

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 795
Tuesday, May 9, 2000, 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
Cooper
Turnbo
White, Chair
Perkins

Beach
Butler

Prather, Legal
Ackermann,
Zoning Official

The notice and agenda of said meeting was posted in the Office of the City Clerk on Thursday, May 4, 2000, at 12:41 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 1:00 p.m.

*****.

MINUTES:

On **MOTION** of **Turnbo**, the Board voted 4-0-0 (Dunham, Turnbo, White, Perkins "aye"; no "nays"; "no abstentions"; Cooper "absent") to **APPROVE** the Minutes of March 28, 2000 (No. 792).

UNFINISHED BUSINESS

Case No. 18712

Action Requested:

Special Exception pursuant to the provisions of Section 902 allowing the office use of the recreational vehicle trailer for the lessee's business operations. SECTION 902. ACCESSORY USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 23; and a Special Exception pursuant to the provisions of Section 222 permitting a gravel surface on the drive, which serves the recreational vehicle trailer/office. SECTION 222. MOTORIZED VEHICLES, located at 2315 N. Yale Ave.

Presentation:

Mr. Beach stated that Mr. LaFortune made a timely request for continuation to May 23, 2000, to determine the exact relief needed.

Case No. 18712 (continued)

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **CONTINUE** Case No. 18712 to hearing on May 23, 2000.

Lots 1 and 2, Block 1 and Lot 5, Block 2, S R Lewis Addition to the City of Tulsa, Tulsa County, Oklahoma

*****.

Case No. 18737

Action Requested:

Variance of required parking on lot containing use to allow parking to be provided on another lot. SECTION 1301.D. GENERAL REQUIREMENTS – Use Unit 5; and a Special Exception for a cultural facility in an IM zoned district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS, 1414 E. 4th St.

Presentation:

Mr. Beach stated that a new notice is needed for this case. He suggested that if the Board is inclined to continue this case that they leave the date unspecified at this time and let the new notice announce the date.

Interested Parties/Protestants:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **CONTINUE** Case No. 18737 to an unspecified hearing date, on the following described property:

Lot 8 & part of Lot 9, Block 19, Lynch & Forsythe's Addition, City of Tulsa, Tulsa County, State of Oklahoma, Beg. NE/c; thence Wly .32 Sly to point on SL Ely .14 Nly to the POB

*****.

Case No. 18727

Action Requested:

Special Exception for light office use in an RM-1 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 11, East of Indianapolis on south side of E. 33rd St.

Case No. 18712 (continued)

Presentation:

Mr. Beach stated that this case needs to be stricken from the agenda, as the legal description was incorrect and it will need to be re-advertised.

Board Action:

No Board action needed, case is stricken from the agenda.

*****.

Case No. 18734

Action Requested:

Variance of the required setback for garages from 25' to 20'. SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS – Use Unit 6; and a Variance of required rear yard of 15' to 10'. SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS, NE/c E. 49th St. & S. Yorktown Ct.

Presentation:

Mr. Beach stated that the applicant has withdrawn the application.

Board Action:

No Board action needed.

*****.

Case No.18718

Action Requested:

Special Exception to permit auto sales in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS; a Variance to permit open-air storage or display of merchandise offered for sale within 300' of an adjoining R district. SECTION 1217.C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions; a Variance of required all-weather surface for off-street parking. SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS; a Variance of off-street parking setback from the centerline of abutting street within 50' of an R district. SECTION 1302. SETBACKS; and a Special Exception to modify screening fence requirement from an abutting R district. SECTION 1217.C. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions and SECTION 1228.E. USE UNIT 28. JUNK AND SALVAGE YARDS, Screening Requirements, located at 3813 N. Lewis.

