

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 475
Thursday, October 2, 1986, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Chappelle, Chairman Quarles Smith White		Gardner Jones Moore	Jackere, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, September 30, 1986, at 3:20 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Chappelle called the meeting to order at 1:00 p.m.

MINUTES:

Paula Monroe, 3124 East 84th Street, Tulsa, Oklahoma, stated that she represents the Walnut Creek Homeowners Association and asked that the minutes for Case No. 14223 be amended to read that there will be no gates in the 6' cedar fence separating the subject property from the residential area and that all vehicular and pedestrian traffic be restricted.

On MOTION of WHITE, the Board voted 4-0-1 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; Smith, "abstaining"; none, "absent") to APPROVE the Minutes of September 18, 1986 as amended.

UNFINISHED BUSINESS

Case No. 14192

Action Requested:

Variance - Section 430/630 - Bulk and Area Requirements in Residential and Office Districts - Use Unit 1211 - Request a variance of setback requirements from 14th Street from 55' to 53' 11".

Variance - Section 1211.3 - Office and Studios, Use Conditions - Request a variance of the screening requirement from OL (pending to RS-3 tract.

Case No. 14192 (continued)

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request a variance of the livability requirements from 4,000 sq. ft. to 3,900 sq. ft.

Variance - 1211.4 - Off-Street Parking and Loading Requirements - Request a variance of the parking requirements from 10 to 9, located on the SE/c of Zunis Avenue and 14th Street.

Presentation:

The applicant, Harvey Heller, Jr., requested by letter (Exhibit A-1) that Case No. 14192 be continued until November 6, 1986, to allow TMAPC sufficient time to hear the case.

Board Action:

On MOTION of QUARLES, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to CONTINUE Case No. 14192 until November 6, 1986, to allow the case to be heard by the Planning Commission.

Case No. 14198

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1223 - Request a use variance to allow for the storage of new and used automobiles in a RM-2 District (Lot 3 only).

Variance - Section 1223.3 - Warehousing and Wholesaling, Use Conditions - Request a variance of the screening requirement, located west of SW/c of 10th and Lewis.

Presentation:

The applicant, Robert E. Miles, 8130 South Florence, Tulsa, Oklahoma, who represented Cox Motor Company, stated that he is asking to withdraw the request for screening relief on the north side of Lots 4, 5, 6, 7, and 8 and proceed with the variance of off-street parking on Lot 3 and storage of new and used automobiles on Lots 6, 7, and 8.

Protestants:

Jim Boggs, 2220 East 10th Street, Tulsa, Oklahoma, stated that he owns the property next door to Lot 3 and asked the Board to require that lighting on the lot be directed away from the residences, that the lot be graded to direct water run-off away from his property and that a 6' cedar fence be constructed between his property and Lot 3.

Comments and Questions:

Ward Miller, Stormwater Management, informed that any grading or paving on the subject property will require a Watershed Development Permit.

Case No. 14198 (continued)

Mr. Smith asked the applicant if he has a plot plan that was requested by the Board at the last meeting and he replied that he did not bring a plan.

Mr. Quarles stated that one of the concerns at the last Board meeting was the fact that the employee parking on Lot 3 would replace employee parking on other lots, resulting in more cars being parked on the street.

Ms. White remarked that the concerns that were discussed at the last meeting cannot be addressed without a plot plan.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to CONTINUE Case No. 14191 until October 16, 1986, to allow applicant to return to the Board with a plot plan.

Case No. 14216

Action Requested:

Appeal and/or Interpretation - Section 1650 - Appeal from the Building Inspector/Section 1660 - Interpretation - An appeal from the decision of the Building Inspector denying a permit for an attached drive-in bank facility which is a customary accessory use incidental to the principal bank use and request for an interpretation of Section 610 of the Zoning Code pertaining to drive-in banks, and is appeal denied;

Special Exception - Section 610 - Principal Uses Permitted in Office District - Use Unit 1211 - Request a special exception to permit a drive-in bank in an OL District, located at 6660 South Sheridan Road.

