

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 779
Tuesday, August 24, 1999, 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
Dunham, Vice Chair Perkins Turnbo	Cooper White, Chair	Arnold Beach Stump	Prather, Legal Dept. Ackermann, Zoning Official

The notice and agenda of said meeting was posted in the Office of the City Clerk on Thursday, August 19, 1999, at 8:04 a.m. and an amended Agenda was posted on August 19, 1999, at 11:22 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Vice Chair, Dunham called the meeting to order at 1:05 p.m.

UNFINISHED BUSINESS

Case No. 18451

Action Requested:

Approval of site plan.

Presentation:

The applicant, **Randall Pickard**, was present and asked the Board to approve the presented site plan (Exhibit A-1).

Interested Parties:

None.

Comments and Questions:

Mr. Beach mentioned that a few months ago this case was before the Board seeking approval of church use and the Board approved the use subject to several conditions one being that the applicant must abandon the underlying PUD and submit a site plan if there was to be an expansion of the existing building. There is a plan for expansion and that is the reason for this request.

Case No. (18451)

Mr. Beach informed the Board that Staff has reviewed the site plan and has no concerns.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo, "aye"; no "nays", no "abstentions"; Cooper, White "absent") to **APPROVE** Approval of site plan as submitted, per plan, on the following described property:

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

Case No. 18467

Action Requested:

Variance of the required setback for garages from the street from 25' to 15'. **SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS - Use Unit 6**, located 2200 Block of East 48th Place South.

Presentation:

The applicant, **Michael Dwyer**, 201 West 5th Street, Tulsa, OK, stated that the owners of the property would like to construct a garage 15' from the street.

Interested Parties:

None.

Board Action:

On **MOTION** of **PERKINS**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo, "aye"; no "nays", no "abstentions"; Cooper, White "absent") to **APPROVE Variance** of the required setback for garages from the street from 25' to 15', finding that there are several other garages in the area that meet the same setback. **SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS - Use Unit 6**, on the following described property:

Lot 13, Block 1, Bolewood Place, City of Tulsa, Tulsa County, State of Oklahoma.

NEW APPLICATIONS

Case No. 18485

Action Requested:

Variance of the required setback of 50' from the centerline of Oswego to 35'.
SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6, located 2442 South Oswego.

Presentation:

The applicant, **Allen Bowman**, 3255 South 248 Road, submitted a site plan (Exhibit K-1) and stated that he is the contractor for the homeowner. The homeowner would like to construct a carport.

Interested Parties:

Barbara Gilmore, 5810 South Indianapolis, mentioned that she is a property owner in the neighborhood. Ms. Gilmore is opposed to the carport because of aesthetics and compatibility with the neighborhood. Ms. Gilmore mentioned that the home is only 800 or 900 square feet and the proposed carport will be about 400 square feet. She feels that the carport will make the house look out of balance. Most of the carports in the area are for a single car and they have flat roofs.

The Board is in receipt of one letter of protest (Exhibit K-2).

Comments and Questions:

Mr. Beach informed the Board that the carport is 20' x 20', which is about the size of a standard two-car garage.

Applicant's Rebuttal:

Mr. Bowman mentioned the reason for building the carport is because the elderly woman is handicapped and carries an oxygen tank. Getting in and out of the car in bad weather is hard for her and the carport would help. Mr. Bowman stated that the carport is not an obstruction.

Comments and Questions:

Ms. Perkins mentioned that this carport definitely qualifies as an "integral" part of the house.

Case No. 18485 (continued)

Board Action:

On **MOTION** of **PERKINS**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo, "aye"; no "nays", no "abstentions"; Cooper, White "absent") to **APPROVE Variance** of the required setback of 50' from the centerline of Oswego to 35' subject to the carport not being enclosed, finding the hardship to be that there are similar structures in the area. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6**, per plan submitted, on the following described property:

Lot 3, Block 4, Chandler-Frates Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18486

Action Requested:

Special Exception for a day care in an RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**; a Variance of minimum lot size of 12,000 square feet to 7,500 square feet. **SECTION 404.F. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**; a Variance of street frontage of 100' to 50'. **SECTION 404.F. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**; a Variance of building setback of 25' from an R district to 5' and 20.6'. **SECTION 404.F. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, located 1119 West Newton.

