

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 477
Thursday, November 6, 1986, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, November 4, 1986, at 4:10 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** the Minutes of October 16, 1986.

CLARIFICATION ITEM

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.

Comments and Questions:

Mr. Jones informed that, after the last meeting, notice was sent to the applicant and the interested party, Ms. Birch, notifying them of the intent of a Board member to clarify the action taken at that time.

Presentation:

Mr. Reynolds stated that he was notified of the clarification of the Board Action and asked that the school be permitted to turn the tennis court lights on at 6 a.m.

Case No. 14242 (continued)

Additional Comments:

Ms. Bradley commented that Ms. Birch objected to the noise, rather than the lights, and stated that she is in favor of play beginning at 7 a.m.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to make a **CLARIFICATION** of the October 16, 1986 minutes, Case No. 14242, stating that play on the tennis courts begin no earlier than 7 a.m. and continue no later than 10 p.m.

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.

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 - Section 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.

Comments and Questions:

Mr. Jones informed that Staff has received a letter from Attorney Robert Nichols, who is representing the applicant in this case, and he has requested a continuance to November 20, 1986, to allow TMAPC to take action on the case at their November 19th meeting.

Ms. Bradley asked if the Board of Adjustment could delay action on the case until it is heard by the City Commission.

Mr. Jones informed that the City Commission prefers to hear cases in their final state, after TMAPC and Board of Adjustment decisions.

Board Action:

On MOTION of WHITE the Board voted 3-1-0 (Quarles, Smith, White, "aye"; Bradley "nay"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 14192 until November 20, 1986.

Case No. 14206

Action Requested:

Minor Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of setback from the centerline of South Norfolk Avenue from required 50' to 40' in an RS-3 District, located on the SW/c of South Norfolk and 16th Street.

Presentation:

The applicant, Douglas Hofer, 1602 South Norfolk, Tulsa, Oklahoma, was represented by Kathleen Page, who submitted a site plan (Exhibit A-1). She stated that the Board has previously heard this case and at that time she had given the owner the wrong information. Ms. Page informed that at the time the application was heard, it was presented that the porch was to be 2 1/2' inside the building line, while it is actually 2 1/2' outside the building line. She asked the Board to allow the variance in order that the construction can be completed.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE a **Minor Variance** - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of setback from the centerline of South Norfolk Avenue from required 50' to 40' in an RS-3 District; per plot plan submitted; finding a hardship imposed by the corner lot location, with setbacks from two streets; on the following described property:

Lots 1 and 2, Block 18, Morningside Addition, 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 1,000' of another sexually oriented business, within 500' of a church, school, or public or private park, and is within 300' of a residential district, located at 812 - 814 South Sheridan.

Presentation:

Don Gasaway, 2118 East 15th Street, Tulsa, Oklahoma, stated that this case was continued in order to allow Mr. Bryant to make application for a zoning change, however, that application has not

Case No. 14228 (continued)

been filed. He informed that after doing some research he has concluded that the variance request is a better solution than a zoning code amendment.

The applicant, Richard T. Bryant, 1812 Commerce Tower, 911 Main, Kansas City, Missouri, stated that the operation of the bookstore in question predates the applicable City Ordinance and Zoning Code regulation and the operation is permitted in a CS or CH zone. Mr. Bryant informed that total payment of sales tax for the 4 stores on the agenda today is \$62,120.26. He informed that they are performing the same function as any other retail store, except for the fact that the merchandise is objectionable to some people. Mr. Bryant stated that all of the signs will be restricted so they will not call attention to the type of the stores and all references to adult characteristics will be removed. He informed that the stores will be landscaped to buffer them from the community and back door entrances will reduce traffic. Mr. Bryant stated that the product mix will be amended so that a substantial amount of the stock will be non-adult in nature. He stated that the North Lewis store and the North Sheridan store are owned by the operators and that 2 stores are leased. He informed that the store at the above stated location is before the Board today because it is near a residential area. Mr. Bryant submitted a petition (Exhibit B-2) of support from residents in nearby apartment complexes, as well as signatures of those who made purchases at the bookstore. He informed that very sophisticated electrical equipment has been installed in the store and it has been in operation since 1977, with the same use, but other owners, since 1973.

Comments and Questions:

Mr. Jackere asked the applicant to describe the sophisticated electrical improvements and structural changes. The applicant informed that a video arcade has been installed with individual booths for customers.

Protestants:

Fifteen letters of opposition (Exhibit B-1) were submitted to the Board.

Board Action:

On MOTION of QUARLES, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Variance** (Section 750.2 - Location of Sexually Oriented Businesses, Prohibition - Use Unit 1214) to allow an existing sexually oriented adult book store which is within 300' of a residential district; finding that a hardship was not demonstrated by the applicant that would warrant the granting of the variance requested; on the following described property:

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 1,000' of another sexually oriented business, within 500' of a church, school, or public or private park, and is within 300' of a residential district, located at 7216 East Pine.

Presentation:

The applicant, Richard T. Bryant, 1812 Commerce Tower, 911 Main, Kansas City, Missouri, informed that the business in question is 70' from the nearest residence. He informed that the store is very small (24' by 30') and that the area is industrial in nature, with few homes. Mr. Bryant informed that the bookstore opens at 10 a.m. and closes at 12 p.m.

Comments and Questions:

Mr. Jackere inquired if the store in question is owned or leased and Mr. Bryant informed that it is leased from year to year.

Mr. Jackere asked the applicant to address whether or not the building housing the bookstore can be used for any other permitted use in the CH District. Mr. Bryant informed that the size of the building makes it unsuitable for most businesses.

Mr. Jackere asked Mr. Gardner if there are liquor stores or beauty shops that are in buildings 24' by 30' and he answered in the affirmative.

Protestants:

A petition (Exhibit C-1) to the application was submitted to the Board.

Board Action:

On MOTION of BRADLEY the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Variance** (Section 750.2 - Location of Sexually Oriented Businesses, Prohibition - Use Unit 1214) to allow an existing sexually oriented adult book store which is within 300' of a residential district; finding that a hardship was not demonstrated by the applicant; and finding that the granting of the variance request will be detrimental to the neighborhood and is not in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

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 which may be within 1,000' of another sexually oriented business, within 500' of a church, school, or public or private park, and is within 300' of a residential district, located at 1 - 5 North Lewis.

Presentation:

The applicant, Richard T. Bryant, 1812 Commerce Tower, 911 Main, Kansas City, Missouri, stated that the land to the north of the bookstore in question is vacant, a bar is located to the east, and an art supply store to the west. He submitted a petition of support (Exhibit C-2) signed by people that were in the area of the store.

Comments and Questions:

Mr. Quarles asked the applicant to state the distance from the various organizations named in the variance request and he replied that the store is within 1,000' of the Circle Theater and within 1,000' of the Doll House Bar. He pointed out that the first use in an area shall be deemed the conforming use, and all subsequent uses will be nonconforming.

Mr. Jackere pointed out that if the business in question was the first licensed business of this type in the area, Mr. Bryant does not need relief from this Board concerning its proximity to the theater and the Doll House Bar. He stated that the business is close to the residential district to the south and approximately 480' from the school.

Ms. White asked the applicant to state the distance, in his opinion, from the adult bookstore to Whittier Elementary School and he stated that he is under the impression that it is beyond 500', but is not sure of the distance.

Mr. Smith pointed out that the signatures on the petition submitted are not residents of the area and Mr. Bryant informed that they are patrons of the adult bookstore.

Protestants:

George Brockman, 2604 South 96th East Avenue, Tulsa, Oklahoma, stated that he works in the neighborhood and is President of Kendall Whittier Ministry. He informed that, in his opinion, the sexually oriented business is not appropriate for the area and is detrimental to the neighborhood. Mr. Brockman said that the tax revenue that the

Case No. 14230 (continued)

store generates is not an issue here today and that the addition of other items for sale in the store does not reduce the amount of sexually oriented material in stock. A petition of opposition (Exhibit C-1) with numerous signatures was submitted to the Board.

Fran Pace, 1326 South Florence Avenue, Tulsa, Oklahoma, informed that the store in question is open 24 hours each day and is very difficult to police. She informed that the north half of the building has been sold and playground equipment is now displayed on the lot, which attracts children in the neighborhood to the area.

James Manchester, 525 South Xanthus, Tulsa, Oklahoma, asked that the children in the area be protected by the denial of the application request.

Terry Hazen, 515 South Xanthus, Tulsa, Oklahoma, stated that he went to the playground equipment sales and found that it was not actually open for business, but, in his opinion, was installed to remove the sexually oriented business farther from the school. He informed that he works in prisons and pornography causes those that view it to be dangerous to society. Mr. Hazen pointed out that this business is clearly in violation of the zoning ordinances and asked the Board to deny the application.

