

CITY BOARD OF ADJUSTMENT
MINUTES OF Meeting No. 755
Tuesday, August 11, 1998, 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
Cooper Dunham Perkins White	Turnbo	Arnold Beach 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 Thursday, August 6, 1998, at 2:23 p.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 1:05 p.m.

MINUTES

On **MOTION of PERKINS**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** the minutes of the June 9, 1998 meeting (No. 751).

Case No. 18119

Action Requested:

Special Exception to permit cellular/telephone antennae and supporting structure to be affixed to an existing electrical utility monopole, resulting in a tower height of 80'. **SECTION 1204.C.5. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES – Use Unit 4;** Special Exception to modify the setback of an accessory building from the centerline of E. 36th St. from 55' to 52'. **SECTION 1204.C.3.f. GENERAL REQUIREMENTS FOR ANTENNAS AND TOWERS;** Special Exception to modify landscaping and fencing requirements. **SECTION 1204.C.3. GENERAL REQUIREMENTS FOR ANTENNAS AND TOWERS and 1204.C.5. ANTENNAS AND TOWERS REQUIRING SPECIAL EXCEPTIONS,** located Northeast corner East 36th Street & South Lewis Avenue.

Presentation:

Roy Johnsen, 201 W. 5th Street, Ste. 501, stated that the applicant had requested a continuance to this meeting to allow additional notice, and the Board approved that continuance. This property is located within Councilor Pringle's jurisdiction, and he has asked that the application be continued to the next meeting. The applicant does not object to Councilor Pringle's request.

Mr. White asked the four interested parties if they would have a problem with the continuance of this case. The response was negative.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **CONTINUE** Case No. 18119 to August 25, 1998.

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Case No. 18150

Action Requested:

Variance of the front setback from an arterial street to a structure (fence/wall) to 35'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**; a Variance of the allowable height for a fence in the front yard from 4' to 8'. **SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards**; a Variance of the required 25' rear yard to 20' for new structure. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**; and a Variance of the required all weather dust free parking to permit gravel. **SECTION 210.C. YARDS, Use of Yards in R Districts**, located 2511 E. 31st St.

Presentation:

Stephen Schuller stated that an adjacent property owner has requested a continuance of this case for two weeks. The applicant consents to the continuance with the hope that the two parties may be able to get together to work out their differences.

Mr. White asked the three interested parties if they would agree to a two-week continuance. The answer was affirmative.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **CONTINUE** Case #18150 to the August 25, 1998, meeting.

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UNFINISHED BUSINESS

Case No. 18120

Action Requested:

Variance to allow an accessory building (1,500 SF) in an RS-1 zoned district and a Variance to allow an accessory building in the front yard (60' from centerline of street).

SECTION 402.B.1.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 6, located 17507 East 14th Street.

Presentation:

Linda Curtis, Rt. 3, Box 1238 in Bristow, presented the Board with a letter from Mr. and Mrs. Clint Watts, previous owners of the property, and Mr. and Mrs. Delbert Klass stating their support for the accessory building, recorded as Exhibit A-2. Spunky Creek watershed runs through their property and that a lot of water runs across their property. She noted that there are only two high areas on the property. In order to place the accessory building at the rear of the house, large trees would have to be cut down, 5' of fill would have to be hauled in, and they were concerned that it would cause water to back up into the neighboring properties. Ms. Curtis explained the purpose of the larger sized building was because her husband has a number of antique cars and the current garage is not large enough to house their super cab truck.

Comments and Questions:

In response to the Board's questions, Ms. Curtis stated that the shed is in the back corner and they had not yet decided if it would be maintained or torn down. Mr. Beach interjected that this case was continued from the previous meeting to advertise additional relief, and noted that the barn was included in the total square footage of accessory building. The 30' X 50' building is in addition to the square footage of the barn.

Mr. White pointed out that there was a new addition to the dwelling. Ms. Curtis explained that that was a carport to cover their patio.

Interested Parties:

Don Gibson, 17520 E. 14th St., representing the homeowners that signed the petition, Exhibit A-3, stated that they object to the front yard provision. He understood that Ms. Curtis had lived on the adjoining property for several years and was aware of the drainage problems before they purchased the property. They are not opposed to the square footage, but against the structure being placed in the front yard.

Mr. White asked if he had seen the applicant's site plan, Exhibit A-1, especially in reference to where they plan to plant pine trees. He responded negatively, and Mr. White asked Ms. Curtis to show the site plan to him.

Mr. Gibson expressed the concern of the neighborhood is that the garage is being constructed as a pole barn and it is located so close to the street.

Applicant's Rebuttal:

Ms. Curtis stated that it had been 25 years since she lived in the neighborhood and they were unaware of the Zoning Code requirements when planning to build a garage. Wrought iron will replace the existing fence, and they plan to plant trees in an attempt to hide the building. In response to Mr. Dunham's question, Ms. Curtis stated that they had planned for the building to be of metal, with brick or rock on it to match the house as close as possible.

Responding to the Board's question, Ms. Curtis stated that she had called the City and was informed that the garage needed to be a minimum of 45' from the centerline of the street. They asked the contractor about obtaining a building permit, but he indicated that one was not needed because they lived on five acres. When the frame was erected, they were notified to stop building, and they took the frame down.

Ms. Parnell asked what they intended to use the garage for. Ms. Curtis responded that they have a super cab truck that they would like to park in the garage, as well as some antique trucks that her husband is restoring, storing of lawn equipment, etc. Ms. Parnell clarified that vehicles would not be restored in the garage to be sold, and Ms. Curtis responded that that was correct.

Comments and Questions:

The Board all agreed that they did not have a problem with the size of the building, but Mr. Dunham stated that he had mixed feelings on the location. On the one hand he agreed with the neighbors, but he would hate to have the garage create drainage problems because it was built behind the house, and it could not be built there if it is located within a floodplain. Mr. Beach interjected that the City would review the effect of its drainage when they apply for a building permit.

Board Action:

On **MOTION** of **COOPER**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a Variance to allow an accessory building with a total of 2,100 SF on the property in an RS-1 zoned district and **DENY** a Variance to allow an accessory building in the front yard (60' from centerline of street). **SECTION 402.B.1.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 6** on the following described property:

Lot 6, Block 7, Lynn Lane Estates, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18122

Action Requested:

Special Exception to permit church and accessory uses (parking lot) in an RS-3 District. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5**, located 2317 North Quaker Avenue.

Presentation:

Carla Jamerson, Councilor for the North Peoria Church of Christ, stated that the church is going through a \$1.3 million building project; the church owns the property; and they have graveled the property and are seeking to pave the lot. She referred to the site plan, Exhibit B-1, and a map of the church property, Exhibit B-2.