Presentation:

The applicant, **Dorothy L. Flynn**, submitted a site plan (Exhibit D-1) and stated that she would like to run a day care on the property. Ms. Flynn mentioned that she has purchased a building (24' x 68') that will be moved onto the property to be utilized as the day care. Ms. Flynn submitted a petition of support (Exhibit D-2) and letters from her daughter and a neighbor who use the day care (Exhibit D-3). Ms. Flynn owns the property to the east of the lot.

Comments and Questions:

Ms. Turnbo asked the applicant how many children she will have in the facility? Ms. Flynn replied that they may have 25 or 30 children.

Interested Parties:

None.

Comments and Questions:

Ms. Turnbo believes that the lot is too small. There is only 45' in the backyard for the children to play in.

Case No. 18486 (continued)

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo, "aye"; no "nays", no "abstentions"; Cooper, White "absent") to **DENY *Special Exception*** for a day care in an RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**; a **Variance** of minimum lot size of 12,000 square feet to 7,500 square feet. **SECTION 404.F. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**; a **Variance** of street frontage of 100' to 50'. **SECTION 404.F. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**; a **Variance** of building setback of 25' from an R district to 5' and 20.6'. **SECTION 404.F. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, finding that the lot is too small, on the following described property:

Lot 8, less N 150', Block 8, Wah-Sha-She Addition, City of Tulsa, Osage County, State of Oklahoma.

Case No. 18487

Action Requested:

Special Exception to allow a residential use in a CH zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 6**, located 1516 & 1520 South Cincinnati.

Presentation:

The applicant, **Bruce Bolzle**, KMO Development Group, 5550 South Lewis, Suite 301, submitted a site plan (Exhibit E-1) and stated that he has owned this lot for about five years. It has been difficult to find a use for the lot. Mr. Bolzle mentioned that his company is in the process of developing another property which has a surplus of houses and their intention is to move two of the houses to this site and convert them for office use. Mr. Bolzle stated that the reason for the residential use is because they have two options for a building permit; (1) show to the Building Permit office how they will use the homes and present detailed plans for how the homes will be remodeled for office use, or (2) seek a temporary application for residential use and as they find tenants and find how the houses should be redeveloped for office use they would move forward with the commercial application that is allowed by right. Mr. Bolzle indicated that they may lease them as residential until they find an office tenant.

Comments and Questions:

Mr. Stump mentioned that the plan submitted is for office and any approval should not be made "per plan".

Case No. 18487 (continued)

Interested Parties:

Tulia Cardoso, 1311 South Frisco, stated that she is the current President of the Riverview Neighborhood Association. Ms. Cardoso mentioned that she was here to support the residential use in a CH zoned district. Ms. Cardoso is opposed to any commercial use on the property.

Applicant's Rebuttal:

Mr. Bolzle reminded the Board that this area has many varied uses.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo, "aye"; no "nays", no "abstentions"; Cooper, White "absent") to **APPROVE *Special Exception*** to allow a residential use in a CH zoned district, 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 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 6**, on the following described property:

Lots 4 & 5, Block 15, Maple Park Addition, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 18489

Action Requested:

Special Exception to allow an outdoor flea market in a CS zoned district (Use Unit 2). **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 2**, located 6202 South Peoria.

Presentation:

The applicant, **Michael Lawson**, 6202 South Peoria, submitted a site plan (Exhibit F-1) and mentioned that he is the renter of the property. Mr. Lawson explained that when he applied for the Special Exception he applied for a flea market use. After discussion with the South Peoria Neighborhood Watch, the Association will support a farmer's market use on the property. Mr. Lawson asked the Board to change his application to a farmer's market instead of a flea market. Mr. Lawson explained that a farmer's market and a flea market are both classified in Use Unit 2. The market would consist of sales of fruits, vegetables, plants, flowers and Christmas trees.

Comments and Questions:

Ms. Turnbo asked if the notice is still acceptable if he changes to a farmer's market. Mr. Beach believes that it is because both uses are listed under the Use Unit 2 category.

Case No. 18489 (continued)

Ms. Turnbo asked the applicant what the hours of operation will be? Mr. Lawson replied open 8:00 a.m. to 8:00 p.m., Friday, Saturday and Sunday.