David Hughes informed that he is in the real estate business and has listings in the area. Mr. Hughes stated that he is opposed to the sexually oriented business.

Mr. Jackere informed that the issue today is not pornography or obscenity, but whether this sexually oriented bookstore meets the ordinance.

Wilma Morgan, 203 South Indianapolis, Tulsa, Oklahoma, stated that in the past the area has been a very desirable place to shop, but has deteriorated a great deal in the past several years. She asked that the Board deny the application and help make the neighborhood safer for the elderly and the children.

Applicant's Rebuttal:

Mr. Gasaway informed that the business in question has been operating at the same location for approximately 10 years and has had no problem in the community.

Board Action:

On MOTION of WHITE the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Variance** (Section 750.2 - Location of Sexually-Oriented Businesses, Prohibition - Use Unit 1214) to allow an existing sexually oriented adult book store within 500' of a school, and is within 300' of a residential district; finding that a hardship was not demonstrated by the applicant; on the following described property:

Case No. 14230 (continued)

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 1,000' of another sexually oriented business, within 500' of a church, school, or public or private park, and is within 300' of a residential district, located at 716 North Sheridan.

Presentation:

The applicant, Richard T. Bryant, 1812 Commerce Tower, 911 Main, Kansas City, Missouri, stated that the store at the above stated location is located 250' from the Crystal Pistol Club and 180' from residentially zoned property. A petition (Exhibit D-1) was submitted which contained signatures of some business people and some of the residents of the trailer park across the street who are supportive of the application.

Comments and Questions:

Mr. Jackere asked the applicant if the residential boundary abutts the boundary of the sexually oriented business and he answered in the affirmative.

Mr. Quarles asked the applicant if the subject business predates the Crystal Pistol Bar and Mr. Bryant answered in the affirmative.

Mr. Jackere informed the applicant that, if the business in question was licensed prior to the Crystal Pistol Club, relief of the 1,000' distance from that business is not needed.

Mr. Gasaway informed that the business in question has been at the present location since 1973, but may have changed owners.

Mr. Jackere inquired if the business in question is owned or leased and Mr. Bryant informed that it is leased.

Mr. Jackere asked what period of time the lease covers and the applicant stated that it is a year to year lease.

Mr. Jackere inquired if the lease has been renewed several times since the ordinance was passed in 1980 and the applicant answered in the affirmative.

Case No. 14231 (continued)

Ms. White asked the applicant to address the hardship for this case and he replied that a site for a new location is difficult to find.

Protestants:

A letter of protest (Exhibit D-2) was received by the Board.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Variance** (Section 750.2 - Location of Sexually Oriented Businesses, Prohibition - Use Unit 1214) to allow an existing sexually oriented adult book store which is within 300' of a residential district; finding that the applicant did not present a hardship that would warrant the granting of the variance request; and finding that the business in question abutts residentially zoned property; on the following described property;

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

Case No. 14248

Action Requested:

Variance - Section 1221.3 - General Use Conditions for Business Signs - Request a variance to allow a sign within 10 feet of a highway right-of-way.

Variance - Section 1221.4(a) - CS District Use Conditions for Business Signs - Request a variance to allow a sign to exceed the maximum permitted height of 50' to 65' above the mean curb elevation, located on the NE/c of 49th West Avenue and Keystone Expressway.

Presentation:

The applicant, Frank Heffern, was represented by Keith Tanner, 9310 East 46th Street North, Tulsa, Oklahoma, who submitted a location map (Exhibit E-1) and asked the Board to allow the sign in question to remain at its present location.

Comments and Questions:

Mr. Smith asked the applicant to explain why he is in need of the setback and height variance. He informed that the sign was erected in 1984 and it does border the highway easement, but it is 250' from the highway and north of the service ramp.

Mr. Gardner informed that the sign is in need of State approval and City approval.

Case No. 14248 (continued)

Ken Bode, Sign Inspector, stated that the sign overhangs the right-of-way and it was required to be 10' from the expressway at the time the permit was issued. He further stated that the sign was required to be no more than 50' in height. Mr. Bode informed that the City has agreed to keep the right-of-way free of any encumbrance and the State has voiced their objection to any encroachments.

Board Action:

On MOTION of QUARLES, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to DENY a Variance (Section 1221.3 - General Use Conditions for Business Signs) to allow a sign within 10 feet of a highway right-of-way; and to DENY a Variance (Section 1221.4(a) - CS District Use Conditions for Business Signs) to allow a sign to exceed the maximum permitted height of 50' to 65' above the mean curb elevation; finding that the applicant failed to demonstrate a hardship for the variances requested; on the following described property:

The south 479.6' of the west 400' of Lot 4, less and except: Beginning at the southwest corner of the tract, thence north 425', east 55', south 245', southerly 93.6', southeasterly 201.72', northeasterly 86', south 118', west 400' to point of beginning, dedicated to State, Section 4, T-19-N, R-12-E, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 14249

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow church use in an RM-1 District.

Variance - Section 1205.3 - Use Conditions - Use Unit 1205 - Request a variance of the 1 acre minimum lot size and a variance to allow required parking in the front yard.

Variance - Section 1205.4 - Off-Street Parking - Request a variance of the required number of parking spaces, located at 1549 North Detroit.

Presentation:

The applicant, Joe White, 4801 North Lewis, Tulsa, Oklahoma, asked the Board to allow the church to continue meeting at the above stated location, as they have been doing for the past 2 years. He informed that the property is 80' by 140', with a building that is 30' by 30'. Mr. White explained that the congregation is small and the parking is adequate, with the nearest residence being approximately 40' away.

Case No. 14249 (continued)

Comments and Questions:

Mr. Jones informed that the applicant has been notified that the subject property does not meet the 100' lot width requirement, but he has determined to readvertise for the additional relief if the Board is inclined to approved this application.

Ms. Bradley asked the applicant if the church owns the vacant property to the north and he replied that it does not.

Ms. White commented that the parking for the church is not hard surface.

Mr. Quarles asked if changes will be made to the building and the applicant replied that the church only has 15 members and there will be no changes made to the structure.

Protestants:

Mr. Smith informed that a letter of protest (Exhibit F-1) has been received from the Tulsa Development Authority.

Board Action:

On MOTION of QUARLES, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205) to allow church use in an RM-1 District; to **DENY** a **Variance** (Section 1205.3 - Use Conditions - Use Unit 1205) of the 1 acre minimum lot size and a variance to allow required parking in the front yard; and to **DENY** a **Variance** (Section 1205.4 - Off-Street Parking) of the required number of parking spaces; finding that, due to the size of the lot, the use is not appropriate; and finding that a hardship was not demonstrated by the applicant that would warrant the granting of the variances requested; on the following described property:

Lot 1, Block 1, Strobel Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14259

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205 - Request a special exception to allow off-street parking to be used for church purposes in an RS-3 zoned district, located east of the SE/c of Lakewood and 20th Street.

Case No. 14259 (continued)

Presentation:

The applicant, Lewis Reynolds, 909 Kennedy Building, Tulsa, Oklahoma, submitted a plot plan (Exhibit G-1) and asked the Board to approve off-street parking for a church at the above stated location. He informed that the parking lot abutts church property and will be used for church purposes only.

Comments and Questions:

Ms. Bradley inquired if there is a house on the church property and Mr. Reynolds replied that there are 2 houses on the property.

Mr. Quarles asked if the houses will remain and the applicant informed that 1 dwelling will be removed and that portion of the property will be converted to a parking lot. He informed that the eastern boundary has a fence with shrubs that will be maintained for screening.

Ms. White inquired as to the height of the shrubs and Mr. Reynolds stated that they are approximately 5'.

Ms. Bradley asked how many cars will be parked on the lot and the applicant replied that approximately 8 cars will be parked on the lot.

Ms. White asked Mr. Reynolds if he would consider the execution of a tie contract and he replied that the church would be in agreement with that proposal.

Board Action:

On MOTION of WHITE the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205) to allow off-street parking to be used for church purposes in an RS-3 zoned district; subject to the execution of a tie contract which would prevent the property in question from being sold, mortgaged, or otherwise encumbered separate and apart from the remainder of the church property; on the following described property:

Lot 2, Block 2, Sheridan Ridge Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14269

Action Requested:

Minor Variance - Section 1221.3(f) - General Use Conditions for Business Signs - Request a minor variance of the required 50'

Case No. 14269 (continued)

setback from the centerline of 15th Street to 30' to allow a sign, located at 1538 East 15th Street.

Presentation:

The applicant, Stan Johnson, 6835 South Canton, Tulsa, Oklahoma, submitted photographs (Exhibit H-1) and stated that he is in the process of remodeling a building in the Cherry Street area. He asked permission to install a sign that is within 6' of the sidewalk. Mr. Johnson pointed out that there are other signs that are as close to the sidewalk as the one in question. He informed that the property in question has 2 signs at this time, which will be removed and replaced by 1 sign.

