

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 744  
Tuesday, February 24, 1998, 1:00 p.m.  
Francis F. Campbell City Council Room  
Plaza Level of City Hall  
Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Bolzle Dunham Turnbo White, Chair	Cooper	Beach Huntsinger Stump	Ballentine, Code Enforcement Parnell, Code Enforcement Romig, Legal Department

The notice and agenda of said meeting was posted in the Office of the City Clerk on Monday, February 23, 1998, at 9:09 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 **TURNBO**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Cooper "absent") to **APPROVE** the minutes of January 13, 1998, (No. 741).

**UNFINISHED BUSINESS**

**Case No. 17935**

**Action Requested:**

Special Exception to permit the construction of 376 dwelling units for elderly housing  
**SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** – Use Unit 8, Variance of the maximum floor area ratio of .50 subject to livability space being required for each dwelling unit as required in the RM-2 district. **SECTION 1208.C.1.b USE UNIT 8 MULTIFAMILY DWELLING AND SIMILAR USES** located W. Side S. Lewis Ave. & E. 75<sup>th</sup> St.

**Presentation:**

The applicant, **Charles E. Norman**, 2900 Mid-Continent Tower, submitted Developmental Standards (Exhibit A-1) Site Plan (Exhibit A-2) representing **Cypress Realty, Houston, TX**. The property is located on the West side of South Lewis Avenue & 75<sup>th</sup> Street; Mr. Norman stated that Cypress Realty proposes to construct a facility for elderly retirement housing. The facility will not be an assisted living facility or a nursing facility. The subject property is located in the OM Zoning District. The Multifamily use is a permitted use according to the RM-2 standards but are subject to approval of a Special Exception by the Board of Adjustment. Mr. Norman submitted a site plan and written development standards which propose 360 units not the 376 units he had originally applied for. Mr. Norman stated that the maximum building height would be 47'. The development would have 30 dwelling units per acre, which falls halfway between the RM-1 and RM-2 standards. Livability space of 400 sq. ft. per dwelling unit is proposed which is also halfway between the RM-1 and RM-2 standards. He originally applied for the variance of the 50% floor area ratio under code amendments that were recently passed by the City Council. They establish a maximum floor area ratio of .5 or 50% for assisted living facilities. With three stories, this building is more than, 50% but each unit will have a kitchen, therefore the units will be considered as dwelling units and not subject to the 50% floor area ratio. No variance of the .50 floor area ratio for assisted living facilities is needed. Requests approval of the Special Exception for this use subject to dwelling units being designed for the elderly as required by the Code and subject to the slight modification in the north, south and west building setbacks as stated on the written development standards rather than those shown on the site plan.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** to permit the construction of 360 dwelling units for the elderly **SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** – Use Unit 8, per development standards and site plan presented after finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to public welfare on the following described property:

W. Side S. Lewis Ave. & E. 75<sup>th</sup> St. Legal Description: A part of the S/2, NE/4, Sec. 7, T-18-N, R-13-E, Tulsa County, Oklahoma, more particularly described as follows: Commencing t a point on the S line of the NE/4, Sec. 7, T-18-N, R-13-E, and 50' W of the E line of said Sec. 7; thence N 89° 48' 42" W for 930.00'; thence N 0° 10' 03" E for 560.00'; thence S 89° 48' 42" E for 930.00'; thence S 0° 10' 03" W for 560.00'; to the POB, City of Tulsa, Tulsa County, Oklahoma.

## NEW APPLICATIONS

### Case No. 17943

**Action Requested:**

Approval of amended site plan for building addition to existing school. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 2**, located at 525 East 46<sup>th</sup> St. N.

**Presentation:**

The Applicant, **Dale Raglan, Jr.**, was not present.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **CONTINUE** Case No. 17886 to March 10, 1998 at 1:00 p.m.