Mr. Stump suggested specifically defining what items are to be sold in the market and limiting the approval to only those items.

Mr. Beach mentioned to the Board that the legal description that was submitted covers the entire area shown on the case map. However, there have been some lot splits into smaller tracts and there are other owners of this property. Any approval granted should be limited to the area shown on the site plan.

Mr. Beach informed the Board that the case map and the site plan are oriented exactly opposite. The portion that he is including is everything within the dashed area on the case map except for the northwesterly portion. Mr. Beach mentioned that if East 62nd Place is platted public right-of-way the applicant does not have the right to establish this use within that area without a license agreement from the City.

Interested Parties:

Tom Louis, 5657 South Madison Avenue, stated that he is President of the Riverside South Homeowners' Association. Mr. Louis voiced his objection to the use of the property for a flea market and he objects the use as a farmer's market. He believes that both of these uses will cause traffic problems at the intersection and will decrease property values in the area.

Leslie Todd, 5437 South Cincinnati, stated that she is a member of the Board of the South Peoria Neighborhood Association. Ms. Todd mentioned that they are in support of a farmer's market use on the property. Ms. Todd asked for the Board's help in defining what the market will comprised of.

Stanley Synar, Synar Land Company, 1156 East 61st Street, stated that his office has been across the street from this property for about 12 to 15 years. Mr. Synar informed the Board that East 62nd Place is a public right-of-way. It is a right-of-way into the tract to the west that Mr. Synar owns. It is a concern of his that no business take place on that easement. Mr. Synar suggested to the Board that a continuance will allow the Association and Mr. Lawson more time to work together to better define a farmer's market.

Ms. Turnbo asked Mr. Synar if he would support a time limit such as two or three years to see if the farmer's market will work in this area? He said he could support a time limit.

Case No. 18489 (continued)

Lanny Endicott, 5611 South St. Louis, stated that he is President of South Peoria Neighborhood Association, and they opposed the flea market use. Mr. Endicott met with Mr. Lawson last night and they agree that a farmer's market will help the applicant as well as the neighborhood. He would support a farmer's market type use as long as it was limited to fruits, vegetables, plants, flowers and Christmas trees.

Ms. Turnbo asked Mr. Endicott if he would support a time limit such as two or three years to see if the farmer's market will work in this area? He said he could support a time limit of two years.

Barbara Greenwood, 2112 East 59th Place, stated that she owns Calico Corner Fabric shop across the street. Ms. Greenwood mentioned that she supports a continuance of this application. She feels that a farmer's market would be better than a flea market.

Applicant's Rebuttal:

Mr. Lawson stated that he cannot afford to wait for a two week continuance and would like the Board to make a decision today on the farmer's market.

Comments and Questions:

Ms. Turnbo asked Mr. Lawson if he would agree to a time limit such as two or three years to see if the farmer's market will work in this area? Mr. Lawson replied that a two year time limit would be fine.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo, "aye"; no "nays", no "abstentions"; Cooper White "absent") to **APPROVE Special Exception** to allow an outdoor farmer's market in a CS zoned district (Use Unit 2), limiting the farmer's market to the sale of fruit, vegetables, plants, flowers and Christmas trees. The market can be open Friday, Saturday and Sunday from 8:00 a.m. to 8:00 p.m. and no sales shall take place on the 50' public right-of-way which on the map is designated as East 62nd Place South and this approval is limited to a two year time period and will expire on January 1, 2002, and 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 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 2**, on the following described property:

Lot 1, Block 2, Zandbergen Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18490

Action Requested:

Variance of the required 300' distance from another adult entertainment establishment o 275'. **SECTION 1212a.C. Use Unit 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Use Conditions Use Unit 12a.**, located 3128-3156 South Mingo Road.

Comments and Questions:

Mr. Beach informed the Board that Staff is in receipt of a timely request for continuance (Exhibit B-1). The applicant requested a continuance to September 28, 1999 because of scheduling conflicts with their attorney.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo, "aye"; no "nays", no "abstentions"; Cooper White "absent") to **CONTINUE** Case No. 18490 to the meeting of September 28, 1999.

