

Case No. 18237 (continued)

Presentation:

The applicant, **Liz Muratet**, was represented by **Dan Tanner**, Tanner Consulting. Mr. Tanner submitted a site plan (Exhibit A-1) and stated that when they were pricing some of the construction it was discovered that they could move a building and avoid relocating a storm sewer drain and a sanitary sewer and at the same time, pick up ten additional parking spaces.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; Cooper, "absent") to **APPROVE** an amended site plan. **SECTION 1208.D. USE UNIT 8. MULTIFAMILY DWELLING AND SIMILAR USES, Off-Street Parking and Loading Requirements**, on the following described property:

Lot 1, Block 1, Southslope Condominiums, City of Tulsa, Tulsa County, State of Oklahoma.

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COOPER IN AT 1:10 P.M.

Case No. 18445

Action Requested:

Variance of setback from an R District from the required 75' to 25' to permit a warehouse in an IM District. **SECTION 1223.C. USE UNIT 23. WAREHOUSING AND WHOLESALING, Use Conditions – Use Unit 23** and a Special Exception to remove the requirement for screening from an abutting R District which is vacant land on the west property line. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS**, located East 37th Street & Elwood.

Presentation:

The applicant, **Russell Smith**, 10908 South Elgin, Jenks, OK, stated that the application is self-explanatory. There is a vacant lot to the west of this property.

Comments and Questions:

Mr. White asked the applicant what the hardship is on this property? Mr. Smith replied that the only hardship they really have is the requirement of the 75' setback. He needs a variance to 25' in order to construct his business.

Case No. 18445 (continued)

Mr. Dunham mentioned that this area is in transition and is definitely going from residential to industrial.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo White "aye"; "nays", no "abstentions"; no "absent") to **APPROVE Variance** of setback from an R District from the required 75' to 25' to permit a warehouse in an IM District, finding the hardship to be the fact that the neighborhood is in transition. **SECTION 1223.C. USE UNIT 23. WAREHOUSING AND WHOLESALING, Use Conditions – Use Unit 23** and a **Special Exception** to remove the requirement for screening from an abutting R District which is vacant land on the west property line, 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 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS**, on the following described property:

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

NEW APPLICATIONS

Case No. 18450

Action Requested:

Variance of the minimum side yard setback from 10' down to 4'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, located 1522 South Carson.

Presentation:

The applicant, **Robert Shears**, 4829 South 68th East Avenue, submitted a site plan (Exhibit B-1) and stated that the existing house is presently 4' off of the north property line. He would like to extend the house to the west 12'.

Interested Parties:

None.

Case No. 18450 (continued)

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE Variance** of the minimum side yard setback from 10' down to 4'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, per plan submitted, finding the hardship to be that this is an existing house and was built before the Zoning Code, on the following described property:

Lot 5, Block 3, Stonebraker Heights, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18451

Action Requested:

Special Exception to permit church and accessory uses in RS-2 and OL Districts. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5**, located South of SW/c East 51st Street South & South Columbia Place.

Presentation:

The applicant, **Randall Pickard**, 11013 South Memorial, Tulsa, OK, submitted a site plan (Exhibit C-1) and stated that he represents Christ Presbyterian Church. Mr. Pickard mentioned that the church purchased a lot which was already subject to an approved PUD. In 1985, the lot was approved for office use. The church, since the time of purchase, has made improvements to the property and utilizes it for office use. The purpose for this application is to allow the church to use the property for church use, including the office use and some classrooms. The church would like to expand the house 40' to the north. At the time of granting the original PUD in 1985, the property to the north of the subject property, which is zoned OM, had a house on it. There was a condition placed in the PUD for the subject property that there could be no expansion to the north without a change in the PUD. Mr. Pickard mentioned that they believe this use is consistent with the surrounding area. Mr. Pickard explained to the Board that it is the church's intention, upon granting of the special exception, to abandon the PUD.

Comments and Questions:

Mr. Dunham asked Mr. Pickard if the church owns the OM tract? Mr. Pickard replied that the church does own the OM tract.

