

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 766  
Tuesday, February 9, 1999, 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>
Cooper Dunham, Vice Chair Turnbo, Secretary Perkins White, Chair		Arnold Beach Stump	Ballentine, Code Enforcement Parnell, Code Enforcement Jackere, Legal Department Prather, Legal Department

The notice and agenda of said meeting was posted in the Office of the City Clerk on Thursday, February 4, 1999, at 11:13 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 **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** the Minutes of January 12, 1999 (No. 764).

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** the Minutes of January 26, 1999 (No. 765).

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## UNFINISHED BUSINESS

### Case No. 18028

#### Action Requested:

Special Exception to permit three manufactured home dwellings in a CG zoned district.  
**SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS –  
Use Unit 9**, located 12906 E. 11<sup>th</sup> Street.

#### Comments and Questions:

Mr. Beach informed the Board that this case came before the Board in May of 1998 and was denied. The case was appealed to the District Court and through a variety of circumstances that happened with the application and the notice, the Judge remanded it back before the Board in its original form except that the action requested has changed slightly. Notice has been properly given. The Board should treat the case as if it has never been before them.

#### Presentation:

The applicant, **Walt Aaron**, 12906 E. 11<sup>th</sup> St., stated that Mr. Ballentine has been out several times to look at the property and DEQ has already looked at the property. Mr. Aaron mentioned that there are handicapped people living in the dwellings including himself. Mr. Aaron stated that he has some recreational vehicles that have been converted to manufactured homes by rendering them unable to travel on the road and they are hooked up to a septic system. He also has a hobby breeder's license and operates a kennel on the property. The people who live on the property help with the cleaning and feeding of the animals and with the maintenance of the property. Mr. Aaron mentioned that it would be a great hardship if anyone had to move.

#### Comments and Questions:

Mr. White asked Mr. Aaron what the other businesses on the property are. Mr. Aaron replied that on the total 3.023 acres there is Metro Portable Buildings and they construct storage sheds. Allied Towing is also located on the property which stores vehicles that they have towed.

Ms. Turnbo asked Mr. Aaron what the purpose is of the North American Van Line truck that is parked on the property. Mr. Aaron responded that there is no purpose unless it is stored on Allied's side.

Ms. Turnbo asked the applicant if he sells cars and Mr. Aaron replied that he does not sell cars but there is a gentleman who lives on the property that does take cars on occasion to the flea market to sell.

Ms. Perkins mentioned that when she drove by the property on the previous day she noticed several semi truck cabs and she asked what they are for. Mr. Aaron stated that they are for Allied Towing. Ms. Perkins asked how long the vehicles are stored when they are towed in and Mr. Aaron replied about 30 days.

Case No. 18028 (continued)

Ms. Turnbo asked Mr. Aaron if there is any hard surface parking or is it all dirt and he responded that it is a hard surface with gravel.

Mr. Dunham questioned Neighborhood Inspections if there are any present violations that they are aware of. Mr. Ballentine submitted photos (Exhibit A-2) and answered that the condition of the property is the same as it has been for the last year. The applicant does have a kennel license for all of the dogs and the dog feces are picked up occasionally. There are some vehicles on the property that are advertised for sale. Mr. Ballentine mentioned that there are three or four uses on the property right now, Allied Towing, a storage facility, portable buildings and the tract that Mr. Aaron is staying on.

Ms. Turnbo mentioned that there were a lot of cars (around 15) and dogs running around on the tract that Mr. Aaron occupies.

Ms. Turnbo asked Staff if the towing business should be on a hard surface. Mr. Beach replied that in 1996, the Board approved a special exception of the required hard surface parking to allow a gravel parking lot behind the building setback line only and tied to that use – which was Allied Towing. They also approved a variance to permit a chain link fence with slats to satisfy the screening requirement and a special exception to permit temporary storage yard for the auto towing business. That was applied to Allied Towing as long as Allied Towing occupies the property. Ms. Turnbo asked if the area in the front where the portable buildings are sitting should be paved. Mr. Beach replied yes, where it serves as a parking lot, it should be paved. If it serves as a yard for constructing portable buildings, it does not have to be paved.