Presentation:

Ray Bates, 6330 N. Utica, spoke on behalf of the applicant, **Carl W. Ecker**, because Mr. Ecker is hard of hearing. Mr. Bates stated that the original application to the Board of Adjustment was submitted for auto sales on a 2.23-acre tract at

Case No. 18718 (continued)

3813 N. Lewis. He stated that this property and the property to the north of it have been used for automotive related businesses since 1948. He stated that Mr. Ecker desires to have auto sales on the frontage and to use the rear portion for storage and salvage parts. He added the Mr. Ecker went to the City of Tulsa to get a permit for auto sales, and occupancy use, and salvage in the rear. Mr. Bates submitted a packet of information and photos to the Board (Exhibits A-1, A-2).

Mr. Cooper arrived.

He stated the applicant has done a lot of clean-up, repaired privacy fences, roofed the building, repaired the parking area, painted the front of building and continues to improve the property.

Comments and Questions:

Mr. Ackerman stated that the rear of the property is considered to be grandfathered in after annexation as a non-conforming use for auto salvage without any further action of this Board. He stated that the front portion of the property would need a Special Exception for auto sales.

Interested Parties:

None.

Comments and Questions:

Mr. Beach stated that this property is a lawfully non-conforming salvage yard, but there are some other things that need to come into compliance with a change of use. He stated that the Comprehensive Plan designates this as a sensitive area that needs to be cleaned up and discourages the establishment of any other salvage yards or similar types of uses. He indicated that auto sales would probably be an improvement.

Board Action:

On **MOTION** of **Cooper**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit auto sales in a CS district, for a period of five years; a **Variance** to permit open-air storage or display of merchandise offered for sale within 300' of an adjoining R district, finding the hardship to be that this has been a legal non-conforming use as a salvage yard; a **Variance** of required all-weather surface for off-street parking, for five years, same hardship as above; a **Variance** of off-street parking setback from the centerline of abutting street within 50' of an R district, for a period of five years, and same hardship as above; and a **Special Exception** to modify screening fence requirement from an abutting R district, with condition that fence must be immediately constructed on the east property line, and that if the use on the north property line changes from a salvage yard that at

Case No. 18718 (continued)

that point a screening fence be provided on the north property line, for a period of five years, on the following described property:

N/2 S/2 NW SW SW and N .29' of E 200' of a tract beg. 726' N of SW/c SW SW, thence E 250' N 100' W 250' S 100' to POB less W 50' and E 25' thereof for road, Section 17, T-20-N, R-13-E containing 2.216 acres, City of Tulsa, Tulsa County, State of Oklahoma

*****.

Case No.18728

Action Requested:

Amend previous conditions established by BOA 17544 limiting length of stay for RVs to 48 hours to allow length of stay of up to 96 hours and the requirement that a screening fence be installed separating the residence to the east to waive required screening. SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 2, located SW/c E. 7th St. & S. Garnett.

Presentation:

Dan Frietus, 1309 N. 78th E. Ave., stated that Moose International has changed their agenda. He informed the Board that they have extended their quarterly conferences to include Thursday, Friday, Saturday and Sunday, and therefore they are asking for 96 hours. Mr. Frietus, stated that they in no way want to make an RV-lot on the property, they just want to be able to use it when they have their functions for people coming from out of town in RV's.

Comments and Questions:

Mr. Dunham asked the applicant how many functions they have in a year. Mr. Frietus replied that they have four legion celebrations, plus their spring and fall conferences. Mr. Dunham asked if the residence adjacent to the east, which is on the RD zoned property belongs to the Moose Lodge. Mr. Cooper asked when the scheduled activities are throughout the year. Mr. Frietus replied that they have activities scheduled in January, February, April, July, September, October and December, but only four are held in Tulsa. He stated that the February and September activities are definite dates for Tulsa. Mr. Dunham asked if known dates are January, April, July, October and December are known dates with one of them not in Tulsa. Ms. Turnbo asked if they have seven electrical hook-ups, as allowed in the 1996 Board of Adjustment action. Mr. Frietus responded in the affirmative. She also asked about the wording regarding a maximum of ten hook-up sites. Mr. Frietus stated that on the north lot there are ten electrical boxes, and each box has two hook-ups, which would allow twenty motor homes to connect to electricity. Mr. Frietus added that there is space for twenty motor homes to park, but some of them use their own generators.

