

**CITY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 739**  
Tuesday, November 25, 1997, 1:00 p.m.  
Francis F. Campbell City Council Room  
Plaza Level of City Hall  
Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
------------------------	-----------------------	----------------------	-----------------------

Bolzle  
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 Friday, November 21, 1997, at 10:17 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.

**MINUTES:**

On **MOTION** of **COOPER**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Bolzle "absent") to **APPROVE** the minutes of October 28, 1997, (No. 737).

**UNFINISHED BUSINESS**

**Case No. 17773**

**Action Requested:**

Special Exception to modify a previously approved site plan. **SECTION 301. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** – Use Unit 2, located 9119 East 61<sup>st</sup> Street.

**Comments and Questions:**

Mr. Beach reminded the Board that this case was previously before the Board. He explained that at the time the subject property was zoned AG, but recently was rezoned to OL. He stated that a number of the previous issues have been eliminated as a result of the rezoning.

**Presentation:**

The applicant, **Jerry Ledford, Jr.**, 8209 East 63<sup>rd</sup> Place, submitted a site plan (Exhibit A-1) and photographs (Exhibit A-2). Mr. Ledford stated he is representing Woodland Hills Church of Christ. He explained that previously the subject property was zoned AG and the church is an existing approved church use. He stated that during the previous hearing it was suggested by one of the Board members that if the subject property were rezoned to OL, some of the requested variances would no longer be needed. He indicated that the Planning Commission and City Council have approved the property for rezoning to OL. He requested the Board to approve the submitted site plan as the Master Site Plan for Woodland Hills Church of Christ. He explained that the first order of business for the Church is to expand the parking lot on the east side.

**Comments and Questions:**

In response to Ms. Turnbo, Mr. Ledford stated he will be installing a screening fence. He indicated that along the north and west side there is currently a 6' fence installed.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Bolzle "absent") to **APPROVE** a **Special Exception** to modify a previously approved site plan. **SECTION 301. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** – Use Unit 2; 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 beg. at a point 135' W, SE/c, SW/4, SE/4, Sec. 36, T-19-N, R-13-E, IBM, according to the US Government Survey thereof; thence N 209', W 387', S 209', E 387' to POB, Less S 50' thereof for right-of-way, City of Tulsa, Tulsa County, Oklahoma.

**Additional Comments:**

Mr. Stump informed the applicant that it does not appear that the site plan complies with the Landscape Ordinance, Mr. Ledford stated that he would make sure that the site plan complies with the Landscaping Ordinance, which is one of the conditions of the Planning Commission's approval.

**Case No. 17857**

**Action Requested:**

Variance of required parking for a restaurant to allow the existing 38 spaces plus 14 spaces on another lot for a total of 52 spaces and a Variance to permit required parking to be located on a lot other than the lot containing the principal use. **SECTION 1212. USE UNIT 12. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS**, located 1809 East 11<sup>th</sup> Street South.

**Presentation:**

The applicant, **Brent Morrison**, 1809 East 11<sup>th</sup> Street, submitted a site plan (Exhibit B-1) and a lease agreement (Exhibit B-2). Mr. Morrison stated he has a lease agreement with Hardesty Press to utilize their parking lot for additional parking. He explained that the Hardesty Press parking lot is across the street from the subject property.

**Comments and Questions:**

Mr. White asked the applicant if the computer repair shop is still in business? He stated that the repair shop is still operating, but he will probably relocate the computer repair shop. He indicated he would use the repair shop space for storage.

In response to Mr. White, Mr. Morrison stated that there are 15 additional spaces available at the Hardesty Press parking lot.

Ms. Turnbo asked staff to explain their concerns with regard to the alignment between the driveway from 11<sup>th</sup> Street and the drive aisle on the restaurant tract? Mr. Beach stated that the site plan indicates a 24' wide driveway that does not align with the drive aisle through the parking lot. He explained there is a potential for an awkward situation with a large car parked in the handicapped spot, which is right beside the driveway. He stated that the aisles are one-way aisles, which are 12' wide.

Mr. Dunham asked the staff if they suggest the applicant move the access to the east? Mr. Beach stated that moving the driveway to the east would be ideal.

