

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 780
Tuesday, September 14, 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 |
|---|-----------------------|--------------------------|---|
| Cooper Dunham, Vice Chair Perkins Turnbo White, Chair | | Arnold Beach Stump | Prather, Legal Dept. Parnell, Neighborhood Insp. Ackermann, Zoning Official |

The notice and agenda of said meeting was posted in the Office of the City Clerk on Thursday, September 9, 1999, at 1:05 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chair, White called the meeting to order at 1:03 p.m.

MINUTES:

On **MOTION** of **TURNBO**, the Board voted 4-0-1 (Dunham, Perkins, Turnbo, White "aye"; no "nays", Cooper, "abstentions"; no "absent") to **APPROVE** the Minutes of July 27, 1999 (No. 777).

MINUTES:

On **MOTION** of **TURNBO**, the Board voted 4-0-1 (Dunham, Perkins, Turnbo, White "aye"; no "nays", Cooper, "abstentions"; no "absent") to **APPROVE** the Minutes of August 10, 1999 (No. 778).

MINUTES:

On **MOTION** of **TURNBO**, the Board voted 4-0-1 (Dunham, Perkins, Turnbo, White "aye"; no "nays", Cooper, "abstentions"; no "absent") to **APPROVE** the Minutes of August 24, 1999 (No. 779).

UNFINISHED BUSINESS

Case No. 18478

Action Requested:

Variance to allow a structure in the planned right-of-way at 25' instead of the required 35'. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS**, located 2404 East 27th Place.

Presentation:

The applicant, **John S. Cowen**, 2404 East 27th Place, mentioned to the Board that he was granted a variance on the height of his fence last month and he is now requesting a variance to allow the structure to be setback to 25'. Mr. Cowen mentioned that when he bought the property several months ago, there was a fence located approximately in the same location. They hired an architect and builder to redesign the house. The new fence is made out of brick and is complete. The architect did drawings on the project and they were granted a building permit. The way the house is designed and constructed, if the wall is moved back to 35' it would not allow cars to back out or get into the garage. It would force cars to back out onto Lewis. Mr. Cowen does not feel like the wall, as constructed, presents any hazards or obstructions. Mr. Cowen stated that the fence is similar in construction and location to others up and down Lewis. Mr. Cowen asked the Board to allow him to leave the wall where it has been constructed on the property line.

Comments and Questions:

Ms. Turnbo asked the applicant what his building permit is for, a house or a wall? Mr. Stump stated that last time he was here, Kurt Ackermann, Zoning Official, stated that the applicant was given a building permit to remodel the house. Mr. Cowen mentioned that the building plans given to Mr. Ackermann showed constructing a new fence/wall.

Mr. Dunham mentioned that he has driven this area several times and the applicant's wall appears to stick out further than any other wall. Mr. Cowen mentioned that the old fence was probably setback about 4' further back than his wall.

Interested Parties:

Curtis Holdridge, 2724 South Lewis, stated that he lives across the street from the applicant. Mr. Holdridge mentioned that he has lived at his present address since 1986 and the stretch of Lewis from 31st Street to 21st Street is a race track and there are accidents all the time on Lewis. It is very difficult to get onto Lewis from the side streets. Mr. Holdridge mentioned that the subject wall limits the visibility of a car entering onto Lewis from 27th Place.

Margaret Holdridge, 2724 South Lewis, feels that a wall being constructed up against a sidewalk does not look nice and does not give a person on a bicycle any place to go if a car gets to close to them. Ms. Holdridge stated that this wall is dangerous to the public.

Applicant's Rebuttal:

Mr. Cowen agreed that Lewis is dangerous and that is why they feel it is important to have a wall to protect their family as they play. Mr. Cowen submitted photos (Exhibit A-1) looking down Lewis from 27th Place. He stated that even though some of the neighbor's fences do not protrude into the right-of-way, there are many trees, shrubs and bushes that do and they also block lines of vision. Mr. Cowen mentioned that he would enter into an agreement with the City that he will remove the wall if the right-of-way needs to be utilized.