Interested Parties:

Robert Johnson, 704 S. Garnett, stated that he lives in the house on the corner adjacent to the property. He stated that he has never seen a problem on the property. He added that the largest number of RV's he has counted at one time was thirteen.

Comments and Questions:

Ms. Turnbo mentioned a comment from the 1996 minutes of the previous case that stated occasionally a member would visit the lodge on their way through town. Mr. Frietus stated that it is true that a member may make an overnight stay on occasion.

John Roy, 9018 E. 38th St., stated he was representing the East Tulsa Mingo Valley Association, and that they oppose the application to extend the activities from 48 hours to 96 hours. He stated that the neighbors do not want the appearance of an RV park. He also added that the Lodge is a well-maintained property, and if they own the property on the corner, then the neighbors see no need for the screening fence. Mr. Roy indicated that the neighborhood association would have one condition to request, that if the occupancy of the property changes that no more RV's be allowed on the property (Exhibit B-1).

Applicant's Rebuttal:

Mr. Frietus stated that Moose International owns the property, and they have no intention of making it an RV park. He pointed out that there are no public water or toilet facilities available, and no one other than members may use the facility to park an RV, and the RV's can only be parked on the black-top.

Comments and Questions:

Ms. Turnbo commented that in the minutes of the previous action, the Lodge was required to put up a screening fence, and it was not constructed. Mr. Frietus apologized, stating that he overlooked that requirement when he heard a Board member comment that a fence would spoil the property and the view. Discussion by the Board ensued.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a request to Amend previous conditions established by BOA 17544 limiting length of stay for RVs to 48 hours to allow length of stay of up to 96 hours not to exceed the six events of the year, including the third weekend in February, the third weekend in September, and a weekend in four of the five months of January, April, July, October and December; at any other time than those scheduled events the 48 hour stay would apply; any motor home or recreational vehicle must be parked on the hard-surfaced area; and to **WAIVE** the requirement for a screening fence between the paved area and the existing RD zoned area.

Case No. 18728 (continued)

N 317.5' of Lots 24 & 25, Block 2, East Eleventh Park Subdivision and Lot 1 less E 162.0', Block 2, East Eleventh Park Subdivision, City of Tulsa, Tulsa County, State of Oklahoma

*****.

Case No.18729

Action Requested:

Variance of required livability space from 4,000 square feet to 3,100 square feet. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6; and a Variance of rear yard coverage from required 20% to 53%. SECTION 210.B. YARDS, Permitted Obstructions in Required Yards, located 2507 E. 17th Pl.

Presentation:

Donald L. Barkman, 5210 S. 74th St. E. Ave., stated he is an agent for the owner of the property, Tom Drummond. He submitted a letter from Mr. Drummond (Exhibit C-7).

Comments and Questions:

Mr. Cooper asked Mr. Barkman if he saw the staff comments. Mr. Barkman replied that he had not seen them. Mr. Cooper informed him that there were a number of questions regarding the dimensions the applicant provided to the staff. Mr. Beach explained that the zoning map based on the county assessor's record shows the property to be 150' deep north and south, but the applicant's site plan only shows it to be 130.2' deep. Mr. Beach asked what happened to the extra 20' and where would it be on the plan, and it raises the possibility that no relief is needed. Mr. Barkman stated that the extra footage would be out front, because the garage is definitely five feet from the rear property line. Mr. White read the letter submitted by the applicant, which stated that the purpose would be to eliminate parking one car on the street and one on the driveway. Ms. Perkins questioned why the garage would be 18' x 40'. Mr. Barkman explained that because the shape of the yard and a tree, the only way to build was to make it long enough to park two cars end to end instead of side by side. Mr. White asked how he would access the garage. Mr. Barkman replied that he purchased an easement from the neighbor to the west to come in from Atlanta Street to the garage. Mr. White asked if he is aware of the 24' storm sewer easement with the 54' storm sewer in place across the back of the property. Mr. White stated that the proposed garage plans would place it about halfway into it. Mr. Barkman stated that this was not addressed by the City at any time during the application process.