Mr. Morrison stated that the driveway was installed years ago. He reminded the Board that he does have two entrances into the parking lot. He commented that the parking lot has not had any problems and he has been located at the subject property for three years. He stated the parking lot is an attended parking lot.

Mr. Beach suggested the applicant widen the driveway approximately 5' to align with the aisle.

Mr. Morrison stated he would not have a problem with widening the drive in order to align with the aisle.

In response to Mr. Dunham, Mr. Beach stated that in light of the request, one of the requirements to grant a variance is that the Board finds it is compatible with the surrounding area and would not cause any detriment to the area. He further stated that if the Board thinks that since the subject property has been in operation for several years and will not cause harm to continue, then it may not be necessary to condition the approval on widening the driveway.

Case No. 17857 (continued)

Ms. Turnbo informed Mr. Morrison that according to the terms of his lease, the subject property has to remain as a restaurant and bar. She stated that if the use changes the lease is no longer valid. Mr. Morrison stated he understood the condition.

In response to Mr. Beach, Mr. Morrison stated that 20% of the space is allocated to the kitchen.

Mr. Beach asked the applicant if his main purpose is to sell food and that alcoholic beverages would be an accessory to the food service business? He answered affirmatively.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Bolzle "absent") to **APPROVE** a **Variance** of required parking for a restaurant to allow the existing 38 spaces plus 14 spaces on another lot for a total of 52 spaces and a **Variance** to permit required parking to be located on a lot other than the lot containing the principal use. **SECTION 1212. USE UNIT 12. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS**, subject to the lease remaining intact to provide the additional parking spaces; finding that the requirements for a variance in Sec. 1607.C. have been met, on the following described property:

E 180', N 52.5', Lot 1 and ALL of Lots 2 & 3, Block 3, Clover Ridge Addition, City of Tulsa, Tulsa County, Oklahoma.

**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 26<sup>th</sup> West Avenue.

**Presentation:**

The applicant, **Stephen T. Lester**, 7354 South 26<sup>th</sup> West Avenue, submitted a site plan (Exhibit C-1) and requested a variance to build a guesthouse on the subject property. He indicated that he personally contacted the adjoining neighbors and they are in support of the application. He commented that he has not received any adverse responses from the neighbors contacted within 300' of the subject property. He informed the Board that the subject property is in excess of 14 acres, which is unusually large for the Tulsa area. The addition will not exceed the designated density of structures within an AG zoned district. He stated that the proposed addition will not cause a detriment to the area, nor violate the spirit, purpose or intent of the Zoning Code.

**Comments and Questions:**

Mr. White asked the applicant if he would agree with the Staff's recommendations that any approval be subject to the execution and recording of a covenant that the second dwelling may not be used as rental property and is for use only by the residents or guests of the owners of the principal dwelling? He stated he is in agreement with the Staff's recommendation.

In response to Mr. Dunham, Mr. Beach stated that a binding covenant can be drafted and filed of record.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Bolzle "absent") to **APPROVE** a **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, per plan submitted; subject to a covenant being filed of record stating that the second dwelling may not be used as rental property and is for use only by the residents or guests of the owners of the principal dwelling; finding that the subject property is comprised of 14 acres and can support the two dwelling units; 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 S/2, NW/4, SEC. 10, T-18-N, R-12-E, IBM, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT: COMMENCING AT THE SW/c OF SAID S/2 OF THE NW/4; THENCE DUE N, ALONG THE W LINE FOR 594.12'; THENCE DUE E, PERPENDICULAR TO THE W LINE FOR 391.56' TO A POINT OF CURVATURE; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 300.00' AND A CENTRAL ANGLE OF 55°04'27", FOR AN ARC DISTANCE OF 288.37' TO A POINT OF REVERSE CURVATURE; THENCE NELY, ELY AND SELY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 195.00' AND A CENTRAL ANGLE OF 102°57'54", FOR AN ARC DISTANCE OF 350.43' TO THE POB; THENCE CONTINUING SELY, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 195.00' AND CENTRAL ANGLE OF 27°50'31", FOR AN ARC DISTANCE OF 94.76' TO A POINT OF REVERSE CURVATURE; THENCE SELY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 520.00' AND A CENTRAL ANGLE OF 39°21'26", FOR AN ARC DISTANCE OF 357.19' TO A POINT OF COMPOUND CURVATURE; THENCE SELY, ELY AND NELY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 275.00' AND A CENTRAL ANGLE OF 77°24'46", FOR AN ARC DISTANCE OF 371.55' TO A POINT OF REVERSE CURVATURE; THENCE NELY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 485.00' AND A CENTRAL ANGLE OF 39°38'19", FOR 335.53' TO A POINT OF REVERSE CURVATURE; THENCE