Mr. Dunham asked the applicant what the days and hours of operation will be on this particular tract? Mr. Pickard replied that the office use will be ordinary office hours for a church. The expansion to the north will allow for a youth meeting room which would primarily be on Sundays.

Interested Parties:

Michael Skaistis, 5132 South Columbia Court, stated the church is already using this building for church use such as Vacation Bible School. Mr. Skaistis mentioned that the existing PUD has a condition that there is to be no new construction. The PUD states that the office use shall be contained within the existing 2,300 square feet. Mr. Skaistis asked if additional parking will be built?

Comments and Questions:

Mr. Beach mentioned to Mr. Skaistis that the church is going to abandon the PUD and its conditions would no longer apply. Mr. Beach set out some suggested conditions of approval in Staff Comments on the Case Report.

Mr. Dunham asked Staff if the applicant is planning on expanding to the north, do they need approval to expand to the north to the OM zoned property? Mr. Stump replied that they can't establish the use there on its own because it does not have one acre of lot area. It is too small for a church use. Mr. White asked if the applicant can do it with a tie contract? Mr. Stump replied if the church had a tie contract, they would be able to expand. If this tract is approved for church use, it needs to be tied to the tract to the north.

Mr. Beach mentioned to the interested party, Mr. Skaistis, that the church has not specifically asked for expansion of the building, they have asked for expansion of the existing church use onto this property. From the site plan, it appears they are going to use the same building without expanding it.

Mr. Cooper asked Staff if the Board changes the use to church use and if the applicant is able to get the Planning Commission to vacate the PUD, then is the applicant permitted to use the property to the fullest extent that church use would allow him to? Mr. Stump replied affirmatively.

Mr. Cooper asked Mr. Pickard what the church's plans for expansion are? Mr. Pickard replied that the plan is to use the property for church uses. The church would like to expand the existing house on the OL zoned property 40' to the north toward the OM tract.

Mr. Pickard agreed to tie all three church lots together. Mr. Beach also suggested the Board require the applicant to come back with a site plan showing the proposed expansion. What was submitted did not indicate any expansion of the existing buildings.

Case No. 18451 (continued)

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE Special Exception** to permit church and accessory uses in RS-2 and OL Districts, 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 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5**, subject to the following conditions: (1) that there be a tie agreement between the subject property, the OM tract to the north and the existing church property to the west; (2) PUD 408 must be abandoned (3) any expansion from the existing facilities would require site plan approval of the Board, on the following described property:

S 200' of N 350' of Lot 2, Bethel Union Heights, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18452

Action Requested:

Variance to permit two dwelling units per lot of record on a 24-acre tract zoned AG and RS-3. Both dwelling units are to be mobile homes. **SECTION 205. NUMBER OF DWELLING UNITS ON A LOT – Use Unit 9**, located 9316 East Mohawk Boulevard.

Presentation:

The applicant, **Delana Kae Junghans**, was represented by **Wendy Demory**, 208 East Dewy, Suite 408, Sapulpa, OK. Ms. Demory submitted a site plan (Exhibit D-1) and stated that this is a 24 acre tract and there is an existing mobile home on the property. They are asking for a variance to allow the other brother to move a mobile home onto the property. Ms. Demory mentioned that adding one mobile home on this property will not change the integrity of the area because the lot is so large.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE Variance** to permit two dwelling units per lot of record on a 24-acre tract zoned AG and RS-3. Both dwelling units are to be mobile homes, finding the hardship to be the size of the lot **SECTION 205. NUMBER OF DWELLING UNITS ON A LOT – Use Unit 9**, on the following described property:

Case No. 18452 (continued)

W/2 SW, NE, NE and S/2 NW, NE less N 10' of E 1570' and less N 50' of W 75',
Section 12, T-20-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 18453

Action Requested:

Special Exception to remove the screening requirement from an abutting R district for a parking lot and abutting apartments in a PUD. **SECTION 504.B. GENERAL USE CONDITIONS IN THE PARKING DISTRICT** and **SECTION 1003.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS – Use Unit 10** and a Variance of the requirement of a 5' landscaped area to 0' from an abutting RS-1 property. **SECTION 1002.A.3. LANDSCAPE REQUIREMENTS, Frontage and Perimeter Requirements**, located East 96th Street South & South Memorial.