Comments and Questions:

Ms. Turnbo asked if the applicant received a notice from Mr. Ballentine about the wall? Mr. Cowen replied that he did receive a notice from Mr. Ballentine, Neighborhood Inspections. Mr. Ballentine notified the people who were working on the house that there is an 8' height restriction on the wall and that they would need a variance on the height of the wall. Mr. Cowen asked Mr. Ballentine if he had been ordered to stop construction on the wall and Mr. Ballentine replied that he had not. Mr. Cowen asked his builder if he stopped construction on the wall, what the costs would be and the least expensive way to go was to finish construction of the wall and if need be, cut two feet off the top of the wall. At that time, Mr. Ballentine made no mention of the fact that there was a location problem. He was not made aware of the location problem until the last hearing.

Mr. White asked Mr. Cowen if the wall was constructed in accordance with the site plan? Mr. Cowen replied that he believes it was. Mr. White asked about the drive area, it appears, on the site plan, that the drive-way does not go up to the wall and there is room to move the wall back. Mr. Cowen stated that the drive area does go up to the wall. It was determined that the entire area between the garage and the wall is paved.

Mr. Stump asked the applicant if his builder submitted construction plans for the wall to be approved by an engineer? Mr. Cowen replied that he did not know, but he had the plans with him. Mr. Stump asked if there is a detail of the wall in the plans. Walls over 4' in height have to be approved structurally. After reviewing the site plan with Staff it was determined that the drawings of the wall were in the approved site plan packet.

Mr. Dunham stated that he is opposed to the wall being in the present location but he is sympathetic because the applicant did go through the proper procedures to get the wall approved.

Mr. Stump mentioned to the Board that the applicant has offered to sign a removal contract with the City of Tulsa.

Case No. 18478 (continued)

Ms. Turnbo sympathizes with the applicant but cannot approve the wall in the present location. The only way she could compromise on the application is with a removal contract.

Mr. Beach reminded the Board that if they are inclined to approve the application, there is still a requirement to have a hardship.

Mr. White asked Legal if the permit process was flawed does the Board need to take that into consideration? Mr. Prather, City Legal Department, mentioned that it does not have any bearing on the decision before the Board today. The decision is whether or not to grant the variance requested.

Mr. Cooper commented that the Board probably never would have approved the wall prior to it being built. Mr. Cooper stated that this is a very dangerous stretch of road. The fact that the City approved the plans should not influence the Board's decision. Mr. Cooper feels that there is not a hardship on the property. Ms. Turnbo agreed with Mr. Cooper.

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 Variance** to allow a structure in the planned right-of-way at 25' instead of the required 35'. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS**, finding that there is no hardship on the property, on the following described property:

Lot 3, Woody Crest Subdivision, Lot 7, Block 3, City of Tulsa, County of Tulsa, State of Oklahoma.

NEW APPLICATIONS

Case No. 18488

Action Requested:

Variance of the required parking from 285 spaces to 173 spaces to permit the expansion of a sanctuary to 9,954 square feet for Parkview Baptist Church. **SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Off-Street Parking and Loading Requirements - Use Unit 5**, located 5805 South Sheridan.

Case No. 18488 (continued)

Comments and Questions:

Mr. Beach informed the Board that he is in receipt of a letter from the applicant indicating that he would be out of town and requested a continuance. The request was timely and new notice has been sent out for October 12, 1999.

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 **CONTINUE** Case No. 18488 to the meeting of October 12, 1999.

Case No. 18499

Action Requested:

Variance of the required setback from 40' to 30' to allow a structure in the planned right-of-way. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS - Use Unit 11**, located 1307 South Boulder Avenue.

Presentation:

The applicant, **Richard Craig**, submitted a site plan (Exhibit B-1) and mentioned that his client received a variance a few months ago for a setback of 32' for a small sign that identifies their building on 13th and Boulder. Mr. Craig stated that the sign has been installed at the 32' site and there is not enough visibility. His clients are asking to move the sign to a 30' setback for more visibility.

Comments and Questions:

Ms. Turnbo asked Mr. Craig if he would agree to a removal contract with the City and Mr. Craig agreed to that condition of approval.