**Interested Parties:**

Mr. White mentioned to the Board that he is in receipt of three letters of opposition to this application.

**Nancy Craten**, 245 W. 129<sup>th</sup> E. Ave., stated that she represents Western Village Neighborhood Association which is an association located north and west of the subject property. They have also spoken with several other associations in the area who are also concerned about the property. Ms. Craten mentioned that this area is an eyesore and the screening fence is not adequate to shield from view the mess behind it. The slat fence does not comply with current Codes. Property values are being affected by the unkempt property. There is no protection for the residences in the area. Neighbors have complained of escaped dogs on several occasions. This property has the appearance of a salvage yard. Ms. Craten asked the Board to deny this application. Ms. Craten submitted copies of emails sent to her concerning the property (Exhibit A-1).

**Sandra Nightingale**, represents the East Tulsa Mingo Valley Association. Ms. Nightingale submitted letters from surrounding businesses and people who oppose this business who were unable to be present today (Exhibit A-1). Ms. Nightingale stated that the association is comprised of homeowners and business owners and they want to see East Tulsa grow and this property is a negative impact on the area.

**Councilor Art Justis**, stated that he agrees with the neighborhood. Councilor Justis mentioned to the Board that he does not like the "venetian" fence that the Board allows. Councilor Justis asked the Board to deny this application.

**Rose Higdon**, 1116 S. 129<sup>th</sup> St., mentioned that she is new to this area and is not fully involved in the association yet. Ms. Higdon said that this property is not an asset to the other businesses in the area.

**Applicant's Rebuttal:**

Mr. Aaron stated that he has nothing to do with Allied Towing and Metro Portable Buildings. The mobile homes on the property are hooked up to three septic tanks and DEQ has inspected the property and said that it is okay. Mr. Aaron said that there are over three acres associated with this property and that is plenty of room for the businesses and the homes. To Mr. Aaron's knowledge there were only two or three other cars than his on the property today. It would be a hardship to move all the people who live in the mobile homes.

**Comments and Questions:**

Mr. White mentioned that from previous discussions that only one septic tank was licensed by the Health Department. Mr. Aaron stated that one has been filled with gravel many years ago.

Ms. Turnbo asked Staff the definition of a mobile home. Staff read the definition from the Zoning Code.

Ms. Perkins asked the applicant how many RV's are being used for residences? Mr. Aaron responded that there are three being used for residences.

Mr. Stump asked Mr. Aaron if he has three septic tank permits from the Health Department or did they do an onsite inspection. Mr. Aaron responded that he did not put them in. They were in place when he moved onto the property.

Mr. Dunham stated to the Board that RV's do not meet the definition of a mobile home.

Case No. 18028 (continued)

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **DENY** Special Exception to permit three manufactured home dwellings in a CG zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 9**, on the following described property:

N/2, W/2, NW, NW, NW and N/2 S/2 W/2 NW NW NW less the N 24.75' W 50' S 470.25' W 50' S 470.25' for street of Section 9, T-19-N, R-14-E, containing 3.023 acres, unplatted, addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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**NEW APPLICATIONS**

**Case No. 18294**

**Action Requested:**

Special Exception to allow a cosmetology school (beauty school) in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15**, located 4561 N. Peoria Ave.

**Presentation:**

The applicant, **Eddie L. Cleveland**, 1707 S. Sheridan, submitted a site plan (Exhibit B-1) and stated that he and his wife own a cosmetology school on Sheridan and it has a capacity of 80 students. Right now the facility has 45 students and is still growing. Mr. Cleveland said that it is time for them to expand the school. Mr. Cleveland believes that this school would benefit the patrons, the students and may possibly help bring more businesses to the north side. Right now the school will hold 23 students and 2 instructors and also has a bus route to bring students back and forth to school.

**Comments and Questions:**

Mr. Dunham asked Mr. Cleveland what the proposed days and hours of operation will be. Mr. Cleveland responded Monday through Friday, 1:00 p.m. to 9:30 p.m.

Mr. Dunham questioned the applicant if the school will be operated in combination with a beauty supply store. Mr. Cleveland replied that there will be no retail beauty supply.