Comments and Questions:

Mr. Beach mentioned to the Board that there was an error in the notice and it was incorrectly advertised. The item has been readvertised for the meeting July 27, 1999.

Interested Parties:

None.

Board Action:

The item was stricken from the agenda.

Case No. 18454

Action Requested:

Variance of the required 150' frontage on an arterial street to 133.79' for a lot-split. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 12**, located NW/c East 31st Court & South Memorial.

Presentation:

The applicant, **Jeff Hughes**, was represented by **Steve Schuller**, 500 Oneok Plaza, 100 West 5th Street, Tulsa, OK 74103. Mr. Schuller submitted a site plan (Exhibit E-1) and mentioned that this parcel of land is part of a remnant. It is what is left after the Interchange Center has been divided up, there have been some additional streets dedicated through there. They are trying to do a lot-split on this property with an International House of Pancakes (IHOP) on the northern portion of the tract and a Pizza Hut on the southern portion of the tract. The Pizza Hut tract is the subject of the variance request. Mr. Schuller mentioned that the typical size of the IHOP restaurant requires a larger parking area/tract than the Pizza Hut tract. Staff has suggested that

they just move the property line to the north, then both properties would comply with the frontage requirement. If that were done, then you have to have cross parking agreements between the two properties and a variance application to have parking on a lot other than the lot where the use is and it becomes a more complicated transaction than if you just leave the property line where it is proposed in the lot-split application.

Interested Parties:

John Roy, 9018 East 38th Street, stated that he represents the Fulton Neighborhood Association. Mr. Roy informed the Board that the Association does not oppose the lot-split. Mr. Roy indicated to the Board that the neighborhood is concerned about more signage along this particular stretch of Memorial. Mr. Roy summarized BOA Case No. 17641 and mentioned to the Board that the Association did not oppose that sign. Mr. Roy also summarized BOA Case No. 18444 and mentioned that the Association worked with the applicant and they did not oppose the signage requested. Mr. Roy stated that they do not want any more signage on Memorial Drive. They do not object to a sign being located on 31st Court. Mr. Roy suggested a condition of (Exhibit E-3) that no pole signs be permitted East of the East building setback from Memorial Drive of the proposed building on the southern lot of the lot-split.

Mr. White indicated that the Board is in receipt of one letter of opposition (Exhibit E-2) from a residence at the corner of 31st Court and Memorial. The letter indicates concern about extra traffic, noise, lighting, etc. regarding the location of a Pizza Hut at the corner of 31st Court and Memorial.

Applicant's Rebuttal:

Mr. Schuller stated that signage is not an issue before the Board today. Mr. Schuller does not believe that the traffic flow will be any different than the existing development patterns in the area.

Comments and Questions:

Mr. Stump mentioned that one of the major intents of the minimum lot frontage requirement along arterial streets for commercial is to limit the number of curb cuts along an arterial street, therefore, limiting the number of turning movements that would debilitate the carrying capacity of the arterial. If the proposed site plan is an accurate representation of what they propose to build, they are not proposing any curb cuts on Memorial for Pizza Hut and only one for IHOP. Mr. Stump suggested as condition of approval, no additional curb cuts on Memorial Drive or make it per plan submitted. Mr. Schuller stated that he had no problem with either limitation.

Case No. 18454 (continued)

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE Variance** of the required 150' frontage on an arterial street to 133.79' for a lot split, finding that the variance meets the requirements of Section 1607.C. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 12**, per plan submitted, on the following described property:

A part of Lot 1 and Lot 3 in Interchange Center, an addition to the City of Tulsa, Tulsa County, Oklahoma, being more particularly described as follows: Commencing at the NE/c of said Lot 1, thence S 00°01'30" E, along the E line of said Lot 1, a distance of 357.88' to the point of beginning; thence continuing S 00°01'30" E along the E line of said Lots 1 and 3, a distance of 108.81'; thence S 45°01'01" W a distance of 35.33' to a point in the N right-of-way of E. 31st Ct. S.; thence N 89°56'29" W a distance of 185.00'; thence N 00°01'30" W a distance of 133.79'; thence S 89°56'45" E a distance of 210.00' to the point of beginning.