### Case No. 17944

**Action Requested:**

Approval of amended site plan for an addition to each school building. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS. Use Unit 2** located at 2010 East 48<sup>th</sup> Street North.

**Presentation:**

The applicant, **Dale Raglan, Jr.**, was not present

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **CONTINUE** Case No. 17944 to March 10, 1998 at 1:00 p.m.

### Case No. 17945

**Action Requested:**

Variance to allow parking on a lot other than the lot containing the principal use. **SECTION 1031.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS** located at 4302 East Pine Street.

**Presentation:**

The applicant, **Jean Worford**, 1825 North Atlanta Place, submitted site plan (Exhibit B-1) the applicant owns a club at 4302 East Pine and they are wanting to add on to the club and need more parking. Ms. Worford stated that she has a lease on the property at 4310 East Pine and she wants to use that property for parking.

Case No. 17945 (continued)

**Comments and Questions:**

In response to the Board's question, Mr. Beach answered that the requirements are one space for every 75 square feet or 57 parking spaces. They have provided a total of 58 spaces on both lots with 21 located on the other lot.

Mr. White stated that the creek isolates the property and he asked how long the lease on the other property is for. The applicant stated that they are in the process of buying the property.

In response to a question about a tie contract, Mr. Beach stated that the CH Zoning District allows parking by right so parking would be permitted as a principal use on the other lot. He noted that if the other lot goes away, the applicant would have to reappear before the Board for a parking Variance.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a **Variance** to allow parking on a lot other than the lot containing the principal use. **SECTION 1031.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS** subject to the club always having access to the 21 spaces shown on 4310 East Pine Street, Lots 9 & 10, Block 1 C.A. Reese Addition either by perpetual lease or ownership on the following described property:

N 180', W/2, Block 1, C.A. Reese Addition, AND Lots 9 & 10, C.A. Reese Addition, and 25' on east of vacated street. City of Tulsa, Tulsa County, Oklahoma

**Case No. 17946**

**Action Requested:**

Variance of the required 6 parking spaces to 5 parking spaces. **SECTION 1211. USE UNIT 11. OFFICES, STUDIOS AND SUPPORT SERVICES & SECTION 1223. USE UNIT 23. WAREHOUSING AND WHOLESALING** and located at 1630 South Boston.

**Presentation:**

The applicant, **Joe Westervelt**, 2431 East 61<sup>st</sup> Street, Ste. 430 74136, submitted site plan (Exhibit C-1) the building is currently nearing completion and ready for a Certificate of Occupancy. When the initial plan was developed, just enough square footage was included to keep the building within the Office/Warehouse Use requirements of 5 parking places. The lot is 50' wide. After conversations with

Case No. 17946 (continued)

Development Services, and a disagreement in the size of the handicapped facilities, it was decided that 5.3 parking spaces were needed. This caused the creation of a 6<sup>th</sup> parking space inside the existing warehouse to continue with the permit process. He is asking the Board to waive the 0.3 parking space and only require 5 parking spaces.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** the Variance of the required 6 parking spaces to 5 parking spaces **SECTION 1211. USE UNIT 11. OFFICES, STUDIOS AND SUPPORT SERVICES & SECTION 1223. USE UNIT 23. WAREHOUSING AND WHOLESALING** on the following described property:

Lot 11, Block 2, Cody Addition, City of Tulsa, Tulsa County, Oklahoma

**Case No. 17947**

**Action Requested:**

Special Exception to allow a mobile home in an RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Variance of the one-year time limit to permanent **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** located W of the NW/c 26<sup>th</sup> Place North & Hartford.

**Presentation:**

The applicant, **Gwendolyn Young**, 1328 E. 53<sup>rd</sup> St. N., has bought a piece of property and wants to put a double-wide mobile home on the property.

**Comments and Questions:**

Mr. Bolzle asked the applicant if she was aware of any other mobile homes in the immediate area. Applicant answered that she was not aware of any

Mr. White asked if there was ever a house on the lot and how long ago. Ms. Young answered affirmatively and stated that she did not know how long ago.