Case No. 18294 (continued)

Mr. Beach asked the applicant how many square feet of classroom space are in the building and Mr. Cleveland replied 23' X 28'. Mr. Beach stated that the floor plan shows a large open space in the middle of the building that is not labeled for any use and there is a 13' x 25' area labeled "classroom". Mr. Beach speculated that the open space would be used for the retail sale of cosmetics and if that was the case, then the parking might not be adequate. If there is going to be more classroom space than what is labeled on the plan the parking might not be adequate.

Mr. Cleveland stated that the classroom space is 13' x 28'. Mr. Dunham asked if the Board approved the application for a 13' x 28' classroom space, would that take care of the requirement? Mr. Cleveland answered affirmatively. The open space in the middle of the building is clinic floor. This is where they learn to cut hair, wash hair, etc. on the clinic floor. There will be sinks and workstations in the area. Mr. Beach mentioned that there is a requirement of 1 space for every 40 square feet of classroom space. Mr. Cleveland mentioned that there is a State requirement that they cannot have more than 23 students at one time.

Mr. Dunham asked Staff how many parking spaces the applicant has and Mr. Stump replied that he has 12 spaces. Mr. Cleveland stated that the City informed him that he only needed 7 parking spaces.

Mr. White asked Mr. Cleveland if there will be customers that the students will be working on? Mr. Cleveland responded yes, they are offering an outside clinic service. Mr. White mentioned that they will also need to be able to park 23 customers.

Mr. Dunham mentioned to the applicant that any approval the Board would make would be subject to him providing adequate parking and he is not sure the applicant has enough parking to meet the Code. Mr. Beach mentioned to the Board that based on this floor plan 33 parking spaces would be required on this property for this use.

Mr. Dunham asked Staff if the Board could approve the use provided the applicant meets the parking requirement. Mr. Stump suggested the Board not approve the application "per plan".

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to allow a cosmetology school (beauty school) in a CS zoned district; subject to the applicant providing adequate parking. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15**, 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 the public welfare, on the following described property:

Case No. 18294 (continued)

S 200' of N 250' of E 190' of W 240' of the W 14.86 acres of Lot 1, (NW/4, NW/4) Sec. 18, T-20-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18295**

**Action Requested:**

Special Exception to allow a truck wash (U.U. 23) in a CG zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 23**, located East of NE/c E. Admiral Place and South 129<sup>th</sup> E. Ave.

**Presentation:**

The applicant, **Michael A. Matlock**, 10130 E. 29<sup>th</sup> Street, submitted a site plan (Exhibit C-1) and stated that they are purchasing 1.56 acres that is adjoining the new Flying J Travel Plaza. It is their intention to construct their corporate offices with a one bay automated truck wash. This will be the first fully automated, state-of-the-art truck wash in the State of Oklahoma.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to allow a truck wash (U.U. 23) in a CG zoned district, per plan. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 23** 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 the public welfare, on the following described property:

A tract of land beginning at a point 672.41' E of the NW/c of Government Lot 4, Section 4, T-19-N, R-14-E; thence E 43.69' to a point; thence S 611.70' to a point; thence W 143.69' to a point; thence N 411.70' to a point; thence E 100' to a point; thence N 200' to the point of beginning, Tulsa County, State of Oklahoma, said tract of land

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**Case No. 18297**

**Action Requested:**

Special Exception to permit an indoor recreation center with coffee shop in an IL district. **SECTION 902. ACCESSORY USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 19**, located 4343 S. Memorial.

**Comments and Questions:**

The Board determined that the applicant needs additional relief for parking and continued the application until March 9, 1999 to allow the applicant time to file an application for a parking variance.

Mr. Beach informed the applicant that he will need 53 spaces.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **CONTINUE** Case No. 18297 to March 9, 1999 to allow time for additional notice.

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**Case No. 18298**

**Action Requested:**

Variance of setback from abutting street from 50' to 26' to permit construction of a storage building. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, located 5702 E. Admiral Place.

**Presentation:**

The applicant, **Andy Jackson**, 5702 E. Admiral Place, submitted a site plan (Exhibit E-1) and stated that they would like to build on the property line. Mr. Jackson stated that there is a 10' high concrete, soundproof wall. If they build the storage building 25' in it only leaves them with 67' of usable space. A tractor trailer is 45' long and the tractor is 20' long so it does not leave them enough space to pull a tractor trailer in to unload material. They will have to back the truck out across four lanes of Admiral for the truck to be able to back into the property. The area surrounding the property is industrial.