Case No. 18455

Action Requested:

Variance of parking requirements from 6 to 0 to allow a retail and restaurant use. **SECTION 1212.D. USE UNIT 2. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS, Off-Street Parking and Loading Requirements and SECTION 1213.D. USE UNIT 13. CONVENIENCE GOODS AND SERVICES, Off-Street Parking and Loading Requirements – Use Unit 12 and 13**, located 12660 East 31st Street.

Presentation:

The applicant, **Tong Chon Sin**, was represented by **Marcus Wright**, 4815 South Harvard, Suite 447, Tulsa, OK, 74135. Mr. Wright submitted a site plan (Exhibit F-1) and mentioned that the application pertains to a commercial strip center off of 31st Street. The applicant wants to put in a Korean market. The intention is not to have a typical restaurant use, they will prepare food at the market, it will be sold and taken out of the market and not eaten at the market. Presently there are eight or nine other businesses in the strip center and 75 parking spaces allotted for all of the businesses. Mr. Wright submitted a packet of information to the Board (Exhibit F-2). Mr. Wright mentioned that the area on the site plan marked as vacant was a Korean market for 15 years and recently closed. The proposed Korean market is not a new use for the center, it is basically being moved from one location to another. Mr. Wright mentioned that the hardship is the fact that the building was built in 1957. The property owner has owned the building for about 25 years. The center is unique in the way that it was built and the amount of parking that is permitted there. Parking could not be changed

Case No. 18455 (continued)

because there is a limited amount of space. Mr. Jandaber, the owner of the property, surveyed his tenants about their parking usage. Mr. Wright mentioned that there are no tables and chairs for people to sit down and eat the prepared food. He explained that it is like a deli.

Comments and Questions:

Ms. Turnbo asked the applicant if there are 75 parking spaces available? Mr. Wright replied yes, for the center. Ms. Turnbo mentioned that in the packet provided by the applicant it is showing 128 spaces, where are the 128 parking spaces? Mr. Wright mentioned that Mr. Jandaber could answer that question when he addresses the Board.

Interested Parties:

Doug Jandaber, 7500 East Apache, stated that he is the owner of the property. Mr. Jandaber explained the layout of the strip center and the parking layout. He also explained the nature of each of the businesses and their use of the parking.

Comments and Questions:

Ms. Turnbo mentioned that on the subject property there are 75 parking spaces, is that correct? Mr. Jandaber replied affirmatively.

Mr. Beach asked if the same tenant or a similar use is moving from one space in the center to another? Mr. Jandaber replied that Mr. Moon used to own the same kind of market in space number 11 and 12. Mr. Moon has sold his equipment to Mr. Sin, who was going to continue to operate the business. Mr. Jandaber stated that he opposed the continuation of the Korean market in that location because of the flower shop located next door it. The flower shop was concerned about smell of the Korean food hurting the flowers so Mr. Jandaber agreed to lease the Korean market the space on the end of the center. Mr. Beach asked if the space on the end is the same size as the other location and Mr. Jandaber replied yes.

Mr. Stump asked the applicant how many square feet the proposed Korean market will occupy? Mr. Wright replied about 1,800 square feet.

Mr. Cooper asked Staff when the parking ordinance came into effect? Mr. Stump replied that the current codes dealing with parking came into effect in 1970 but there were some parking requirements prior to that. Mr. Stump suggested that if the Board is inclined to approve this application, that they only approve it for the 36' x 50' area on the end of the center and only for those two uses. Otherwise that would allow a bar to come in later in that same space.

Case No. 18455 (continued)

Mr. Cooper mentioned that there is not a lot of access to the neighborhood. The neighbors appear to be cooperating with the property owner with a quasi parking agreement. It appears that the owner is very conscientious about the types of uses he allows in his center. Mr. Cooper feels the negative thing about the application is that there simply isn't enough parking for the uses.