Comments and Questions:

Mr. White informed the applicant that the parking lot would need to meet the screening and landscaping requirements, which would cause the lot to be redesigned. She stated that they would comply with all the requirements.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a Special Exception to permit church and accessory uses (parking lot) in an RS-3 District. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5** subject to all screening and landscaping requirements on the following described property:

Lot 1, Block 3, DePriest Addition, City of Tulsa, Tulsa County, State of Oklahoma, and an unplatted tract beginning at the SE/c of the N 3 acres of the NW 7.72 acres of Lot 2, Section 30, T-20-N, R-13-E of the IBM, thence N 53'; thence W 135'; thence S 53' thence E 135' to the point of beginning.

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Case No. 18142

Action Requested:

Variance to allow required parking on a lot other than the lot containing the principle use. **SECTION 1301.D. GENERAL REQUIREMENTS – Use Unit 11**, located 3939 S. Harvard

Presentation:

Mr. Stump stated that the relief for the number of parking spaces was not advertised and stated that this application could be struck from the agenda.

Case No. 18142 (continued)

Mr. White asked if there were any persons in attendance regarding this application. There were none.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **STRIKE** Case #18142 from the agenda.

Mr. Beach advised that the next six cases (Case No. 18125, 18126, 18127, 18128, 18129, and 18130) were the same request at six different locations and suggested that the Board hear one case and then make the determination whether to hear them separately or together. Mr. White announced that the six items were on the Ford Motor Co. new sales organization, and asked if anyone in the meeting were in opposition of these applications. Noting three persons, he asked if they were in opposition to a specific location or to the applications in general. The interested parties noted that they were in opposition to specific locations. Mr. White decided to hear Case No. 18127 first since this is the one the interested parties were opposed to.

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Case No. 18127

Action Requested:

Variance to permit promotional banners to be attached to existing light poles for a period to exceed the allowed maximum 40 days per year and allow the banners on a permanent basis. **SECTION 1221.C.8. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs** and a Variance of the definition of Promotional Business Sign. **SECTION 1800. DEFINITIONS**, location 4111 S. Memorial

Presentation:

David Seek, 6550 E. Independence, stated that Ford is requesting that the Tulsa Experience light pole fabric displays be allow until the permanent signage is erected. His understanding of the Zoning Code was that the distasteful promotional banners should not be allow, but was not eliminating the advertisement. The light pole fabrics are imagine enhancements being used to identify potential customers of the type of autos on the lot for the Tulsa New Experience. The site plan was recorded as Exhibit E-1.

Comments and Questions:

Mr. Dunham asked for a clarification on the permanent signs. Mr. Seek stated that permanent lighted signs will be installed at a later date. In the interim, the light pole banners would be used to let the customers know what cars are on the lot, noting that *Tulsa Experience* does not identify the make of autos. He stated that he is seeking a one-year timeframe for the banners, until the permanent signs are in place.

Mr. Dunham noted that the application reflected that the banners be allowed permanently. He asked for the clarification that banners are allowed for 40 days per year without the Board's permission. Staff responded affirmatively. Mr. Dunham stated that the banners would be in violation to the Zoning Code on a permanent basis. Mr. Stump stated that Variances would be needed to allow the banners to remain permanently. He noted the difference between the promotional and permanent sign requirements is the temporary versus permanent status of the signs. Staff believes the banners should meet all the permanent sign requirements if they are allowed to stay permanently. He asked why it would take a year to have the permanent signs installed. Mr. Seek stated that the making of the signs will take about one week; however, Ford Retail Network wants to establish a different name and design a new image. He presented a copy of the proposed banners to the Board, recorded as Exhibit E-2.

Given that it takes one week to produce the permanent signs and that banners are allowed for 40 days, Mr. White asked why the applicant wanted a time limitation variance for one year. Mr. Seek responded that the current only reflect that it is a *Tulsa Experience* lot, but does not indicate the type of auto offered.

Mr. Stump asked what the hardship would be for the six sites. Mr. Seek responded that he had photographs of other sites where signs had been displayed for over 40 days.

Terry Howard stated that the intent of the Zoning Code was to disallow the flags and streamers that flop around in the wind. These are signs to advertise what types of cars are on a lot. The purpose in asking for a year time limit is because they may have to change the name because of legal problems with *Tulsa Experience*. Currently there are only temporary signs at each site; and it has been noted that it may be 1½ years before the permanent signs can be installed. Ford is asking for these temporary signs for more than the 40-day period.

Mr. Cooper asked if the banners would meet the permanent signage requirements. Mr. Beach responded that several other variances would be needed, such as more than the allowed number of business signs, more than the allowed display surface area, more than the required spacing between business signs, etc.

Mr. Romig pointed out that the request is for a variance of the definition. A definition cannot be varied; the only way to change the definition is to amend the Code. By definition, these would be business signs.

Mr. Cooper asked the ultimate goal of the owners regarding signage. Mr. Howard responded that permanent signs on the building, with the type of autos possibly placed on those permanent signs. Ford is wanting to place these banners on the lots, temporarily, until the permanent signs are ready to be installed.

Mr. Romig interjected that while the Board cannot add to the request, they can take away from the request. Meaning, if the Board were so inclined, they could allow temporary signs for a year. A hardship would have to be identified for approval.

In response to Ms. Perkins question, Mr. Howard stated that the hardship is notifying the customer what type of autos are offered at that exact lot.

Interested Parties:

Brenda Fritts, 4141 S. Memorial, representing three businesses on Memorial, stated that they feel 40 days is ample time to let the people of Oklahoma know where the Ford auto dealerships are. Memorial is a busy street, and the banners would be distracting for the drivers, and would look tacky if they remained over the 40-day limitation.

Lou Stackler, 6735 E. 25th Pl., representing Johansen Acres Neighborhood stated that they are concerned about the size and appearance of the banners, the distraction, more signage and clutter, and the amount of time the banners are allowed.

A letter of opposition from **Lisa Jones**, 4932 S. Lawton, and a petition of 14 signatures from Winnetka Heights Neighborhood in opposition to Case #18129 located at 745 W. 51st St. was presented to the Board and recorded as G-3.

Applicant's Rebuttal:

Mr. Howard stated that the banners would be tied onto the light poles and would not be flapping in the wind; the light poles are located on the car lot properties, not in the rights-of-way; and the banners will be high enough to not distract drivers. He stated that they are only seeking a variance of the 40-day time limit.

Comments and Questions:

Mr. Dunham asked what the absolute minimum timeframe for the banners would be. Mr. Howard stated that he could not answer that question, it would be totally up to the Board.