Mr. Bolzle asked the applicant if the trailer would be at the same location as the old home. Ms. Young said yes.

**Protestants:**

John Irons 650 East Mohawk Boulevard, stated that he lives directly behind the subject property and was not given a ten day notice of a person wanting to put a mobile home on the lot. Mr. Irons feels that the mobile home would be out of place in the neighborhood. Mr. Irons stated that he has in his possession a petition signed by neighbors. (Exhibit D-1)

Case No. 17947 (continued)

Norma Walker 649 East 26<sup>th</sup> Place North, stated that she has lived directly next door to the lot for 30 years and is very opposed to a mobile home being put on the lot because there has never been anything like a mobile home in the area before. Is concerned about her home being depreciated.

George W. Curl 645 East 26<sup>th</sup> Place North, stated that he has lived two doors down from the proposed mobile home for over 30 years. Mr. Curl also stated that most everyone in the neighborhood is a senior citizen and has lived in the area for at least 25-30 years. He also stated that there has never been a mobile home in the area.

Clarence Gray 636 East 26<sup>th</sup> Place North, was raised in the neighborhood and is taking care of his mother who owns a house in the neighborhood. He is opposed to the mobile home because it will depreciate the value of his mother's property.

Teresa Golf 639 East 36<sup>th</sup> Place North, has lived in neighborhood for many years and has made improvements on her home over the years. Is opposed to the mobile home being put on the property.

**Rebuttal:**

Ms. Young stated that there are a lot of old houses and junk lots in the neighborhood. Ms. Young states that if people build in the area more families would move into the neighborhood. She also stated that no one tries to upkeep their property.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **DENY** Special Exception to allow a mobile home in an RS-3 district **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Variance of the one-year time limit to permanent **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS; REQUIREMENTS** stating that it would be a detriment to the neighborhood on the following described property:

Lot 12, Block 10, Devonshire Place Resubdivision B9-13, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17948**

**Action Requested:**

Special Exception to permit a 120' cellular telephone monopole tower in an RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 4**, located at 37<sup>th</sup> Place & Union.

**Presentation:**

The applicant **Roy D. Johnsen**, 201 West 5<sup>th</sup> Street, Suite 440, stated he is appearing on behalf of AT&T Wireless Services. Mr. Johnsen stated (Exhibit E-1 and E-2) that he has handed Staff a packet with an aerial photo, please note that the proposed location is within the athletic complex of Webster High School. The site would be just north of the ticket booth. As the Board is aware, the Code provides that in residential areas, the Board has the authority as a Special Exception, to grant this type of use. The Code sets forth a number of standards and Mr. Johnsen spoke about those standards. First, the Code requires a setback equal to 110% of the height of the tower and in this instance the required setback would be 132'. The location depicted the setback as 136' and it is in compliance of the setback requirements. Monopole has become the standard. Galvanized in color is also standard to reduce visibility. The stadium is a lighted stadium with three towers of large light banks on the north and south of the stadium. Mr. Johnsen stated that since there were tall light towers on the property the proposed cellular telephone monopole would essentially go unnoticed since there is not an unobstructed horizon at the time. Mr. Johnsen stated that the Code encourages collocation for cellular telephone towers and it was found that there was no nearby cellular telephone tower of either AT&T or other service providers on which they could collocate. The proposed monopole tower is structurally designed and is of a height to promote collocation. Mr. Johnsen stated that it has been determined in prior hearings and after extensive study that cellular telephone towers do not cause bad reception for television or any adverse effect on humans.