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 setback from 40' to 30' to allow a structure in the planned right-of-way, finding that the hardship meets the requirements of Section 1607.C. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS - Use Unit 11**, subject to a removal contract, on the following described property:

Lots 7, 8, 9, 10, 11, and 12, less that part of Lot 12, beginning at the NW/c, thence S 10', thence NE 12.24', thence W 7' to the point of beginning, all in Block 5, Horner Addition Amended to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18500

Action Requested:

Variance of the required 60' setback from the centerline of Memorial to 56'. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs – Use Unit 12 OR** an interpretation of the centerline of right-of-way of Memorial, located 3150 South Memorial.

Comments and Questions:

Mr. Beach informed the Board that Mr. Tomlinson made his request for continuance yesterday. Mr. Tomlinson is out of town and requested a continuance to the meeting of October 12, 1999.

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 **CONTINUE** Case No. 18500 to the meeting of October 12, 1999.

Case No. 18502

Action Requested:

Special Exception of the all-weather, dust free (all weather surface) parking for two years on a nonconforming car lot. **SECTION 222. MOTORIZED VEHICLES - Use Unit 17**, located 251 North Memorial.

Presentation:

The applicant, **F. L. Bertwell**, 251 North Memorial, submitted a site plan (Exhibit C-1) and stated that he has been at the current location selling cars for about 40 years. Mr. Bertwell mentioned that there used to be a hard surface on the property many years ago but it has been torn up by all the cars and he has never replaced it. Mr. Bertwell informed the Board that he would like to cut back his business and work part-time.

Comments and Questions:

Mr. White asked the applicant if he planned on paving the property? Mr. Bertwell replied that he would have to pave the property but he had to get rid of his cars before he could do that.

Mr. White asked Staff about the applicant parking in front of the building line. Mr. Beach mentioned that the Board could grant the applicant a special exception to allow him to park on a non all-weather surface if the cars are parked behind the building line. If he wants to park cars in front of the building line he would need to apply for a variance. Mr. Beach mentioned that the building line is 95' from the centerline of the Memorial Drive right-of-way.

Case No. 18502 (continued)

Interested Parties:

Councilor Roscoe Turner, District 3, informed the Board that he is opposed to this application.

Applicant's Rebuttal:

None.

Comments and Questions:

Ms. Turnbo asked the applicant how long it would take him to get rid of a majority of the cars and how many cars does he want to sell when he goes part-time? Mr. Bertwell replied that he has been trying to get rid of the cars for several weeks. He does not know how long it will take. He would like to keep 20 to 30 cars. Mr. Bertwell currently has over 100 cars on his property.

Ms. Turnbo suggested giving the applicant some time to get rid of the cars such as one year.

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*** of the all-weather, dust free (all weather surface) parking for one year on a nonconforming car lot, 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 222. MOTORIZED VEHICLES - Use Unit 17**, subject to all the cars being located behind the building setback lines, on the following described property:

Lot 10, Block 1, Mingo Heights, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 18503

Action Requested:

Variance of the required yard abutting a public street from 35' to 25' to construct a patio cover on rear of dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6**, located 2917 East 101st Place South.

Presentation:

The applicant, **James A. Medico**, 2917 East 101st Place South, submitted a site plan (Exhibit D-1) and photos (Exhibit D-1) and mentioned to the Board that he would like to extend the existing concrete slab by six feet and construct a patio cover/porch on the back of his house. Mr. Medico informed the Board that the patio cover will be a wood frame structure with shingles tied into the existing roof.

Comments and Questions:

Ms. Turnbo asked the applicant if the lot is 70' x 125'? Mr. Medico replied yes. The patio will extend no further to the north than the existing concrete slab. The six feet will be added to the left of the existing slab.

Mr. White mentioned that this is one of the only houses backing 101st Place that does not have some sort of a rear porch.

Mr. Cooper asked the applicant what his hardship is and he replied that he is bordered on two sides by a street and it limits him on his back yard setback line.

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** of the required yard abutting a public street from 35' to 25' to construct a patio cover on rear of dwelling, finding the hardship to be that the property is bounded by streets on two sides. **SECTION 403. BULK AND AREA REQUIRMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6**, per plan submitted, on the following described property:

Lot 24, Block 1, Delaware Pointe, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18504

Action Requested:

Appeal of an Administrative Official's determination that existing garage apartment is not a lawfully nonconforming use. **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL – Use Unit 6 OR** in the alternative a Variance to permit two dwelling units on one lot of record. **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** and a Variance of land area per dwelling unit from 8,400 SF to 3,864 SF. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, located 1908 South Yorktown.