Comments and Questions:

Ms. Bradley asked the applicant to state the height of the sign and he replied that it will be 13' high.

Ms. White remarked that Mr. Johnson's project has enhanced the Cherry Street area.

Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Minor Variance** (Section 1221.3(f) - General Use Conditions for Business Signs) of the required 50' setback from the centerline of 15th Street to 30' to allow a sign; finding a hardship imposed on the applicant by the older area with buildings close to the street; and finding that there are numerous signs as close to the street as the sign in question; on the following described property:

North 35' of the west 100' of Lot 14, and the west 100' of Lots 15 and 16, Block 4, Orcutt Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14284

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of setback from the centerline of 26th Street South from 50' to 40' to clear title, located at 2525 South 130th East Avenue.

Case No. 14284 (continued)

Comments and Questions:

Mr. Jones informed that a letter (Exhibit J-1) requesting withdrawal of Case No. 14284 was received by Staff. He noted that the applicant found that he no longer needed the relief requested.

Board Action:

On MOTION of QUARLES the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **WITHDRAW** Case No. 14284; finding that the applicant was no longer in need of the relief requested.

Case No. 14288

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the required 35' setback in an RS-1 District to 29.5' (44.5' to centerline, South Florence Place is 30' R.O.W.), located at 6103 South Florence Place.

Presentation:

The applicant, Robert E. Parker and Associates, 4633 East 31st Street, Tulsa, Oklahoma, was represented by Bruce Straub, who submitted a plot plan (Exhibit K-2). He explained that an existing 2-story stone building encroaches on the 35' front setback requirement and asked the Board to approve the variance request in order that the title can be cleared and financing acquired.

Protestants:

A letter of opposition (Exhibit K-1) was received from the District 18 Planning Team.

Board Action:

On MOTION of QUARLES, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required 35' setback in an RS-1 District to 29.5' (44.5' to centerline, South Florence Place is 30' R.O.W.); per plot plan submitted; finding a hardship demonstrated by the irregular shape of the lot and required setbacks on two streets; on the following described property:

Lot 1, Block 1, Southern Villas Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14287

Action Requested:

Minor Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of the required setback from 30' to 25' on a cul-de-sac to clear title

Case No. 14287 (continued)

for an existing structure in an RS-2 District, located at 3530 East 70th Street South.

Presentation:

The applicant, David Hughes, 6010 South Richmond Avenue, Tulsa, Oklahoma, submitted a survey (Exhibit L-1) and stated that he is representing the owner of the property in question. Mr. Hughes informed that the property has been sold and requested that the application be approved to clear the title and allow financing to be acquired.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Minor Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required setback from 30' to 25' on a cul-de-sac to clear title for an existing structure in an RS-2 District; per survey submitted; finding a hardship demonstrated by the cul-de-sac location and the irregular shape of the lot; on the following described property:

Lot 37, Block 2, Vienna Woods Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14263

Action Requested:

Variance Section 420.2(a)2 - Accessory Use Conditions/Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the required front yard setback in an RS-3 District from 25' to 5' to allow a carport, located at 3714 West 44th Street.

Presentation:

The applicant, Erma Bailey, was represented by Delmar Bailey, 609 Antigua Drive, Sand Springs, Oklahoma, who submitted a plot plan (Exhibit M-2) and photographs (Exhibit M-1), asked the Board to allow a carport to remain at the above stated location. He pointed out that there are numerous carports in the area and some on the same street as the carport in question.

Case No. 14263 (continued)

Comments and Questions:

Mr. Smith asked if the carport has already been constructed and the Mr. Bailey informed that it is approximately 50% completed. He informed that he did not know he would be required to obtain a Building Permit.

Ms. Bradley Inquired as to the distance from the carport to the property to the west and he replied that the post is 3' 2" from the west property line. Ms. Bradley pointed out that Mr. Bailey has not asked for side yard setback relief in this application.

Mr. Quarles remarked that additional relief is needed and explained to the applicant that the application will require readvertising.

Mr. Bailey asked Mr. Quarles if he can continue construction and he replied that, if work is continued, it will be at the risk of the applicant.

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 14263 until November 20, 1986 to allow the applicant sufficient time to advertise for additional relief.

Case No. 14265

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the required front setback from the centerline of 44th Street from 55' to 32'6" to permit a carport, located east of the NE/c of 44th Street and Pittsburg Avenue.

Presentation:

The applicant, Fred Culvern, 4115 East 44th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit N-3) and photographs (Exhibit N-1) of a proposed carport to be constructed on the front portion of his home. He pointed out that the new construction will be attached to the roof line of the existing home and be of the same building materials. Mr. Culvern informed that the proposed carport will be similar to one that has been built on Sandusky, approximately 3 blocks from his home.

Comments and Questions:

Ms. Bradley asked the applicant to address the hardship for the variance request and he replied that he does not have sufficient space in his garage to park his cars.

Case No. 14265 (continued)

Ms. Bradley Inquired if there are other carports in the neighborhood and he replied that there is one approximately 3 blocks away.

Ms. White asked Mr. Culvern if there are other structures that extend as far toward the street as the proposed carport and he replied that there are none.

Protestants:

Mr. Smith informed that Staff has received 3 letters and a petition of protest (Exhibit N-2) from neighbors in the area.

H. A. Tankersley, 4144 East 44th Street, Tulsa, Oklahoma, stated there are no carports on the block and, in his opinion, a carport built on the front of the Culvern house will not enhance the area.

An elderly protestant that lives 3 houses from the applicant stated that he is opposed to the construction of the carport.

Board Action:

On MOTION of WHITE the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required front setback from the centerline of 44th Street from 55' to 32'6" to permit a carport; finding that there are no other carports in the area; and finding that the applicant failed to demonstrate a hardship for the variance requested; on the following described property:

Lot 11, Block 2, Patrick Henry Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14267

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use unit 1209 - Request a special exception to allow a mobile home in an RS-3 zoned district.

Variance - Section 440.6(a) - Special Exception Uses in Residential Districts, Requirements - Request a variance to waive the one year time limit to permanently, located at 3639 South Maybelle.

Presentation:

The applicant, Kenneth Martin, 3639 South Maybelle Avenue, Tulsa, Oklahoma, stated that he was previously before the Board and was granted permission to place a mobile home at the above stated

Case No. 14267 (continued)

location for a period of one year. He asked that the application today be approved to allow him to place the mobile permanently on the lot.

Protestants:

Mr. Smith stated that a letter of protest (Exhibit O-1) has been received by Staff, stating that the mobile home does not have a working septic tank.

Mr. Martin stated that he has a 1000 gallon septic tank and 270' of lateral lines.

Mr. Smith informed that an approval by this Board will be subject to Health Department approval.

Board Action:

On MOTION of WHITE, the Board voted 3-1-0 (Bradley, Quarles, Smith, White, "aye"; Bradley, "nay"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use unit 1209) to allow a mobile home in an RS-3 zoned district; and to **APPROVE** a **Variance** (Section 440.6(a) - Special Exception Uses In Residential Districts, Requirements) to waive the one year time limit to permanently; subject to Health Department approval; finding that the mobile home has been located on the lot for a period of one year and has proved to be compatible with the area; on the following described property:

Lot 25, Block 7, Garden City Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14268

Action Requested:

Use Variance - Section 910 - Principal Uses Permitted In Industrial Districts - Use Unit 1209 - Request a use variance to permit a mobile home in an IL District for residential purposes, located at 1388 North New Haven Avenue, Tulsa, Oklahoma.

Presentation:

The applicant, Tom E. Rowe, 112 North 36th West Avenue, Tulsa, Oklahoma, 112 North 36th West Avenue, Tulsa, Oklahoma, submitted a letter (Exhibit P-1) from his mother's doctor stating that she is in poor health and is in need of someone to live nearby. Mr. Rowe asked the Board to allow him to move a fifth wheel on the property.

Case No. 14268 (continued)

Comments and Questions:

Ms. White asked the applicant if the fifth wheel has already been placed on the lot and he answered in the affirmative.

Ms. Bradley asked if the mobile is hooked up to a septic tank and Ms. Rowe informed that they are working with the Health Department at this time.

Board Action:

On MOTION of QUARLES, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Use Variance** (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1209) to permit a mobile home in an IL District for residential purposes; subject to the mobile home being located on the property for a period of 3 years only; and subject to Health Department approval; finding that, although the property is zoned Industrial, but there are residential uses existing in the area; on the following described property:

Lot 13, Block 1, Acme Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14270

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the required setback from the centerline of 44th Street from 50' to 33' and of the side yard setback from 5' to 1' to permit an existing carport, located at 3746 West 44th Street.