**Comments and Questions:**

Mr. White asked the applicant how high the light standards are on the north and south, Mr. Johnsen answered that the one in the middle is 103' and two smaller one are 80'

**Protestants:**

**Bruce Ricks**, owns property at 1731 W. 37<sup>th</sup> Street. Mr. Ricks stated that the neighborhood is an established, old neighborhood and has been in Tulsa for 70 years. He also stated that the trees in neighborhood hide the light towers. Neighborhood is surrounded by industrial areas that are across Highway 75 and would be a better suited for a tower than at the subject site. Mr. Ricks says that there is another tower at 41<sup>st</sup> & Elwood, less than a mile away. Several empty lots less than ¼ mile away that would be good for monopole tower.

**Jodie Watts** stated that putting a tower in their backyard is ridiculous and will mess up the reception of the TV and microwave.

**Charles Duckworth**, 1752 West 37<sup>th</sup> Place, he lives next door to elderly people who have been there for 30 years and they oppose having a tower there. Mr. Duckworth stated that everyone in neighborhood opposes the monopole tower.

**Rebuttal:**

Mr. Johnsen stated that site selection is very difficult and very demanding on how big an area you have to select from. AT&T has consistently tried to find sites that are workable from a technical standpoint. There are some other towers in the area but they are not cellular telephone towers or are not available for collocation. School site is a good site and they worked with school representatives to determine a location within the school site in which to put it. Mr. Johnsen thinks that with the light poles already in the stadium that the monopole tower would hardly be noticed separate from those. Proposed facility will meet the setback. There will be an economic benefit to the school and permits AT&T to provide the service it needs to.

**Comments and Questions:**

Mr. Bolzle asked the applicant how large the search area is for another tower and Mr. Johnsen answered that 37<sup>th</sup> Street was the North boundary and you could go ¼ mile East or West South boundary would have been in an Residential area and AT&T didn't look in that area.

Mr. White stated that the design meets the criteria of the new ordinance and notes that the Cross-sectional area of the monopole towers is significantly less than the light standards that are already there.

Ms. Turnbo feels that it is a good location, it does meet the setback.

**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 permit a 120' cellular telephone monopole tower in an RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 4** per the plans submitted and subject to collocation capabilities, on the following described property:

Lots 4-21, Block 1, Clinton Homesites Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17949**

**Action Requested:**

Special Exception to waive the screening requirements on property abutting R district. **SECTION 1214.C.2 USE UNIT 14. SHOPPING GOODS AND SERVICES, USE CONDITIONS**, located at 1507 West 51<sup>st</sup> Street.



**Presentation:**

The applicant, **Billie Watters**, 9901 North Yale, submitted photo (Exhibit F-1) submitted a site plan (Exhibit F-2) representing Aspen Square, Inc. building a project at 51<sup>st</sup> & Highway 75. They are building a Dollar General Store. Applicant is requesting a variance of screening requirement. There is already a fence at the rear of this property separating the commercial from the residential. The applicant stated that because of the elevation of the land, the fence would not been seen from Highway 75 or the property. The applicant states that there is a chain link fence separating the subject property from the highway.

**Comments and Questions:**

Mr. Stump stated that the City Council, last Thursday, gave second reading approval to an amendment which will no longer require screening fences abutting R districts when the property contains expressways.

**Board Action:**

On **MOTION** of **Bolzle**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a Special Exception to waive the screening requirements on property abutting R district. **SECTION 1214.C.2 USE UNIT 14. SHOPPING GOODS AND SERVICES, USE CONDITIONS** that the screening along the East and Southeast boundaries of the subject property be waived, on the following described property:

Part 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: Beginning 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. 17950

### Action Requested:

Special Exception to permit an auto rental business and occasional sales for 5 to 10 autos. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17**, and a Variance to allow open-air storage or sales of merchandise offered for sale within 300' of an R district. **SECTION 1217.C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES; USE CONDITIONS** located 12558 East 21<sup>st</sup> Street.