The Board discussed that they had problems with allowing the banners for a year.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **DENY** a Variance to permit promotional banners to be attached to existing light poles for a period to exceed the allowed maximum 40 days per year and allow the banners on a permanent basis. **SECTION 1221.C.8. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs** and **DENY** a Variance of the definition of Promotional Business Sign. **SECTION 1800. DEFINITIONS** on the following described property:

TRACT A all that part of the NW/4 of the NW/4 of Section 25 T-19-N, R-13-E of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit: commencing at the NW/c of said NW/4 NW/4; thence due E along the N boundary of said NW/4 NW/4 a distance of 741.31'; thence S 00°02'53" E a distance of 50.0' to the point of beginning; thence S 00°02'53" E a distance of 369.96' (369.99' field) to a point 12.0' from the centerline of the existing spur track; thence N 86°48'17" W a distance of 0.0'; thence on a curve to the left parallel to and 12.0' from the centerline of the existing spur track on a radius of 405.36' a distance of 167.98'; thence S 69°21'21" W parallel to and 12.0' from the centerline of existing spur track a distance of 80.47'; thence on a curve to the right parallel to and 12.0' from the centerline of existing spur track on a radius of 1,189.82' a distance of 199.74' to a point in the Nly right-of-way line of the M.K.&T. Railroad; thence N 71°35'49" W along the Nly right-of-way line of the M.K.&T. Railroad a distance of 246.84'; thence N 00°02'53" W parallel to and 75.0' from the centerline of Memorial Dr. a distance of 17.0'; thence due W a distance of 15.0' to a point in the E boundary of Memorial Dr. 60.0' from the W boundary of said NW/4 NW/4; thence N 00°02'53" W along the E boundary of Memorial Dr., parallel to and 60.0' from the W boundary of said NW/4 NW/4 a distance of 383.31' to a point in the S boundary of E. 41st St. S., 50.0' from the N boundary of said NW/4 NW/4; thence due E along the S boundary of E. 41st St. S., parallel to and 50.0' from the N boundary line of said NW/4 NW/4, a distance of 681.31' to the point of beginning. **TRACT B** all that part of the NW/4 of the NW/4 of Section 25, T-19-N, R-13-E of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit: commencing at the NW/c of said NW/4 NW/4; thence due E along the N boundary of said NW/4 NW/4 a distance of 756.31'; thence S 00°02'53" E for 50.00' to the point of beginning; thence due W, parallel with as measured 50.00' perpendicularly from the Nly line of said NW/4 NW/4 for 15.00'; thence S 00°02'53" E for 369.99' to a point 12' from the centerline of the existing spur track; thence N 86°54'03" W a distance of 0.00'; thence on a curve to the left parallel to and 12' from the centerline of the existing spur tract on a radius of 405.36' a distance of 167.98'; thence S 69°21'21" W parallel to and 12' from the centerline of existing spur track a distance of 80.47'; thence on a curve to the right parallel to and 12' from the centerline of existing spur tract on a radius of 1189.82' a distance of 199.74' to a point in the Nly right-of-way line of the M.K.&T. Railroad; thence S 71°35'49" E along the Nly right-of-way line of the M.K.&T.

Case No. 18127 (continued)

Railroad a distance of 471.39'; thence N 00°02'53" W along the E line of the W 756.31' of the NW/4 NW/4 of Section 25; for 627.05' to the point of beginning. **TRACT C** part of the NW/4 of the NW/4 of Section 25, T-19-N, R-13-E of the IBM, Tulsa County, Oklahoma, lying N of the M.K.&T. Railroad right-of-way and more particularly described as follows: Beginning 756.31' E and 50' S of the NW/c of the NW/4; thence E 10'; thence S 630.21' to a point on the N right-of-way line of the M.K.&T. Railroad; thence NW along the right-of-way line to a point 756.31' E of the W line of the NW/4; thence N 00°02'53" W 627.05' to the point of beginning

Case Nos. 18125, 18126, 18128, 18129, 18130

Action Requested:

Variance to permit promotional banners to be attached to existing light poles for a period to exceed the allowed maximum 40 days per year and allow the banners on a permanent basis. **SECTION 1221.C.8. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs** and a Variance of the definition of Promotional Business Sign. **SECTION 1800. DEFINITIONS**, at five various locations within the City of Tulsa

Comments and Questions:

Mr. White asked if there were any known hardships on the remaining five applications. The applicant responded that there were none.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **DENY** Variance to permit promotional banners to be attached to existing light poles for a period to exceed the allowed maximum 40 days per year and allow the banners on a permanent basis. **SECTION 1221.C.8. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs** and **DENY** a Variance of the definition of Promotional Business Sign. **SECTION 1800. DEFINITIONS** on Case Nos. 18125, 18126, 18128, 18129, and 18130, on the following described properties:

(18125) Lot 1, Block 1, Regency Square;

(18126) Lot 1, Block 1, 9700 Memorial;

(18128) Lot 1, Block 1, Hilton Addition;

(18129) S 458.32' of Lot 1, all of Lot 2, Block 2, Royal Manor South; and

(18130) A tract of land that is all that part of the SE/4 of the NE/4 of Section 22, T-19-N, R-13-E of the IBM, County of Tulsa, State of Oklahoma, that lies S of the SEly right-of-way line of the Broken Arrow Exp. and that lies N of the NEly right-of-way line of the M.K.&T. Railway and that lies W of the Wly right-of-way line of S. Sheridan Rd., being more particularly described as follows, to-wit:

Starting at a point that is the SE/c of the NE/4 of said Section 22; thence due N along the Ely line of said Section 22 for 222.15'; thence due W perpendicular to the Ely line of said Section 22 for 50.00' to the point of beginning of said tract of land, said point being at the intersection of the Wly right-of-way line of S. Sheridan Rd., and the NEly right-of-way line of the M.K.&T. Railroad; thence N 47°24'20" W for 0.00' to a point of curve; thence NWly along said NEly right-of-way line on a curve to the left having a central angle of 17°22'47" and a radius of 3869.72' for 1173.82' to a point on the SEly right-of-way line of the Broken Arrow Exp.; thence N 73°52'12" E along said SEly right-of-way line for 984.25' to a point on the Wly right-of-way line of S. Sheridan Rd.; thence due S along Wly right-of-way line for 662.75'; thence S 11°18'36" E along Wly right-of-way line for 127.47'; thence due S along said Wly right-of-way line for 137.95' to the point of beginning

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Case No. 18133

Action Requested:

Special Exception to permit Use Unit 23 and Use Unit 25 within a CG District.
SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS,
 located Northwest corner East Admiral Place & Mingo Valley Expressway.