Case No. 17869 (continued)

ELY AND NELY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 200.00' AND A CENTRAL ANGLE OF 58°41'35", FOR 204.88' TO A POINT OF TANGENCY; THENCE N 29°54'30" E, FOR 228.06' TO A POINT OF CURVATURE; THENCE NELY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 350.00' AND A CENTRAL ANGLE OF 14°44'08", FOR AN ARC DISTANCE OF 90.01'; THENCE N 45°21'22" W, FOR 318.94'; THENCE DUE N, PARALLEL TO THE W LINE OF SAID S/2, NW/4, FOR 117.77' TO A POINT ON THE S LINE OF ROSEWOOD ACRES 2ND ADDITION, AN ADDITION IN TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 3189 THEREOF, SAID POINT BEING S 89°35'20" W, ALONG THE S LINE OF SAID ROSEWOOD ACRES 2ND ADDITION, FOR 700.04' FROM THE E LINE; THENCE S 89°35'20" W, ALONG THE S LINE OF SAID ROSEWOOD ACRES 2ND ADDITION, FOR 330.00'; THENCE DUE S, PARALLEL TO THE W LINE OF SAID S/2, NW/4, FOR 160.96'; THENCE DUE W, PERPENDICULAR TO THE W, FOR 138.14'; THENCE S 38°33'38" W FOR 339.91'; THENCE DUE W, PERPENDICULAR TO THE W LINE 273.40'; THENCE S 47°53'27" W, FOR 62.48' TO THE POB; SAID TRACT.

**Case No. 17876**

**Action Requested:**

Variance of required parking for a billiard parlor of 1 per 75 SF. **SECTION 1212a. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS**, located 8175 East 21<sup>st</sup> Street.

**Presentation:**

The applicant, **Wayne Alberty**, 201 West 5<sup>th</sup> Street, Suite 450, submitted a site plan (Exhibit D-1) and stated that this application is a second part of a two step process. He explained that the actual use that precipitated this request is the Billiard Palace. The Billiard Palace actually comprises almost 50% of the subject shopping center. The ordinance states that if you serve beer in the billiard hall, then you have to meet a parking requirement of one space per 75 SF. He stated that he has found that the parking requirement will be excessive. Mr. Alberty explained that the existing building floor area in the center is 27,666 SF. The center has been operating with existing parking of 120 parking spaces. The additional parking that was approved at the previous hearing on the lot to the east will add 106 parking spaces and bring the total parking spaces to 226. The existing restaurants have 6,591 SF and the billiard parlor has 13,312 SF, which leaves a remaining 7,763 SF of retail area. He stated that if you consider the parking requirements of 1 per 100 and 1 per 225, with regards to the restaurants and the retail, the restaurants would require 66 parking spaces and the retail area would require 34 ½ parking spaces. He explained that based on the plan he would like to propose a parking ratio to the Board by breaking down the Billiard Palace. He stated that the area is primarily filled with pool tables and game tables.

Case No. 17876 (continued)

