with regard to the barbed wire.

Mr. Beach informed the Board that it appears that the map in the agenda packet is incorrect. He explained that Lot 10 does in fact go through to 46th Street. He stated the applicant's property was platted as an extra large lot.

Applicant's Rebuttal:

Ms. Chaney stated she was aware that Mr. Miller did not approve of her fence. Ms. Chaney stated she would comply with the Code and lower her fence to 4', but she would rather leave the fence as it is presently.

Comments and Questions:

Mr. Stump informed the Board that the corrected tract size is 256' x 144.5' for the subject property.

Mr. Bolzle asked the staff if the Code differentiate between types of fencing? Mr. Stump answered negatively.

Mr. Bolzle asked the staff if the Code addresses the issue of barbed wire being appropriate or inappropriate in residential areas? Mr. Romig stated that the only prohibition would be if the fence adjoins a sidewalk.

Ms. Parnell stated there is a City ordinance that states you cannot have any barbed wire within 3' of a sidewalk.

In response to Ms. Turnbo, Mr. Stump stated that the Board could approve a 5'-chain link fence only, since they are hearing a variance. He indicated that the applicant has the option of putting in a 3'-chain link fence and 1' of barbed wire.

Case No. 17870 (continued)

Mr. White commented that the barbed wire on top of the chain link looks very severe for the residential area.

Mr. Bolzle stated that it is apparent that what the application states is different than the applicant's intent. He commented that the applicant's intent was to keep the existing fence and she is not advertised properly.

In response to Mr. Bolzle, Mr. Cooper stated that the fence is existing and there are ways to modify the fence without re-advertising. He commented that if the Board were inclined to allow the applicant to keep her chain link fence, but make her take down the barbed wire, then it could be approved as requested. He stated that the Board could also make a condition that there be no barbed wire allowed.

Board Action:

On **MOTION** of **COOPER**, the Board voted 4-1-0 (Cooper, Dunham, Turnbo, White, "aye"; Bolzle "nay" no "abstentions"; none "absent") to **APPROVE** Variance of the allowable height for a fence in the front yard from 4' to 5'. **SECTION 210.B.3. YARDS;** subject to there being no barbed wire allowed on the fence; finding that the requirements for a variance in Sec. 1607.C. have been met, on the following described property:

Lot 10, Block 1, Greenfield Acres, City of Tulsa, Tulsa County, Oklahoma.

Additional Comments:

Mr. Beach asked the staff if the barbed wire is restricted to the portion of the fence in the front yard only? Mr. Cooper stated for only the relief requested.

In response to Mr. Cooper, Mr. Beach stated that the relief requested is for the part of the fence that parallels Vancouver Avenue and 25' east along 46th Street.

At the Board's request Mr. Beach met with the applicant to explain the request, approval and conditions, which the Board considered and took action on.

Case No. 17871

Action Requested:

Variance to reduce the side yards from the required 10' to 8'-1" and 5' to 4.3'.
SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located: 1111 East 25th Street.

Case No. 17871 (continued)

Presentation:

The applicant, **Richard & Nancy Doud**, 1111 East 25th Street, submitted a site plan (Exhibit E-1) and stated that the request to reduce the side yard from 5' to 4.3' is already existing. He explained that there is an existing structure and he would like to expand it to a family room and master bath. He indicated that the existing is 8'-9" and he would reduce it to 8'-1" with the expansion.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Variance** to reduce the side yards from the required 10' to 8'-1" and 5' to 4.3'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**; per plan submitted; finding that the hardship is the width of the lot; finding that the requirements for a variance in Sec. 1607.C. have been met, on the following described property:

Lot 12, Block 4, Sunset Terrace, an addition to the City of Tulsa, Tulsa County, Oklahoma

Case No. 17872

Action Requested:

Variance of required side yard from 15' to 10' to construct an addition to the existing dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, located NE/c East 29th Street & South Peoria.