Presentation:

The applicant, John Lack, was represented by his son, John C. Lack, 707 North Gum, Jenks, Oklahoma, who submitted a plot plan (Exhibit R-1) and photographs (Exhibit R-2). He explained that the garage was converted to a den several years ago and there has been no protection for the cars prior to the construction of the subject carport. Mr. Lack pointed out that his father had the carport built and later was cited by the City. It was noted that there are other carports in the area.

Comments and Questions:

Mr. Jackere asked Mr. Lack who built the carport and he replied that Trans-America Corporation was the contractor.

Ms. Bradley commented that the carport appears to be built on the west boundary line.

Mr. Lack informed that the carport is located 1' from the property line.

Case No. 14270 (continued)

Board Action:

On MOTION of QUARLES, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required setback from the centerline of 44th Street from 50' to 33' and of the side yard setback from 5' to 1' to permit an existing carport; finding that other carports in the older area that encroach on the setback; 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:

Lot 11, Block 5, Park Grove Second Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14271

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from the centerline of 53rd Street from 50' to 35' 5" to permit an existing carport, located at 1541 East 53rd Street.

Presentation:

The applicant, Jean Burns, 1541 East 53rd Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit S-2) and photographs (Exhibit S-1). He explained that his daughter has moved back into his home and due to the extra storage in the garage, he had a carport constructed in February. Mr. Burns stated that he was not aware that he needed a Building Permit until a complaint was filed with the City. He informed that there are approximately 11 other carports in his neighborhood.

Comments and Questions:

Mr. Jackere asked the applicant to state the name of the builder used for the carport and he informed that the contractor was Darrell Campbell.

Ms. Bradley asked Mr. Burns how far the carport is located from the west property line and he replied that the house is 5' from the property line and the carport is 6' away.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from the

Case No. 14271 (continued)

centerline of 53rd Street from 50' to 35' 5" to permit an existing carport; finding that there are numerous carports in the neighborhood and the granting of the variance request will not be detrimental to the area; on the following described property:

Lot 21, Block 7, Lecrones Lazy L Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14272

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1202 - Request an exception to allow a crematory associated with an existing funeral home in a CH District, located on the NE/c of 39th Street and Peoria.

Presentation:

The applicant, Ninde Funeral Director, Inc., was represented by Charles Ninde, 3841 South Peoria, Tulsa, Oklahoma, who asked the Board to approve the crematory in question, which will be the third of its kind in Tulsa County. Mr. Ninde submitted a list of equipment features (Exhibit T-1). He informed that a 20' extension will be added on the east side of the existing building to accommodate the new equipment.

Comments and Questions:

Mr. Quarles asked the applicant to address any objections that might be raised by nearby residents.

Mr. Ninde stated that some of the residents have inquired if there will be some type of odor or smoke emitted from the crematory. He pointed out that there will be a pollution monitoring system installed and that there will be less pollution from the system than will be emitted from a restaurant.

Ms. White asked Mr. Ninde if the crematory has been approved by the Health Department and he replied that he has been advised that the first approval must come from this Board.

Interested Parties:

Lee Taylor stated that he is the owner of Century Cleaners, which is across the street from the funeral home, and stated that he is concerned as to how the emissions will be handled. He informed that he does not want any type of ash filtering into his clothing system.

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to

Case No. 14272 (continued)

APPROVE a **Special Exception** (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1202) to allow a crematory associated with an existing funeral home in a CH District; per specifications submitted; and per Health Department approval; on the following described property:

Lot 1, Block 4, South Brookside Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14273

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209 - Request an exception to renew permission for a mobile home in an RS-3 District.

Variance - Section 440.6 - Special Exception Uses In Residential Districts, Requirements - Request a variance to extend the one year time limitation to 3 years, located at 3651 South Maybelle.

Presentation:

The applicant, Timothy Nall, 3408 West 51st Street, Tulsa, Oklahoma, stated that he has previously been granted permission to locate a mobile home at 3651 South Tacoma for a period of 1 year. He informed that he is before the Board today to request that the mobile home be allowed to remain at its present location for a period of 3 years. He informed that many improvements have been made to the property and that there have been no objections to the location of the mobile in the neighborhood. Mr. Nall pointed out that there are many mobile homes in the area. A drawing (Exhibit U-1) and photographs (U-2) were submitted.

Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to renew permission for a mobile home in an RS-3 District; and to **APPROVE** a **Variance** (Section 440.6 - Special Exception Uses In Residential Districts, Requirements) to extend the one year time limitation to 3 years from the time of this hearing; finding that there are other mobile homes in the area; and finding that the mobile home has been in place for a period of 1 year and has proved to be compatible with the neighborhood; on the following described property

Case No. 14273 (continued)

Lot 22, Block 7, Garden City Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14274

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow a mobile home in an RS-3 District.

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Request a variance to allow the two dwelling units per lot of record, located north of the NE/c of 43rd Street and Union Avenue.

Presentation:

The applicant, Allan Hunt, 1535 West 42nd Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit V-1) and stated that he is proposing to place a mobile home on his parents lot in order to help them take care of their home. He informed that they are elderly and need his assistance. Mr. Hunt stated that the land where the mobile home will be located has been built up and does not flood.

Comments and Questions:

Mr. Smith asked the applicant if the property is served by a sanitary sewer and he answered in the affirmative.

Ward Miller, Stormwater Management, stated that the property is in a flood hazard area and a water course is located on the tract. He informed that a Watershed Development Permit will be required before the mobile home can be moved on the site.

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow a mobile home in an RS-3 District; and to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling per Lot of Record) to allow the two dwelling units per lot of record; per plot plan submitted; subject to a time limitation of 1 year only; and subject to Stormwater Management approval; finding a hardship imposed on the applicant by the large size of the lot; on the following described property:

The south 1 acre of the west 2 acres of the N/2, SW/4, NW/4, NW/4 of Section 26, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14275

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the required setback from the centerline of 44th Street from 50' to 33' to permit an existing carport and variance of the side yard setback from 5' to 2', located at 3752 West 44th Street.

Presentation:

The applicant, William Sissel, 3752 West 44th Street, Tulsa, Oklahoma, was represented by his wife, Ms. William Sissel, who submitted a plot plan (Exhibit W-1) and explained to the Board that they constructed a carport which extends over the required setback.

Comments and Questions:

Mr. Jackere asked Ms. Sissel who built the carport and she replied that they built it, with the help of their son. She informed that they were told by a contractor that a Building Permit was not required, but that they could not afford to have him construct the carport at that time.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required setback from the centerline of 44th Street from 50' to 33' to permit an existing carport and variance of the side yard setback from 5' to 2'; per plot plan; finding that there are numerous carports in the immediate vicinity; and finding that the granting of the requests will not be detrimental to the neighborhood, but will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 12, Block 5, Park Grove 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14276

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1204 - Request a special exception to permit the construction of a police department sub-station, abutting South Peoria at approximately South 65th Street.

Case No. 14276 (continued)

Presentation:

The applicant, City of Tulsa Police Department, was represented by Bill Northcutt. He informed that, at approximately 1:30 p.m. today, Ward Miller of Stormwater Management informed the Chief of Police that there are some problems with drainage on the subject property. He stated that they did not have prior knowledge of the problem and will hire an engineer to determine if there is an economical feasible way to provide the drainage. Mr. Northcutt asked the Board to continue the case until December 4, 1986.

Protestants:

Protestants were present and were advised that this case will be heard on December 4 and no further notice will be mailed out for that meeting.

Board Action:

On MOTION of BRADLEY the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 14276 until December 4, 1986, to allow the applicant sufficient time to review a drainage problem on the property in question.

Case No. 14277

Action Requested:

Appeal - Section 1650 - Appeal from the Building Inspector - Use Unit 1223 - Request an appeal from the decision of the Building Inspector to allow the storage of a tour bus.

Use Variance - Section 610 - Principal Uses Permitted in Office Districts/Section 710 - Principal Uses Permitted in Commercial Districts - Request a use variance to allow the storage of a tour bus in a CS and OM District, located on the NE/c of 21st and Columbia Avenue.

Presentation:

The applicant, Allan Kraft, 4500 South 102nd East Avenue, Tulsa, Oklahoma, asked the Board to continue Case No. 14277 to the December 4, 1986 meeting.

Comments and Questions:

Mr. Jackere asked the applicant why he has asked to continue the case for a month and he replied that Charley Mitchell called him today and said that he will not be present at this meeting.

Mr. Jackere asked Mr. Kraft if Mr. Mitchell can be present at the November 20, 1986 meeting and, if so, suggested that the application only be continued for 2 weeks since the applicant is asking for an appeal from the decision of the Building Inspector. He pointed out that, if the case is continued for a month, Mr. Kraft can continue to store the tour bus in question in the CS and OM District during that period of time.