Presentation:

The applicant, John Moody, Bank of Oklahoma Tower, Tulsa, Oklahoma, submitted a plot plan (Exhibit B-3) and stated that he represents Oxford Place which is to be the new location of the former Bank of Commerce, now a branch bank of the First National Bank and Trust Company. Mr. Moody informed that Gordon Greer, President, and Floyd Baird, Vice-President, will address the Board subsequent to his presentation. He asked those people in the audience that support the application to stand and approximately 12 people indicated support. Thirteen letters of support (Exhibit B-1) were submitted. He explained that the Building Inspector denied an application for a permit to construct a drive-in facility which is a part of, and attached to, the existing office building located on his clients property. Mr. Moody informed that, if the Building Inspector's decision is upheld, he is requesting a special exception to permit

Case No. 14216 (continued)

the drive-in lanes as an accessory use to the principal office building. He pointed out that the property is located approximately 2,000' north of the intersection of East 71st Street and South Sheridan, with the Bethany Christian Church to the south and residential property to the west. Mr. Moody informed that the Park Plaza residential addition and Shadow Mountain Estates are located to the east of the subject property. He informed that the property consists of 6.98 acres and was zoned light office on June 16, 1981 and 2 office buildings have been constructed, containing 82,400 sq. ft. of floor area. He noted that the owner has agreed to lease 6,000 sq. ft. to the bank and initially construct one lane which is permitted, with the teller being in the office building. He informed that, in addition, 4 lanes are planned that will be served by automatic teller machines which are connected mechanically to the building and covered by a canopy attached to the building. He stated that the Building Inspector determined that, in her opinion, the additional lanes will be a detached accessory use. Mr. Moody explained that the drive in facility is a necessary, incidental and customary accessory use to the full service bank. It was pointed out by Mr. Moody that the applicant, at his expense, shall widen South Sheridan Avenue to add a third lane which will permit left turns into the property without creating a traffic problem. He stated that the widening will begin 275' south of East 67th Street South and commence to widen the street north a distance of 860' to a point which is north of East 66th Street South and has been approved by the City Engineer and Traffic Engineering. Mr. Moody stated that the day care center operated in the nearby church was concerned with the traffic and this third lane will provide relief for that facility. He informed that water run-off will be contained by deepening the existing detention pond.

Gordon Greer, President of the First National Bank, stated that this bank is the prospective tenant and that their southeast Tulsa customers have requested that a full service banking facility be established in this part of the city. He explained that, if the Board approves this application, their bank in the Cities Service Building will be closed and reopened at the above stated location. Mr. Greer stated that the relocation of the bank will add to the strength of 1st National and allow them to better serve their customers. He informed approximately \$1,000,000 will be invested in furnishing and equipping the facility and 11 officers and personnel will staff this branch. Mr. Greer informed that the facility will be leased for a minimum of 10 years.

Floyd Balrd, stated that he, as Location Manager, conducted a survey of distances traveled by 2,000 customers and found that many of these customers were driving from south Tulsa. He informed that the subject property is centrally located for the customers that are being served and asked the Board to approve the application.

Case No. 14216 (continued)

Comments and Questions:

Ms. Bradley asked Mr. Moody if the automatic tellers will be open 24 hours each day and he replied that they will only operate during regular banking hours.

Protestants:

Harold Furtney, 6640 South Oxford, Tulsa, Oklahoma, submitted a photograph (Exhibit B-2) and stated that he is opposed to the pollution caused by the exhaust fumes from 5 lanes of automobiles awaiting service. He stated that his view is blocked by the 2-story building and feels that the location of the bank on the subject property will depreciate the value of his home.

Interested Parties:

Melba Brown, 6624 South Oxford, Tulsa, Oklahoma, stated that her property adjoins the subject building and that she and her husband are pleased with the building and feel that the owner has fulfilled all obligations and restrictions.

Board Action:

On MOTION of WHITE, the Board voted 4-0-1 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; Smith, "abstaining"; none, "absent") to **APPROVE** a **Special Exception** (Section 610 - Principal Uses Permitted in Office District - Use Unit 1211) to permit a drive-in bank in an OL District; and to **WITHDRAW** an **Appeal** and/or **Interpretation** (Section 1650 - Appeal from the Building Inspector/Section 1660 - Interpretation) from the decision of the Building Inspector denying a permit for an attached drive-in bank facility which is a customary accessory use incidental to the principal bank use and request for an Interpretation of Section 610 of the Zoning Code pertaining to drive-in banks; per plot plan with street improvements; subject to detention pond and Stormwater Management approval*; finding that a drive-in bank will be compatible with the area and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

*At the October 16 meeting, Ms. White asked that the minutes reflect that the existing detention facility is to be deepened, as was stated by Mr. Moody.

Lot 1, Block 1, Oxford Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14221

Action Requested:

Variance - Section 1212.4/1212.4 - Off-Street Parking and Loading Requirements - Use Unit 1212/1214 - Request a variance of the required number of parking spaces in a CS District, located SE/c East 61st Street and South Memorial Drive.