### Presentation:

The applicant, **Bob Robinson**, submitted a Petition and Site Plan (Exhibit G-1 and G-2). Mr. Robinson stated that he is the managing broker for Venture Properties, a commercial real estate firm in Tulsa that owns several shopping centers. Eastern Village Shopping Center is located at the intersection of 21<sup>st</sup> & 129<sup>th</sup> E. Ave. and Car Temps USA is desirous of leasing 2,000 sq. ft. within the shopping center. They are an insurance replacement rental vehicle firm as opposed to Hertz or Avis rental. They deal primarily with insurance companies and provide the rental vehicles during replacement periods. Eastern Village Shopping Center is 32,000 sq. ft. in size and has 239 parking spaces available. According to the Code, only around 170 would be required. This means that there are around 69 extra parking spaces. Adjacent to the shopping center to the west is a used car lot which is on commercial property and they have received a Special Exception. Car Temps USA would only have about 5 to 10 cars on the lot at one time and they do not advertise the cars for sale. The applicant believes that the protestors are residents living behind the shopping center and may have concern that they were going to place vehicles at back of shopping center and do activity there. The applicant stated that is not true. The 5 to 10 vehicles would be parked according to the area marked on the site plan. Larry Delucca an official from the car rental agency, is present and will answer any questions.

### Comments and Questions:

Mr. Bolzle asked, if this was not in a multi-tenant shopping center what criteria would be used to determine the appropriateness of the use? Should this be by right in a multi-tenant center? Mr. Bolzle is asking the Staff to give him some criteria to judge the appropriateness of this.

Mr. Stump answered Mr. Bolzle by stating that there could be different layouts for where they store cars, but for this particular one the major concerns should be how many cars are going to be there? Are they pushing the parking requirement for the rest of the center do they have enough parking? Are there any conflict between Car Temps USA and the rest of the tenants (retail) in this center?

Mr. Bolzle expressed concerns about security, cars on an open vacant lot.

Mr. Stump agreed that it is an issue. It could become a place for vandalism if there isn't adequate security. If they have to put up an 8' screening fence in the middle of the center, would this be a disservice to the other tenants?

**Protestants:**

Debbie Slover, resides at 2206 South 127<sup>th</sup> S. Avenue, has presented a petition (Exhibit G-1) that has been circulated in the neighborhood and has been signed by those who could not attend. Ms. Slover feels that security is a problem and she states that the center is not well lighted. Teen problems are an issue. Several weeks ago a neighbor had a car stolen from inside her garage. The kids use the back lots to jump into the shopping center and to gain access to residential property. There are several vacancies within the shopping center. The shopping center has gone downhill.

Louise Rapper, resides at 12709 E. 22<sup>nd</sup> St., directly behind the shopping center. Ms. Rapper does not believe that Car Temps USA will be able to keep the parked cars in the front of the shopping center. She feels that at some point they will be at the back.

Gene Raiber, resides at 12709 E. 22<sup>nd</sup> St., states that he has a problem with the map showing the field behind the shopping center and not just the front of the shopping center. Mr. Bolzle asked Mr. Raiber if the Board was to enforce the cars to stay in the front of the building what would his concerns be? Mr. Raiber answered that he had no problem with the cars staying the front of the building.

Paul Thomas, 12701 East 22<sup>nd</sup> St., states that he is opposed to the project because of the noise factor, depreciation of land values, and vandals. He feels that if it is allowed, crime will rise. Mr. White asked the same question that Mr. Bolzle asked previous speaker. Mr. Thomas answered yes he would still have a problem. He does not feel that there is a way to enforce it.

Nena Martin, 12728 East 22<sup>nd</sup> Street, is opposed to both the Special Exception and the Variance stating that there is already an auto sales/rental business across the street. The kind of activity and type of crowds is not what the neighborhood wants. Ms. Martin is unclear about the meaning of open-air sales, to her it means flea market.

Linda Cummins, 12725 East 22<sup>nd</sup> Street, does not think that they can secure 10 spaces on the parking lot. Is ten going to be the limit? How long can they stay there?