Interested Parties:

Carol Lambert, 2508 E. 17th St., stated that her property is directly north of the property in this case and her fence is the one that would be five feet from the garage. She submitted photos (Exhibit C-8) of homes in the Lewiston Gardens neighborhood; most of them with one car attached or detached garages, built in the 1930's. She stated that a structure using 53% of the rear yard is excessive, when the code only allows 20%. She also mentioned concern for water drainage during heavy rains, since some neighbors already have some trouble with storm water drainage. She submitted a petition signed by about 26 neighbors, and letters of protest from other neighbors and the neighborhood association president (Exhibits C-1, 2, 3, 4, 5, and 6).

Marilyn Spencer stated that she owns the property to the east of the subject property. She stated that the applicant has already built around the deck and added a bedroom at the back. She made it known that she is opposed to this application.

Kirby McAlester, 2514 E. 17th St., stated he lives immediately adjacent to the subject property to the northeast. He described the neighborhood as quaint, with small homes built in the late 1930's on narrow, deep lots. He believes that this application would be a detriment to the neighborhood.

Applicant's Rebuttal:

Mr. Barkman stated that the applicant just wants a garage in the back and the measurements on the site plan are accurate.

Comments and Questions:

Ms. Perkins continued to question Mr. Barkman about the size of the proposed structure. She asked him if Mr. Drummond plans to use the garage for anything other than park his cars. Mr. Barkman stated the he would store a mower and other yard equipment in there.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** the request for a Variance of required livability space from 4,000 square feet to 3,100 square feet, and a Variance of rear yard coverage from required 20% to 53%, finding it would be detrimental to the neighborhood, on the following described property:

Lot 7, Block 2, Lewiston Gardens 2nd Addition, City of Tulsa, Tulsa County, State of Oklahoma

*****.

Case No.18732

Action Requested:

Variance to permit a wall sign to extend above the top of the parapet or building wall on which it is located. SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs – Use Unit 21, located NE/c E. 21st St. & Sheridan.

Presentation:

Don Haslam, 502 W. 6th St., came representing Neighborhood Financial Centers (NFC), the sub-lessee of the applicant Trans American Stores. He submitted a clearer site plan (Exhibit D-1, 3) with photos (Exhibit D-2). He pointed out that the main problem was that the sign cannot be seen as well because of the setback from the street and the property dips down away from the street.

Interested Parties/Protestants:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** to permit a wall sign to extend above the top of the parapet or building wall on which it is located, per plan submitted, which shows it would extend three feet above the existing wall, finding the hardship to be the distance of the building from Sheridan and 21st Street, and the elevation change, for the following described property:

Part of Lots 1 and 3, Twenty-First and Sheridan Center, more particularly described as follows: Beg. at a point 290' N of the SW/c of said Lot 3; thence N 00°08'45" E along the W line of said Lot 1 335'; thence due E 700'; thence S 00°04'45" W 625' to a point on the S line of said Lot 1; thence due W along said S line 177'; thence N 21°55'37" E 140.14'; thence due W 207'; thence S 00°08'45" W 110'; thence due E 10'; thence S 00°08'45" W 20' to a point on said S line; thence due W along said S line 51'; thence N 00°08'45" E 130'; thence due W 225'; thence N 00°08'45" E 160'; thence due W 100' to the POB, containing 355,913 SF or 8.17 acres, more or less, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No.18733

Action Requested:

Special Exception to reduce the number of required off-street parking spaces. SECTION 1408.B.4. NONCONFORMITIES; ADULT ENTERTAINMENT ESTABLISHMENTS; and a Variance from the required spacing from another similar establishment. SECTION 1212a.C.3.c. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Use Conditions, located at 5989 E. 25th Pl.