Case No. 18491

Action Requested:

Variance of landscape and irrigation requirements to substitute existing mature trees. **SECTION 1002. LANDSCAPE REQUIREMENTS - Use Unit 15 & 17**, located 1217 South 129th East Avenue.

Presentation:

The applicant, **Carolyn Harter**, submitted a site plan (Exhibit G-1) and stated that she and her husband own the subject property. Ms. Harter explained that on her site plan, everything in yellow is going to be concrete. She mentioned that there are many existing mature trees on the site. In the third phase of building she will have more landscaping added to the front of the property. Because of the amount of concrete on the property, Ms. Harter feels that there is no place to put any irrigation.

Interested Parties:

Mary Hill, 1115 South 129th East Avenue, stated that she owns the property to the north of Ms. Harter's property and she fully supports this application.

John Roy, 9008 East 38th Street, stated that he represents the East Tulsa Mingo Valley Association. Mr. Roy and the Association support the application. The Board is in receipt of a letter of support (Exhibit G-2).

Case No. 18491 (continued)

Board Action:

On **MOTION** of **PERKINS** the Board voted 3-0-0 (Dunham, Perkins, Turnbo, "aye"; no "nays", no "abstentions"; Cooper White "absent") to **APPROVE Variance** of landscape and irrigation requirements to substitute existing mature trees, finding that the size of the existing trees justifies the variance. **SECTION 1002. LANDSCAPE REQUIREMENTS - Use Unit 15 & 17**, per plan, on the following described property:

N 91.5' of Lot 6 and Lot 7, less W 25' thereof & Lot 8, less the W 25', Block 4, Romoland Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18492

Action Requested:

Special Exception to permit office use in an RM-2 District. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and **SECTION 1211.C.1. USE UNIT 11** and a Special Exception of the screening requirements from an abutting R District on the east and west sides of the property to substitute a decorative iron fence. **SECTION 212. SCREENING WALL OR FENCE**, located 234 West 13th Street.

Presentation:

The applicant, **Robyn Owens**, submitted a site plan (Exhibit H-1) and stated that she and her father own this property which consists of several vacant lots. Ms. Owens informed the Board that they would like to construct a one-story office building of approximately 3,100 square feet in size with appropriate parking. Ms. Owens asked the Board to waive the screening fence on the east and west sides so they may put up a decorative wrought iron fence around the perimeter. The apartment complexes that were previously on the property had various problems and there was a fire in the building. The decision was made to raze the apartment buildings and since that time the property has been vacant.

Interested Parties:

Tulia Cardoso, 1311 South Frisco Avenue, stated that she is the President of the Riverview Neighborhood Association. Ms. Cardoso supports this application for an office use. The property has a view of the freeway and sees no reason to object the application.

Bruce Bolzle, KMO Development Group, mentioned that he sold the Owens family this property and they have struggled for many years to find a use for the property that was compatible with the neighborhood. Mr. Bolzle supports the application.

Case No. 18492 (continued)

Curtis Andrew Beckwith, stated that he owns a home in the Carlton Place Addition. Mr. Beckwith is opposed to the application because of the surrounding residential area. He believes that the lot should be utilized as residential use. Mr. Beckwith feels that more residential areas are needed in the downtown Tulsa area.

Applicant's Rebuttal:

Ms. Owens mentioned that they have tried for a number of years to find an appropriate use for the property.

Board Action:

On **MOTION** of **PERKINS**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo, "aye"; no "nays", no "abstentions"; Cooper, White "absent") to **APPROVE** a ***Special Exception*** to permit office use in an RM-2 District. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS and SECTION 1211.C.1. USE UNIT 11** and a ***Special Exception*** of the screening requirements from an abutting R District on the east and west sides of the property to substitute a decorative iron fence, 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. **SECTION 212. SCREENING WALL OR FENCE**, per plan submitted, on the following described property:

Lots 1, 2 and 3, Block 4, Friend Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18493

Action Requested:

Special Exception to allow a church and accessory uses in an RS-3 District. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5**, located 2135 West 51st Street.

Comments and Questions:

Mr. Beach mentioned to the Board that the applicant submitted a revised site plan the day before.