Presentation:

The applicant, John Moody, requested by letter (Exhibit C-1) that Case No. 14221 be continued to October 16, 1986.

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Case No. 14221 (continued)

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **CONTINUE** Case No. 14221 until October 16, 1986.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14227

Action Requested:

Minor Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a minor variance of the front setback from the property line from 30' to 25.2' to clear title for existing dwelling unit, located at 8744 South Toledo Avenue.

Presentation:

The applicant, Sandra Kalosis, 8744 South Toledo, Tulsa, Oklahoma, who submitted a plat of survey (Exhibit D-1) and photographs (Exhibit D-2), stated that the front of the existing garage extends over the building line approximately 4'. She informed that she was made aware of the encroachment at the closing when the property was purchased and now they are selling the home and asked the Board to grant the variance in order to clear the title.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a Minor Variance (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of the front setback from the property line from 30' to 25.2' to clear title for existing dwelling unit; per survey submitted; on the following described property:

Lot 5, Block 6, Thousand Oaks Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14244

Action Requested:

Minor Variance - Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a minor variance of front yard setback from 55' to 54' to allow for existing dwelling unit in order to clear the title, located at 2912 East 80th Place.

Presentation:

The applicant, Wanda Loveall, 4811-B South Utica, Tulsa, Oklahoma, who submitted a plat of survey (Exhibit E-1), informed that she is planning to sell the subject property and asked the Board to grant the minor variance in order to clear the title.

Case No. 14244 (continued)

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of front yard setback from 55' to 54' to allow for existing dwelling unit in order to clear the title; per survey submitted; on the following described property:

Lot 8, Block 13, Amended Walnut Creek Additions, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14226

Action Requested:

Special Exception - Section 420.1 - Accessory Uses in Residential District - Request a special exception to allow a home occupation to give art lessons in the home, located at 16933 East 21st Street.

Presentation:

The applicant, Elora Irene Moody, 16933 East 21st Street, Tulsa, Oklahoma, asked the Board to allow her to teach art lessons in her home. She informed that she will be teaching children that do not attend public schools and do not receive instruction in art. Ms. Moody stated that she teaches all forms of art in her home and asked that she be allowed to install a sign on the road indicating the name of her school. She informed that the surrounding land is primarily agricultural, with no nearby residences. Ms. Moody pointed out that her home is located on a 5-acre tract which will supply ample parking for the classes.

Comments and Questions:

Ms. Bradley asked the applicant if she is aware that there are no signs permitted for a home occupation and she replied that she is aware that there are none permitted that are visible from the street, but is asking the Board to grant her permission to place one near the street.

Ms. Bradley inquired as to the number of students that will be in the classes and Ms. Moody informed that there will be no more than 15 students in the classes.

Ms. White asked the applicant to state the days and hours of operation and she replied that the classes are from 9 a.m. to 12 p.m. and from 6:30 to 9:30 in the evening, Tuesday and Thursday.

Case No. 14226 (continued)

Mr. Gardner informed that if the art classes do not meet the conditions of a home occupation, the applicant would need to apply for a use variance. He informed that a 2 sq. ft. name plate, with name and address only, is permitted by right.

Ms. Moody stated that she is requesting a sign inscribed with the name of the art school.

Mr. Jackere informed the applicant that a sign is not permitted for a home occupation. He pointed out that she can make a new application for a use variance and return to the Board, showing that there is something unique and peculiar about the property that would warrant the granting of a variance.

Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Special Exception (Section 420.1 - Accessory Uses in Residential District) to allow a home occupation to give art lessons in the home; subject to Home Occupation Guidelines; finding that the art school will not be detrimental to the area; and finding that the granting of the special exception request will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

East 660' of the South 330' of SW/4 of Section 11, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14228

Action Requested:

Variance - Section 750.2 - Location of Sexually-Oriented Businesses, Prohibition - Use Unit 1214 - Request variances to allow an existing sexually oriented adult book store which may be within 1000' of another sexually oriented business, within 500' of a church, school, or public or private park, and is within 300' of a residential district or a non-arterial street providing access to a residential district, located at 812 - 814 South Sheridan.

Presentation:

The applicant, Richard T. Bryant, 1812 Commerce Tower, 911 Main, Kansas City, Missouri, was represented by Don Gasaway, 2118 East 15th Street, Tulsa, Oklahoma, who requested that the application be

Case No. 14228 (continued)

continued to November 6, 1986, to allow the applicant to prepare a zoning application based upon the partial change of content of the sexually oriented bookstore which would more than likely negate the necessity for presenting the application for variance. A letter (Exhibit F-1) requesting continuance was submitted.