Presentation:

Stephen Schuller, 500 OneOk Plaza, 100 W. 5th St., came on behalf of R & M Music Company for a bar known as "The Living Room", at 5989 E. 25th Pl. The bar has existed for 25 to 30 years. He stated that when the owner applied for the certificate of occupancy to renew their liquor license, the City Zoning Officer identified two deficiencies, prompting these requests for relief. Mr. Schuller stated that his client measured the distance from the front of the subject business to the bar in the strip mall, and found it to exceed 300'. (Exhibit E-1) site plan was submitted.

Mr. Schuller stated that he just received the letter (Exhibit E-3) from Gary Watts, City Councilor to the Board stating concern that there is not a buffer between the two establishments. Mr. Schuller disagreed, pointing out that there is an automotive or tire store facility between the two buildings and the third bar is a couple of doors down within a strip center, making the strip shopping center a buffer. He also showed on the aerial photo that the street access to his client's bar is on 25th Place, the street access to the other bar is on Sheridan Road. Mr. Schuller mentioned that the letter also implied that there is a concentration of adult entertainment establishments in the area, but he knows of no others than these two and they are separated by the required 300'.

Mr. Schuller informed the Board that the subject structure is a 2400 square foot building with a small deck at the rear, and 22 instead of the 33 required parking spaces on the property. Mr. Schuller stated the property is only a quarter of an acre, and 22 spaces is all that will fit on that property, because of the way the building is situated, there is no way to re-arrange it to make more space. This is a neighborhood bar, and some of the traffic is walk-ins from the residential neighborhood, which somewhat reduces the need for parking spaces. There is not much traffic on the street or in this fairly small bar. Nothing is being added that would increase traffic or intensity of use.

Comments and Questions:

Mr. Cooper asked if the bar has been in business continuously for 25 years. Mr. Schuller replied that he could not guarantee that it has had the same name, but it has been in business as a bar for 25 to 30 years.

Interested Parties:

Gary Watts, 1564 S. Gillette, stated he is a City Councilor representing District IV. He stated that he did provide a letter to the Board because he did not know if he would be able to attend the hearing. He also provided a letter that was unsolicited from Charlene Stanford regarding this case. Councilor Watts stated that the reasons for opposition stated in Ms. Stanford's letter are exactly the reasons that the City Council passed the ordinance in 1993 restricting the footage between such an establishment and a residential district. He mentioned that a grace period was

set for such bars to come into compliance and those that did not comply were closed. He stated that the fact that this bar has not been sited before should not deprive this particular neighborhood from the relief that they are entitled to under the ordinance. He pointed out that this establishment abuts to a residential side yard and the property is very narrow. He observed that there is not any unusual topography or physical feature in this case that would buffer or discourage the unwanted traffic between the two bars or that kind of interaction with the residential neighborhood.

Jim McDougal, 5961 E. 25th Pl., submitted a colored map (Exhibit E-2) to the Board, and reviewed the identifying colors on it. He stated that the bar has been opened and closed numerous times and has not been in continuous operation. He added that the neighborhood has had to put up with loud music that vibrates their doors and windows. He stated that one bar owner, when asked to turn down the music, turned it up instead. He added that the bar patrons ignore the no parking signs. He indicated that when they park in the no parking area, it becomes a one-lane street that might not permit a fire truck to pass through if there was an emergency. He told the Board that the bar patrons park in nearby business lots, trash the area with litter, cause vandalism and fights, make tire tracks in residential yards. He stated that the 5900 block is a long block that stretches from Joplin to Sheridan, and there is already a serious traffic and speeding problem. He submitted several letters of protest from neighbors (Exhibits E-3 through E-13).

Comments and Questions:

Mr. Cooper asked Mr. McDougal if there was ever a three-year period of time when the bar was closed down. Mr. McDougal could not recall that happening. Mr. White asked if the noise was coming from outside speakers or coming from the inside of the bar. Mr. McDougal replied that it was coming from inside with the doors closed.