Presentation:

The applicant, **Paul D. Gunderson**, was represented by **Dennis Woody**, Little and Associates Architects, One Summit Plaza, 5725 South Lewis, Suite 300, Tulsa, OK. Mr. Woody submitted a site plan (Exhibit J-1) and stated that he has been retained by the Carbondale Assembly of God Church to help them rebuild their church which was heavily damaged by a tornado last spring. Mr. Woody mentioned that the church was built in 1966. There are only two portions of the church which have been deemed structurally sound and they are the existing sanctuary and the existing gymnasium. In

the master plan, they have added classroom spaces between the existing sanctuary and the gym. Mr. Woody explained that the church has also expressed a desire to look into future needs. On the plan is a future 1,500 seat sanctuary and additional classroom facility. Currently, the church is entered through the residential neighborhoods off of 50th Street. The new plan will have access from 51st Street South. The new site plan allows parking for approximately 500 cars which is sufficient for the square footage of the sanctuary shown. Mr. Woody explained that the church wishes to present the entire master plan at this time so the church can begin raising the funds and look toward the future.

Interested Parties:

Ms. Turnbo mentioned that the Board is in receipt of several letters in opposition to the amphitheater and the access through the neighborhood (Exhibit J-2).

Robin Edwards, 2140 West 49th Street, stated that he lives directly behind the church. Mr. Edwards is concerned about the old plan showing the outdoor amphitheater. After reviewing the new plan, Mr. Edwards is in support of the application.

Comments and Questions:

Mr. Beach mentioned that the site plan many of the protestors have been exposed to has been discarded. The new proposal does not include any outdoor pavilion or amphitheater. Mr. Beach also mentioned that all access into the neighborhood has been deleted and the only access to the site is through 51st Street.

Interested Parties:

Kathy Burr, 2306 West 46th Street, stated that the property abuts the church. Ms. Burr is concerned about the construction supplies. Mr. Dunham replied that it will have to be kept on their property.

Phil Taylor, 3319 South 72nd West Avenue, stated that he is the Pastor of Carbondale Assembly of God. Mr. Taylor mentioned that the church is trying to be good neighbors and welcomed the neighbors to come visit the property and the church anytime.

Comments and Questions:

Mr. Beach asked Mr. Woody how far into the future does he expect to begin on Phase II and Phase III? Mr. Woody replied that it depends upon the growth of the church and how fast they can raise the funds for the expansion. Pastor Taylor estimated about three or four years from now. Mr. Beach suggested that the Board focus on Phase I only and then the church can come back for Phase II and Phase III as the need arises.

Mr. Beach asked how many square feet are in the existing sanctuary? Mr. Woody estimated about 8,000 square feet. The new sanctuary will have 15, 907 gross square feet and the parking requirement is 455 parking spaces and the site plan shows 500 parking spaces.

Case No. 18493 (continued)

There was discussion about whether or not to approve all three phases or just one phase at a time and additional discussion about various aspects of the plan.

Mr. Prather reminded the Board that the only thing before them today is a special exception to allow a church and accessory uses in an RS-3 district.

Board Action:

On **MOTION** of **PERKINS**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo, "aye"; no "nays", no "abstentions"; Cooper, White "absent") to **APPROVE** a **Special Exception** to allow a church and accessory uses in an RS-3 District, 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 all the requirements of the Zoning Code and per conceptual site plan, on the following described property:

The SE/4 of the SW/4 of the SE/4 of Section 27, T-19-N, R-12-E, less the N 142.54' of the E 25' thereof, City of Tulsa, Osage County, State of Oklahoma.

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Case No. 18494

Action Requested:

Special Exception to allow a fire station in an RS-3 and OL zoning districts. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and **SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS – Use Unit 4** and a Waiver of the screening requirement on the NW/c of the property. **SECTION 212.C. SCREENING WALL OR FENCE, Modification of the Screening Wall or Fence Requirement**, located NE/c 15th Street & South College.

Presentation:

The applicant, **J. D. Turner**, was represented by **Paul Mattke**, City of Tulsa, Public Works Department. Mr. Mattke submitted a site plan (Exhibit I-1) and stated that the City of Tulsa would like to construct a fire station on the property.

Interested Parties:

None.