Protestants:

Richard Preston stated that he owns a motor company near the bookstore and that he has a petition with 15 signatures of area residents that are protesting the business.

Ms. Bradley remarked that she is in favor of continuing the request to allow TMAPC to hear the case.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to CONTINUE Case No. 14288 until November 6, 1986 in order to give the applicant sufficient time to file a zoning application and allow the Planning Commission to hear the case.

E/2 of Lot 59, Glen Haven Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14229

Action Requested:

Variance - Section 750.2 - Location of Sexually-Oriented Businesses, Prohibition - Use Unit 1214 - Request variances to allow an existing sexually oriented adult book store which may be within 1000' of another sexually oriented business, within 500' of a church, school, or public or private park, and is within 300' of a residential district or a non-arterial street providing access to a residential district, located at 7216 East Pine.

Presentation:

The applicant, Richard T. Bryant, 1812 Commerce Tower, 911 Main, Kansas City, Missouri, was represented by Don Gasaway, 2118 East 15th Street, Tulsa, Oklahoma, who requested that the application be continued to November 6, 1986, to allow the applicant to prepare a zoning application based upon the partial change of content of the sexually oriented bookstore which would more than likely negate the necessity for presenting the application for variance. A letter (Exhibit F-1) requesting continuance was submitted.

Protestants: None.

Case No. 14229 (continued)

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to CONTINUE Case No. 14288 until November 6, 1986 in order to give the applicant sufficient time to file a zoning application and allow the Planning Commission to hear the case.

E/2 of the N/2 of the NE/4, NE/4, NW/4 of Section 35, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14230

Action Requested:

Variance - Section 750.2 - Location of Sexually-Oriented Businesses, Prohibition - Use Unit 1214 - Request variances to allow an existing sexually oriented adult book store within 1000' of another sexually oriented business, may be within 500' of a church, school, or public or private park, and is within 300' of a residential district or a non-arterial street providing access to a residential district, located at 1 - 5 North Lewis Avenue.

Presentation:

The applicant, Richard T. Bryant, 1812 Commerce Tower, 911 Main, Kansas City, Missouri, was represented by Don Gasaway, 2118 East 15th Street, Tulsa, Oklahoma, who requested that the application be continued to November 6, 1986, to allow the applicant to prepare a zoning application based upon the partial change of content of the sexually oriented bookstore which would more than likely negate the necessity for presenting the application for variance. A letter (Exhibit F-1) requesting continuance was submitted.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to CONTINUE Case No. 14288 until November 6, 1986 in order to give the applicant sufficient time to file a zoning application and allow the Planning Commission to hear the case.

Lot 13, Block 4, East Highland Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14231

Action Requested:

Variance - Section 750.2 - Location of Sexually-Oriented Businesses, Prohibition - Use Unit 1214 - Request variances to allow an existing sexually oriented adult book store which may be within 1000' of

Case No. 14231 (continued)

another sexually oriented business, within 500' of a church, school, or public or private park, and is within 300' of a residential district or a non-arterial street providing access to a residential district, located at 716 North Sheridan Road.

Presentation:

The applicant, Richard T. Bryant, 1812 Commerce Tower, 911 Main, Kansas City, Missouri, was represented by Don Gasaway, 2118 East 15th Street, Tulsa, Oklahoma, who requested that the application be continued to November 6, 1986, to allow the applicant to prepare a zoning application based upon the partial change of content of the sexually oriented bookstore which would more than likely negate the necessity for presenting the application for variance. A letter (Exhibit F-1) requesting continuance was submitted.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to CONTINUE Case No. 14288 until November 6, 1986 in order to give the applicant sufficient time to file a zoning application and allow the Planning Commission to hear the case.

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

Case No. 14232

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1214 - Request a variance of the frontage requirements in a CS District from 150' to 117.7' to permit a lot-split, located south of the SW/c Admiral Place and 193rd East Avenue.

Comments and Questions:

Mr. Jones informed that TMAPC approved the lot-split on September 17, 1986, subject to approval by this Board.

Presentation:

The applicant Bob Latch, 2518-A East 71st Street, Tulsa, Oklahoma, stated that he has owned the subject property since 1965 and that there are other lots in the area that are less than 150' in width. He asked the Board to approve the application so the property can be utilized.

Case No. 14232 (continued)

Protestants: None.