Dave Palmer, 5982 E. 25th St., stated that his house backs up to the bar. He stated that he has grandchildren at his house and he does not feel that the language used and the fighting is appropriate for his grandchildren. He informed the Board that over the past seven to ten years in this location he has had to contact the police regarding the noise about five to seven times per year; and he considers that to be a waste of the police department's energy. He stated his desire for the Board to deny this application.

Ruby Hammonds, 5968 E. 25th St., stated that her concern is the parking on the street and the loud noise.

Applicant's Rebuttal:

Mr. Schuller stated he was unaware of the complaints from the neighbors. He indicated that small neighborhood bars tend to close and reopen under new

management fairly frequently. He stated that there has not been a parking problem, and if that should occur there are traffic ordinances and nuisance ordinances that can address noise problems.

Comments and Questions:

Mr. Cooper asked if Mr. Schuller withdrew the request for a variance from the required spacing. Mr. Schuller replied that he withdrew that request because they determined that the two bars were spaced more than 300' from each other. Mr. White asked why the request was made. Mr. Schuller responded that he filed the request based on the indication from Mr. Ackerman that there was less than 300'. Mr. White asked Mr. Ackerman what he based his information on. Mr. Ackerman replied that the information usually comes from a report from INCOG or from Code Enforcement.

In the Board's discussion Mr. White pointed out that there were around twenty letters of protest from the neighbors and one very descriptive letter from the business across the street describing problems caused by the bar patrons. Ms. Perkins suggested that when the ordinance changed in 1993, the somehow this bar was overlooked. Mr. Cooper stated that he heard the neighborhood complaints; and if the bar owner is allowing littering, excessive noise, and lewd behavior, that they should be fined. If the patrons are trespassing there should be punishment. He agreed that the neighbors should not have to put up with those violations of ordinances. Mr. Cooper stated that he also opposes regressive zoning that would punish lenders, bankers, and financial partners, when they have relied upon a City Zoning Code to make an investment. He described it as an unfunded-mandate. He reminded the Board that the bar has been open for 25 – 30 years and not closed for any three-year period of time. Ms. Turnbo added that if they rely on the police to deal with each complaint, the offender would be gone before the police could arrive.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 4-1-0 (White, Dunham, Turnbo, Perkins, "aye"; Cooper "nay"; no "abstentions"; no "absences") to **DENY** a **Special Exception** to reduce the number of required off-street parking spaces, finding it would not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public welfare, for the following described property:

The W 90' of Lot 2, Block 1, Bicking Terrace Addition, City of Tulsa, Tulsa County, State of Oklahoma

*****.

Ms. Turnbo out at 3:20 p.m.

Case No.18736

Action Requested:

Special Exception to permit church and church accessory uses (parking lot) in an RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, located at 1325 E. 49th St.

Presentation:

Stephen J. Olsen, 324 E. 3rd St., stated he is an architect, representing the Church of St. Mary. He stated the church possesses ownership of Lots 5, 6, 7, and 8, which have rental houses. He added that the church is trying to acquire Lots 9 and 10, and on Lot 11 is an existing office annex for the church. He informed the Board that the houses have deteriorated and problems with tenants frequently moving in and out. He explained that parking has been an issue because of overcrowding on the weekends when they have special events, causing congestion in the streets. Mr. Olsen stated that the church would be willing to landscape, screen and secure the parking area to provide safe entrance into the church for evening events and clear up some of the parking problems on the street.

Protestants:

Donna Nerio, 1317 E. 49th Street, stated that she lives next door to the rental houses. She stated that though she understands the need for more parking, she is concerned about the security problems for her own home, privacy and the effect it would have on her property value. She explained that people use that street to take a shortcut from the bank parking lot and the street signal light also.

Interested Parties:

David Paddock, 1101 E. 34th Street, stated he is the Vice President of zoning for the Brookside Neighborhood Association. He stated that he thought he had checked with the neighborhood thoroughly and that there were not any neighbors that were concerned about this case. Mr. Paddock added that Mr. Olsen assured him that there would be proper landscaping, screening, and lighting. Mr. Paddock stated that regarding ingress and egress, Mr. Olsen explained that it would be from Quaker.