Presentation:

The applicant, **Bill Powers**, 6910 South Lewis, submitted a site plan (Exhibit F-1) and an architectural drawing (Exhibit F-2). Mr. Powers stated he has been contracted to provide an attached garage with quarters above to an existing dwelling. He explained that the dwelling currently has a detached two-car garage. Mr. Powers indicated that the home was built in 1926 and the house is oriented toward Peoria. The owners of the home are seeking to attach a three-car garage, which is keeping with the size and stature of the home. He explained that his client has a large family with seven automobiles. He requested the Board to approve the variance in order to accommodate the garage his client would like to add to the existing home.

Comments and Questions:

In response to Ms. Turnbo, Mr. Powers stated that the two-car garage has been torn down.

Case No. 17872 (continued)

Ms. Turnbo asked the applicant if the porte-cochere is existing? Mr. Powers stated that the porte-cochere is currently existing and his clients plan to keep the porte-cochere with the new expansion.

Mr. Powers stated that the expansion is in keeping with the estate aspect that the zoning is calling for in the subject area. He commented that unfortunately that when the house was built it was not built to the Code existing at this time. He stated he needs the 5' requested in order to build the three-car garage.

Mr. Bolzle asked the applicant if there is any way to design the expansion without the requested 5' relief? He stated he could not design the expansion and build a three-car garage. He commented he could design a two-car garage expansion, but the subject home is currently valued in the \$600,000 range and a two-car garage by today's standards is not appropriate.

In response to Mr. Bolzle, Mr. Powers stated that there is only one door on the north side of the home and it is where the garage attaches to the house. He explained that the house is built like a fortress and all of the exterior walls are masonry (12" thick). He commented that with the interior configuration there is no other place to tie the expansion to the house.

Ms. Turnbo stated that the location of the house on the subject property makes the expansion difficult.

Mr. White stated that there are several homes in the area that have a 10' side yard and they have detached garages.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Variance** of required side yard from 15' to 10' to construct an addition to the existing dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**; per plan submitted; finding that the hardship is the location of the home on the lot; finding that the requirements for a variance in Sec. 1607.C. have been met, on the following described property:

That part of Lot 3, Sec. 18, T-19-N, R-13-E, IBM, City of Tulsa, Tulsa County, Oklahoma, according to the US Government survey thereof, more particularly described as follows: Beg. at a point 1335' N, SW/c of said Sec. 18; thence N 157.5'; thence E 250'; thence S 157.5'; thence W 250'; to the POB and being known as 1323 E. 29th St.

Case No. 17873

Action Requested:

Variance of the setback from the N property line to allow an addition to existing church and approval of amended site plan. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, located 2331 East 5th Place.

Presentation:

The applicant, **Tasi Hines/Urban Design Group**, 9 East 4th Street, Suite 500, submitted a site plan (Exhibit G-1) and stated the subject property was built in sections starting approximately 75 years ago. She explained that one of the additions to the subject property was granted a variance for the setback along the north side. She indicated that the existing building is in Lots 1, 2 & 3 along the north side of the subject property. She stated that Lot 4 and a portion of Lot 5 is the location for the proposed construction. The proposal is to extend the existing building on the designated façade on the north side and continue the variance on the previous setback, which is approximately 5'.

Comments and Questions:

Mr. White asked the applicant if the height of the new addition will be the same as the existing building? Ms. Hines stated that the new building will be lower in height than the existing building. She explained that the existing building is a two-story building and the new addition will be a one-story building.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Variance** of the setback from the N property line to allow an addition to existing church and approval of amended site plan. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**; per plan submitted; finding that the requirements for a variance in Sec. 1607.C. have been met, on the following described property:

Lots 1-6, and E 20' Lot 7, Block 3, Hillcrest Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17874

Action Requested:

Special Exception to allow a hotel in an IL district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** – Use Unit 19; Special Exception of required screening from an abutting R district. **SECTION 1219.C.1. USE UNIT 19. HOTEL, MOTEL AND RECREATION FACILITIES**; Variance of setback from an abutting R district. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS**; Variance to allow a business sign on a non-arterial street. **SECTION 1221.C.9.a. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING** and a Variance to allow maximum sign height from 40' to 75'. **SECTION 1221.E.1. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**, located 7800 Block East 33rd Street South.

Comments and Questions:

Mr. Beach stated that there are no abutting R districts and therefore, the variance of the setback and the screening are unnecessary.