Board Action:

On MOTION of QUARLES, the Board voted 4-0-1 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; Smith, "abstaining"; none, "absent") to APPROVE a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1214) of the frontage requirements in a CS District from 150' to 117.7' to permit a lot-split; finding that there are other lots in the area that have less frontage than the required 150'; and finding that the granting of the request will not be detrimental to the neighborhood and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Beginning at a point 503.15' east of the NW/c of Lot 2, Block 1, amended plat of Rolling Hills Center Addition, Tulsa County, Oklahoma and on the north line thereof, thence S 89°50.9031' E and along the north line of said Lot 2 a distance of 425', thence due south for 150', thence S 89°50.9031' E for 150' to the east line of said Lot 2, thence due south for 245', thence N 89° 50.9031' W for 575', thence due north for 395' to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14233

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1205 - Request a special exception to permit a children's nursery in an IM zoned district, located on the SW/c of Quaker Avenue and 5th Place.

Presentation:

The applicant, Norma Morrison, 314 South Independence, Sapulpa, Oklahoma, stated that she was previously employed at Central Assembly Day Care. Ms. Morrison explained that the church is relocating and closing the center in August; therefore, in order to continue to serve the community in this capacity, she and a few other ladies plan to open a day care facility at the above stated location.

Comments and Questions:

Ms. White asked if the entire building at this location will be leased and Ms. Morrison replied that they will rent only a portion of the building.

Ms. White stated that she is concerned with the parking and asked the applicant where the drop-off for the children will be located. She replied that the front portion of the lot will be used for cars to pull through and the south part used for the playground.

Case No. 14233 (continued)

Ms. Bradley inquired as to the number of employees for the nursery and the applicant replied that there will be approximately 10 employees and 60 children.

Gail Reynolds, stated that he is representing the owner and that the school will use approximately half of the building at this time and possibly expand at a later date.

Ms. Bradley voiced a concern that there is not adequate parking for the day care center and Ms. White stated that she is concerned with the safety of the children in the industrial area, pointing out that there were 2 trucks unloading in the vicinity when she viewed the property.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to DENY a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1205) to permit a children's nursery in an IM zoned district; finding that a child care center is not compatible with the industrial uses in the area; on the following described property:

Lots 1 and 2, Block 4, Sunset Addition, City of Tulsa, Tulsa County, Oklahoma.

Mr. Gail Reynolds asked the Board to clarify the reasons for denying the application.

Ms. White stated that there are vehicles loading and unloading which partially block the street in the area.

Mr. Reynolds asked if he can present his responses to the comments made by the Board and the Board elected to hear from Mr. Reynolds.

Mr. Reynolds stated that the building is only one half block from Peoria which was the previous location of the nursery. He pointed out that many of the oil related businesses have drastically reduced their work force and does not feel that traffic will be a problem. He noted that the deliveries into the area are usually made between 10 a.m. and 3 p.m. and will not interfere with the dropping off and picking up of the children. He asked the Board to reconsider the application.

Mr. Chappelle inquired if a member of the Board desired to make a motion to withdraw the previous action. There being no motion to withdraw the previous action, the application was denied.

Case No. 14234

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the required side yard setback from 5' to 2' to permit an attached carport, located south of the SW/c of East 67th East Avenue and 4th Street.

Presentation:

The applicant, Lou Ford, Rural Route, Owasso, Oklahoma, submitted a drawing (Exhibit G-1) and stated that he is the builder for the proposed carport. He informed that the 10' by 40' carport will be 2' from the south property line.

Comments and Questions:

Ms. Bradley asked the applicant to explain where the carport will be located on the lot and he informed that it will be the required distance from the street and 2' from the south property line.

Ms. Bradley asked if the carport can be moved farther to the west to allow parking space in front and he replied that he is not sure if the owner will move it back.

Mr. Smith asked Mr. Ford how far the carport protrudes past the house on the 67th Street side and he replied that it is approximately 6' farther out.

Mr. Smith inquired if the carport can be set back to align with the house and he informed that there probably would not be enough space to move it farther back.

There was discussion as to whether or not the carport will be the required 50' from the centerline of the street.

Mr. Gardner informed that it is possible that the applicant may need additional relief and if this application is approved, a variance and readvertising may be required for the front setback.

Mr. Ford informed that he will apply for a variance later if it is required, but asked the Board to approve the 2' side yard setback at this time.