Case No. 14277 (continued)

Mr. Kraft stated that he is in agreement with the 2 week continuance of the case.

Board Action:

On MOTION of QUARLES, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to CONTINUE Case No. 14277 to November 20, 1986.

Case No. 14278

Action Requested:

Use Variance - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1215 - Request a use variance to allow the addition of a carpet cleaners and related uses in an addition to an existing business to be built partially in an OL District, located north of the NW/c of 15th Street and College Avenue.

Presentation:

The applicant, Jack Eastman, 1444 South College, Tulsa, Oklahoma, submitted a plot plan (Exhibit X-1) and explained that he is the owner of Steamatic Carpet Cleaners, with a warehouse located at the above stated location. He stated that this building is located on 2 of the 5 lots that he owns on the northwest corner, with 4 lots zoned OH and the remaining north lot zoned OL. Mr. Eastman informed that he is proposing to construct a building on the back portion of his property to house his trucks and to be used as a drying room for carpets. He stated that exhaust fans will be installed and the building will be tall enough to hang 18' carpets.

Comments and Questions:

Ms. White inquired if any additional cleaning equipment will be installed and Mr. Eastman explained that all of his equipment is portable and a drying rack is the only installation that will be in the new building.

Mr. Gardner informed that a key consideration is the number of parking spaces that are available at this time and the number of spaces that will be provided after the expansion. He stated that prior to 4 years ago off street parking was not required, but now the applicant is required to meet the Code for the new addition.

Mr. Smith asked Mr. Eastman how many parking spaces he has at this time and he stated that he can use the north yard which is now vacant and it will accommodate approximately 15 cars. He pointed out that the trucks will be parked in the same area where they are now parked, but will be inside the new building.

Ms. Bradley inquired as to the number of employees at the cleaners and the applicant replied that he has 15 people employed at this

Case No. 14278 (continued)

time. Mr. Eastman stated that there has never been a parking problem in the area.

Mr. Smith informed that the plot plan indicated that the new building will be 70' by 90' and asked if that will be the actual size of the building. Mr. Eastman answered in the affirmative.

Ms. Bradley asked where the employees park now and the applicant explained that there is not a designated place for them to park.

Protestants:

Scott McKenzie, 1438 South College, Tulsa, Oklahoma, stated that he lives directly to the north of Mr. Eastman's property. He stated that he is not in agreement with the applicant's statement that there is not a parking problem in the area. Photographs (Exhibit X-2) of employees parking in the street in front of Mr. McKenzie's house were submitted. Mr. McKenzie brought to the attention of the Board a large number of barrels stored against the fence which divides his yard from Mr. Eastman's property. He pointed out that these barrels leak chemicals and is concerned that this leakage may pose a danger for his children playing in the yard. Mr. McKenzie stated that, in his opinion, a screening fence should be installed between the 2 properties. A petition of opposition (Exhibit X-3) signed by 57 area residents was submitted.

Mr. Quarles asked Mr. McKenzie if he knows the reason the neighbors oppose the application and he replied that they feel a screening fence should be installed and the parking problem should be solved.

Ellen Bushaw, stated that she lives 3 houses away and stated that a distributorship of Amway Products is operating on the subject property. She also stated a concern with the parking in the area.

Applicant's Rebuttal:

Mr. Eastman stated that the building would screen off the entire back portion. He stated that he rents space at several locations across the city and plans to construct the building to consolidate the operation, but no new employees will be added.

Board Action:

On MOTION of QUARLES the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 14278 to November 20, 1986, in order that the applicant can properly address the screening requirement, outside storage and parking requirements.

Case No. 14280

Action Requested:

Variance - Section 930 - Bulk and Area requirements in Residential Districts - Use Unit 1216 - Request a variance of setback from the

Case No. 14280 (continued)

centerline of East 41st Street from 110' to 95' for the renovation of existing service station, located on the SE/c of 68th East Avenue and 41st Street.

Presentation:

The applicant, Jim Crosby, 5319 South Lewis, Tulsa, Oklahoma, submitted a plot plan (Exhibit AA-1) and stated that he represents Hudson Oil Company, who is planning an expansion to an existing facility. He informed that a food mart will be added and a turnaround provided for semi-trucks. Mr. Crosby stated that additional pumps will be installed and the canopy extended.

Comments and Questions:

Ms. Bradley asked Mr. Crosby if the trucks will exit on 68th Street and he answered in the affirmative.

Ms. Bradley pointed out that the building will be farther toward the street than any other business. Mr. Crosby informed that Kaiser Magnesium is approximately 75' to 85' from the centerline of 41st Street and there are other encroachments along 41st Street.

Board Action:

On MOTION of QUARLES, the Board voted 3-1-0 (Quarles, Smith, White, "aye"; Bradley, "nay"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** (Section 930 - Bulk and Area requirements in Residential Districts - Use Unit 1216) of setback from the centerline of East 41st Street from 110' to 95' for the renovation of existing service station; per plot plan submitted; finding that there are businesses on 41st Street that are closer to the street than the service station in question; on the following described property:

West 150' of the North 24.12' of Lot 22 and the west 150' of Lots 23, 24, Block 4, Katy Freeway Industrial Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14281

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of side yard setback adjacent to street from required 30' to 15' for the lots described in legal description, located east of 108th Street South and South Yale Avenue.

Presentation:

The applicant, Barrington Place Development Company, Box 140, Jenks, Oklahoma, was represented by E. O. Sumner, who stated that the lots

Case No. 14283 (continued)

Beginning 480' south and 751.5' east of the northwest corner of the NE/4, NW/4, thence east 100', south 77', west 100', north 77' to point of beginning, Section 34, T-19-N, R-12-E, City of Tulsa, Tulsa County, State of Oklahoma, containing .176 acres, more or less.

Case No. 14285

Action Requested:

Variance - Section 1330(b) - Off-Street Parking, Setbacks - Use Unit 1210 - Request a variance of the setback from the centerline of South Richmond Avenue from 50' to 33' for an addition to existing parking lot.

Variance - Section 1340(d) - Design Standards for Off-Street Parking Areas - Request a variance of the fencing requirement subject to approval of the landscape plan, located on the SW/c of 61st Street and Richmond Avenue.

Presentation:

The applicant, Kirk of the Hills Church, was represented by Steve Olson, 324 East 3rd Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit CC-2) and a landscape plan (Exhibit CC-1), stated that the church is attempting to provide additional parking on the property. He informed that the screening requirement is to the south where only 2 houses are located, and since these houses are considerably higher than the parking lot, asked that a fence not be required along Quebec. Mr. Olson stated that there will be landscaping around the parking area.

Interested Parties:

Jerry Duas, 6147 South Quebec, Tulsa, Oklahoma, stated that he lives in one of the 2 houses across the street from the parking lot and has no complaint with the screening or the landscaping, but pointed out that the retaining wall, which is under construction, blocks the view of motorists turning from Richmond to Quebec.

Board Action:

On MOTION of WHITE the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE a Variance (Section 1330(b) - Off-Street Parking, Setbacks - Use Unit 1210) of the setback from the centerline of South Richmond Avenue from 50' to 33' for an addition to existing parking lot; and to APPROVE a Variance (Section 1340(d) - Design Standards for Off-Street Parking Areas) of the fencing requirement; per plot plan; subject to applicant returning to the Board for approval of the landscape plan; and subject to the retaining wall again being reviewed and approved by Traffic Engineering; finding a hardship imposed by the contour of the land and the irregular shape of the tract; on the following described property:

Lot 1, Block 1, Livingston Park - Less that portion platted as Livingston Park South, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14286

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the livability space from 4,000 sq. ft. to 3,000 sq. ft. to allow an addition to an existing non-conforming dwelling, located at 1236 East 28th Street.

Presentation:

The applicant, Don Myers, 1236 East 28th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit DD-1) and asked the Board to permit an addition to an existing dwelling.

Protestants: None.

Board Action:

On MOTION of QUARLES, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the livability space from 4,000 sq. ft. to 3,000 sq. ft. to allow an addition to an existing non-conforming dwelling; on the following described property:

Lot 6, Block 20, Sunset Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14289

Action Requested:

Special Exception - Section 420.1 - Accessory Uses in Residential Districts - Use Unit 1213 - Request a special exception to allow for a restaurant and pie shop as a home occupation, located at 761 North Denver Avenue.

Presentation:

The applicant, Anne Lyons, 761 North Denver, Tulsa, Oklahoma, stated that she is unemployed and is proposing to open a restaurant and pie shop to supplement the family income. She informed that the house at the above stated location has 10 rooms and that her family is now residing in the upstairs portion. Ms. Lyons stated that the restaurant will be located in the downstairs area and will seat approximately 20 to 30 people. She stated that there are already mixed uses in the area and the proposed restaurant will be a nice place to eat.