Presentation:

Roy Johnsen, 201 W. 5th St., stated that the Crosstown Shopping Center has recently been rezoned from CS to CG district in an effort to develop the property as a business park. Previously the 197,000 SF building contained a Wal-Mart and other retail users, but there is one tenant at the present time. The owners believe that this location is ideal for an office warehouse development. He pointed out that in 1996 the Board approved a special exception for the property just west of the subject tract for Use Unit 25, Light Manufacturing and Industry, in a CG district. The building and parking lot will be renovated and they believe the final result will be an upgrade from the present condition. Regarding staff's concern about the development standards, Mr. Johnsen presented a copy of proposed 'Development Standards', Exhibit I-2, which has been reviewed by staff. The site plan was recorded as Exhibit I-1.

Comments and Questions:

In response to Mr. Dunham's question, Mr. Johnsen stated that the CG zoning has been approved by the City Council and the Ordinance has been adopted.

Mr. Stump stated that staff is in agreement with the conditions.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a Special Exception to permit Use Unit 23 and Use Unit 25 within a CG District. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** subject to the Development Standards as submitted on the following described property:

All of Crosstown Center, Less and Except the S 120' of the W 120' thereof, a resubdivision of a part of the Amended Plat of Van Estates No. 2; an addition to the City of Tulsa, Tulsa County, State of Oklahoma

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NEW APPLICATIONS

Case No. 18134

Action Requested:

Special Exception to allow reconstruction of a nonconforming accessory building. **SECTION 1405. STRUCTURAL NONCONFORMITIES**, a Variance of setback of 3' from the property line to 1.10' to construct a garage. **SECTION 402.B.1.c. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions**; and a Variance to permit greater than 20% coverage of the required rear yard. **SECTION 210.B.5. YARDS**, located 1708 N. Birmingham Ave.

Presentation:

Kelly Ewton, 1708 N. Birmingham Ave., stated that he tore down a deteriorated building and a nonconforming building, enclosed carport, and built a storage building on the existing concrete pad. He presented four photographs, Exhibit J-1, showing that the construction materials used on the storage building match the house, and reflects the privacy fence around the back yard of the property.

Comments and Questions:

Responding to Mr. White's question, Mr. Ewton stated that he enlarged the pad on each side to place a footer and the cement blocks on.

Mr. Stump interjected that the In-fill Task Force is considering amending the Zoning Code at a future date to allow the older neighborhoods to replace demolition dilapidated structures without seeking Board approval.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a Special Exception to allow reconstruction of a nonconforming accessory building. **SECTION 1405. STRUCTURAL NONCONFORMITIES**, a Variance of setback of 3' from the property line to 1.10' to construct a garage. **SECTION 402.B.1.c. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions**; and a Variance to permit greater than 20% coverage of the required rear yard. **SECTION 210.B.5. YARDS** finding that Section 1607.C. requirements were met on the following described property:

Lot 555, Block 42, Tulsa Heights Addition, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18135

Action Requested:

Special Exception to permit restoration, reconstruction, repair and resale of older classic and limited late model automobiles. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17** and a Variance of 8 required parking spaces to 7. **SECTION 1217.D. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Off-Street Parking and Loading Requirements**, located 11323 E. 20th St.

Mr. White stated that he would abstain from this vote.

Presentation:

Jim Herndon, 9205 E. 38th St., stated that the property is zoned CS, which would allow him to repair, reconstruct, and resale classic antique automobiles under Use Unit 17.

Comments and Questions:

Mr. Dunham asked how many vehicles were anticipated to be located on the site. Mr. Herndon responded three at the most, noting that the autos would be parked within the building most of the time.

Mr. Dunham asked for a clarification of staff's comments. Mr. Beach explained that staff felt that the noise created by use of air tools being during the night might disturb the area, and felt it appropriate for the work to be done behind closed doors during the evening hours. Mr. Herndon responded that the area contains light industrial uses, but he would not have a problem complying with the indoor work.

Case No. 18135 (continued)

Mr. Stump asked if the autos for sale would be displayed outdoors. Mr. Herndon responded that they would be parked outside for short periods during the day, but not during the night. Mr. Stump noted that if the cars were parking outside, that space would be considered display area and would not count toward the number of required off-street parking spaces, requiring addition relief. If the cars were kept indoors, the seven spaces could be counted toward the requirement. Mr. Herndon stated that he could keep the autos parked indoors. The site plan was recorded as Exhibit K-1.

Interested Parties:

None.

Board Action:

On **MOTION** of **PERKINS**, the Board voted 3-0-1 (Cooper, Dunham, Perkins, "aye"; no "nays"; White "abstentions"; Turnbo "absent") to **APPROVE** a Special Exception to permit restoration, reconstruction, repair and resale of older classic and limited late model automobiles. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17** and a Variance of 8 required parking spaces to 7. **SECTION 1217.D. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Off-Street Parking and Loading Requirements** finding that Section 1607.C. were met on the following described property:

Lot 5, Block 3, 21 Garnett Place

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Case No. 18136

Action Requested:

Variance of setback for a ground sign from 50' to 30' from the centerline of E. 15th St. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs – Use Unit 12**, located 1624 E. 15th St.

Presentation:

Bruce Anderson, 9520 E. 55th Pl., referring to the site plan, Exhibit L-1, stated that buildings have been constructed using a 30' setback, which would make their sign difficult to see even at the 30' setback as requested. He noted the hardship of the building line during the time of construction of the surrounding building. He presented a copy of the proposed sign, Exhibit L-2.

Interested Parties:

None.

Case No. 18136 (continued)

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a Variance of setback for a ground sign from 50' to 30' from the centerline of E. 15th St. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs – Use Unit 12** finding that the requirements of Section 1607.C. had been met.

Mr. White asked if the motion was per plan.

On **AMENDED MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a Variance of setback for a ground sign from 50' to 30' from the centerline of E. 15th St. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs – Use Unit 12** per plan submitted finding that the requirements of Section 1607.C. had been met on the following described property:

E 100' of Lots 1-3, Block 3, Orcutt Addition

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Case No. 18137

Action Requested:

Special Exception to allow a retail greenhouse in a CS District. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15**, a Variance of landscape requirements. **SECTION 1002.A.1.-2. LANDSCAPE REQUIREMENTS, Frontage and Perimeter Requirements**, a Variance of required all-weather material for parking on specific areas as shown on site plan. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, and a Complete Variance, or in the alternative a temporary variance of the landscape plan and all-weather material for parking, located 6423 E. 91st St.