Board Action:

On MOTION of SMITH, the Board voted 4-1-0 (Chappelle, Quarles, Smith, White, "aye"; Bradley, "nay"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required side yard setback from 5' to 2' to permit an attached carport; subject to guttering being installed and directed to the ground on the entire south portion of the carport, with water flow then being directed to the street and away from the property to the south; and to **CONTINUE** the application to allow the applicant to apply for a variance of the setback from 67th Street if needed; finding that there are other structures in the area as close to the

Case No. 14234 (continued)

property line as the proposed carport; on the following described property:

Lot 3, Block H, Crest View Estates Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 14235

Action Requested:

Variance - Section 620.(d)1 - Accessory Use Conditions In Office Districts, Signs - Request a variance of the maximum permitted business sign size from 32 sq. ft. to 102 sq. ft. for replacement of an existing pylon sign in an OM District, located at 6625 South Lewis.

Presentation:

The applicant, Paula Smith, was represented by Bob Dale, 1889 North 105th East Avenue, Tulsa, Oklahoma, who submitted a sign plan (Exhibit H-2) and photographs (Exhibit H-1) and asked permission to replace the sign at Peking Garden Restaurant with a smaller sign. He informed that the existing sign which is 25' tall and contains 100 sq. ft., is to be replaced with a sign that will be between 13' and 14' tall and contain 75 sq. ft. of display area. Mr. Dale explained that the restaurant has been at the present location for approximately 8 years and during this time the area has changed to office zoning. He pointed out that in the office zone the restaurant is only allowed a 32 sq. ft. sign.

Interested Parties:

Norma Cooper, stated that she represents Southern Hills Villa Apartments, which is next door to the subject property. She stated that she is not opposed to a new sign, but does not want the sign to be larger than the existing one.

Mr. Quarles asked the applicant if the new sign will be smaller than the existing sign and he answered in the affirmative.

Mr. Smith asked if the sign will be on a pole and Mr. Dale informed that the existing pole will be covered and used for the new sign.

Board Action:

On MOTION of QUARLES, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a Variance (Section 620.(d)1 - Accessory Use Conditions In Office Districts, Signs) of the maximum permitted business sign size from 32 sq. ft. to 75 sq. ft. for replacement of an existing pylon sign in an OM District; per plan submitted; finding that the the new sign will be smaller than the existing sign; and finding a hardship imposed on the applicant by the surrounding OM zoning; on the following described property:

Case No. 14235 (continued)

Lot 2, Block 1, Capetown Extended Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 14236

Action Requested:

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1204 - Request a variance of the 750 sq. ft. maximum size for a detached accessory building in an RS-3 District to permit a 50' by 75' (3,750 sq. ft.) pole barn, located on the SW/c of 36th Street North and Delaware Avenue.

Presentation:

The applicant, Vince Jenkins, 200 Civic Center, Tulsa, Oklahoma, who submitted a plot plan (Exhibit 1-1), stated that he is manager of the Equipment Management Division for the City of Tulsa and asked the Board to allow the pole barn at the above stated location. Mr. Jenkins informed that the accessory building, which supports and is adjacent to the electronic maintenance building, exceeds the 750 sq. ft. maximum. He stated that, based upon subsequent review of the ordinance by Staff, it is believed that the pole barn falls under the classification of a Governmental Service Unit, which would be permitted in this district by special exception.

Comments and Questions:

Ms. Bradley asked the applicant if the pole barn is on the property at this time and he answered in the affirmative.

Mr. Jackere informed that the 750 sq. ft. maximum requirement was for an accessory building used in residential neighborhoods and this facility is not for residential purposes, but is a governmental facility.

Mr. Gardner informed that the facility was approved previously, per plot plan, and now an expansion is being made to the existing facility, which requires Board approval and is a special exception.

Mr. Chappelle informed that a letter of support (Exhibit 1-2) was received by the Board.

Board Action:

On MOTION of WHITE, the Board voted 4-0-1 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; Smith, "abstaining"; none, "absent") to **APPROVE** a Special Exception - Use Unit 2; finding that the use was previously approved by the Board and that plans submitted at that time are now being modified; and finding that the building is not a typical accessory building, but a governmental facility; on the following described property:

Case No. 14236 (continued)

All of Blocks 2 and 3, Rouzeau Court Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 14237

Action Requested:

Variances - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the required 25' rear yard setback in an RS-1 District to 5' to allow construction of a garage, and a variance of setback from the property line along Jamestown Avenue from required 35' to 10' for an addition to dwelling, located on the NW/c of 45th Street and Jamestown Avenue.

Presentation:

The applicant, Barbara Brazaer, requested by letter (Exhibit J-1) that Case No. 14237 be withdrawn.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to WITHDRAW Case No. 14237.