Presentation:

The applicant, **Lawrence D. Taylor**, 3223 East 31st Street, Suite 211, submitted a site plan (Exhibit E-1) and an information packet (Exhibit E-1). Mr. Taylor mentioned that he is the attorney for the property owner, Vern Kitz. Mr. Taylor informed the Board that Mr. Kitz is an investor and purchased the property one year ago to use as a rent house. One of the reasons he purchased this property is because of the garage apartment that could also be rented. Mr. Taylor mentioned that the Assessor's records show the garage apartment having 560 square feet of living space and an attached garage. It did not appear to Mr. Kitz when he purchased the property that the apartment had not been lived in recently but no one knows how long ago it was lived in. Mr. Kitz renovated the main building and the garage apartment so he could rent the buildings out. Mr. Taylor mentioned that Ms. Parnell's violation notice is for Mr. Kitz not obtaining a zoning clearance permit. Mr. Kitz does not feel that he structurally altered the garage apartment or changed the use. He did take off the garage door and replace it with a wall and a window. Mr. Kitz is appealing the decision of the Administrative Official on the basis that he does not feel he structurally altered the building.

Comments and Questions:

Mr. Dunham mentioned that he drove the neighborhood and he asked the applicant if they are aware of any other garage apartments being utilized in the same way? Mr. Taylor replied that there are several. **Mr. Vern Kitz**, addressed the Board and informed him that he spoke to the President of the Yorktown Neighborhood Association to make sure he was following all the rules. He informed Mr. Kitz that there are numerous garage apartments in the neighborhood including one in his backyard.

Ms. Turnbo asked the applicant if he appeared before the Tulsa Preservation Commission for a COA? Mr. Kitz replied that he did not need to because he wasn't changing anything that would require that approval.

Mr. Stump asked the applicant if the garage apartment was vacant when he purchased the property? Mr. Kitz replied that it was vacant. Mr. Stump inquired as to whether or not the applicant had any evidence as to when it was last occupied. Mr. Kitz does not. Mr. Stump stated that if the garage apartment has not been occupied in the last three years then it loses its non-conforming status.

Ms. Turnbo asked the applicant if he spoke to Ms. Parnell? Mr. Kitz replied that he did and he informed her that he did not think anyone has lived there for 8 or 9 years.

Mr. White asked Staff if the term "garage apartment" hold any significance? And what happens when a person encloses the garage part of the "garage apartment"? Mr. Stump replied that the term "garage apartment" does not exist in the Code. It is either a dwelling or an accessory building.

Ms. Parnell informed the Board that the reason she submitted the map showing other properties with rear dwelling units is because all of them have been assigned house numbers by Doris Murphey with House Numbering of the City of Tulsa. Ms. Parnell stated 1908 South Yorktown has never been assigned a separate house number for a rear dwelling.

Interested Parties:

Eve O'Kelley, 1909 South Yorktown, mentioned that she lives directly across the street. Ms. O'Kelley submitted five letters from neighbors (Exhibit E-4) attesting to the fact that the building has not been lived in for the last three years.

A petition from neighbors was submitted as Exhibit E-3.

Sherry White, 1518 South Gillette, stated that she currently serves on the Tulsa Preservation Commission (TPC). Ms. White informed the Board that the area from 15th to 21st and Lewis to Utica is all zoned Historic Preservation (HP) and is comprised of the Yorktown and Gillette Historic Districts. These houses were constructed from 1910 through the 1940's. Ms. White mentioned that it was common at that time and in that part of town to build "quarters". It was not a garage apartment. "Quarters" were a sleeping room with a bathroom. There was no kitchen because they were made for the household help who used the kitchen in the house. At that time, the family probably only had one car and the household help did not own cars. Ms. White stated that the "quarters" did not add to the traffic and parking problems on the narrow streets in these neighborhoods. Ms. White mentioned that this property did not need a COA because the TPC does not have purview over garages.