Presentation:

Craig Bay, 1137 E. 25th St., submitted a three-page site plan with photographs, Exhibit M-1, and stated that he is wanting to put a retail greenhouse on the property. He stated that he has sold flowers in a tent for five years and has recently purchased the property and would like to construct a permanent building on the lot.

Comments and Questions:

Mr. White noted that the location was at a high visibility corner and asked what the hardship was for waiving the all-weather parking. He explained that financial reasons are not an applicable hardship for the Board to consider, the hardship has to be found with the land itself. Mr. Bay responded that the only hardship was financial. He explained that he would like to get a temporary variance to pack the lot down with millings, and that it would only be on two small areas and a strip in the back.

Mr. White asked the amount of time he would need for a temporary variance. Mr. Bay responded that he would like three years to have the entire parking lot overlaid and striped.

In response to Mr. Cooper's question on the hardship for the landscape variance, Mr. Bay stated that the funding of the underground sprinkling system and the parking lot at the same time was the prime reason for seeking these variances. He added that with the variety of colors provided for within the greenhouse, that perhaps landscaping would not be necessary.

Interested Parties:

Scott Sanditen, 10430 S. Hudson Pl., owner of the shopping center that surrounds the subject property, stated that he is in opposition of this request, and submitted 12 photographs, Exhibit M-2, of the existing lot. He expressed his concern with the type of building that would be constructed if economics was the reason why the paving and landscaping would be eliminated. The premiere intersection has suffered from previous ventures and he is concerned about the property being an eyesore. He asked the Board to consider continuing the case so the neighboring business owners can review Mr. Bay's plans. Mr. Sanditen informed the Board that patrons of the temporary tent business would park on the streets or in the drives because they couldn't drive onto the lot. He would like to see a paved and striped parking lot for the customers to have an orderly entrance and exits. He noted it ironic that a greenhouse would not want to meet the landscaping requirements, which would appear to be hand-in-hand with the business.

Mr. Cooper asked if he had objections to the greenhouse. Mr. Sanditen responded that he did not have objections to the greenhouse usage, but his opposition would be with the type of building. He would view the glass greenhouse as detrimental to the area.

Applicant's Rebuttal:

Mr. Bay stated that he also would like to see the corner improved. With regard to other greenhouses he has seen, he believes that his will be the Cadillac of greenhouses. The business will include a retail statuary in the front, a full time florist, and the spring and fall flowers.

Case No. 18137 (continued)

Comments and Questions:

Ms. Perkins stated that she is inclined to approve Mr. Bay's requests, noting that the temporary tents were clean, colorful and the flowers were kept watered. Mr. White and Mr. Dunham concurred with the greenhouse but felt that the parking and landscaping should be in compliance with the regulations. Mr. Stump stated that he would have 120 days to plant the trees, and noted that previously the Board has approved temporary variances of the all-weather parking, but he would question the hardship for a permanent variance of the parking and landscaping.

The Board discussed the timeframe of a temporary variance.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a Special Exception to allow a retail greenhouse in a CS District. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15**, and **APPROVED** a six months temporary Variance of the landscape plan and all-weather material. **SECTION 1002.A.1.-2. LANDSCAPE REQUIREMENTS, Frontage and Perimeter Requirements** and **SECTION 1003.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, per plan submitted on the following described property:

Lot 1, Block 1, Grand Point

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Case No. 18138

Action Requested:

Special Exception to allow a drive-in restaurant (U.U. 18) in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 18**; a Variance of landscaping requirements. **SECTION 1002. LANDSCAPE REQUIREMENTS**; a Variance of setback from centerline of E. 11th St. from 100' to 92'. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS**; and Variance of required setback from centerline of 83rd E. Ave. from 50' to 45'. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS**, located SE/c E. 11th St. & S. 83rd E. Ave.

Presentation:

George Carter, 109 W. 7th in Stroud, stated that they would like to maintain a park-like atmosphere at their drive-in restaurant and have kept the existing trees and grass area. He will submit a landscape plan along with the building plan to the City of Tulsa. The requested setback would allow them to keep the large trees. The site plan was recorded as Exhibit N-1.

Comments and Questions:

In response to Mr. Stump's question of the hardship for the landscaping, Mr. Carter stated that there are several large old trees already in existence and that he did not want to hire a landscape architect to certify that his trees are in compliance. Mr. Beach clarified that the request relief was for Chapter 10 in its entirety. He could ask for relief of a specific portion of Chapter 10, which could be the certified statement from the landscape architect.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a Special Exception to allow a drive-in restaurant (U.U. 18) in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 18;** a Variance of required setback from centerline of 83rd E. Ave. from 50' to 45'. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS;** and a Variance of setback from centerline of E. 11th St. from 100' to 92'. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS;** and to **DENY** a Variance of the landscaping requirements. **SECTION 1002. LANDSCAPE REQUIREMENTS,** per plan on the following described property:

Lot 4, Block 2, Forest Acres Addition, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18139

Action Requested:

Variance of required 25' rear yard to 4' to permit an addition that will connect the dwelling to an existing detached garage. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6,** and a Variance to enlarge a nonconforming structure. **SECTION 1405.A. STRUCTURAL NONCONFORMITIES,** located 2217 S. St. Louis Ave.

Presentation:

Pat Fox stated that the house was built in 1920s and is situated on two single-family lots in an older part of town. The owners would like to expand the kitchen, incorporate the garage as a part of their living quarters, and to provide a cover over an existing paved area for three automobiles and storage. The property is unusually shallow for a platted single-family lot, being only 83' deep. The site plan was recorded as Exhibit O-1.

Case No. 18139 (continued)

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a Variance of required 25' rear yard to 4' to permit an addition that will connect the dwelling to an existing detached garage. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, and a Variance to enlarge a nonconforming structure. **SECTION 1405.A. STRUCTURAL NONCONFORMITIES** per plan submitted finding the hardship to be the depth of the lot on the following described property:

Lots 6-7, Block 5, Terwilliger Heights, an addition in the City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18140

Action Requested:

Variance of structure height of accessory building from one story to two story. **SECTION 210.B.5. YARDS; Permitted Obstructions in Required Yards** and a Variance of size of accessory building from 750 SF to 1,168 SF. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS; Accessory Use Conditions**, located 1719 S. Cincinnati Pl.

Presentation:

Brian Hadden, 5515 E. 15th Pl., stated that the owners are wanting to build a two-story garage, using the upper level for storage. The site plan was recorded as Exhibit P-1.

Comments and Questions:

Mr. Dunham asked if the garage would be used as another living space. Mr. Hadden responded that the Naffs were transferred out of country after they had purchased the property and they are desiring to build the garage to store their belongings and rent the house.