Case No. 14238

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1214 - Request a use variance to allow an existing commercial building and use which extends 20' into an RM-1 District, located at 1124 North Mingo.

Presentation:

The applicant, Diane Houston, 6510 South Memorial, Tulsa, Oklahoma, stated that the building in question has been at the present location for 20 years and no complaints have been filed. Ms. Houston informed that she filed the application to clear the title. She pointed out that the owner of the building owns 2 lots at the above stated location and the existing building extends into the second lot.

Comments and Questions:

Mr. Quarles asked the applicant how this was brought to the attention of the owner and she replied that they are attempting to sell the property.

Protestants: None.

Case No. 14238 (continued)

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a Use Variance (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1214) to allow an existing commercial building and use which extends 20' into an RM-1 District; finding a hardship imposed on the applicant by multiple zoning classifications in the area; finding that the building in question has been located on the property for approximately 20 years; and finding that the granting of the request will not be detrimental to the area and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

South 150' of the N/2, SE/4, SE/4, NE/4 of Section 36, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14239

Action Requested:

Special Exception - Section 240.2(c) - Permitted Yard Obstructions - Use Unit 1206 - Request a special exception to permit a 6' screening fence within the front yard in an RS-3 District, located north of the NE/c of Xyler Street and Atlanta Avenue.

Presentation:

The applicant, James Lewis 2323 North Atlanta, Tulsa, Oklahoma, asked the Board to allow an existing 6' screening fence to remain in his front yard.

Comments and Questions:

Ms. Hubbard asked the applicant how far the fence is located from the property line and he replied that it is next to the gas meters, but is not sure where the property line is located.

Ms. Bradley asked Mr. Lewis if he owns the property to the north of the subject property and he answered in the affirmative.

Mr. Jackere inquired as to the distance from the street to the fence and the applicant stated that it is approximately 5'. Mr. Lewis stated that he will move the fence back if it is too close to the street.

Mr. Lewis informed that he put the fence up because cars ran over the gas meters and knocked them down.

Case No. 14239 (continued)

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a Special Exception (Section 240.2(c) - Permitted Yard Obstructions - Use Unit 1206) to permit a 6' screening fence within the front yard in an RS-3 District; subject to the applicant placing the fence on the west property line and not on the right-of-way; on the following described property:

Lot 28, Block 4, Tulsa Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14240

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1212 - Requests a special exception to allow a restaurant in an IL zoned district, located at 10815 East Marshall Street, Suite 102, East of the NE/c of U.S. 169 and Marshall Street.

Presentation:

The applicant, Kathryn Van Schoyck, was represented by Joe McCormick, Suite 100, Tulsa Union Depot, Tulsa, Oklahoma, who stated that he represents landlord of the owner of the restaurant in question. He explained that a special exception permitting the restaurant was acquired in May of 1986 and Tulley Dunlap, one of the owners of a building across the street, has filed suit to have that action set aside. Mr. McCormick informed that Mr. Dunlap has stated that his partnership did not receive notice of the hearing. Mr. McCormick submitted petitions of support (Exhibit K-3) with signatures of customers of the restaurant and property owners surrounding the business. A plot plan (Exhibit K-1) was submitted.

Comments and Questions:

Mr. Jackere informed that proper notice may not have been given for the previous hearing, so Mr. McCormick is presenting the case at this time.

Mr. McCormick informed that at the previous hearing, hours of operation were approved for 6 a.m. to 7 p.m. and asked that these hours be changed to allow the restaurant to operate between the hours of 6 a.m. and 10 p.m. He pointed out that one of businesses in the area employs a second shift and the lessee would like to be able to serve these customers. Mr. McCormick asked that the Board restrict the sale of beer or any type of alcoholic beverages in the restaurant, as there is no intent to sell drinks with alcoholic content. He stated that the restaurant is needed in the area and asked the Board to approve the application.

Protestants:

Brad Keller, 4100 Bank of Oklahoma Tower, Tulsa, Oklahoma, represented the Interchange Warehouse Investors and Mingo Valley Development Corporation. Mr. Keller informed that his clients were not able to participate in the previous hearing because they did not receive notice. He pointed out that the primary concern of his clients is the parking problem caused by the restaurant. Mr. Keller stated that there are only 6 parking spaces in front of the cafe and since the other parking provided is farther away, when these front spaces are filled the customers park in the street and on surrounding properties. He asked that signs designating parking areas or some other measures be taken to contain customer parking for the restaurant on their own property. Photographs were submitted (Exhibit K-2).