**Comments and Questions:**

Mr. White asked Mr. Jackson if they will be building 1' in from the property line and Mr. Jackson replied affirmatively.

Ms. Turnbo asked if the materials that are stored in the open yard now will be placed within the building and Mr. Jackson answered yes.



Case No. 18298 (continued)

Mr. Cooper asked the applicant to explain his hardship for this application. Mr. Jackson responded that when tractor trailers come to their property to unload materials, without this variance, they will have to back onto Admiral and block traffic.

**Interested Parties:**

**Barbara Kyser**, 5735 E. 2<sup>nd</sup> Street, stated that she lives on the row of houses behind East Admiral Boulevard. Ms. Kyser represents the neighborhood association. Ms. Kyser and the association are concerned about the height of the building and they are concerned about it being an eyesore for the neighborhood. They are also concerned about being able to see around the building at the intersection.

Mr. White asked the applicant how tall the building will be and Mr. Jackson replied approximately 11½' tall.

Ms. Kyser reviewed the applicant's site plan and stated that she thought what they were proposing was appropriate.

**Comments and Questions:**

Mr. Cooper mentioned to the Board that he believes this is a self imposed hardship. Mr. White said that he can see a viable hardship in that this is bounded on three sides by streets. They would not have to setback the additional amount if there was not a street there.

Mr. White asked Staff what setback could the applicant have if there was not a street but additional IL property? Mr. Stump replied that they could build to the property line.

Mr. Cooper asked what would prevent the applicant from moving the building to the east side. Mr. White answered that it would fit but it would make turning into it difficult. Mr. Beach asked why the building could not be turned 90° and put along the east property line and he also asked what the building would be used for.

Ms. Parnell, Code Enforcement, mentioned to the Board that there is a trucking company across the street and they also back out onto Hudson.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-1-0 (Dunham, Turnbo, Perkins White "aye"; Cooper "nays", no "abstentions"; no "absent") to **APPROVE** Variance of setback from abutting street from 50' to 26' to permit construction of a storage building **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** finding the hardship to be that there are streets on three sides of the property, per plan submitted today and subject to the south wall not exceeding 11½' in height, on the following described property:

Case No. 18298 (continued)

Lots 5, 6, 7 and 8, Block 3, Berryman Estates, City of Tulsa, Tulsa County,  
State of Oklahoma.

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**Case No. 18300**

**Action Requested:**

Special Exception to allow a manufactured dwelling in an RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Special Exception to allow a manufactured home for an indefinite period. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, located 1003 E. Zion Place.

**Presentation:**

The applicant, **Valeta Armstead**, P.O. Box 480682, submitted a site plan (Exhibit F-1) and photos (Exhibit F-2), stated that the City of Tulsa acquired her property in August, 1998. Ms. Armstead mentioned that she was given money from the City of Tulsa to acquire a new home. When Ms. Armstead applied for financing for a new home to be located on her property at 1003 E. Zion Place, she was turned down. She did not qualify because of her limited income. Ms. Armstead stated that her only other alternative was to apply for a loan for a manufactured home and she was approved. Ms. Armstead asked the Board to approve her application for a manufactured dwelling on her property.

**Comments and Questions:**

Mr. White asked if the manufactured home submitted in the packets is the one that she is proposing and Ms. Armstead answered affirmatively.

**Interested Parties:**

**Esther Oggins**, 2202 N. Owasso, which is three blocks from the subject property. Ms. Oggins stated that they are trying to bring new home development into their area and they do not want mobile homes in their neighborhood.

**Sam Brackeen**, stated that he is affiliated with the Lacy Task Force. His concern is that this area is zoned RS-3 and they want to keep it that way. They do not want any manufactured homes in the area.