Presentation:

The applicant, **31st & Memorial, L.L.C./Phil Tomlinson**, 5780 South Peoria, submitted a site plan (Exhibit H-1), plot plan (Exhibit H-2) and an architectural drawing (Exhibit H-3). Mr. Tomlinson stated that hotel use has become the predominate use for the subject area. He explained that the subject area is zoned IL and he requested a special exception to allow the hotel use. He stated the surrounding uses are described as follows: car dealership, vacant property to the south (part of which 31st & Memorial, L.L.C owns), a small strip center on the east side, a rehabilitation hospital adjacent to the west and the Hampton Inn, which is a four-story hotel on the north. He explained that the sign request was submitted because there are no signs allowed by right on the subject property. He stated that the subject property is not as visible as the main part of the development and that is the reason for the request on the sign height from 40' to 75'.

Mickey Patel, 5554 South 48th West Avenue, stated that he owns and operates several hotels in the Tulsa area. He explained that one of the drawbacks of the subject site is that the visibility factor, which plays a roll in the hotel business. He stated that the proposed sign is a quality sign and is necessary for better visibility.

Mr. Tomlinson stated that the property immediately to the north is four-stories and tops out at slightly over 50'. He explained that the Hampton Hotel blocks the view of the sign for the proposed hotel.

Comments and Questions:

Mr. Bolzle asked the applicant if the proposed hotel will be three-story hotel? He answered affirmatively.

In response to Mr. Bolzle, Mr. Tomlinson stated that the signs for the Extended Stay America and the Marriott Court Yard are 50' and the Super 8 is the only interior pole sign, which is 40'.

Mr. Tomlinson stated he informed his client of the setback requirements for the taller sign and his client intends to meet the setbacks. He explained that his client is trying to reach the view from the side that is blocked by the Hampton Hotel.

Mr. Beach asked the applicant if there has been a sign test conducted to show the minimum sign height that could be seen and still be effective? Mr. Tomlinson stated that there has not been a sign test conducted. He explained that you can tell by the height that his client is trying to reach the height higher than the Hampton Hotel.

Case No. 17874 (continued)

Mr. Beach stated that the subject development should have been developed as a PUD from the outset in order to insure that all of the signage within the development could have been coordinated and visibility achieved for each of the individual landowners. He indicated that there have been a number of variances granted in this development for sign height, majority on properties adjacent to the freeway. He commented that there is beginning to be a considerable amount of visual clutter in the subject area and a 75' high sign may not be as effective as the applicant wants it to be. Mr. Beach stated that he does not see any real hardship associated with the subject property that would justify a 75' high sign. He commented that the 75' height is considerably higher than what the Code allows and would establish a precedent for all of the other properties yet to be developed.

Applicant's Rebuttal:

Mr. Tomlinson, stated that there are only two signs in the entire 40-acre business park that would not have been allowed fully by right. He explained that the sites are large and if compared to most arterial streets, the business park has very sparse signage compared to most developments. He stated he takes exception to the comment that the business park has sign clutter. He further stated that the business park does not have 10% of the signage along Memorial and 71st & Mingo.

Comments and Questions:

Mr. Bolzle stated he did not see any hardship that would compel the Board to approve the additional height.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** Special Exception to allow a hotel in an IL district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** – Use Unit 19; a Variance to allow a business sign on a non-arterial street. **SECTION 1221.C.9.a. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**; 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

DENY a Variance to allow maximum sign height from 40' to 75'. **SECTION 1221.E.1. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**; 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

Case No. 17874 (continued)

Prt of N/2, SE/4, NE/4, Sec. 23, T-19-N, R-13-E, IBM, Tulsa County, Oklahoma, according to the US Government survey thereof, more particularly described as follows, to-wit: Beg. 300.00' S., 532.50' W, NE/c, N/2, SE/4, NE/4, of said Sec. 23, said point lying in the N right-of-way line of E 33rd St. S.; thence S 89°58'30" W along said ROW line for 230.00'; thence N 00°33'21" E for 240.69'; thence S 89°58'30" E for 230.00'; thence S 00°33'21" W for 240.49' to the POB.