Comments and Questions:

Ms. Bradley asked the applicant if she is familiar with the Home Occupation Guidelines and she answered in the affirmative.

Case No. 14281 (continued)

In question are in a new subdivision and on corner lots. He informed that preliminary approval has been granted by TMAPC.

Comments and Questions:

Mr. Gardner stated that the staff recommendation asked that the houses face the greater setback which would result in an alignment on the side.

Protestants: None.

Board Action:

On MOTION of BRADLEY the Board voted 3-0-1 (Bradley, Quarles, White, "aye"; no "nays"; Smith, "abstaining"; Chappelle, "absent") to **APPROVE** a **Variance** - Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of side yard setback adjacent to street from required 30' to 15' for the lots described in legal description; subject to the houses facing the 30' setback; finding a hardship imposed by the corner lot location; on the following described property:

Lot 16, Block 1; Lots 1, 7, 8, 14, Block 2; Lot 9, Block 3 of Barrington Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14282

Action Requested:

Variance - Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of the required rear yard setback of 20' to 5' to build a carport, located on the NE/c of 39th Street South and 94th East Avenue.

Presentation:

The applicant, Max Carter, 9407 East 39th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit BB-1) and asked the Board to allow him to construct a carport on his property at the above stated location.

Comments and Questions:

Ms. White asked the applicant if the roof line will be extended and he stated that the carport will align with the front portion of the house and the carport roof will tie in with the main roof.

Interested Parties:

Ward Miller, Department of Stormwater Management, informed that the tract of record is located in the flood hazard area and the owner will be required to obtain a Watershed Development Permit.

Case No. 14282 (continued)

Board Action:

On MOTION of BRADLEY the Board voted 3-0-1 (Bradley, Quarles, White, "aye"; no "nays"; Smith, "abstaining"; Chappelle, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required rear yard setback of 20' to 5' to build a carport; per plot plan submitted; subject to applicant obtaining a Watershed Development Permit; and subject to the continuation of the gable roof over the carport; finding that there are other carports in the area; and finding that the front of the carport will actually align with the front portion of the house; on the following described property:

Lot 23, Block 6, Briarwood 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14283

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to permit used car sales in a CS District,

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Request a variance of the required 150' of frontage to 100', located at 2614 West Skelly Drive.

Presentation:

The applicant, Gerald Cypert, 3340 South 63rd West Avenue, Tulsa, Oklahoma, asked the Board to allow used cars sales on the property in question. He stated that he owns the property and is planning to lease it to another party. Mr. Cypert informed that the lot is fenced and is surrounded by an industrial area.

Comments and Questions:

Ms. Bradley asked the applicant how many cars he intends to put on the lot and he replied that the lessee plans to have approximately 12 cars.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to permit used car sales in a CS District; and to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements in Commercial Districts) of the required 150' of frontage to 100'; finding that the special exception request is compatible with the surrounding uses; and finding a hardship imposed on the applicant by multiple zoning in the area; on the following described property:

Case No. 14289 (continued)

Ms. Bradley Inquired as to the parking arrangement for the business and the applicant informed that the street will be used for parking.

Ms. White asked Ms. Lyons to state the days and hours of operation for the restaurant and she replied that it will be open 6 days a week from 6:30 a.m. to 10:00 p.m.

Protestants:

Betty Conrad, 765 North Denver, Tulsa, Oklahoma, informed that she lives to the north of the subject property and feels that street parking will only add to an already crowded area. She stated that she is opposed to a restaurant next door to her property, and pointed out that it will be approximately 15' from her bedroom window. Ms. Conrad pointed out that the subject property is in a historical preservation area and asked the Board to deny the application. A petition of protest and a letter opposing the application (Exhibit EE-1) were submitted.

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Special Exception** (Section 420.1 - Accessory Uses in Residential Districts - Use Unit 1213) to allow for a restaurant and pie shop as a home occupation; finding that a restaurant is not appropriate for the area and that the granting of the special exception would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 9, Block 12, Burgess Hill Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14290

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required 30' minimum frontage on a public street to permit ingress and egress through another lot, located on the NE/c of Hartford Avenue and East Seminole Street.

Presentation:

The applicant, Hazle Fields, 715 East Seminole Street, Tulsa, Oklahoma, stated that he is a plumbing contractor and has been hired to install plumbing in the house that has been moved in on the rear portion of a lot.

Comments and Questions:

Mr. Smith asked if the lot has been split and Mr. Fields stated that it has not.

Case No. 14290 (continued)

Candy Parnell, Protective Inspections, stated that the owner of the subject property has moved a house on the back portion of the lot. She informed that the owner is very elderly and her brother will be living in the house to the rear, but she is unable to get a Building Permit because there is no access to the lot without extending the driveway.

Interested Parties:

The owner of the lot to the west of the property in question stated that he did not understand the application, but is not opposed to the request.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** (Section 207 - Street Frontage Required - Use Unit 1206) a variance of the required 30' minimum frontage on a public street to permit ingress and egress through another lot; finding a hardship imposed on the applicant by the size and the narrow shape of the lot; on the following described property:

E/2 of Lot 4, E/2 of Lot 5, Block 3, Pershing Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14291

Action Requested:

Special Exception - Section 1680.1(g) - Special Exception, General - Request a special exception to allow off-street parking in an RS-3 District.

Use Variance - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1202 - Request a use variance to allow a restaurant in an OL Districts.

Variance - Section 630 - Bulk and Area Requirements in Office Districts - request a variance of the setback from the centerline of Delaware Place from 50' to 46'.

Variance - Section 1212.3 - Use Conditions - Request a variance of the screening requirement on the OL/RS-3 boundary for placement of screening fence on south property line.

Variance - Section 1320(d) - General Requirements - Request a variance to allow required parking to be spread over several lots, located on the SW/c of East 11th Street and South Delaware Place.

Case NO. 14291 (continued)

Presentation:

The applicant, John Sublett, 320 South Boston, Tulsa, Oklahoma, submitted a plot plan (Exhibit FF-1) and stated that he represents Bama Pie, owner of the lots in question. He informed that a Taco Bueno Restaurant is proposed for the property, with parking to the front, and the building moved to the back portion of the lot. Mr. Sublett pointed out that the southeast corner of the building will be located in a portion of the OL zoned area. He informed that the screening fence will be moved to the RS-3 boundary and the entire south area will be fenced and reserved for employee parking. Mr. Sublett stated that the building has been moved to the west and will encroach only 4' on the Delaware Place setback.

Comments and Questions:

Mr. Jones informed that Charles Norman, who represents Tulsa University, stated that they are not in opposition to the application, but asked that there be a continuation of the screening fence.

Protestants:

Fran Pace, 1326 South Florence Avenue, Tulsa, Oklahoma, submitted a petition of protest (Exhibit FF-2) from area residents. The petition stated that the protestants asked that the District Plan be maintained, and that parking not be allowed in an RS District and a restaurant not be allowed in an OL District. The petition also stated that a privacy fence should be placed between the OL and RS-3 boundary. Ms. Pace asked that ingress and egress to the parking lot be limited to the first 3 lots from 11th Street and no closer to the residential area. She asked that the case be continued to allow research of the zoning for the lots across the street and if they are found to be residential, she asked that the privacy fence wrap around the southern boundary to the east.

Additional Comments:

Mr. Smith commented that, according to the plot plan, the fence extends to the southeast corner and stops. He pointed out that, if it extends to the north, there would be no sight distance out to Delaware Place.

Mr. Quarles remarked that, in his estimation, the access point is in the proper place.

Mr. Gardner pointed out that, if the application is approved per plot plan, the screening fence will be approximately 20', running north and south.

Ms. Pace urged the Board to consider screening the neighborhood 2 lots deep.

Case NO. 14291 (continued)

Board Action:

On MOTION of QUARLES, the Board voted 3-1-0 (Quarles, Smith, White, "aye"; Bradley, "nay"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** (Section 1680.1(g) - Special Exception, General) to allow off-street parking in an RS-3 District; to **APPROVE** a **Use Variance** (Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1202) to allow a restaurant in an OL District; to **APPROVE** a **Variance** (Section 630 - Bulk and Area Requirements in Office Districts) of the setback from the centerline of Delaware Place from 50' to 46'; to **APPROVE** a **Variance** (Section 1212.3 - Use Conditions) of the screening requirement on the OL/RS-3 boundary for placement of screening fence on south property line; and to **APPROVE** a **Variance** (Section 1320(d) - General Requirements) to allow required parking to be spread over several lots; per plot plan submitted; and subject to a tie contract on all of the lots in this application; finding a hardship imposed on the applicant by multiple zoning classifications in the area; and finding that restaurant use is compatible with the OL zoning; on the following described property:

Lots 1 - 5, Block 3, Signall Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14292

Action Requested:

Appeal - Section 1650 - Appeals from the Building Inspector - Use Unit 1221 - Request to appeal the decision of the Sign Inspector that 'color bands' constitute a sign.