Applicant's Rebuttal:

Mr. Olsen responded that as for security he hopes it would be improved when they add the screening and landscaped buffer. The access to the parking lot will be controlled with the use of a gate.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** to permit church and church accessory uses (parking lot) in an RS-3 district, with the condition that the gate to Quaker be open only during church activities, all lighting on parking lot be directed away from the existing residences,

Case No. 18736 (continued)

and all landscapes, setbacks, spacing and screening requirements be met, finding it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood on the following described property:

Lots 5-8, Block 17, Bellaire Acres Second, City of Tulsa, Tulsa County, State of Oklahoma

*****.

Case No.18738

Action Requested:

Special Exception to reduce the number of required off-street parking spaces. SECTION 1212a.D. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Off-Street Parking and Loading Requirements – Use Unit 12a; and a Variance from the required spacing from another similar establishment. SECTION 1212a.C.3.c. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Use Conditions, located at 2114 S. Memorial Dr.

Presentation:

Stephen A. Schuller, submitted a site plan (Exhibit F-1) for the subject property with a bar called TNT's. Mr. Schuller stated that the business has been in operation under various names for the last fourteen years. He added that the first certificate of occupancy was obtained in 1986. At the most recent application for occupancy the zoning official noted two deficiencies of off-street parking spaces and a 300' spacing issue. Mr. Schuller described the dimensions of the strip shopping center, and the number of parking spaces required.

Mr. Schuller further stated that another bar is located from nearest building wall to nearest building wall, in a straight line is 54' away. He stated that there is a strip center facing 21st Street with a bar that is one or two doors from the east end of that strip center, and by a straight line it is only 54' from the subject bar. Mr. Schuller stated that the bar on the subject property has been there for 14 years, and expects that the bar on 21st Street has been there many years and there is no record of complaints about these two establishments. Mr. White noted that there were no interested parties for this case today. The neighborhood association behind this property has not offered any opposition.

Comments and Questions:

Mr. Cooper asked Mr. Schuller for an estimate of the distance to walk from door to door of these bars. Mr. Schuller described the way the buildings were situated so that the businesses opened facing different streets but the distance from door to door would still be less than 300'.

Interested Parties:

None.

Case No. 18738 (continued)

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** to reduce the number of required off-street parking spaces from 28 to 24, on the condition that the parking lot of the entire center on Memorial be joined together with a tie-agreement of all the Lots, finding that it 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; and a **Variance** from the required spacing from another similar establishment, finding the hardship is that the Lot does face Memorial and the other one on 21st Street and have existed for 14 years, for the following described property:

Lots 3 - 7, Block 18, a Re-subdivision of a Part of Lot 1, Block 11, Michael Heights Extended Addition, City of Tulsa, Tulsa County, State of Oklahoma

*****.

Case No.18740

Action Requested:

Minor Variance of side yard requirement in an RM-2 district of 10' down to 7'.
SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located at 5354 W. 12th St.

Presentation:

The applicant, **Howard Rowland**, 5354 W. 12th, stated that he would like to add a bathroom to the back of the house, because that is the only place where it could be added.

Comments and Questions:

Mr. Dunham asked the applicant if the plan submitted is the exact one he intends to use. The applicant replied that it is.

Interested Parties:

None.

Board Action:

On **MOTION** of **Dunham**, the Boar voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Minor Variance** of side yard requirement in an RM-2 district of 10' down to 7', finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, for the following described property:

This property is located: 5354 West 12th Street. Legal Description: Lot 12, Block 2, Cunningham Addition, City of Tulsa, Tulsa County, State of Oklahoma

Case No.18748

Action Requested:

Minor Special Exception to approve an amended site plan, previously approved in Board of Adjustment case number 17699, on 4/22/97. SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS – Use Unit 12a, located at 520 E. 3rd St.