There are several areas that are designated for dining throughout the floor area in the billiard hall. Mr. Alberty explained that he has calculated the SF for each of these particular uses as follows: The actual bar, food preparation area, kitchen, counter area, seating adjacent to the bar and the restrooms, 2,000 SF or 15% of the total floor area; the restaurant area (including designated areas for dining), 400 SF or approximately 3% of total floor area; the video gaming area, 270 SF or 2% of the floor area, which leaves the balance of the area (office, storage and aisle space where the 31 pool tables are located), 10,642 SF or 80% of the total floor area. He stated that based on the calculations of one space per 75 SF for the bar/restaurant including food preparation, kitchen counter area and bar seating area would require 27 parking spaces; one space per 100 SF for the restaurant seating area would require 4 parking spaces; the video games one space per 100 SF would require 3 spaces and in the ordinance the billiard halls, not serving beer, one per 225 SF would require 47 parking spaces; bring the total of parking spaces required to 81 parking spaces. Mr. Alberty stated that if you break down the areas per use as described above, which the Building Inspector does frequently, the required parking for the billiard parlor will be 181 ½ parking spaces, which would leave 44 ½ parking spaces in excess. Mr. Alberty indicated that the principal use is the billiard parlor and 80% of the floor area is allocated to the pool tables. He suggested if you consider the calculations he has proposed, one parking space per 106 SF would meet the required parking. He stated that with these calculations the existing uses will be able to continue. He commented that some where between the 81 parking spaces and the 125 parking spaces is reasonable for the subject use. If the Board required one parking space per 75 SF for the entire 13,312 SF, it would require 177 parking spaces, which is 57 parking spaces more than the entire shopping center lot has on the existing spaces. He commented that he feels that the one parking space per 75 SF is unreasonable. Mr. Alberty concluded stating that the shopping center is self-contained and does not have adjoining or adjacent streets that lead into the neighborhood. He commented that people will not be parking in the neighborhood and walk because the streets do not lead into or parallel an existing neighborhood. The center does abut the Albertson store on the east and the owners have agreed to allow any overflow parking on their lot. He explained that there is an excess of parking on the Albertson's parking lot.

**Comments and Questions:**

Ms. Turnbo asked the applicant to restate how many parking spaces the center provides? Mr. Alberty stated that there are 120 existing parking spaces and he added 106 at the previous approval, which brings the total to 226 parking spaces.

Ms. Turnbo asked the applicant how many parking spaces does the center actually need? Mr. Alberty stated that currently the center actually needs 100.5 parking spaces, excluding the billiard hall.

Case No. 17876 (continued)

Mr. Dunham asked the applicant if the uses have changed? He stated that the uses have not changed and the center has added 106 additional parking spaces. He explained that the center has been an existing business and there were some complaints associated with the billiard hall. It was determined that since the billiard hall was serving beer it did not meet the parking requirement. He stated that currently the billiard hall has ceased selling beer, but the owner would prefer to sell beer as an accessory to the billiard hall.

Mr. Stump stated that technically , without serving beer, the billiard hall does not meet the required parking. The billiard hall was established before the requirement was in place.

Mr. Beach asked the applicant if the current deficit of parking spaces is 52 spaces? He answered affirmatively.

In response to Ms. Turnbo, Mr. Alberty stated that to his knowledge the only protestants were the property owners to the east of the previously approved parking lot. He explained that the center is a 24 hour operation and the neighbors were concerned with security. He stated that there is security personnel on duty during the night time hours.

Mr. Cooper stated that the biggest contention is the fact that 80% of the floor area is being used for billiards and not for a restaurant or bar. He commented that with 31 pool tables there will not be a lot of room available for too many people.

In response to Ms. Turnbo, Mr. Alberty stated he was told that the occupancy is 250, but he is not sure.

Mr. White asked the applicant if the billiard hall is the only facility that is opened 24 hours? He answered affirmatively.

Mr. Stump reminded the Board that the retail portion of the shopping center is closed when the billiard hall reaches its peak use, which would free the 34 ½ required parking spaces.

Mr. Bolzle in at 1:40 p.m.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-1 (Cooper, Dunham, Turnbo, White, "aye"; no "nays" Bolzle "abstention"; none "absent") to **APPROVE** a **Variance** of required parking for a billiard parlor of 1 per 75 SF. **SECTION 1212a. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS**, per plan submitted; subject to the restaurants not increasing from the existing 6591 SF nor the billiard parlor being increased from the existing 13,312 SF; subject to there being 226 parking spaces or



Case No. 17876 (continued)

more provided; finding that the requirements for a variance in Sec. 1607.C. have been met, 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. 17884**

**Action Requested:**

Variance for minimum lot width from 60' to 25.5' Tract A; 36.31' Tract B and 50' Tract C; Variance of minimum lot area of 6,000 SF to 2,550 SF Tract A, 3,631 SF Tract B, 3,725 SF Tract C; a Variance of the required side yard from 10' and 10' to .8' and 2' Tract A, 4.5' and 5.3' Tract B, 6.8' Tract C; and a Variance of the required front yard from 10' to 6' Tract A, 6.2' Tract B, in order to allow a lot split. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, located 1601 East 2<sup>nd</sup> Street.