**Rebuttal:**

Larry Delucca, 1527 East 76<sup>th</sup> Street, Tulsa, OK 74136, stated they are an insurance replacement company that only services '97-'98 model cars. They are a Nationwide company, formerly Snappy Car Rental. There will be no "junk" cars, they will all be new cars. Mr. Delucca, states that he does not want the new vehicles parked in a field where there is threat of flooding. Mr. Delucca touched on the vandalism issue by saying that vandalism in a shopping center, such as the one in question, is because of

no tenants. He is trying to bring tenants to the center. There will be no car sales, they are strictly car rental agency, and their company does not advertise cars for sale. Cars are not kept in fleet longer than 2 years, then they are sent to auction.

Mr. Robinson stated that he has been with Venture Properties for 8 years and Eastern Village Shopping Center does not have a problem with vandalism. Hours of operation would be from 8:00 a.m. –5:30 p.m. Monday –Friday and 9:00 a.m.-12:00 p.m. on Saturday and are closed on Sundays. No more than 10 vehicles will be on lot at any one time and will be in designated spot.

**Comments & Questions:**

Mr. White asked if the Board put requirements and conditions how enforceable are they? Code Enforcement answered they are not enforceable.

Mr. Romig stated that if complaints come in to Code Enforcement and they can't take care of the situation, then they go to the legal department and the only thing they can do is an injunctive type action in District Court. If legal is successful in that manner and the company fails to comply then it is a contempt citation.

Mr. Bolzle does not see a hardship on the Variance and it has not been discussed by the applicant. He asked the Board if this something you are willing to see at any shopping center in the City?

Mr. White stated that the BOA approves Variances that are difficult to enforce. He feels that this is one of the most difficult to enforce. Mr. White opposes this because of the size and difficulty to enforce.

**Board Action:**

On **MOTION** of **Bolzle**, the Board voted 4-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **Deny** Special Exception to permit an auto rental business and occasional sales for 5 to 10 autos **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17** finding that the conditions that would be required to make this a satisfactory use on the site would be so varied and many and impossible to enforce and that the difficulty of control presents a hardship to the neighborhood and the ordinance and to **Deny** a Variance to allow open air storage or sales of merchandise offered for sale within 300' of an R district. **SECTION 1217.C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES; USE CONDITIONS** for failure to find a hardship on the following described property:

All of Lot 2, Block 1, Stacey Lynn Plaza, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof; and a part of Lot 1, Block 1, Stacey Lynn Plaza, being more particularly described as follows: Beg. At the NW/c, said Lot 1, thence S89°53'00"E for 50.00'; thence S00°07'00"W for

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150.00'; thence S89°53'00"E for 300.00'; thence N00°07'00"E for 150.00'; thence S89°53'00"E for 228.68'; thence S00°07'00"W for 561.93'; thence N89°53'00"W for 578.67'; thence N00°07'00"E for 561.93' to the POB, City of Tulsa, Oklahoma

**Case No. 17952**

**Action Requested:**

Special Exception to allow auto sales in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17** and a Variance to allow outdoor display of merchandise (autos) within 300' of an R zoned district.

**SECTION 1217.C.2 USE UNIT 17 AUTOMOTIVE AND ALLIED ACTIVITIES; USE CONDITIONS** and Special Exception to waive the solid screening fence requirement on south boundary to allow existing chain link where building does not screen.

**SECTION 1217.C.1 USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES; USE CONDITIONS** located at 5928 West Charles page Boulevard.

**Presentation:**

The applicant, **Cecil Crain**, 44910 Bar Drive, Sand Springs, OK, submitted photos (Exhibit H-1) and a site plan (Exhibit H-2) stated that he has an auto mechanic shop and he has several automobiles that people do not pick up after he repairs them. After the people have not picked up the cars he tries to restore them and sell them. He is asking to run a used car lot on the same property as the auto mechanic shop. The applicant does not own the property to the West, he leases it from Sigfreid properties. Mr. Crain leases the gated area and he uses it to store cars after he has worked on them so no one will vandalize them. The cars for sale will be placed next to the cement retaining wall.