Case No. 17875

Action Requested:

Minor Special Exception to modify an approved site plan for an auto sales lot and 2 bay tune-up and repair for autos offered for sale, located SW/c Sheridan Road & Queen Street.

Presentation:

The applicant, **Dean Hulsey**, 4926 East 45th, submitted a site plan (Exhibit J-1) and a plot plan (Exhibit J-2). Mr. Hulsey stated that he has run into a problem with the subject property and he has changed his site plan.

Comments and Questions:

Mr. White asked the applicant if he added a tune-up shop and auto repair shop since the previous plan? Mr. Hulsey stated he has changed the way he plans to develop the subject property because of a problem with drainage of stormwater. He explained that if he develops as proposed in the original site plan, there will be problems with drainage.

Mr. Dunham stated that it appears that at the original hearing for the subject site there was no mention of a tune-up shop or auto repair shop. Mr. Hulsey stated that the approval from 10/10/95 was by another applicant and he never developed the site.

Mr. Dunham informed the applicant that the only plan approved previously for the subject site is the approval on 10/10/95. The tune-up shop and the auto repair shop were never approved.

After a lengthy discussion it was determined that Case No. 17875 was not properly before the Board of Adjustment and should be re-advertised.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **CONTINUE** Case No. 17875 to December 9, 1997 at 1:00 p.m.

Case No. 17876

Action Requested:

Variance to allow parking on a lot other than where the principal use is located.
SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS and Variance of required parking for a billiard parlor of 1 per 75 SF. **SECTION 1212a. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS**, located 8175 East 21st Street.

Presentation:

The applicant, **Wayne Alberty**, 201 West 5th, Suite 450, submitted a site plan for parking (Exhibit K-1) and stated he is representing the owner of Village Square Shopping Center. He explained that his client has contracted to purchase the one-acre lot immediately east and abutting the center to convert to off-street parking. He requested a continuance for the variance of the required parking for a billiard parlor of 1 per 75 SF. He indicated that the real issue is to allow the subject property, which is zoned CS and would permit the off-street parking by right, to be combined. When the center was originally developed it had 123 parking spaces, which met the requirement at the time. He explained that since the original development, the ordinance has been changed and there has been a higher requirement for off-street parking for the restaurants. He stated the center has two restaurant uses presently and a take-out restaurant has recently leased space in the center. He explained that in order to comply with all of the parking requirements it is necessary to park on a lot other than where the principal use is located.

Comments and Questions:

Mr. Bolzle asked the applicant if the parking lot abuts the shopping center to the east? Mr. Alberty stated the proposed lot is to the east and is currently vacant.

Interested Parties:

David Seawright, 7523 East 4th Street, representing his mother, stated his mother lives at 8349 East 21st Street and is concerned with the proposal. He requested that the applicant install a screening fence along the north and south side and maintain the fence. He explained that the parking spaces would allow car lights to shine into his mother's bedroom windows, which is only 40' from the property line. He stated the shopping center stays open 24 hours a day and with the extra parking spaces kids will congregate on the lot. He explained that his mother's property is zoned CS and he realizes the applicant does not have to install a screening fence. He commented that the screening fence will block out the lights and noise, plus give his mother some security.

Comments and Questions:

Mr. Dunham asked the applicant if he is referring to the west property line? He answered affirmatively.

Applicant's Rebuttal:

Mr. Alberty stated he understands the concerns of Mr. Seawright, however their property is also commercial, although the Seawright's are using their property for residential at this time. He indicated that there is no requirement for a fence and he cannot speak for his client with regards on whether he intends to install a fence. He commented that his client probably would only install the fence that is required along the north side. If the Board is inclined to require a fence along the west side he would like it tied to the use of the subject property to the east as long as it is residential, because the adjacent property could be developed commercial at any time. He stated that he would point out to his client that the fence to the north must be maintained.

Comments and Questions:

Mr. Bolzle asked the applicant if any of the commercial tenants have entry doors on the east side of the building? He stated that they do not have entry doors to the east side. He explained that all of the entry doors are on the west and south side of the facility.