Interested Parties:

Kathy King, 1732 S. Detroit, and **Richard West**, 1728 S. Detroit, stated that the property is located in the Maple Ridge's history district and the street is already very crowded. There is a duplex and triplex in the area, and they expressed concern about additional rental property in the area. She stated that the proposal would not be aesthetically pleasing in the historic district. She wondered how high the garage would

be. Mr. West added that they currently have a spectacular view of downtown Tulsa and the garage would block their view.

Mr. Beach interjected that the property is located within a historic preservation district and, if approved, the applicant would have to obtain a certificate of appropriateness from the Tulsa Preservation Commission.

Applicant's Rebuttal:

Mr. Hadden stated that the top of the roof would be 22' high. The existing garage is 16' X 20' and contains one-story.

Comments and Questions:

Mr. Hadden stated that he did not believe the Naffs were aware of needing a certificate of appropriateness, but did not feel that that would be a problem.

The Board discussed that there are two-story garages in the neighborhood.

Mr. Stump explained that accessory buildings were limited to one-story so that they would not block the view, air, light, etc., because they could be built within 3' of the property line.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a Variance of structure height of accessory building from one story to two story. **SECTION 210.B.5. YARDS; Permitted Obstructions in Required Yards** and a Variance of size of accessory building from 750 SF to 1,168 SF. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS; Accessory Use Conditions** per plan submit with the condition that no second dwelling be allowed and noting that the request would have to go before the Historic Preservation Society for approval on the following described property:

Lot 8, Block 7, Maple Park Addition, an addition in the City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18141

Action Requested:

Special Exception to allow a church and church uses on property zoned RS-2. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5;** a Variance of the hard surface parking requirement to allow gravel parking. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS;** and a Variance of required number of parking spaces from 11 to 7. **SECTION 1205. USE UNIT 5. COMMUNITY SERVICES & SIMILAR USES,** located SW/c E. 14th St. & S. 121st E. Ave.

Presentation:

Joe Manardee stated that the church has been in existence for 29 years and when applying for a storage building permit learned that the church was not allowed in the current zoning. The parking variance matches the existing parking. He explained that the church is a literature type church and the new structure will be used to compile of the paper work and mailings. He referred to photographs, Exhibit R-2. The site plan was recorded as Exhibit R-1.

Comments and Questions:

In response to Mr. White's question, Mr. Manardee stated that the church is basically a house. The storage building will be 24' X 40'. Mr. Cooper asked why the applicant wanted a variance of the required parking spaces, noting that there would be a lot of parking on the grass area. Mr. Manardee responded that the church is not looking to grow and they really had no need for additional parking, usually there are fewer than four cars there at any one time.

Mr. Beach stated that one parking space is required for every 35 SF of the sanctuary. Mr. Cooper stated that he had a problem with reducing the number of parking spaces, keeping in mind future expansion/ownership. If the variance for the hard surface parking is approved, there is no need to approve the number of spaces required.

Board Action:

On **MOTION** of **COOPER**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a Special Exception to allow a church and church uses on property zoned RS-2. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5;** a Variance of the hard surface parking requirement to allow gravel parking. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS;** and to **DENY** a Variance of required number of parking spaces from 11 to 7. **SECTION 1205. USE UNIT 5. COMMUNITY SERVICES & SIMILAR USES** finding the light usage and traffic on the following described property:

The N 164.53' of Lot 1; and the N 164.53' of the E/2 of Lot 2; all in Block 10, Elmhurst Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma

Case No. 18143

Action Requested:

An approval of amended site plan for Bethany Christian Church to include new addition (fellowship hall, classrooms, restroom & kitchen). **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 2**, located 6730 S. Sheridan

Presentation:

Barney McLaughlin, 5826 S. Quebec, Pastor of Bethany Christian Church, stated that an initial site plan for the church was approved in 1966, which reflected a possible addition to the church. The purpose of the change is to build a fellowship hall for additional classrooms and wheelchair accessible restrooms and kitchen. They would like to place that on a different location than reflected on the original site plan. A site plan packet was recorded as Exhibit S-1.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** an amended site plan for Bethany Christian Church to include new addition (fellowship hall, classrooms, restroom & kitchen). **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 2** per plan submitted on the following described property:

The E line only of: A tract of land beginning at a point on the E line of Section 3, T-18-N, R-13-E, Tulsa County, Oklahoma, said point being 518' S of the NE/c of the NE/4 of the SE/4 of said Section 3; thence S along the E line of said Section 3, a distance of 543.49' to a point; thence W and parallel to the N line of the NE/4 of the SE/4 of said Section 3, a distance of 406.95' to a point on the E line of a dedicated road; thence N and parallel to the E line of said Section 3, a distance of 50' to a point of curve; thence NWly along a curve, having a radius of 187.86' a distance of 132.63' to a point of tangency; thence N 40°27' W a distance of 103.52' to a point of curve; thence Nly along a curve to the right, having a radius of 192.43' a distance of 168.27' to a point; thence E and parallel to the N line of said NE/4 of the SE/4 of Section 3, a distance of 564.84' to a point and place of beginning

Case No. 18144

Action Requested:

Variance of maximum display surface area of 32 SF to 62 SF. **SECTION 402.B.a.-b. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 5** and a Variance of constant light requirement to allow a flashing electronic message display. **SECTION 402.B.a.-b. ACCESSORY USES IN RESIDENTIAL DISTRICTS**, located 3420 S. Memorial

Presentation:

Bruce Anderson, 9520 E. 55th Pl., representing Tulsa Tech Center, stated that the property has 1,159' of frontage and noted that it is zoned residential, although the nearest residence to the proposed electronic message center location is 325'. The sign will run perpendicular to Memorial and will be 242' from the centerline of Memorial. The message center is not intended for persons driving down Memorial, but will be used to direct persons once they have entered the school drive. The site plan is recorded as Exhibit T-1 and the sign plan as Exhibit T-2.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a Variance of maximum display surface area of 32 SF to 62 SF. **SECTION 402.B.a.-b. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 5** and a Variance of constant light requirement to allow a flashing electronic message display. **SECTION 402.B.a.-b. ACCESSORY USES IN RESIDENTIAL DISTRICTS** per plan submitted on the following described property:

S/2 SE/4 NE/4, Section 23, T-19-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18145

Action Requested:

Variance of the required parking spaces for a restaurant from 15 to 11. **SECTION 1212a.D. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Off-Street Parking and Loading Requirements – Use Unit 12** and a Variance of the setback from centerline of E. 15th St. from ultimate R-O-W of 100' (designated on Major Street & Highway Plan) to 36.1' from centerline for addition to building. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS**, located SE/c E. 15th St. & S. Lewis Pl.