**Presentation:**

The applicant, **Linda J. Dick**, represented by **David Dick**, 1601 East 2<sup>nd</sup> Street, submitted a site plan (Exhibit E-1) and stated that the subject property was built in 1920. He explained that he is not expanding the houses, but simply trying to define the property lines. He indicated that he is in the process of refinancing the homes and the requests are necessary.

**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** for minimum lot width from 60' to 25.5' Tract A; 36.31' Tract B and 50' Tract C; **Variance** of minimum lot area of 6,000 SF to 2,550 SF Tract A, 3,631 SF Tract B, 3,725 SF Tract C; a **Variance** of the required side yard from 10' and 10' to .8' and 2' Tract A, 4.5' and 5.3' Tract B, 6.8' Tract C; and a **Variance** of the required front yard from 10' to 6' Tract A, 6.2' Tract B, in order to allow a lot split. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**; per plan submitted; finding that subject property is an existing condition since 1920; finding that the requirements for a variance in Sec. 1607.C. have been met, on the following described property:

Lot 13, W 38', N 61', E 12', N 49', Lot 14, Block 2, Midway Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17885**

**Action Requested:**

Variance of the required rear yard from 20' to 7'-2" to permit an addition to an existing residence. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** – Use Unit 6, located 1731 North Atlanta Court.

**Presentation:**

The applicant, **Juan Hernandez**, 2422 North Oswego, represented by **Manina Escura**, 821 North Trenton, submitted a floor plan (Exhibit F-1), site plan (Exhibit F-2) and letters of support (Exhibit F-3). Ms. Escura stated she is interpreting for Mr. Hernandez and she is not sure what the next procedure is.

**Comments and Questions:**

Mr. Bolzle asked the applicant if a portion of the proposal is already existing? She answered affirmatively.

Mr. Bolzle asked the applicant what is preventing him from building the addition to the side of the existing structure? Ms. Escura stated the applicant uses the side for parking.

Mr. White asked the applicant how much of the proposed structure shown on the plan is already existing? Ms. Escura stated that the kitchen, dining room and living room are the only existing rooms.

Mr. Bolzle informed the applicant that it is very difficult to find a hardship that would compel the Board to approve this application. He asked the applicant if he could re-design the proposal? Ms. Escura stated that if the applicant re-designs the proposal he will not have any parking area. She explained that the house is for the applicant's mother and he does not want her to enter the house from the back for security reasons.

Ms. Turnbo stated that the neighborhood is an older neighborhood. She explained that she is not sure what the hardship would be, other than the owner does not want to enter the house from the alleyway because of security reasons.

Mr. Bolzle asked the applicant if he is tearing down part of the structure in order to build the expansion? Ms. Escura stated that the applicant has torn down one room in the back of the existing structure.

Mr. Cooper asked the Board if there are other homes close to the utility access? Mr. White stated that the lots are 50' x 100' and there are homes quite close to the utility access.

Ms. Escura stated that there is enough room for cars to pass in the alleyway.

Case No. 17885 (continued)

**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 required rear yard from 20' to 7'-2" to permit an addition to an existing residence. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** – Use Unit 6; per plan submitted; finding the hardship to be the size of the lot; finding that the requirements for a variance in Sec. 1607.C. have been met, on the following described property:

Lot 546, Block 42, Tulsa Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17886**

**Action Requested:**

Minor Special Exception to reduce the required front yard from 35' to 30'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** – Use Unit 6, located 34<sup>th</sup> and Atlanta Place.

**Presentation:**

The applicant, **Carol L. Mersch**, not present.

**Comments and Questions:**

Mr. Beach informed the Board that the applicant has submitted a letter requesting a continuance (Exhibit G-1). Mr. Beach explained that the continuance request was timely, but the applicant did not specify the date of continuance and suggested the Board continue the case to December 9, 1997.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Bolzle "absent") to **CONTINUE** Case No. 17886 to December 9, 1997 at 1:00 p.m.

**Case No. 17887**

**Action Requested:**

Variance of setback from Apache to 77' from centerline. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** – Use Unit 9; Special Exception to allow a mobile home in an IM district to provide security to adjoining properties. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** – Use Unit 9 and a Variance of one year time limit to permanent. **SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, located 2705 East Apache North.