In response to Mr. Bolzle, Mr. Stump stated that the applicant could accomplish the same intent with a re-platting of the property.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Variance** to allow parking on a lot other than where the principal use is located. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS**; subject to the installation of a screening fence along the east property line of the subject property and the fence will remain as long as the adjacent property remains a residential use; subject to a tie agreement; finding that the requirements for a variance in Sec. 1607.C. have been met,

AND

CONTINUE the **Variance** of required parking for a billiard parlor of 1 per 75 SF. **SECTION 1212a. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS**; to November 25, 1997 at 1:00 p.m.; on the following described property:

Commonwealth Center, Block 1, Lot 1, AND W 150', E 300', S/2, Block 9, O'Connor Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17877

Action Requested:

Variance of the maximum allowable detached accessory bldg. To 1566 SF to permit the addition of a 1350 SF bldg., located 3201 South Irvington.

Presentation:

The applicant, **Leah C. Waddell**, represented by **Ralph Sandmire**, 3201 South Irvington, submitted a site plan (Exhibit L-2) and photographs (Exhibit L-1). Mr. Sandmire stated that the subject property is currently zoned RS-3. He explained that he has experienced vandalism and theft in front of his home and would like to build the garage in order to park his cars inside. He indicated that there is a high volume of traffic through his neighborhood and it is difficult to get in and out of his driveway. He commented that the subject property is larger than usual for RS-3 property (100' x 160' or 16,000 SF). He explained that the surrounding lots have approximately 6900 SF. Mr. Sandmire stated that he meets the livability space that is required by RS-3, which is 4,000 SF. He indicated that if he is approved for the request he will still have 9,377 SF of livability area. He stated that the approval of this request will not be detrimental to the neighborhood. He indicated that he personally contacted all of his neighbors within 300' and received encouragement. He stated that he has invested \$24,000 in his home and is hopeful that the neighborhood will keep improving. Mr. Sandmire gave a lengthy presentation with slides of the subject property. He indicated that the proposed garage is a 30' x 45' and the color matches the existing home. He stated that there are other buildings in the immediate area that are larger than 750 SF.

Comments and Questions:

Mr. White asked the applicant if the 10' height is to the roof top or the eave? He stated that the 10' height is to the top of the eave. He explained that it will be a 3 to 12 roof and the highest point is 14'. He commented that the existing home is 17' in height. The proposed building will be 3' shorter than the existing home and will be located on the back portion of the subject property.

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

Mr. Beach stated that based on the calculations from the site plan submitted, 40% of the floor area of the principal residence would result in 940 SF allowed, rather than the 750 SF. He indicated that the applicant has 2350 SF floor area and the new building will be 1350 SF of floor area and without the two existing outbuildings, he would exceed the allowable amount by 410 SF of floor area.

Mr. Dunham asked the applicant if he proposes to retain the two outbuildings? He explained that one of the outbuildings is designed for pet parakeets, which is insulated, vented, etc. The other outbuilding stores the lawnmower and various equipment and he would like to keep the building.

Case No. 17877 (continued)

Mr. Bolzle stated that the area is in transition, but it is hard to determine which direction the neighborhood is going.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** Variance of the maximum allowable detached accessory bldg. To 1566 SF to permit the addition of a 1350 SF bldg.; per plan submitted; subject to there being no commercial activity in the proposed building; finding that the requirements for a variance in Sec. 1607.C. have been met, on the following described property:

Lot 13, Block 4, Lorraine Heights, City of Tulsa, Tulsa County, Oklahoma.

Mr. Cooper out at 3:25 p.m.

Case No. 17878

Action Requested:

Special Exception to allow auto sales and auto repair service in a CS district.

SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS and a Variance to allow open-air storage or display of merchandise offered for sale within 300' of an R district (expressway ROW). **SECTION 1217.C.2. USE UNIT 17.**

AUTOMOTIVE AND ALLIED ACTIVITIES, located South, SE/c East Admiral Place & South Louisville.

Presentation:

The applicant, **K.D. Berger**, 4425 West Reno, Broken Arrow, submitted a site plan (Exhibit M-1) and stated he owns a contiguous piece of property that is used as a car lot and the proposed building will be used for car repairs.