Presentation:

Stephen Schuller, 100 W. 5th St., Suite 500, stated the owners would like to convert the existing building into a diner serving breakfast, lunch, and dinner with the hours of 5:30 a.m. to 9 p.m. He referred to the site plan, Exhibit U-1, and the building plan, Exhibit U-2. Because of the location of the building, it can only be expanded toward the east and south sides. The owner is proposing to expand to the south to add seating and to the east for disabled accessible restrooms. He stated that about 22-24 people could be seated in a restaurant this size. Mr. Beach stated that one parking space is required for every 100 SF. Mr. Schuller pointed out that the non-service area (restrooms, kitchen, food preparations, etc.) is larger than normal, resulting in a limited seated area, reducing the amount of patrons and needed parking at any one time. He added that the restaurant hopes to have a neighborhood clientele.

Comments and Questions:

Mr. White asked if they had met with the residents of Lewiston Gardens regarding this application. Mr. Schuller responded that he had not. He added that he was unaware of any opposition, noting that he had checked the file that morning.

In response to the Board's question, Mr. Schuller stated that they anticipate have four or five employees. The thought of a drive-through window has been considered for a future date; however, because of the configuration of the property, the window would be on the passenger side.

Interested Parties:

Margaret Myron, 1535 S. Lewis Pl., stated that traffic and street parking is already a problem with Duffy's patrons and deliveries. Also, there are semi-trucks traveling Lewis Pl. to make deliveries to Bud's grocery store. She stated that the top story of the Dairy Queen shop was used as storage, and asked what use was planned for the second story.

Mike Mafia, representing Duffy's stated that Duffy's rents the building next door for additional parking for their patrons. If another restaurant is opened with a 24 seating capacity, it will cause additional parking problems, forcing people to park on the street or in their lot. In response to Board's questions, he stated that Duffy's is opened from 6 a.m. to 9 p.m., the seating capacity is about 45, and they have 21 parking spaces. Duffy's is not in opposition of the eating establishment, they are concerned about the parking situation.

Mr. White stated that letters were received in opposition of this request from Karen S. Smith, 2502 E. 19th St., and M. Karen Dale, 1527 S. Atlanta Ave., recorded as Exhibit U-3.

Applicant's Rebuttal:

Mr. Schuller stated that the second story is intended to be used as storage, noting that there is no easy access to the top floor, and there is no elevator that would be required. The windows are for decoration purposes only. He found it disingenuous that a restaurant operator would use their parking problems to try to discourage the approval of another establishment. The owner cannot control the traffic for other establishments, but pointed out that this use is appropriate for the CH zoning district.

Comments and Questions:

The Board noted that Duffy's parking appears to be more out of proportion than this restaurant. Mr. Dunham stated that more parking would be desirable, however, with the limited seating and the amount of storage space, he felt the use to be compatible for the area.

Mr. Stump suggested that a drive-thru window be prohibited if the application is approved, noting that it would interrupt the function of the parking spaces.

The Board discussed the delivery trucks, similar problems with other Cherry Street applications, the authority of limiting the seating capacity, the usage of the second floor, Albertson's parking lot being used as overflow when built, etc.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a Variance of the required parking spaces for a restaurant from 15 to 11. **SECTION 1212a.D. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Off-Street Parking and Loading Requirements – Use Unit 12** and a Variance of the setback from centerline of E. 15th St. from ultimate R-O-W of 100' (designated on Major Street & Highway Plan) to 36.1' from centerline for addition to building. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** per plan submitted with no drive-thru window and no upstairs seating on the following described property:

The W 66.85' of Lots 23 & 24, Block 1, McDonnell's Subdivision of Lots 1, 2, 3, 4, & 5 of Glen Acres, an Addition in the City of Tulsa, Tulsa County, State of Oklahoma

Case No. 18146

Action Requested:

Variance of setback from centerline of 50' to 35' in an RS-3 district to permit a carport. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, located 6774 E. 28th St. S.

Presentation:

Jacklyn Milam, 6774 E. 28th St., stating that they were misinformed that a variance was not needed, and had a carport built. She presented 11 photographs, Exhibit V-2, of their carport and others within six blocks of her house. The site plan was recorded as Exhibit V-1.

Interested Parties:

Dean Ports, 6755 E. 28th St., stated that Bowman Acres III has covenants which state structures cannot be built in front of the house. The carport would allow anyone to obtain a variance and built anything in front.

Mr. Dunham explained that the covenants are private restrictions and are not enforceable by the City of Tulsa. The homeowners in that addition can enforce those issues in district court.

Applicant's Rebuttal:

Mr. Dunham noted staff's question about three accessory buildings in the rear yard. She responded that the buildings were in existence when they purchased the house in November and assumed that they were approved. She stated that they were unaware of a homeowners' association. The Board informed her that the restrictive covenants would be included in their abstract.

Mr. White stated that staff what the hardship is. Ms. Milam stated that the garage is too small to house their pickup, and they would like to keep it out of the weather.

Comments and Questions:

The Board discussed that, although there are only a few on the block, there are other carports in the area.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a Variance of setback from centerline of 50' to 35' in an RS-3 district to permit a carport. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** per plan submitted finding that the requirements of Section 1607.C. have been met on the following described property:

Lot 16, Block 16, Boman Acres Third Addition to the City of Tulsa, Tulsa County, State of Oklahoma

Applicant's Rebuttal:

Mr. Schuller stated that the second story is intended to be used as storage, noting that there is no easy access to the top floor, and there is no elevator that would be required. The windows are for decoration purposes only. He found it disingenuous that a restaurant operator would use their parking problems to try to discourage the approval of another establishment. The owner cannot control the traffic for other establishments, but pointed out that this use is appropriate for the CH zoning district.

Comments and Questions:

The Board noted that Duffy's parking appears to be more out of proportion than this restaurant. Mr. Dunham stated that more parking would be desirable, however, with the limited seating and the amount of storage space, he felt the use to be compatible for the area.

Mr. Stump suggested that a drive-thru window be prohibited if the application is approved, noting that it would interrupt the function of the parking spaces.