**Comments & Questions:**

Mr. Beach asked Mr. Crain what is behind the building. Mr. Crain answered that there is an alley and some residential. Do you store anything in fenced area behind the building? The applicant stated that he stores nothing there.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **Approve** Special Exception to allow auto sales in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17** and a Variance to allow outdoor display of merchandise (autos) within 300' of an R zoned district. **SECTION 1217.C.2 USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES; USE CONDITIONS** and Special Exception to waive the solid screening fence requirement on south boundary to allow existing chain link where building does not screen. **SECTION 1217.C.1 USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES; USE CONDITIONS** subject to there being no storage on the south side of the building on the following described property:

Case No. 17952 (continued)

Lot 3, Block 1, Lawnwood Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17953**

**Action Requested:**

Variance of the required 50' setback from centerline of Norfolk to 31' for carport. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, located 4344 South Norfolk.

**Presentation:**

The applicant, **Mike Smart**, 4344 South Norfolk, Tulsa, OK has submitted a letter that he gave the neighbors and a petition with signatures and blueprints of the carport they want to build (Exhibit I-1 and Exhibit I-2). On the first page is a letter he wrote to the neighbors explaining what he wants to build and how it is going to look and that it is not going to decrease the value of the neighborhood. The neighbors stated that they had no problem with the plans as long as he did what he said he was going to do as far as attaching it to the house. The support posts will be made out of the same brick as the house.

**Comments & Questions:**

Mr. Beach stated to the Board that the house is 54.7' from the centerline of the street. If you subtract 17' from that, the relief needed is 33'4" not the 31' that is requested. The applicant stated that the driveway is 31'.

**Board Action:**

On **MOTION** of **Bolzle**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance of the required 50' setback from centerline of Norfolk for carport. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** per plan to allow a 17' deep carport to be attached to the existing house on the following described property;

Lot 4, Block 2, Abdo Center Terrace II City of Tulsa, Oklahoma

**Case No. 17954**

**Action Requested:**

Special Exception to allow a mobile home in an RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Variance of the one-year time limit to permanent **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** located 3142 N. New Haven Ave.

Case No. 17954 (continued)

**Presentation:**

The applicant, **Michael B. White**, 8544 East 58<sup>th</sup> St. S., Tulsa, OK submitted site plan (Exhibit J-1) he stated that he lives in an abandoned area and there are about 10 houses in the area and out of those 10 there are 3 mobile homes. The latest mobile home was put into the area about 1 year ago. Mr. White has spoken to several homeowners in the area and they welcome any addition to the area. The area has basically been abandoned. There is no City sewer and everyone is on septic. There is a lot of dumping around the area. Mr. White purchased the property from the City and is in the process of cleaning off the property. He would like to set a 76'x28' mobile home on a 135'x200' piece of property which is the size of 4 lots. The mobile home will straddle the 2<sup>nd</sup> and 3<sup>rd</sup> lots. The mobile home will face New Haven.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 3-0-1 (Bolzle, Dunham, White, "aye"; no "nays", Turnbo "abstentions"; Cooper "absent") to **Approve** Special Exception to allow a mobile home in an RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Variance of the one-year time limit to permanent **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** finding that the area is sparsely developed and in transition on the following described property:

Lot 2, Block 2, Mohawk Heights Addition, City of Tulsa, Tulsa County, Oklahoma

**Case No. 17955**

**Action Requested:**

Variance to allow expansion of a nonconforming church to allow enclosure of a porch and new entry **SECTION 1402.A. NONCONFORMING USE OF BUILDING OR BUILDINGS AND LAND IN COMBINATION; SECTION 1405.A. STRUCTURAL NONCONFORMITIES – Use Unit 2** and a Variance of setback from S. Gary Ave. from 25' to 10'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** located 3188 E. 22<sup>nd</sup> St.