Comments and Questions:

Mr. White asked the applicant if the auto repair service is in conjunction with the auto sales or separate? He stated the auto repair is in conjunction with the auto sales, but will also conduct car inspections. He explained that the subject area is all retail or commercial area.

Mr. Beach informed the Board that I-244 and Admiral sandwiches the subject property.

Mr. Berger stated that he is on a dead-end street with a shopping center to the east. He indicated that I-244 is located behind the subject property to the south and Admiral Place is to the north.

Case No. 17878 (continued)

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** to allow auto sales and auto repair service in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** and a **Variance** to allow open-air storage or display of merchandise offered for sale within 300' of an R district (expressway ROW). **SECTION 1217.C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES**; per plan submitted; finding that the subject property backs up to the I-244 expressway, which is an R district; 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:

Lots 22-23, Block 1, Walnut Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17879

Action Requested:

Variance of required number of parking spaces from 61 to 40. **SECTION 1211. USE UNIT 11. OFFICES, STUDIOS AND SUPPORT SERVICES**, located SW/c 13th & Main.

Presentation:

The applicant, **Brian Freese**, represented by **Wally Bryce, President of Bryce Insurance**, 1300 South Main, submitted a site plan (Exhibit N-1) and stated that he is renovating the subject property. He explained that he has approximately 8,000' on the first floor and would like to extend over the first floor on the south side with another 4,000'. He informed the Board that when his family purchased the building in the mid 70's, it was with the understanding that the building was structurally designed to accommodate an additional floor if needed. He explained that his company is at the point in growth that the second floor is needed. When the subject building was purchased the zoning was CH with no parking requirement. He explained that his company has occupied the subject property for approximately 20 years and planned to stay for another 20 years. Mr. Bryce stated that Blue Cross and Blue Shield is to the north of the subject property and submitted letters of support (Exhibit N-2).

Case No. 17879 (continued)

Brian Freese, 5319 South Lewis, #211, stated he is the architect for the proposed renovation. He explained that there are several reasons for the reduction of parking spaces. He stated that the original building was constructed in 1956 and shared the same CH zoning designation as the entire downtown area, which had no parking requirement. Sometime in 1984 the downtown area was rezoned as CBD, which has no parking requirement. He explained that at the same time CH zoned areas were required to have one space per 300 SF. The Bryce Insurance building abuts the line that determines between CH and CBD. He informed the Board that when the line was drawn it cut off Bryce Insurance from the CBD district. The result is that building owners are now deprived of the ability to operate and use the property in the same fashion as when they purchased the building. The current building is configured in such a way that there were no parking requirements when it was constructed and cannot meet the current requirements for required parking. He stated that had the requirement been in place at the time of construction there would be more parking and the building would have been configured differently. He explained to the Board that he currently has an application pending with the City to close the alley west of the building. He stated that with the additional footage of half of the width of the alleyway he will be able to increase the parking from 34 spaces to 40 spaces. He commented that the increase to 40 parking spaces will maximize the subject property's ability to provide parking. He indicated that the property owners on the entire block support the closing of the alleyway. Currently there are no adjacent properties available for purchase, which would allow Bryce Insurance to expand their parking. He stated that access to eight additional parking spaces of on street parking on Main Street. He explained that the only users of the parking spaces will be the employees of the subject property.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** of required number of parking spaces from 61 to 40. **SECTION 1211. USE UNIT 11. OFFICES, STUDIOS AND SUPPORT SERVICES**; per plan submitted; finding that the requirements for a variance in Sec. 1607.C. have been met, on the following described property:

Lots 1, 2 & 3 & N 20' Lot 4, less prt. Lot 1, Beg. NE/c Lot 1; thence W 35', SE 20.62', SE 20.17', N 20', POB, Block 5, Horner Addition Amended, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17881

Action Requested:

Variance to allow required parking in a lot other than the lot containing the principal use. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS**, located 1507 West 51st Street.