Applicant's Rebuttal:

Mr. Kitz mentioned to the Board that the property was an eyesore and he bought the property with the intention of fixing it up and using it as rental property. Mr. Kitz explained to the Board that he poured a new driveway and even added some space to it. He understands that parking is a problem.

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 **UPHOLD** Administrative Official's determination that existing garage apartment is not a lawfully nonconforming use. **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL – Use Unit 6 AND DENY a Variance** to permit two dwelling units on one lot of record. **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** and a **Variance** of land area per dwelling unit from 8,400 SF to 3,864 SF, finding that it will be injurious to the neighborhood. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, on the following described property:

Case No. 18504 (continued)

Lot 8, Block 4, Woodward Park Addition, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 18505

Action Requested:

Special Exception to permit a private school through 5th grade in an RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5**, located 3501 East 30th Street North.

Comments and Questions:

Mr. Beach informed the Board that Mr. Beck's request for continuance was timely. Mr. Beck requested the continuance to the meeting of September 28th, 1999.

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 **CONTINUE** Case No. 18505 to the meeting of September 28, 1999.

Case No. 18506

Action Requested:

Variance of the required 100' setback from the centerline of East 21st Street to 75'. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS - Use Unit 11** and a Variance of one-story height limitation to permit a two-story building. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS**, located NE/c Birmingham & East 21st Street South.

Presentation:

The applicant, **Roy D. Johnsen**, 201 West Fifth Street, Suite 501, Tulsa, OK 74103, submitted a site plan (Exhibit F-1) and indicated that he represents Clark Brewster, the owner of the subject property. It is Mr. Brewster's intent to construct his law office at this location. Mr. Johnsen informed the Board that there is an existing two story office building on the subject property and submitted photos of the property (Exhibit F-2). This property was platted in the early 1940's and the depth of the property is 141' north and south. Mr. Johnsen made reference to a previous Board case (BOA 3918; 9/12/62). The existing building is approximately 12,000 square feet. The new site plan proposes to remove the existing building and construct a new building. The existing building is 25' from the right-of-way of 21st Street. Mr. Johnsen pointed out that there is a two story building located down the street and further to the east is a five story building that is closer to 21st Street. Mr. Johnsen stated that the proposed

building setback is consistent with what exists in the area. There are two one-story wings coming out of the principal orientation of the building. The two story portion will be located in the center of the building. On the two wings there will not be a second story window but in the middle of the building there will be windows that will overlook a landscaped courtyard. The setback of the second level from the property line is 40'. The structure will be residential in style with a pitched roof. Mr. Johnsen suggested that if the Board is inclined to approve the application, they approve it conceptually and that minor variations may occur in the actual, precise location of the building, subject to Staff review and substitution of a revised site plan. However, the setbacks shown on the submitted site plan will not be altered. Mr. Johnsen informed the Board that there are interested parties to the application and the architect has explained the building concept to them.

Interested Parties:

Marilyn Hall, 2618 East 20th Street, stated that her property abuts this building. Ms. Hall mentioned that the proposed building will be much nicer than what is there now. Her main concern is about the windows on the back of the building. Ms. Hall indicated that her backyard is directly behind the two story area. Ms. Hall asked the Board to either not allow any windows on the second story or regulate where they can be placed.

Marilyn Scott, 2608 East 20th, mentioned that her property also abuts the subject property. She agreed with Ms. Hall in that the proposed building will be a great improvement over what is there now. Ms. Scott is concerned about fence replacement, demolition of the old building and drainage.

Applicant's Rebuttal:

None.

Comments and Questions:

Mr. Cooper asked Mr. Johnsen if the owner of the building would be willing to eliminate or change the windows on the back or is this the full extent of what he would be willing to do? Mr. Johnsen replied that where the "U" shape is it is an essential design element to have windows in the southernmost portion of the "U" area. They would like to retain the windows.

Mr. Johnsen mentioned that the grade of the property slopes from the north property line south towards 21st Street. The neighbors' properties are at a higher grade than the proposed building.

Mr. Stump mentioned that the new building will have to comply with current landscaping requirements.