Additional Comments:

Ms. White asked Mr. Keller if he thinks signs designating parking for individual businesses will alleviate the parking problem and he replied that there are no signs now and maybe signs would help with the problem.

Mr. Quarles asked Mr. McCormick if spaces can be assigned to the restaurant and he replied that the building where the restaurant is located has space for parking 183 vehicles. He informed that there is plenty of parking available, but it is very difficult to assign spaces for each individual business. Mr. McCormick informed that he has viewed the parking lot and has never seen the lot full. He suggested that the protestant install signs on his parking lot requesting that only his customers park there, and have violators towed away.

Board Action:

On MOTION of QUARLES, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1212) to allow a restaurant in an IL zoned district; subject to hours of operation being from 6 a.m. to 10 p.m.; subject to no sale of beer or alcoholic beverages in the restaurant; finding that the granting of the special exception request will not be detrimental to the area and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 2, Block 3, Interchange Business Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14241

Action Requested:

Variance - Section 430 - Bulk and Area requirements in Residential Districts - Use Unit 1206 - Request a variance of the required side yard setback from 5' to 3' 6" to allow for the construction of a garage, located at 2454 East 30th Street.

Presentation:

The applicant, Charles Norman, Suite 909 Kennedy Building, Tulsa, Oklahoma, submitted a plot plan (Exhibit L-1) and stated that he is representing Mr. and Mrs. James Hewgley, Jr. He informed that his clients are requesting a variance of the side yard setback to permit the construction of a garage within 3' 6" of the west boundary of their property. Mr. Norman stated that the existing home is located 24' from the west property line and submitted a letter of support (Exhibit L-2) from the neighbor to the west. He pointed out that the property is wedge-shaped, with the narrow portion being toward the front of the lot.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, to **APPROVE** a **Variance** (Section 430 - Bulk and Area requirements in Residential Districts - Use Unit 1206) of the required side yard setback from 5' to 3' 6" to allow for the construction of a garage; per plot plan submitted; finding a hardship imposed on the applicant by the irregular shape of the lot; on the following described property:

Lot 6, Block 5, South Lewis Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14242

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to permit outdoor lighting of existing tennis courts for existing school, located at 2600 South Yorktown.

Presentation:

The applicant, Lou Reynolds, 909 Kennedy Building, Tulsa, Oklahoma, who submitted a plot plan (Exhibit M-1) and photographs (Exhibit M-3), stated that he is representing Cascia Hall School. He asked that the Board approve lighting for 4 tennis courts which are located on the southwest corner of the school grounds. He informed

Case No. 14242 (continued)

that there are dense trees to the south and west which partially screen the courts from the abutting properties. Mr. Reynolds pointed out that fifteen 20' poles will be installed, with 42 light fixtures. He informed that the lights are an environmental type (Exhibit M-2) which shine on the courts, but fade away in the surrounding area. He informed that the school has asked to use the lights Monday through Thursday nights until 10 p.m. and Friday and Saturday nights until 11 p.m. Mr. Reynolds pointed out that each court has an individual switch, so lights will be turned off on those that are not in use.

Protestants:

Mrs. Birch, 2687 South Utica, Tulsa, Oklahoma, stated that she lives in the property directly to the south of the tennis courts and does not object to the lights, but prefers that they be turned off by 10 p.m. Mrs. Birch pointed out that her husband is a surgeon and goes to bed early in order to get up early. She stated that the noise will probably be more of a bother than the lights.

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205) to permit outdoor lighting of existing tennis courts for existing school; subject to the outdoor lighting being permitted Monday through Sunday, no later than 10 p.m.; on the following described property:

BOARD ACTION CLARIFIED 11-6-86 TO RESTRICT PLAY BEFORE 7 a.m.

SW/4, SW/4, NE/4, Section 18, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 14193

Action Requested:

Variance - Section 1221.3(h) - General Use Conditions for Business Signs - Request a variance to permit permanent advertising flags and banners as an integral part of a sign package (2 signs) to be built in phases in a CBD District, located north of 2nd Street and Main Street.

Comments and Questions:

Mr. Jones informed that the applicant, Debra Roberson, requested a refund of application fees. He pointed out that the case has been prepared and recommended that only the \$25 public hearing portion of the fee be refunded.

Case No. 14193 (continued)

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a refund of the \$25 public hearing portion of the application fee for Case No. 14193.

There being no further business, the meeting was adjourned at 3:53 p.m.

Date Approved

10.16.86

Samuel L. Byrd

Chairman