Presentation:

Allen Hill, 15 E. Brady, stated he is an architect and represented Mr. Sharp. He stated that Mr. Steven Rogers occupied the property. Mr. Rogers applied for a certificate of occupancy because there were several code violations. The fire marshal's office asked that it be changed to an A.2 nightclub occupancy. An original certificate of occupancy had been granted as an A.3 restaurant occupancy. Mr. Hill stated that the business was never a restaurant but a nightclub. He stated that Mr. Sharp is the owner and would like to clear up the zoning and the code deficiencies existing on the property and plans for a new operator to open and operate it as a nightclub. Several building additions have been made on the property without permits. Mr. Hill stated that application was made for permit for the additions that were made and are included in a site plan submitted (Exhibit G-1) to this Board.

Interested Parties:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Minor Special Exception** to approve an amended site plan, previously approved in Board of Adjustment case number 17699, on 4/22/97, per plan, for the following described property:

Lots 1-3, part of Lot 4, and part of vacated Greenwood Ave. beg. NW/c of Lot 1, Block 114; thence NE 211.06'; SW 332.65'; SW 120.18'; NW 320' to POB; all in Block 114 Original Townsite of Tulsa

*****.

Case No.18750

Action Requested:

Minor Special Exception pursuant to Section 402.B.7.c. to permit a recreational vehicle to be located in the front yard and parked less than 12 feet from the face of the curb. SECTION 402.B.7.a.5.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS; Parking or Storage of Recreational Vehicles, located at 4929 S. 94th E. Pl.

Presentation:

The applicant, **Ronald Zuelke**, 4929 S. 94th E. Pl., stated that his motor home is on a driveway in front of his house. He added that he travels two to three months per year at different times of the year. He stated that he belongs to two clubs with which he goes on monthly outings. He stated that he has had the motor home there for four years and have not had any complaints from the neighbors. He stated it is a 40' motor home that is parked about three feet from the curb. Mr. Zuelke stated that it takes two to three days to prepare the motor home for outings and two or three days to empty it and clean it on the outside after any long trips. He described the home as four and one-half years old, looks like new. He stated that if he stored it in a facility, it would be in front of the house almost as much as it is now, because of the time involved in preparing it for trips.

Comments and Questions:

Mr. White asked Mr. Zuelke for an approximate time in one year would the motor home be parked in the driveway. Mr. Zuelke replied it would be about 50-60% of the time. Mr. White asked if he said it was a 40' motor home. Mr. Zuelke replied it is 30'.

Interested Parties:

Margo Henthorne, 5029 S. 94th E. Ave., stated that she is the secretary of Regency Home Park Homes Association Board. She stated that she has received several phone calls regarding Mr. Zuelke's request to continue parking his motor home on his driveway. She stated there is not room in his front yard for a 30' or 40' RV. She added that it extends on the driveway right out to the curb. She stated that there have been complaints by the neighbors at various times over the last three to four years since he bought it. The neighbors next door to him to the north have trouble seeing to back out of their driveway, because the street curves in that general vicinity. The neighbors on the other side of this same neighbor have complained that it is not pleasant to look at. Ms. Henthorne questioned that it is only a four-year old RV. She pointed out that there is a facility close by for storage of RV's with security locks. She stated that several of the neighbors have RV's, and there is concern that more will seek a variance to park their RV at home. Ms. Henthorne reviewed the requirements for parking a motor home on a residential lot, and stated that his lot is only 61' wide, with insufficient space to park an RV.

Applicant's Rebuttal:

Mr. Zuelke stated that he has parked his RV on his paved driveway for the 4½ years without any complaints to him from the neighbors.

Comments and Questions:

Mr. White stated the applicant is parking the motor home eight feet into the City right-of-way.


Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **DENY** a **Minor Special Exception** pursuant to Section 402.B.7.c. to permit a recreational vehicle to be located in the front yard and parked less than 12 feet from the face of the curb, finding it would not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Lot 24, Block 9, Regency Park East Addition, City of Tulsa, Tulsa County, Oklahoma

There being no further business, the meeting was adjourned at 3:56 p.m.

Date approved: JUNE 13, 2000


Chair