Case No. 18506 (continued)

Mr. Cooper asked Mr. Johnsen what the hardship is on the variance of the one-story height limitation? Mr. Johnsen replied that the historical use of the property is relevant. The current structure is two-story and was approved by the Board in 1962. The building immediately to the east is two-story. There is another building further to the east that is five story. There is no uniform zoning pattern or building height pattern in the immediate area.

Ms. Turnbo mentioned that she does not have a problem with the application. Mr. Dunham stated that it is a vast improvement over what is currently on the property.

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 **Variance** of the required 100' setback from the centerline of East 21st Street to 75'. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS – Use Unit 11** and a **Variance** of one-story height limitation to permit a two-story building, finding that the hardship meets the requirements of Section 1607.C.. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS**, per conceptual plan submitted with the conditions that the windows on the second story (north side of the building) be limited to the area immediately south of the courtyard and that the area be a minimum of 43' away from the north property line and minor variations to this plan can be approved by Staff; there shall be no alteration of the setback and there shall be a minimum 10' strip of landscaping on the north side, on the following described property:

Lots 8 through 11, Block 1, Booker's 2nd Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18507

Action Requested:

Variance of the maximum sign display surface area from 56.9 square feet to 156 square feet. **SECTION 602. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS - Use Unit 11**, located 10830 East 45th Street South.

Presentation:

The applicant, **Oklahoma Neon**, was represented by **Ralph Zigler** who submitted a site plan (Exhibit G-1) and sign plan (Exhibit G-2). Mr. Zigler mentioned that Oklahoma Neon is representing Progressive Auto Insurance who is requesting a variance of the maximum sign display surface area. Mr. Zigler submitted two color digitally enhanced photos of the building (Exhibit G-3). Mr. Zigler reminded the Board that in 1998 there was a variance approved by the Board for Phoenix University. The approved variance was for letters to be placed on the building wall on the adjacent

tract. The subject tract is Tract B. The subject lettered sign is in keeping with the simple Phoenix University signage. The signage is illuminated at night. Mr. Zigler informed the Board that the sign consists of individual letters that are flush mounted to the brick wall and project five inches off the wall.

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 **Variance** of the maximum sign display surface area from 56.9 square feet to 156 square feet, finding that the hardship meets the requirements of Section 1607.C. **SECTION 602. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS - Use Unit 11**, per plan submitted, on the following described property:

Part of Lots 2 and 3, Block 2, Towne Centre II, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, more specifically described as follows, to-wit: **Tract A:** Commencing at the SE/c of said Lot 2; thence N 56°39'34" W a distance of 284.94' to the point of beginning; said point being on the Sly boundary of Lot 2; thence N 19°39'20" E a distance of 65.88'; thence N 15°37'28" E a distance of 300.00'; thence N 74°22'36" W a distance of 35.00'; thence N 15°37'28" E a distance of 110.00'; thence N 51°27'39" W a distance of 71.76'; thence N 09°15'46" E a distance of 0.00'; thence NEly along a curve to the right, with a radius of 204.55'; a distance of 78.54'; thence N 36°59'29" E a distance of 129.56'; thence N 37°00'03" E a distance of 2.50'; thence N 51°22'31" W a distance of 89.68'; thence NWly along a curve to the right with a radius of 651.73', a distance of 2.32'; thence S 38°48'42" W a distance of 21.20'; thence N 68°22'17" W a distance of 0.00'; thence Wly along a curve to the left with a radius of 482.98', a distance of 189.56' thence S 89°08'29" W a distance of 10.00'; thence Wly along a curve to the right, with a radius of 566.38', a distance of 177.93'; thence N 72°51'31" W a distance of 135.27'; thence S 17°08'29" W a distance of 130.00'; thence S 52°07'28" a distance of 120.67'; thence S 37°52'32" E a distance of 489.96'; thence S 46°16'09" E a distance of 313.83'; thence S 56°39'34" E a distance of 50.00' to the point of beginning and **Tract B:** Commencing at the SE/c of said Lot 2, said point being the point of beginning, and being on the Sly boundary of Lot 2; thence N 56°39'34" W a distance of 284.94'; thence N 19°39'20" E a distance of 65.88'; thence N 15°37'28" E a distance of 300.00'; thence N 74°22'36" W a distance of 35.00'; thence N 15°27'28" E a distance of 110.00'; thence N 51°27'39" W a distance of 71.76'; thence N 09°16'05" E a distance of 0.00'; thence NEly along a curve to the right having a radius of 204.55', a distance of 78.54'; thence N 36°59'29" E a distance of 129.56'; thence N 37°00'03" E a distance of 2.50'; thence S 51°22'31" E a distance of 115.24'; thence S 00°05'29" W a distance of 774.40' to the point of beginning