**Comments and Questions:**

Mr. Beach informed the Board that the variance for the one year time limit applies to residential zoning districts for mobile homes. He explained that the relief from the one year time limit will not be needed in the IM district.

**Presentation:**

The applicant, **Kerwin D. Bartley**, 2705 East Apache Street, submitted a site plan (Exhibit H-1) and photographs (Exhibit H-2). Mr. Bartley stated he provides security for the subject property and the business across the street. He explained that the owner of the subject property owns several properties in the immediate area and needs security for the properties.

**Comments and Questions:**

Mr. Dunham asked the applicant if he will be living in the mobile home? He answered affirmatively. He explained that eventually the mobile home will be made into an office or an office will be built on the subject property.

Mr. Dunham asked the applicant why the mobile home needed to be in the proposed location? He stated that the property owner would like for him to stay west of the service pole. The variance is needed because the further the property goes back the deeper it becomes. He explained that if he goes any further back on the property he will have to put the mobile home up higher on blocks. He prefers not to go too high with the mobile home for stability purposes.

Mr. Bolzle asked the applicant if the land drops off in elevation as it goes to the railroad tracks? Mr. Bartley explained that the west third slopes off toward the back and then it raises on the east. He is on the high spot of the subject property. He explained that if he positioned the mobile home sideways, then he would be past the location the property owner would like him to be for security reasons.

Mr. White asked the applicant if the mobile home is already in place? He answered affirmatively.

In response to Mr. White, Mr. Bartley stated that the subject property is regulated Flood Zone C.

Mr. Stump stated that if the subject property is Flood Zone C it means the subject property is outside of the regulated floods. This is a secondary arterial street, which has a larger setback than a minor street would have. He explained that Mr. Bartley is 23' into the setback. If the mobile home was moved 23' back, he would not need the variance.

In response to Mr. Bolzle, Mr. Bartley stated that the mobile home is 14' x 60'.

Case No. 17887 (continued)

After a lengthy discussion it was determined that the topography of the land creates a hardship to relocate the mobile home on the subject property in order to meet the required setback.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolze, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Variance** of setback from Apache to 77' from centerline. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** – Use Unit 9 and a **Special Exception** to allow a mobile home in an IM district to provide security to adjoining properties. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** – Use Unit 9; per plan submitted; finding that the topography of the land causes a hardship with regard to locating the mobile home; finding that the requirements for a variance in Sec. 1607.C. have been met, on the following described property:

All that part of the SE/4, SE/4, SW/4, Sec. 20, T-20-N, R-13-E, lying S & E of the Atchison, Topeka & Santa Fe Railroad ROW, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17888**

**Action Requested:**

Special Exception to allow a church and accessory uses in an OL zoned district.

**SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** – Use Unit 2, located North, NW/c East 4<sup>th</sup> Street & South Memorial.

**Presentation:**

The applicant, **Eric Mikel**, 909 East 36<sup>th</sup> Street North, submitted a site plan (Exhibit I-1) and stated he would like to construct a new building for the Kingdom Hall. He explained that there is approximately 2 acres and he plans to build a hall with 3900 SF. He stated that there will be approximately 70 parking spaces provided. He indicated that the City Traffic Engineer stated there will be no impact on Memorial with the proposed entrances and exits.

**Comments and Questions:**

Mr. Dunham informed the Board that the address given is incorrect.

Mr. Romig asked the staff how the case was advertised? Mr. Beach stated that the case was advertised as N of NW/c East 4<sup>th</sup> Street and South Memorial.

Case No. 17888 (continued)

Mr. Romig stated that even if the interested parties were notified, they would not realize which property is involved with this action. He informed the Board that the application was not properly advertised and is not properly before the Board. He suggested the application be continued and re-advertised.

Mr. Dunham informed the applicant that he needs to continue the case and re-advertise with the proper address. He explained to the applicant that he will need to return with a detailed site plan when the case returns to the Board.

In response to Mr. Mikel, Mr. Beach stated that the advertised address reflects the same address given by the applicant at the time of making the application.