Case No. 18300 (continued)

**Councilor Roscoe Turner**, stated that he is here as one of the Board members of the Springdale Neighborhood Development Council and this is their secondary area. Councilor Turner sympathizes with Ms. Armstead and he hopes that they can solve her problem. The City of Tulsa has been working diligently in this area to enhance it and bring people to north Tulsa to live. Councilor Turner does not believe that manufactured homes are suitable for this neighborhood.

**Amley Floyd**, 1034 E. Young Place, stated that he is adjacent to the property and he is speaking on behalf of some neighbors who could not be here today. They are concerned because they are also working with the Development Authority to improve the area and not everyone is informed about what is going on. Mr. Floyd is not sure if the manufactured home should be approved or denied but he is concerned about the process of the City taking possession of these homes.

**Brenda Miller**, Director of Urban Development, stated that this area has been of interest to the City of Tulsa for many years. They have been actively involved to upgrade this area and several others. Lacy Park is in the middle of some major developments. There is acquisition going on in the area and there are some new homes being constructed which has not happened in the last 25 years. Right now, the Urban Renewal Plan for this area is being updated. Ms. Miller mentioned to the Board that this area is in transition and there are a lot of good things happening here. Ms. Miller stated that they are not in favor of allowing the manufactured home in this area.

**Bernice Alexander**, 2124 N. Owasso, stated that she is the President of the 2100 North Owasso Block Club. Ms. Alexander is concerned about the changes that are taking place in the area.

**Applicant's Rebuttal:**

Ms. Armstead stated that at the time Relocation Services contacted her, she was told that she would suffer no hardship. Ms. Armstead mentioned that she has limited income and cannot be approved for a home loan only a manufactured home loan.

**Comments and Questions:**

Ms. Perkins mentioned that she is sympathetic towards Ms. Armstead's problem but she feels that since there are no other manufactured homes in the area, the Board should not introduce them to the area.

Ms. Turnbo believes that the manufactured home will be detrimental to the neighborhood.

Case No. 18300 (continued)

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to **DENY** Special Exception to allow a manufactured dwelling in an RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Special Exception to allow a manufactured home for an indefinite period. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, finding that the special exceptions will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Lot 10, Block 2, Emerson 2<sup>nd</sup> Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18301**

**Action Requested:**

Special Exception to permit a 5' high fence in the required front yard. **SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards – Use Unit 6**, located 1219 S. Frisco.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to permit a 5' high fence in the required front yard. **SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards – Use Unit 6**, finding that the special exceptions will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, per plan, on the following described property:

Lot 5, Block 12, Linsey 2<sup>nd</sup> Addition and Lot 8, Block 1, Childers Heights Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18302**

**Action Requested:**

Variance of required parking of 9 spaces to 4 spaces. **SECTION 1213.D. USE UNIT 13. CONVENIENCE GOODS AND SERVICES, Off-Street Parking and Loading Requirements – Use Unit 13**, located 1709 S. Boston.

**Presentation:**

The applicant, **Suzanne Heath**, 2424 E. 36<sup>th</sup> Place, submitted a site plan (Exhibit H-1) and photos (Exhibit H-2), stated that she would like to purchase this residence for her business, which is a facial studio. The entire neighborhood has moved towards commercial use. In order to operate her business she only needs four parking spaces. There is one employee, Ms. Heath, the person she is working on and the next customer. She will expand the back area for the parking of two extra cars. They will be taking out the fence, the tree stump and the patio.

**Comments and Questions:**

Mr. White asked if the entire lot width will be used for parking and Ms. Heath answered affirmatively.

Ms. Turnbo asked the applicant if there was any way she could get more than four parking spaces on the property? Ms. Heath replied that her plan shows six but she only needs four.

Mr. Stump stated that many of the spaces shown do not meet the standards and the layout she has proposed would not accommodate six standard spaces.

Mr. Jackere asked if there will only be one facial station and the applicant replied yes. Ms. Heath explained that the other employee is the office manager, she books all the appointments and updates the books. Mr. Jackere suggested limiting the use to only a facial studio.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance of required parking of 9 spaces to 4 spaces. **SECTION 1213.D. USE UNIT 13. CONVENIENCE GOODS AND SERVICES, Off-Street Parking and Loading Requirements – Use Unit 13**, finding that it meets the requirements of Section 1607.C., subject to there being only one employee and no more than two customers at a time and the use be limited to a facial studio, on the following described property:

Lot 3, Block 3 of Townley Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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## Case No. 18303

### Action Requested:

Special Exception in "OL" District to allow drive-in bank facility on west side of proposed credit union building. **SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS – Use Unit 11**, located 5001 E. 91<sup>st</sup> St. S.