Variance - Section 1221.4(b) - CS District Use Conditions for Business Signs - Request a variance to exceed the square footage for wall sign in a CS District by including the color band area, (approximately 402' total sq. ft.), located on the NE/c of Sheridan Avenue and King Street.

Presentation:

The applicant, T. H. E. Signs, LTD., 1859 North 106th East Avenue, Tulsa, Oklahoma, was represented by Mark Salenski. Mr. Salenski introduced Jim Fountain, who stated that he is in charge of construction for the Circle K stores. He asked the Board to review and overturn the decision of the Sign Inspector, which interpreted color bands as being a sign and not a decorative facade or an architectural feature of the building. Photographs (Exhibit GG-1) were submitted. Mr. Fountain stated that the stripes are only decorative, do not advertise, and therefore are not signs.

Case No. 14292 (continued)

Comments and Questions:

Mr. Jackere pointed out that the 2 types of signs in the City are business signs and outdoor advertising signs. He informed that a business sign is one that directs attention to a business, commodity, service or entertainment conducted on the premises.

Mr. Gardner asked Mr. Fountain if the signs are illuminated and he replied that only the strips along the front edge are illuminated.

Mr. Gardner pointed out that a 3' wall sign extending all around the building, whether lighted or not, is permitted and stated that the Board will have to determine if the band is a 6' business sign.

Mr. Quarles asked Mr. Fountain to state the extent of the remodeling project and he replied that approximately \$40,000 will be spent on each store. He informed that these bands are not unique to Tulsa, but are a national image for the 3,400 Circle K stores.

Protestants:

Ed Rice, Chief Building Inspector, stated that many Circle K sign applications have been approved, but 4 signs have been rejected because they were larger than the ordinance allows. He pointed out that the signs in question are designed with three sets of the letters, Circle K, joined by color bars. He stated that he does not object to the Board approving an oversized sign, but does object to the determination that a color band is not a sign.

Ken Bode, Building Inspector, pointed out that the size of the sign across the front of the building is about double the amount that is allowed.

Mr. Gardner asked Mr. Bode if the sign on the canopy would be treated the same as a wall sign if it did not exceed 3' all around and he answered in the affirmative.

Mr. Gardner asked Mr. Fountain if the canopy is taller than 3' and he informed that the gasoline canopy is 30".

Mr. Gardner stated that, if so inclined, the Board can grant a variance subject to all of the signage for the building being placed on the front and there being no other wall signs on the remaining walls of the building.

Richard Craig, 4307 South Hickory, Broken Arrow, Oklahoma, stated that he is representing Greater Tulsa Sign Association, and stated that the association has met and asked that the Board determine that the color bands are not a sign. He pointed out that some of the Quik-Trip stores in the City have a gold flashing band behind their logos. He voiced a concern that, if the strips are classified as signs, licensed sign contractors will be required to get permits for all strips that are painted on buildings.

Board Action:

On MOTION of QUARLES, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** an Appeal (Section 1650 - Appeals from the Building Inspector - Use Unit 1221) from the decision of the Sign Inspector that 'color bands' constitute a sign, to November 20, 1986, to allow the Ad Hoc Sign Committee sufficient time to review the case; and to **APPROVE** a Variance (Section 1221.4(b) - CS District Use Conditions for Business Signs) to exceed the square footage for a wall sign in a CS District by including the color band area, (approximately 330' total sq. ft.); subject to a sign being on the front of the building only, with no signs being placed on the remaining 3 sides of the building; finding that the the total signage will not exceed the amount required by the Code; on the following described property:

A tract of land described as beginning at a point 180.24' north and 50' east of the southwest corner of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 35, Township 20 North, Range 13 East in the City of Tulsa, Tulsa County, Oklahoma, and running thence north parallel and adjacent to the easterly line of Sheridan Road a distance of 120'; thence easterly parallel with and 120' distant northerly from King Street for a distance of 130'; thence southerly parallel with and 130' distant easterly from Sheridan Road a distance of 120' to King Street; thence westerly parallel and adjacent to the northerly line of King Street a distance of 130' to place of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14293

Action Requested:

Appeal - Section 1650 - Appeals from the Building Inspector - Use Unit 1221 - Request to appeal the decision of the Sign Inspector that 'color bands' constitute a sign.

Variance - Section 1221.4(b) - CS District Use Conditions for Business Signs - Request a variance to exceed the square footage for wall sign in a CS District by including the color band area, (approximately 330' total sq. ft.), located on the NE/c of South 145th East Avenue and East 33rd Street South.

Presentation:

The applicant, T. H. E. Signs, LTD., 1859 North 106th East Avenue, Tulsa, Oklahoma, was represented by Mark Salenski. Mr. Salenski introduced Jim Fountain, who stated that he is in charge of construction for the Circle K stores. He asked the Board to review and overturn the decision of the Sign Inspector, which interpreted color bands as being a sign and not a decorative facade or an

Case No. 14293 (continued)

architectural feature of the building. Photographs (Exhibit GG-1) were submitted. Mr. Fountain stated that the stripes are only decorative, do not advertise, and therefore are not signs.

Comments and Questions:

Mr. Jackere pointed out that the 2 types of signs in the City are business signs and outdoor advertising signs. He informed that a business sign is one that directs attention to a business, commodity, service or entertainment conducted on the premises.

Mr. Gardner asked Mr. Fountain if the signs are illuminated and he replied that only the strips along the front edge are illuminated.

Mr. Gardner pointed out that a 3' wall sign extending all around the building, whether lighted or not, is permitted and stated that the Board will have to determine if the band is a 6' business sign.

Mr. Quarles asked Mr. Fountain to state the extent of the remodeling project and he replied that approximately \$40,000 will be spent on each store. He informed that these bands are not unique to Tulsa, but are a national image for the 3,400 Circle K stores.

Protestants:

Ed Rice, Chief Building Inspector, stated that many Circle K sign applications have been approved, but 4 signs have been rejected because they were larger than the ordinance allows. He pointed out that the signs in question are designed with three sets of the letters, Circle K, joined by color bars. He stated that he does not object to the Board approving an oversized sign, but does object to the determination that a color band is not a sign.

Ken Bode, Building Inspector, pointed out that the size of the sign across the front of the building is about double the amount that is allowed.

Mr. Gardner asked Mr. Bode if the sign on the canopy would be treated the same as a wall sign if it did not exceed 3' all around and he answered in the affirmative.

Mr. Gardner asked Mr. Fountain if the canopy is taller than 3' and he informed that the gasoline canopy is 30".

Mr. Gardner stated that, if so inclined, the Board can grant a variance subject to all of the signage for the building being placed on the front and there being no other wall signs on the remaining walls of the building.

Case No. 14293 (continuedf)

Richard Craig, 4307 South Hickory, Broken Arrow, Oklahoma, stated that he is representing Greater Tulsa Sign Association, and stated that the association has met and asked that the Board determine that the color bands are not a sign. He pointed out that some of the Quik-Trip stores in the City have a gold flashing band behind their logos. He voiced a concern that, if the strips are classified as signs, licensed sign contractors will be required to get permits for all strips that are painted on buildings.

Board Action:

On MOTION of QUARLES, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** an **Appeal** (Section 1650 - Appeals from the Building Inspector - Use Unit 1221) from the decision of the Sign Inspector that 'color bands' constitute a sign, to November 20, 1986, to allow the Ad Hoc Sign Committee sufficient time to review the case; and to **APPROVE** a **Variance** (Section 1221.4(b) - CS District Use Conditions for Business Signs) to exceed the square footage for a wall sign in a CS District by including the color band area, (approximately 330' total sq. ft.); subject to a sign being on the front of the building only, with no signs being placed on the remaining 3 sides of the building; finding that the total signage will not exceed the amount required by the Code; on the following described property:

A part of Block 1, Woodland Hills Center, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, more particularly described as follows:

Beginning at the SW/c of said Block 1; thence north along the west line of said Block 1, a distance of 200'; thence due east a distance of 150'; thence south a distance of 196.67' to a point on the north right-of-way line of east 33rd Street South; thence westerly along the northerly line of said street right-of-way to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14294

Action Requested:

Appeal - Section 1650 - Appeals from the Building Inspector - Use Unit 1221 - Request to appeal the decision of the Sign Inspector that 'color bands' constitute a sign.

Variance - Section 1221.4(b) - CS District Use Conditions for Business Signs - Request a variance to exceed the square footage for

Case No. 14294 (continued)

wall sign in a CS District by including the color band area, (approximately 402' total sq. ft.), located on the SW/c of 145th East Avenue and 11th Street.