Case No. 18508

Action Requested:

Variance of setback from the centerline of 32nd Place from 50' to 35'. **SECTION 1302. SETBACKS**, located East of Harvard, South side of East 32nd Place.

Presentation:

The applicant, **James C. Healy**, submitted a site plan (Exhibit H-1) and stated that he is an architect representing the owner of the property, Tulsa City/County Library System. The subject parking lot is going to be utilized as additional parking for the Schusterman Benson Library which is directly north of this site. Mr. Healy explained to the Board that they are requesting a setback from 50' to 35'.

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 **Variance** of setback from the centerline of 32nd Place from 50' to 35' finding the hardship to be the existing zoning pattern and the existing uses adjacent to the property. **SECTION 1302. SETBACKS**, on the following described property:

Lot 13, Shafer Heights Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18509

Action Requested:

Variance of maximum display surface area of a sign from 150 square feet to 307 square feet. **SECTION 604. SPECIAL EXCEPTION USES IN OFFICE DISTRICTS, REQUIREMENTS – Use Unit 5** and a Variance of the requirement of constant light to allow an electronic message center. **SECTION 604. SPECIAL EXCEPTION USES IN OFFICE DISTRICTS, REQUIREMENTS**, located 7800 South Lewis.

Comments and Questions:

Mr. Beach informed the Board that the legal description is in error and the case cannot be heard today. Mr. Beach explained that the legal description does not describe the area where the sign is to be located. Mr. Ward agreed that the legal description is not for the sign location. He agreed to a continuation of the case.

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 **CONTINUE** Case No. 18509 to the meeting of October 12, 1999.

Case No. 18510

Action Requested:

Special Exception to allow a church in an IL zoned district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 2** and a Variance for parking from 35 to 14. **SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES**, located 5424-CD South Mingo Road.

Presentation:

The applicant, **James B. Keil**, was represented by Richard Ready, 2907 South Narcissus Place, Broken Arrow. Mr. Ready submitted a site plan (Exhibit I-1) and mentioned that he is a member of the Cedar Heights Covenant Church. Mr. Ready mentioned that they have been leasing space from Union Public Schools and it is time for them to move into a full-time facility. There are several churches in the immediate area. The church is proposing to lease a facility on 32nd and Harvard. The churches parking needs will be in the evenings and on Sundays. During those times, the rest of the center is vacant.

Comments and Questions:

Mr. Dunham asked the applicant what the days and hours of operation of the church will be? Mr. Ready replied that the most parking usage will be on Sunday morning from 8:00 a.m. until 1:00 p.m. and again on Sunday evening. There will be some youth meetings in the evenings during the week that usually start about 6:30 p.m.

Mr. Dunham asked what the facility would be used for during the week? Mr. Ready answered that it will be utilized for the church office by the pastor and church secretary. There are no plans for a nursery or daycare at this facility. Typical Sunday School uses are to be included.

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 church in an IL zoned district subject to the church use being defined as worship service and would exclude any daycare or private school uses. The daycare/private school uses would require additional relief, 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 – Use Unit 2** and a **Variance** for parking from 35 to 14 subject to the church use taking place on Saturday and Sunday and weekday evenings after 6:00 p.m. and any other times the facility will be used for church offices, finding that the hardship meets the requirements of Section 1607.C. **SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES**, on the following described property:

Case No. 18510 (continued)

Lots 1, 2, and 3, Block 2, of 5300 Commerce Park, an addition to the City of
Tulsa, Tulsa County, State of Oklahoma.

There being no further business, the meeting was adjourned at 3:03 p.m.

Date approved: SEPTEMBER 28, 1999



Chair