Comments and Questions:

Ms. Turnbo asked the applicant to explain the request of the waiver of the screening requirement. Mr. Mattke stated that they plan to screen the north property line and about 100' of the east property line. Mr. Beach mentioned that he believes that the application may be confusing. The requirement is for screening along the north property line and partially along the east and west sides. The property is abutted entirely by residential uses.

Mr. Mattke explained to the Board that it appeared to them that there needed to be a short piece of fencing along the west property line between the driveway and the northwest corner. The space is about 15' in length and they prefer not to screen that space because it will block sight lines coming out of the driveway.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo, "aye"; no "nays", no "abstentions"; Cooper, White "absent") to **APPROVE** a **Special Exception** to allow a fire station in an RS-3 and OL zoning 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** and **SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS – Use Unit 4** and a Waiver of the screening requirement along the west property line where it would interfere with the driveway. **SECTION 212.C. SCREENING WALL OR FENCE, Modification of the Screening Wall or Fence Requirement**, per plan submitted, on the following described property:

Lots 25-32, Block 8, Rosemont Heights, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18495

Action Requested:

Special Exception to allow a fire station on RM-1 and RS-3 zoned property. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 4**, located NE/c E. 15th St. & S. 73rd E. Ave.

Presentation:

The applicant, **J. D. Turner**, was represented by **Paul Mattke**, submitted a site plan (Exhibit C-1) and stated that the City of Tulsa would like to construct a fire station on the subject property.

Case No. 18495 (continued)

Interested Parties:

Kathy Seibert, 1510 South 75th East Avenue, stated that the fire station is located across the street from her house. Ms. Seibert mentioned that a meeting was held with the Moeller Heights Neighborhood Association. The Association is in support of the fire station. Their only concern is that the design of the fire station building will blend in with the neighborhood.

Comments and Questions:

Ms. Turnbo asked Mr. Mattke if there will be a community room in the fire station? Mr. Mattke replied no.

Ms. Turnbo asked the applicant if the structure will be constructed out of brick? Mr. Mattke replied that it will be brick.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo, "aye"; no "nays", no "abstentions"; Cooper, White "absent") to **APPROVE** a **Special Exception** to allow a fire station on RM-1 and RS-3 zoned property, 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 4**, per plan submitted, on the following described property:

All of Lots 10, 11, 12, 13, 14, 15 and 16 and the S 15' of Lot 9, Block 13, Eastmore Park Addition to the City of Tulsa, Tulsa County State of Oklahoma and less a portion of Lot 13, Beginning at the SW/c of said Lot 13; thence N 15'; thence SE 21.21'; thence W 15' to the point of beginning.

Case No. 18496

Action Requested:

Variance of parking requirements to permit a retail use in a CH district. **SECTION 1213.D. USE UNIT 13. CONVENIENCE GOODS AND SERVICES, Off-Street Parking and Loading Requirements - Use Unit 13, 14**, located 3415 South Peoria Avenue.

Presentation:

The applicant, **Jeff Levinson**, 35 East 18th Street, Tulsa, OK, submitted a site plan (Exhibit L-1) and stated that the space in question is 1,760 square feet located at 35th and Peoria. The space is in the same building currently occupied by Sharky's. This application does not affect Sharky's even though they are in the same building. Mr. Levinson mentioned that the space has been used for the past 15 years as a photo studio. The studio has moved out and the client is in the process of renovating the

Case No. 18496 (continued)

space to lease it out for retail use. Mr. Levinson informed the Board that there is on premises shared parking with Sharky's. There are approximately 26 or 27 parking spaces. Mr. Levinson explained that the nature of the two business would be compatible in their hours to share parking. The retail use would be open primarily during daytime hours and Sharky's primary business is done in the evening.

Comments and Questions:

Ms. Perkins asked Mr. Levinson what the hours of operation for the retail use will be and Mr. Levinson replied that will be a general retail use and will not stay open late.

Mr. Beach mentioned to the Board that Sharky's was granted a reduction in their parking to an unspecified number. They probably have a requirement greater than 27 and we can assume that all 27 parking spaces are delegated to Sharky's. This application will be for a reduction of whatever the requirement is down to zero spaces. The applicant's justification to allow that would be that there is shared parking. They occupy their spaces at different hours. Mr. Beach also pointed out that in the approval of the Sharky's parking (Case No. 16611) it was specified that the hours of operation will be Sunday through Thursday 10:00 a.m. to 12 midnight and weekends 10:00 a.m. to 2:00 a.m.