**Presentation:**

The applicant, **Stephen Olsen, Olsen – Coffey Architects**, 324 E. 3<sup>rd</sup> Street, submitted a site plan (Exhibit K-1) representing Church of the Madeline, they want to construct a new entrance facing Harvard and also to enclose the existing south entry on Gary Ave.

**Interested Parties:**

Jeannette King – 2339 S. Gary Place they live very close to the Church of the Madeline and are concerned about their planning, and whether the church will ever be on their property for building purposes. No protest.

Case No. 17955 (continued)

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** per plans submitted a Variance to allow expansion of a nonconforming church to allow enclosure of a porch and new entry **SECTION 1402.A. NONCONFORMING USE OF BUILDING OR BUILDINGS AND LAND IN COMBINATION; SECTION 1405.A. STRUCTURAL NONCONFORMITIES – Use Unit 2** and a Variance of setback from S. Gary Ave. from 25' to 10'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** on the following described property:

Wil-lay Terrace, Block 1, Bonnie Braie, Blocks 1 and 7, Lot 1, City of Tulsa Oklahoma

**Case No. 17956**

**Action Requested:**

Variance of required number of parking spaces from 155 to 99. **CHAPTER 12. USE UNITS; VARIOUS USE UNIT SECTIONS** located E of NE/c of 51<sup>st</sup> St. and S. Harvard.

**Presentation:**

The applicant, **Rod Smith**, 6637 E. 60<sup>th</sup> Place, submitted a plat of survey (Exhibit L-1) and tenant roster (Exhibit L-2). Mr. Smith is the Manager of Plaza 51 Shopping Center which is east of the NE/c of 51<sup>st</sup> & Harvard. Mr. Smith has been the manager of the center for 30 years. A restaurant in the center is selling and the interested party was trying to get an occupancy permit and they said that they did not have enough parking. To the north of the center is I-44, to the west is another shopping center, to the east is a tire store and to the south is Country Club Plaza Shopping Center. They feel that they are in harmony with the zoning intent, it is not going to be injurious or detrimental to anyone. The center has had 99 parking spaces from the inception and has had a restaurant – Brooklyn Bagel in the center for 13 years. Most business is done during the evening hours.

**Comments and Questions:**

Mr. Dunham asked has there ever been a parking problem with the existing business?

Mr. Smith stated if there is a parking problem it is from the center and from the west, they also use the parking lot. Mr. Smith says that they do not have a problem in reference to that. Boston Cleaners has two designated spots so that their customers can get in and get out fast.

Mr. White asked Mr. Smith if the restaurant that is moving in is similar in nature to the one that is moving out and Mr. Smith answered affirmatively.



Case No. 17956 (continued)

Mr. Stump stated that the parking is not nonconforming and that the uses were established contrary to law and they weren't checking the required parking for many years when they allowed the tenants to change from retail to restaurant.

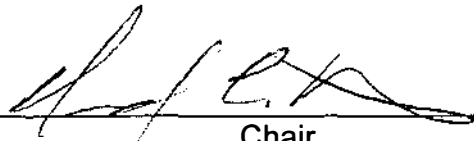
**Board Action:**

On **MOTION** of **Dunham**, the Board voted 3-0-1 (Dunham, Turnbo, White, "aye"; no "nays", Bolzle "abstentions"; Cooper "absent") to **APPROVE** Variance of required number of parking spaces from 155 to 99. **CHAPTER 12. USE UNITS; VARIOUS USE UNIT SECTIONS** finding that the requirements of Section 1607.C have been met on the following described property:

W 365' of Lot 1, Moreland Addition and a 1' strip on west side, City of Tulsa, Tulsa County, Oklahoma

There being no further business, the meeting was adjourned at 2:49 p.m.

Date approved: MARCH 10, 1998

  
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Chair