### Presentation:

The applicant, **R. Michael Lang**, 5 West 22<sup>nd</sup> Street, submitted a site plan (Exhibit I-1) and stated that he is an attorney representing the Red Crown Federal Credit Union. They are the credit union for Amoco employees. The credit union is requesting a special exception to allow a drive-in bank facility. There will be four drive-thru lanes. Mr. Lang stated that the building is around 9,000 square feet and will have twenty employees. The total membership of Red Crown is 10,000 people and is spread all over the area. If the drive-thru is approved it will allow the people who use the facility to come at greater times. Mr. Lang feels that this falls into the type of use that is common in the area. Mr. Lang asked the Board to approve the application.

### Interested Parties:

**Janette Taylor**, 5128 E. 91<sup>st</sup> Place, stated that she is a resident of the Braden Park area that is south of 91<sup>st</sup> Street. Ms. Taylor mentioned that there is quite a bit of traffic on 91<sup>st</sup> Street and she believes that the proposed bank will cause more traffic. The library is planned for expansion and that will add to the traffic problems.

### Comments and Questions:

Ms. Perkins pointed out that even though there are 10,000 members of the credit union, they do not all live in Tulsa.

### Applicant's Rebuttal:

Mr. Lang stated that the 10,000 members are located all over the world. Mr. Lang understands the traffic problem on 91<sup>st</sup>. The bank will have two entrances to the site, one on 91<sup>st</sup> Street and the other one will be on Yale. The bank hours are not specifically set yet, but the drive-in part will possibly be open from 7:30 a.m. to 6:00 p.m.

### Comments and Questions:

Mr. Beach asked Mr. Lang why there is a road showing out to the north property line. Mr. Lang replied that north of the bank property is a vacant piece of land. The agreements that the bank has with the other property owners will be that there will be a road that runs through it and the people in the housing addition will have access to 91<sup>st</sup> Street and to Yale.

Mr. Sump stated that the Zoning Ordinance prohibits that because the property is zoned residentially and commercial traffic is not allowed to pass through a residential area. Mr. Beach mentioned rezoning the property to a commercial or office designation.

Case No. 18303 (continued)

Mr. Stump also mentioned that the bank will be required to place a screening fence along the entire north boundary and not allow any access. Mr. Lang was told that the long term plans show the street running through the property to the north. If that doesn't happen, it is okay.

Mr. Stump pointed out on the site plan the trash dumpster is placed in the corner closest to the single family residential. Mr. Stump suggested to the Board that they put a setback on the dumpster location. Mr. Beach suggested a minimum of 100' setback.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception in "OL" District to allow drive-in bank facility on west side of proposed credit union building. **SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS – Use Unit 11**, 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 the public welfare, subject to the trash dumpster being setback a minimum distance of 100' from any residentially zoned area, on the following described property:

A tract of land, containing 3.2812 acres, that is part of the SW/4 of the SW/4 of Section 15, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being more particularly described as follows, to-wit: commencing at the SW/c of said Section 15; thence S 89°58'07" E along the Sly line of said Section 15 for 572.77' to the point of beginning; thence N 0°02'43" W and parallel to the Wly line of said Section 15 for 464.01'; thence S 89°58'58" E for 308.00'; thence S 0°02'43" E for 464.09' to a point on the Sly line of said Section 15; thence N 89°58'07" W along the Sly line of said Section 15 for 308.00' to the point of beginning of said tract of land.

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**Case No. 18304**

**Action Requested:**

Special Exception to permit the IM zoning district uses included in Use Unit 12, Eating Establishments Other Than Drive-Ins, Use Unit 13, Convenience Goods and Services, and Use Unit 14, Shopping Goods and Services **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS**; a Variance of the required building setback from the centerline of E. 15<sup>th</sup> St. from 65' to 62' for 265' **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS**; and a Special Exception removing the requirement for a solid screening fence along the E. 15<sup>th</sup> St. frontage of the property and approving in lieu thereof the landscape plan for the E. 15<sup>th</sup> St. frontage. **SECTION 212.C. SCREENING WALL OR FENCE**, located S and E of E. 15<sup>th</sup> Street and S. Yale Avenue.