Presentation:

The applicant, **Adrian Smith**, represented by **Billie Waters**, 9901 North Yale, Sperry, submitted a site plan (Exhibit O-1) and stated she is representing Aspen Square, Inc., which is the purchaser of the subject property. She explained that the request is to allow the majority of the parking, which is required for the subject property, to be on the adjacent parking lot belonging to Warehouse Market. Ms. Waters stated that the proposed development is a Dollar General Store and currently provides 240 parking spaces. She indicated that the Dollar General Store will be paving the adjacent land to the right, which is owned by the Warehouse Market. She stated that the adjacent property will continue to belong to Warehouse Market, but the Dollar General Store and Warehouse Market proposes to use it in order to provide the additional 40 required parking spaces needed. Ms. Waters concluded that she will be receiving a joint use of easement, which will be filed of record and will run with the land until the end of time.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** to allow required parking in a lot other than the lot containing the principal use. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS**; per plan submitted; subject to a parking easement between the two properties; finding that the requirements for a variance in Sec. 1607.C. have been met, on the following described property:

Prt of Lot 4, Block 5 and part of Lot 3, Block 6, lying N of the highway ROW, and the vacated street ROW for Santa Fe Ave., lying between Lot 4, Block 5 and Lot 3, Block 6, all in Suburban Highlands, an addition to Tulsa County, Oklahoma, according to the recorded plat thereof, No. 710, and being more particularly described as follows, to-wit: Beg. at the NE/c of Lot 3, Block 6, Suburban Highlands, an Addition in Tulsa County, Oklahoma, according to the recorded plat thereof; thence S 0°01'00" E along the Ely line for 180.17' to a point, said point being the intersection with the E line of Lot 3, Block 6, Suburban Highlands, with the Wly ROW line of US 75; thence S 38°13'04" W for 89.20'; thence due W and parallel with the N line for 185.00' to a point in Lot 4, Block 5, Suburban Highlands; thence N 0°00'38" E for 250.25' to the N line ; thence due E along the N line of Lot 4, Block 5 and Lot 3, Block 6 for 240.09' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17882

Action Requested:

Variance to allow required parking in a lot other than the lot containing the principal use. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS**, located 19 South 49th West Avenue.

Presentation:

The applicant, **Adrian Smith**, represented by **Billie Waters**, 9901 North Yale, Sperry, submitted a site plan (Exhibit P-1) and photographs (Exhibit P-2). Ms. Waters stated that this particular site provides 279 existing parking spaces. She explained that the site plan shows parking by the Dollar General Store, however she would like to amend the request to allow all of the required parking on the Warehouse Market site if necessary. She stated it may be necessary to park on the Warehouse Market site because of the inconvenient way the parking is shown on the site plan. Ms. Waters stated that there is more than adequate parking on the Warehouse Market site for the two facilities.

Comments and Questions:

Mr. Dunham asked the applicant if she will have a parking easement with Warehouse Market? She answered affirmatively.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolze, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Cooper "absent") to **APPROVE** Variance to allow required parking in a lot other than the lot containing the principal use. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS**; subject to a parking easement with Warehouse Market; finding that the requirements for a variance in Sec. 1607.C. have been met, on the following described property:

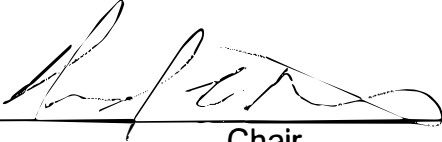
A tract of land in the N/2, SW/4, Sec. 4, T-19-N, R-12-E, Tulsa County, Oklahoma, according to the US Government Survey thereof, being described as follows, to-wit: Commencing at a point on the N line, SW/4, Sec. 4, T-19-N, R-12-E, Tulsa County, Oklahoma, said point being 50' E of the NW/c, SW/4, Sec. 4; thence S 0°14'12" E and 50' perpendicularly distant from the W line for 409.28', to POB; thence N 88°30'30" E for 334.97'; thence S 0°14'12" E for 74.70' to a point on the Nly line of the abandoned MK&T Railway Co. ROW; thence S 69°27'47" W along said Nly

Case No. 17882 (continued)

ROW line for 357.07'; thence N 0°14'12" W parallel with and 50' perpendicularly distant to the W line of Sec. 4 for 191.25' to the POB, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:48 p.m.

Date approved: December 9, 1997



Chair