Presentation:

The applicant, T. H. E. Signs, LTD., 1859 North 106th East Avenue, Tulsa, Oklahoma, was represented by Mark Salenski. Mr. Salenski introduced Jim Fountain, who stated that he is in charge of construction for the Circle K stores. He asked the Board to review and overturn the decision of the Sign Inspector, which interpreted color bands as being a sign and not a decorative facade or an architectural feature of the building. Photographs (Exhibit GG-1) were submitted. Mr. Fountain stated that the stripes are only decorative, do not advertise, and therefore are not signs.

Comments and Questions:

Mr. Jackere pointed out that the 2 types of signs in the City are business signs and outdoor advertising signs. He informed that a business sign is one that directs attention to a business, commodity, service or entertainment conducted on the premises.

Mr. Gardner asked Mr. Fountain if the signs are illuminated and he replied that only the strips along the front edge are illuminated.

Mr. Gardner pointed out that a 3' wall sign extending all around the building, either lighted or unlighted, is permitted and stated that the Board will have to determine if the band is a 6' business sign.

Mr. Quarles asked Mr. Fountain to state the extent of the remodeling project and he replied that approximately \$40,000 will be spent on each store. He informed that these bands are not unique to Tulsa, but are a national image for the 3,400 Circle K stores.

Protestants:

Ed Rice, Chief Building Inspector, stated that many Circle K sign applications have been approved, but 4 signs have been rejected because they were larger than the ordinance allows. He pointed out that the signs in question are designed with three sets of the letters, Circle K, joined by color bars. He stated that he does not object to the Board approving an oversized sign, but does object to the determination that a color band is not a sign.

Ken Bode, Building Inspector, pointed out that the size of the sign across the front of the building is about double the amount that is allowed.

Mr. Gardner asked Mr. Bode if the sign on the canopy would be treated the same as a wall sign if it did not exceed 3' all around and he answered in the affirmative.

Case No. 14294 (continued)

Mr. Gardner asked Mr. Fountain if the canopy is taller than 3' and he informed that the gasoline canopy is 30".

Mr. Gardner stated that, if so inclined, the Board can grant a variance subject to all of the signage for the building being placed on the front and there being no other wall signs on the remaining walls of the building.

Richard Craig, 4307 South Hickory, Broken Arrow, Oklahoma, stated that he is representing Greater Tulsa Sign Association, and stated that the association has met and asked that the Board determine that the color bands are not a sign. He pointed out that some of the Quik-Trip stores in the City have a gold flashing band behind their logos. He voiced a concern that, if the strips are classified as signs, licensed sign contractors will be required to get permits for all strips that are painted on buildings.

Board Action:

On MOTION of QUARLES, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** an Appeal (Section 1650 - Appeals from the Building Inspector - Use Unit 1221) from the decision of the Sign Inspector that 'color bands' constitute a sign, to November 20, 1986, to allow the Ad Hoc Sign Committee sufficient time to review the case; and to **APPROVE** a **Variance** (Section 1221.4(b) - CS District Use Conditions for Business Signs) to exceed the square footage for a wall sign in a CS District by including the color band area, (approximately 330' total sq. ft.); subject to a sign being on the front of the building only, with no signs being placed on the remaining 3 sides of the building; finding that the the total signage will not exceed the amount required by the Code; on the following described property:

North 150' of Lot 1, and east 31.4' of north 150' of Lot 2, Block 1, Mauldin Resubdivision of Block 1 and Lots 1, 2, and 7 of Block 2, Eleventh Street Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14296

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1202 - Request a special exception to permit Christmas tree sales for the next 3 seasons in an RS-3 District, located on the SW/c of 31st Street and East Skelly Drive.

Presentation:

The applicant, Brookside Lions Club, asked the Board to allow their organization to sell Christmas trees at the above stated location, as they have been doing for the past 12 to 15 years.

Case NO. 14296 (continued)

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a Special Exception (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1202) to permit Christmas tree sales for the next 3 seasons in an RS-3 District; finding that the special exception request will not be detrimental to the area; on the following described property:

Part of the NW/4 of the NE/4 of the NE/4 and E/2 of the NW/4 of the NE/4. Beginning 35' south and 499' east of the northwest corner of the E/2 of NW/4 of the NE/4; thence east to a point 789.91' west and 35' south of the northeast corner of the NE/4; thence south 15'; thence east 97'; thence south 11.76'; thence southwesterly 500'; thence north to the point of beginning, located in Section 23, T-19-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 14297

Action Requested:

Variance - Section 1205.3(d) - Use Conditions - Use Unit 1205 - Request a variance of the spacing limitation between proposed facility and other facilities serving as a residential treatment center, transitional living center, or protective shelter, located at 506 North Cheyenne.

Presentation:

The applicant, Ralph L. Jones, Jr., 3227 East 31st Street, Tulsa, Oklahoma, stated that he is Chairman of the Board for the John 3:16 Mission. He informed that, in the process of getting a Building Permit, it was discovered that there are other similar agencies near the proposed center. Mr. Jones stated that he has measured the distances and found that the proposed center is 1,144' from the Tulsa Metropolitan Day Care Center, 1,365' from the Salvation Army building at Denver and Archer, 1,403' from the Salvation Army Adult Rehabilitation Center and 750' from The Wings of Faith organization. He informed that he has met with the director of The Wings of Faith and he indicated that he had no problem with the location of the mission. Mr. Jones pointed out that the building is being purchased from the Salvation Army, so it is evident that they do not object to the proposed center.

Comments and Questions:

Mr. Smith stated that Staff has received a letter of support (Exhibit HH-1) from the apartment owner across the street from the subject property.

Case No. 14297 (continued)

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** - Section 1205.3(d) - Use Conditions - Use Unit 1205 - Request a variance of the spacing limitation between proposed facility and other facilities serving as a residential treatment center, transitional living center, or protective shelter; finding a hardship imposed on the applicant by the mixed zoning in the area; on the following described property:

South 10' of Lot 3 and all of Lot 4, Block 3, Original Town of Tulsa, Tulsa County, Oklahoma.

Case No. 14298

Action Requested:

Special Exception - Section 420.1 - Accessory Uses Permitted in Residential Districts - Request a special exception to allow a beauty shop as a home occupation in an RS-3 District, located at 4646 East 89th Street South.

Presentation:

The applicant, Shelton Hahn, 3141 South Gary, Tulsa, Oklahoma, stated that his client, Ms. Vaughn, is proposing to construct a garage and beauty shop. He informed that there is no garage on the property at this time and the shop will be housed in part of the new addition. A drawing (Exhibit JJ-1) was submitted.

Comments and Questions:

Mr. Smith asked how many customers Ms. Vaughn will have at one time and the applicant stated that she will be the only operator and will never have more than 2 at any given time.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** - Section 420.1 - Accessory Uses Permitted in Residential Districts - Request a special exception to allow a beauty shop as a home occupation in an RS-3 District; subject to 1 operator only; and subject to Home Occupation Guidelines; 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:

North 165' of the East 165', SW/4, SE/4, SE/4, less the north 25', Section 16, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 14181

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception for a church building and related uses in an RS-3 zoned district, located at 1825 West 91st Street.

Comments and Questions:

Mr. Jones informed that the Board approved this Case on September 4, 1986, subject to the applicant returning for a review of the detail site plans.

Presentation:

The applicant, Wayne Taylor, 2917 West 65th Street, Tulsa, Oklahoma, submitted a site plan (Exhibit KK-1) and stated that he is representing the Living Word Church. He stated that the plan before the Board today is for Phase 1 only, and the house that is on the property will be removed, with the garage remaining. Mr. Taylor informed that a privacy fence will be installed where required.

Comments and Questions:

Ms. White asked the applicant if there will be a day care or a school on the property and he replied that there will not.

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205)- for a church building and related uses in an RS-3 zoned district; per site plan submitted; on the following described property:

Begin 25' north and 741.70 west of the Se/c of said Section 15 T-18-N, R-12-E, Thence north 208.70', east 104.35', north 183.70', west 315.25', south 392.40', east 210.90' to P.O.B., City of Tulsa, Tulsa County, Oklahoma.

Case No. 14284

Action Requested:

Refund of application fees for Case No. 14284.

Comments and Questions:

Mr. Jones informed that the applicant, Randall Hartman, requested by letter (Exhibit J-1) that the application fee of \$75.00 be refunded. He informed that the applicant withdrew the request before processing had begun and suggested that the entire fee be refunded.

Case No. 14284 (continued)

Board Action:

On MOTION of QUARLES, the Board voted 4-0-0 (Bradley, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to REFUND the application fee of \$75.00 for Case No. 14284; finding that the application was withdrawn prior to processing.

There being no further business, the meeting was adjourned at 6:50 p.m.

Date Approved

11.20.86


Chairman