**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. 17888 to January 13, 1998 at 1:00 p.m.

**Additional Comments:**

In response to Mr. Mikel, the Board advised him to write down the new hearing date of January 13, 1998 at 1:00 p.m. and he will be at the top of the Agenda since this will be considered unfinished business.

**Case No. 17890**

**Action Requested:**

Minor Special Exception to amend an approved site plan for a proposed mini-storage. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** – Use Unit 16, located NW/c East 21<sup>st</sup> Street South & South 129<sup>th</sup> East Avenue.

**Presentation:**

The applicant, **Danny Mitchell**, 4111 South Darlington, Suite 140, submitted a site plan (Exhibit J-1) and (Exhibit J-2). Mr. Mitchell stated that approximately two years ago the subject property was before the Board and approved. He explained that due to financial reasons the previous project did not proceed and there is a new owner who wishes to develop a mini-storage on the subject property. He indicated that the site is smaller than the previously approved project.

**Comments and Questions:**

Mr. Bolzle asked the applicant how close the buildings in the previous site plan were to the residents on the west? Mr. Mitchell stated that the setback is the same as the proposed. He explained that there is an easement in the back and the proposed is no closer than the previous plan.

Case No. 17890 (continued)

Mr. Bolzle asked if the buildings are being pulled back from the north property line and adding outdoor storage? Mr. Mitchell agreed.

Mr. Beach stated that the previous approved plan has 30' setback from the building to the property line and the new plans appear to have a building 10' from the west property line.

Mr. Mitchell stated the previous approved site plan indicated a drive on the west side, which provided vehicular traffic right up to the wood fence of the residences. He explained that he has limited vehicular traffic within the facility so that it is further removed and barricaded by the building from the residents.

Mr. Bolzle asked the applicant how high the back of the proposed building will be? He indicated it will be approximately 9' high.

Mr. Stump asked the applicant if the outside storage goes to the north property line? He answered affirmatively.

Mr. Stump informed the applicant that he will be required to have at least a 5' landscape strip between the outside storage and the residential area. Mr. Mitchell stated he will provide the 5' landscaping adjacent to the north property line.

Mr. Beach stated that one of the use conditions for mini-storage in a CS district is that you cannot have any outside storage visible from ground level of the R district. He explained that any outside storage that takes place in the mini-storage has to be below the top of any screening fence. Mr. Mitchell stated that he is aware of this condition and has made the owner of the subject property aware that the site lines from the adjacent properties govern the height of anything to be stored outside.

Mr. Dunham asked the applicant if the hours of operation will remain 7:00 a.m. to 7:00 p.m. as the previous approval? He stated that the hours of operation are the same as previously approved.

**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 **Minor Special Exception** to amend an approved site plan for a proposed mini-storage. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** – Use Unit 16; per plan submitted; subject to the hours of operation being 7:00 a.m. to 7:00 p.m.; subject to the proposal meeting all applicable use conditions; subject to the proposal meeting all of the landscaping requirements; 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. 17890 (continued)

Commencing at the SE/c, Lot 1, Block 1, Stacy Lynn Third Annex, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof; said point also being the SW/c of Phillips Ponderosa No. 1, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof; thence due N for 200'; thence S 89°47'00 E for 50.00'; thence due N for 150'; thence N 89°47'00 W for 50.00'; thence due N 150'; thence S 89°47'00 E for 200' to a point on the E line of Stacy Lynn Third Annex; thence due N along the E line of Stacy Lynn Third Annex for 114.81' to the NE/c of Lot 1, Block 1; thence due W along the N line of said Lot 1, Block 1, for 379.12'; thence S 82°00'00 W along said N line for 220.22' to the NW/c of said Lot 1, Block 1; thence due S along the W line of said Lot 1, Block 1 for 381.90'; thence S 89°47'00 E and parallel with the S line of Lot 1, Block 1 for 300'; thence due S for 200' to a point on the S line of said Lot 1, Block 1; thence S 89°47'00 E along said S line for 97.20' to the POB,

### **OTHER BUSINESS**

#### **Action Requested:**

Consider approval of 1998 City Board of Adjustment Meeting Schedule.

#### **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** the 1998 City Board of Adjustment Meeting Schedule.

There being no further business, the meeting was adjourned at 2:33 p.m.

Date approved: \_\_\_\_\_

*January 13, 1998*

\_\_\_\_\_  
Chair