The Board discussed the delivery trucks, similar problems with other Cherry Street applications, the authority of limiting the seating capacity, the usage of the second floor, Albertson's parking lot being used as overflow when built, etc.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a Variance of the required parking spaces for a restaurant from 15 to 11. **SECTION 1212a.D. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Off-Street Parking and Loading Requirements – Use Unit 12** and a Variance of the setback from centerline of E. 15th St. from ultimate R-O-W of 100' (designated on Major Street & Highway Plan) to 36.1' from centerline for addition to building. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** per plan submitted with no drive-thru window and no upstairs seating on the following described property:

The W 66.85' of Lots 23 & 24, Block 1, McDonnell's Subdivision of Lots 1, 2, 3, 4, & 5 of Glen Acres, an Addition in the City of Tulsa, Tulsa County, State of Oklahoma

Case No. 18146

Action Requested:

Variance of setback from centerline of 50' to 35' in an RS-3 district to permit a carport.
SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 6774 E. 28th St. S.

Presentation:

Jacklyn Milam, 6774 E. 28th St., stating that they were misinformed that a variance was not needed, and had a carport built. She presented 11 photographs, Exhibit V-2, of their carport and others within six blocks of her house. The site plan was recorded as Exhibit V-1.

Interested Parties:

Dean Ports, 6755 E. 28th St., stated that Bowman Acres III has covenants which state structures cannot be built in front of the house. The carport would allow anyone to obtain a variance and built anything in front.

Mr. Dunham explained that the covenants are private restrictions and are not enforceable by the City of Tulsa. The homeowners in that addition can enforce those issues in district court.

Applicant's Rebuttal:

Mr. Dunham noted staff's question about three accessory buildings in the rear yard. She responded that the buildings were in existence when they purchased the house in November and assumed that they were approved. She stated that they were unaware of a homeowners' association. The Board informed her that the restrictive covenants would be included in their abstract.

Mr. White stated that staff what the hardship is. Ms. Milam stated that the garage is too small to house their pickup, and they would like to keep it out of the weather.

Comments and Questions:

The Board discussed that, although there are only a few on the block, there are other carports in the area.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a Variance of setback from centerline of 50' to 35' in an RS-3 district to permit a carport. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** per plan submitted finding that the requirements of Section 1607.C. have been met on the following described property:

Lot 16, Block 16, Boman Acres Third Addition to the City of Tulsa, Tulsa County, State of Oklahoma

Case No. 18147

Action Requested:

Variance of parking requirements from 8 to 0. **SECTION 1212a. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS; Off-Street Parking Requirements** and a Variance to use parking spaces on a lot other than where the principle use is located. **SECTION 1301.D. OFF-STREET PARKING; GENERAL REQUIREMENTS**, located 1546 E. 15th St.

Presentation:

Christopher Sprawling stated that the building was built in 1920 and has 10 parking spaces in the rear that is utilized by retail and a print shop during the day. Arnie's has obtained letters from those tenants agreeing to allow Arnie's patrons to park in those spaces, as well as another establishment across the street that has 15 parking spaces. The bar will open at 5:30 p.m., after the retail has closed for the day. He added that the Swan Lake Neighborhood Association president has expressed his support for the application. The site plan was recorded as Exhibit W-1.

Interested Parties:

Nelson Dean, 15th St. property owner, stated that he has no problem with this application. He interjected that there is a solution to the parking problems in Cherry Street. He purchased the property behind businesses (Full Moon, Hide Away Pizza, etc.) paved them and lease out that parking. He is in support of the application.

Clare Trease, stated that the patrons of the businesses are parking on the streets in front of their homes. The restaurants need parking for their customers to park in.

Mr. White stated that letters of support were received from Barnard Dunkelburg & Company, Cherry Street Print Shop, Inc., Thompson Imports, and the DVIS, Exhibit W-2.

Comments and Questions:

The Board asked Mr. Romig if a tie agreement was needed to allow Arnie's customers to utilize surrounded businesses' parking lots. Mr. Romig responded that they could not use a tie agreement because of the different ownership. Previously, a contract has been used between the businesses. Mr. Sprawling stated that he did not perceive that to be a problem.

Mr. Cooper stated that the patrons would not use the parking lots until after 5:30 p.m. He thought the contract between businesses would be wise, should the business lose its good graces or change ownership. The Board discussed the contracts.

Board Action:

On **MOTION** of **COOPER**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a Variance of parking requirements from 8 to 0. **SECTION 1212a. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS; Off-Street Parking Requirements** and a Variance to use parking spaces on a lot other than where the principle use is located. **SECTION 1301.D. OFF-STREET PARKING; GENERAL REQUIREMENTS** subject to business not open before 5:30 p.m. and that evidence be submitted of the neighboring businesses agreeing to allow their parking lots to be utilized on the following described property:

E 45' of W 90' Lots 1 & 2, Block 4, Orcutt Addition and W 40' of Lots 1 through 3, Block 3, Orcutt Addition to the City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18148

Action Requested:

Variance of structure setback from abutting streets to allow parking in street right-of-way on N. Garnett Rd. in an IM District. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS**, located 4045 N. Garnett Rd.

Presentation:

Danny Mitchell, 4111 S. Darlington Suite 140, stated that the tenants contacted his architect firm to remodel the building. When the building was built, the owner obtained permission from the City to run a curb and use it for parking. Since that time, the property has been platted and the City took additional right-of-way. He explained that under Phase I will include the remodeling of the offices and the paving of the gravel lot in front of the building. Counting the parking along the right-of-way and the newly paved lot, they will meet the parking requirements. Phase II will include the paving of a lot in the rear of the building, providing additional parking. The applicant is requesting a variance to allow parking in the street right-of-way for no more than one year until Phase II is completed, which should start in approximately two months. The site plan was recorded as Exhibit X-1.

Board Action:

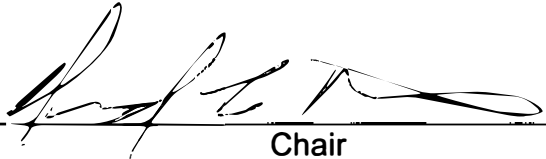
On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a Variance of structure setback from abutting streets to allow parking in street right-of-way on N. Garnett Rd. in an IM District. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** not to exceed one year on the following described property:

Case No. 18148 (continued)

Commencing at the NW/c of the SW/4 of Section 17, T-20-N, R-13-E, thence N 88°37'48" E a distance of 50.00' to the NW/c of Lot 1, Block 1, Mingo Valley Industrial Park; thence S 38°37'48" E, along the N line of said Lot 1, a distance of 589.00'; thence S 01°01'12" E, a distance of 330.67'; thence S 88°37'48" W, a distance of 589.00' to a point on the W line of said Lot 1; thence N 01°01'12" W along the W line of said Lot 1, a distance of 330.67' to the point of beginning, City of Tulsa, Tulsa County, State of Oklahoma

There being no further business, the meeting was adjourned at 4:09 p.m.

Date approved: October 27, 1998


Chair