**Presentation:**

The applicant, **Charles E. Norman**, submitted a site plan (Exhibit J-1), a landscape plan (Exhibit J-2) and photos (Exhibit J-3) and stated that this property is entirely zoned IM district. The property is about 15 acres net and was subdivided into a number of parcels prior to 1945. None of the property has ever been platted or subjected to any of the development standards that are in Tulsa today. The proposed developer has acquired contracts on ten parcels of land in order to assemble this site for redevelopment into a home improvement store. The proposed home improvement store would occupy a space about 265' in depth along east 15<sup>th</sup> Street and would face Yale Ave. The property is in the IM zoning district and permits Use Unit 15 – Other Trades and Services, including lumber sales and the sale of plumbing supply and equipment. It does not include the retail sales of a number of other items that are sold in home improvement stores. Mr. Norman stated that in order to accomplish this project, they have had to ask for three items. The first is a special exception to permit Use Units 12, 13 and 14 to permit the operation of the store in an IM district. The setback from the centerline of 15<sup>th</sup> Street is for the store building. The variance is also necessitated for the need of an overland drainage easement to go around the south side of the building. There are four buildings that are less than 58' from the centerline of 15<sup>th</sup> Street and all four of the buildings that do not comply will be removed. Mr. Norman is also modifying the requirement for a screening fence on the south side of the street and allow them to apply the landscape plan for 15<sup>th</sup> Street. There is no driveway between 15<sup>th</sup> Street and the north wall of the building. This plan will require the moving of Mill Creek Lumber Company and the mini-storage will also be moved. Mr. Norman asked the Board to not consider the site plan a specific plan with respect to the interior. They need the latitude to make interior adjustments to the site plan as may be necessitated by the final grading plan. The grading could change the alignment of the parking spaces, etc. It is anticipated that it will take about a year to 18 months to relocate the existing tenants before the construction of the major project commences.

**Interested Parties:**

**Morgan Powell**, 4921 S. Joplin, stated that he is appearing on behalf of Harold Ali, 1440 S. Canton. Mr. Powell mentioned that Mill Creek Lumber has been at this location for a number of years and the fence has protected the surrounding neighbors from dust of the business. The concern is with the landscape plan; would it give the neighbors the same protection as the screening fence would? Mr. Powell looked at the proposed landscape plan and stated that he had no objection to it.

**Donald Farris**, stated that he owns the optometrist office on the southeast corner of 15<sup>th</sup> & Yale. Mr. Farris stated that he has no objection to this application but he is here as an interested party. Mr. Farris stated that he was approached at one time to sell his property but he chose not to sell. He believes that this will be a great improvement to the area and he likes the landscape plan.



**Applicant's Rebuttal:**

Mr. Norman mentioned that the receiving dock is designed for three trucks to back into and the circle indicates the turning radius. Mr. Norman stated that Jeannie McDaniel and the Mayor's office arranged a meeting with the neighborhood associations close to this area and the plans were shown to them.

**Comments and Questions:**

Mr. White asked Staff if they have reviewed the landscape plan and are they content with it? Mr. Beach replied that it appears, on the surface, to meet all the requirements. It meets the intent of screening along 15<sup>th</sup> Street. Staff is satisfied.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to permit the IM zoning district uses included in Use Unit 12, Eating Establishments Other Than Drive-Ins, Use Unit 13, Convenience Goods and Services, and Use Unit 14, Shopping Goods and Services, 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 the public welfare **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS**; a Variance of the required building setback from the centerline of E. 15<sup>th</sup> St. from 65' to 62' for 265' finding that it meets the requirements of Section 1607.C., **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS**; and a Special Exception removing the requirement for a solid screening fence along the E. 15<sup>th</sup> St. frontage of the property and approving in lieu thereof the landscape plan for the E. 15<sup>th</sup> St. frontage. **SECTION 212.C. SCREENING WALL OR FENCE**, 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 the public welfare per the location of the building and per landscape plan on 15<sup>th</sup> Street, on the following described property:

A tract of land lying in the SW/4 of Section 10, T-19-N, R-13-E of the IBM, Tulsa County, Oklahoma and being described as follows: Beginning at the NW/c of said SW/4; thence N 89°30'24" E along the N line of said SW/4 a distance of 1323.98'; thence S 00°02'27" W a distance of 659.73'; thence S 89°31'05" W a distance of 1,324.19' to a point on the W line of said SW/4; thence N 00°03'35"E along said W line a distance of 299.92'; thence N 89°30'24" E a distance of 170.00'; thence N 00°03'35" E parallel with said W line a distance of 60.00'; thence S 89°30'24" W a distance of 170.00' to a point on the W line of said SW/4; thence N 00°03'35" E along said W line a distance of 299.55' to the point of beginning;

\*\*\*\*\*.

**Case No. 18305**

**Action Requested:**

Variance of setback abutting public street of 70' down to 55' for proposed accessory building. **SECTION 402.B.1.c. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions** and **SECTION 210.B.5. YARDS, Permitted Obstructions in Required Yards – Use Unit 6**, located 4024 S. New Haven Ave.

**Presentation:**

The applicant, **Ron Wies**, 4024 S. New Haven Ave., submitted a site plan (Exhibit K-1) and stated that he has lived at this location since 1985.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance of setback abutting public street of 70' down to 55' for proposed accessory building. **SECTION 402.B.1.c. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions** and **SECTION 210.B.5. YARDS, Permitted Obstructions in Required Yards – Use Unit 6**, finding that it meets the requirements of Section 1607.C., per plan, on the following described property:

Lot 6, Block 10, Marion Gardens

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**Case No. 18306**

**Action Requested:**

Variance of the required 25' rear yard to 13'6" to construct a new dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, located 2626 E. 33<sup>rd</sup> Street.

**Comments and Questions:**

Mr. Beach mentioned to the Board that the applicant, Mr. White, called his office requesting the case to be withdrawn. Mr. Beach informed Mr. White that he needed something in writing and he has not received it yet.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **STRIKE** Case No. 18306 from the Agenda.

**Case No. 18307**

**Action Requested:**

Variance of the maximum land coverage of buildings from 30% to 38%. **SECTION 803. BULK AND AREA REQUIREMENTS IN THE CORRIDOR DISTRICT – Use Unit 23**, located 6336 S. 105<sup>th</sup> E. Ave.

**Presentation:**

The applicant, **Ted A. Sack**, 111 S. Elgin, submitted a site plan (Exhibit L-1) and stated that this tract of land lies on the west side of the Mingo Valley Expressway and 65<sup>th</sup> Street. The property has recently been rezoned to Corridor. The plans for the site include RV storage which will be similar to a mini-storage. In corridor zoning there is a unique requirement that you do not have any additional land coverage that exceeds 30%. Mr. Sack stated that they have met with the neighborhood and they are satisfied with the use. Mr. Sack asked the Board to approve 41% instead of the 38% they are advertised for.

**Comments and Questions:**

Mr. Jackere stated that they cannot approve the application for 41% because they are only advertised for 38%. Mr. Sack agreed to accept the approval of the 38% and try to make it work and if it does not, he will file a new application for a variance to 41%.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance of the maximum land coverage of buildings from 30% to 38%. **SECTION 803. BULK AND AREA REQUIREMENTS IN THE CORRIDOR DISTRICT – Use Unit 23**, finding that it meets the requirements of Section 1607.C., subject to Use Unit 23 - storage only, on the following described property:

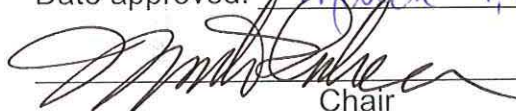
Lots 3 and 4, Block 6, Union Gardens, a subdivision in the NW/4 of Section 6, T-18-N, R-14-E, City of Tulsa, Tulsa County, State of Oklahoma.

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There being no further business, the meeting was adjourned at 3:35 p.m.

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

March 9, 1999

  
Chair