Mr. Dunham stated that when he first saw the application he was against it because he thought it was a restaurant. Now that he knows it is a Korean market and will not operate as a restaurant, he can support the application. Mr. Dunham also mentioned that he frequents the center on Friday nights to eat at the Mexican restaurant and he has always been able to find a parking spot.

Board Action:

On **MOTION** of **DUNHAM** the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE Variance** of parking requirements from 6 to 0 to allow a retail and restaurant use, finding that the variances meet the requirements of Section 1607.C. **SECTION 1212.D. USE UNIT 2. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS, Off-Street Parking and Loading Requirements and SECTION 1213.D. USE UNIT 13. CONVENIENCE GOODS AND SERVICES, Off-Street Parking and Loading Requirements – Use Unit 12 and 13**, for the easternmost 40' of the center on the condition that this will be a carryout restaurant only, no sit down traffic, on the following described property:

Lot 1, Block 1, Dorothy Jean Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18456

Action Requested:

Special Exception to allow a tent revival in an R zoned district from July 23, 1999 through August 2, 1999. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 2**, located NE/c East Seminole Place & North Cincinnati.

Presentation:

The applicant, **Amos Thompson**, 3929 Sunset, Macomb, Illinois, submitted a site plan (Exhibit G-1), an approval letter from the Tulsa Development Authority (Exhibit G-2). Mr. Thompson stated that he would like to have a tent revival for approximately eight days at the subject location.

Interested Parties:

None.

Case No. 18456 (continued)

Comments and Questions:

Ms. Perkins asked the applicant what time of day will the revival take place? Mr. Thompson replied that it will be from 2:00 p.m. to 4:00 p.m. and then again from 7:00 p.m. to 10:00 p.m. each day.

Mr. White asked how many seats will be provided? Mr. Thompson replied that they will have about 50 seats. Mr. Thompson also noted that the Police Department agreed to patrol the area in conjunction with the event.

Mr. White asked the applicant if there will be a sound system used? Mr. Thompson replied yes and if there are any complaints they will adjust the sound lower. He also stated that the speakers will be located within the tent.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** a **Special Exception** to allow a tent revival in an R zoned district from July 23, 1999 through August 2, 1999, 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 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 2**, subject to there being no loud speakers outside the tent area; per plan submitted; the hours of operation will be from 2:00 p.m. to 4:00 p.m. and from 7:00 p.m. to 10:00 daily, on the following described property:

Lots 14 and 15, Block 10, Meadowbrook Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18457

Action Requested:

Special Exception to permit a 5' wrought iron fence in the required front yard on South Evanston and 50' along East 45th Place. **SECTION 210.B. YARDS, Permitted Obstructions in Required Yards – Use Unit 6**, located 4505 South Evanston Avenue.

Presentation:

The applicant, **Scott A. Horton**, 4505 South Evanston Avenue, submitted a site plan (Exhibit H-1) and photos of the fence (Exhibit H-3).

Mr. White mentioned that the Board is in receipt of a letter of support for the fence (Exhibit H-2).

Case No. 18457 (continued)

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** a **Special Exception** to permit a 5' wrought iron fence in the required front yard on South Evanston and 50' along East 45th Place, 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 210.B. YARDS, Permitted Obstructions in Required Yards – Use Unit 6**, per the existing fence, on the following described property:

N 200' of Lot 13, W 25' of N 200' of Lot 12, Block 4, Villa Grove Park Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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OTHER BUSINESS

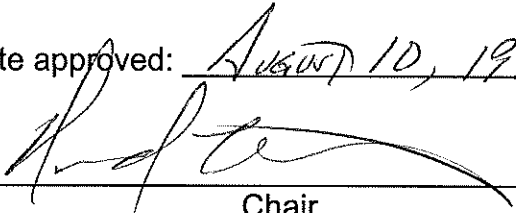
Election of Officers:

On **MOTION** of **PERKINS**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to **ELECT THE FOLLOWING OFFICERS:**

Chairman	David White
Vice Chairman	Monte Dunham
Secretary	Norma Turnbo

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There being no further business, the meeting was adjourned at 2:38 p.m.

Date approved: August 10, 1999

Chair