Mr. Stump mentioned that this is a nonconforming use as a photography studio which is a Use Unit 11. That use requires 1 space for every 300 square feet of floor area but it was established before there were parking requirements so there are no parking requirements for this space. The applicant would like to switch to a use that would typically require one space per every 225 square feet. Mr. Stump pointed out that the applicant would like to continue to operate with the same parking requirement (zero spaces) as the photography studio.

Mr. Dunham stated that this is a building that was existing before the parking requirements. If the Board took a hard and fast stand and decided not to grant the variance, then the building cannot be used. Mr. Stump mentioned that the applicant can continue to use the building within the same Use Unit 11. They could put in a doctor's office without requiring any parking. Mr. Stump suggested that if the Board is inclined to approve this application, they should exclude a tanning salon use because it has a higher parking ratio of 1 space to 150 square feet.

Interested Parties:

The Board is in receipt of several protest letters (Exhibit L-2).

Case No. 18496 (continued)

Board Action:

On **MOTION** of **PERKINS**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo, "aye"; no "nays", no "abstentions"; Cooper, White "absent") to **APPROVE** a **Variance** of parking requirements to permit a retail use in a CH district, finding the hardship to be the fact that the building existed prior to the establishment of parking requirements. **SECTION 1213.D. USE UNIT 13. CONVENIENCE GOODS AND SERVICES, Off-Street Parking and Loading Requirements - Use Unit 13, 14**, subject to Use Unit 13 and Use Unit 14 uses only and exclude tanning salon use, on the subject 1,760 square feet of the existing building, on the following described property:

E 95' of Lots 1 and 2 and the N 50' of the W 70' of Lot 2, Block 2, Oliver's Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18497

Action Requested:

Variance of the required frontage in an IL District to 0'. Access to be provided by access agreement. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS**, located South of the SW/c of East 56th Street South & South Garnett Road.

Presentation:

The applicant, **William E. Buffington**, submitted a site plan (Exhibit M-1) and stated that the parcel they are seeking a variance on is a 5 acre tract that has 330' of frontage on Garnett and 58th Street. Mr. Buffington mentioned that there is a drainage creek that separates the front of the tract from the rear. A few years ago the owners of the two properties agreed to give up 30' and make a City Street. However, that agreement was never formalized. The applicant would now like to complete the street and split tract 3 (see Exhibit M-1-site plan).

Comments and Questions:

Mr. Stump stated that he is concerned about putting in a private street without a planned unit development and it now appears the applicant is going to build a subdivision without any street frontage.

Mr. Stump stated that approving a plat with a private street outside of a PUD would be very difficult. A development of industrial uses such as this needs to be on a public street. Mr. Buffington mentioned that the City feels that they cannot build another public street there and they cannot accept the existing street as a public street because it was not built under the inspection of the City. Mr. Stump stated that it is one thing to have a single lot in the back with a 30' access on it but if it is going to be divided into six lots it needs to meet the subdivision regulations and have frontage on a public street.

Case No. 18497 (continued)

Interested Parties:

None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo, "aye"; no "nays", no "abstentions"; Cooper, White "absent") to **DENY** a **Variance** of the required frontage in an IL District to 0'. Access to be provided by access agreement. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS**, on the following described property:

S/2, NE/4, SE/4 less the W/2, S/2, NE/4, SE/4, Section 31, T-19-N, R-14-E,
City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18498

Action Requested:

Request for refund.

Comments and Questions:

Mr. Beach mentioned to the Board that Staff recommends a full refund. The application was filed and it was determined that the relief was not needed.

Board Action:

On **MOTION** of **PERKINS**, the Board voted 3-0-0 (Dunham, Perkins, Turnbo, "aye"; no "nays", no "abstentions"; Cooper, White "absent") to **APPROVE** a full refund of fees in Case No. 18498.

There being no further business, the meeting was adjourned at 3:15 p.m.

Date approved: SEPTEMBER 14, 1999



Chair