

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 479
Thursday, December 4, 1986, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

| MEMBERS PRESENT | MEMBERS ABSENT | STAFF PRESENT | OTHERS PRESENT |
|--|----------------|----------------------------|--|
| Bradley Chappelle, Chairman Quarles Smith White | | Gardner Moore Taylor | 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, December 2, 1986, at 11.43 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

Ms. Bradley pointed out that the vote on Case No. 14192 should have been 5-0-0, and not 4-0-0 as reflected in the November 20th minutes. On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** the Minutes of November 20, 1986, (No. 478) as corrected.

UNFINISHED BUSINESS

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.

Comments and Questions:

Mr. Jackere informed that the applicant, City of Tulsa Police Department, has requested that Case No. 14276 be withdrawn.

Protestants:

C. H. Madearis, 1359 East 64th Street, Tulsa, Oklahoma, asked Mr. Jackere if the applicant is changing the location of the police station. A letter of opposition (Exhibit A-1) was submitted.

Case No. 14276 (continued)

Mr. Jackere replied that the station cannot be built without relief from the Board of Adjustment and it has been determined by the applicant that the site, based on other considerations, is not appropriate for the facility.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, White, Smith, "aye"; no "nays"; no "abstentions"; none, "absent") to **WITHDRAW** Case No. 14276.

Case No. 14291

Action Requested:

Variance - Section 1212.3 - Use Conditions - Request a variance of the screening requirement between an OL and RS-3 District, located on the SW/c of East 11th Street and South Delaware Place.

Comments and Questions:

Mr. Jones informed that Staff has received a letter (Exhibit B-1) from the applicant which stated that Don McCorkell, Jr., attorney for the protestants, is ill and asked that Case No. 14291 be continued until December 18, 1986.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, White, Smith, "aye"; no "nays"; no "abstentions"; none, "absent") to **CONTINUE** Case No. 14291 until December 18, 1986.

Case No. 14295

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215 - Request a special exception to permit various Use Unit 15 uses in a CS District.

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request a variance of the 50' setback from the centerline of 53rd Place to 30' and from the south 60' of the east property line from 10' to 5'.

Variance - Section 1215.3 - Use Conditions - Request a variance of screening fence along the south 60' of the east property line in common with the R District.

Variance - Section 1200 - Off-Street Parking and Loading Requirements - Request a variance of the required 40 parking spaces for general retail to 36 spaces and to waive the required one loading berth, located east of the NE/c of Peoria and 53rd Street South.

Case No. 14295 (continued)

Presentation:

The applicant, Gerald Snow, 820 North Lynn Lane, Tulsa, Oklahoma, submitted a plot plan (Exhibit C-1) and photographs (Exhibit C-3). He stated that this case was continued from the previous meeting to enable him to compile a list (Exhibit C-2) of probable uses for the Center under Use Unit 15.

Comments and Questions:

Ms. Bradley commented that sale of bottled gas is on the list of businesses that will be permitted in the center and, in her opinion, the storage of gas could be dangerous for the nearby residents.

Ms. White remarked that a kennel would be permitted in the center and could be offensive to the neighborhood. Mr. Snow stated that a kennel and bottle gas are not intended uses and can be marked off the list of acceptable businesses for the center.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, White, Smith, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1215) to permit various Use Unit 15 uses in a CS District; to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements in the Commercial Districts) of the 50' setback from the centerline of 53rd Place to 30' and from the south 60' of the east property line from 10' to 5'; to **APPROVE** a **Variance** (Section 1215.3 - Use Conditions) of screening fence along the south 60' of the east property line in common with the R District; and to **APPROVE** a **Variance** (Section 1200 - Off-Street Parking and Loading Requirements) of the required 40 parking spaces for general retail to 36 spaces and to waive the required one loading berth; per plot plan; subject to permitted uses in the center being those under Use Unit 15, except for the following businesses: Bait shops, bottled gas, fence, fuel oil, ice plant, lumber yard, model homes display, monument (excluding shaping), portable storage building sales, furnace cleaning, sign painting, armored car service, kennel, barber school, beauty school and trade school; finding a hardship imposed on the applicant by the size of the lot and multiple zoning surrounding the subject property; and finding that there are other structures as close to the street as the building in question; on the following described property:

East 130' of Lots 5, 6, and 7, Cantrell Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14303

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in Industrial Districts - Use Unit 1225 - Request a variance of the frontage requirement from 150' to 110.1' and 0' in order to permit access by a private road, located east 28th Street North, west of Sheridan Road.

Comments and Questions:

Mr. Taylor informed that the applicant is in need of additional relief and has requested that Case No. 14303 be continued until December 18, 1986.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, White, Smith, "aye"; no "nays"; no "abstentions"; none, "absent") to **CONTINUE** Case No. 14303 to allow the applicant sufficient time to advertise for additional relief.

NEW APPLICATIONS

Case No. 14306

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1205 - Request a special exception to allow a children's nursery in an OL District, located at 6931 South 66th East Avenue.

Presentation:

The applicant, Terry Young, P.O. Box 3351, Tulsa, Oklahoma, submitted photographs (Exhibit D-1) and stated that he represents the owners of the property at the above noted location. He informed that the existing structure has previously housed a radio station and asked the Board to allow a child care business to be operated on the property.

Comments and Questions:

Ms. Bradley asked the applicant where the play yard will be located and he replied that a definite decision regarding the play area has not been made at this time.

Mr. Smith inquired as to the number of children that will be cared for at the nursery and what portion of the building will be used. Mr. Young informed that the northern portion of the building will be used for the children and the number of children will be determined by the State, according to the square footage of the building.

Case No. 14306 (continued)

Ms. White asked the applicant to state the days and hours of operation for the child care facility and he replied that the hours of operation have not been decided.

Mr. Smith inquired as to the amount of square feet that will be utilized by the nursery and Mr. Young stated that he does not have that information.

Mr. Quarles asked if the owner of the property will be operating the business and the applicant informed that the building will be leased to a child care operator.

Mr. Quarles inquired if the operator has been identified and Mr. Young informed that he does not know the identity of the operator.

Ms. White commented that she does not feel a 24-hour operation would be appropriate for the location and that the play area is very small.

Mr. Young apologized for his inability to answer the Board's questions and left the meeting to contact the owner of the property and provide the requested information.

Upon Mr. Young's return, he stated that the business will be operated by Marilyn Jones, Ph.D., and will be operated from 6 a.m. to 7 p.m., Monday through Saturday. He informed that the outside playground will be to the north of the building and the center will not accept children more than 10 years of age. Mr. Young stated that the square footage for the operation will not exceed 9,000 sq. ft. and will probably be between 6,000 sq. ft. and 8,000 sq. ft.

Mr. Smith asked Mr. Young how many square feet are in the entire building and he replied that he does not have that figure.

Mr. Quarles inquired as to how many children will be allowed in a 9,000 sq. ft. space and Mr. Chappelle informed that approximately 300 children could be allowed according to the square footage. Mr. Young informed that he does not anticipate an operation of that size.

Mr. Smith asked if there would be a problem with continuing the Case until the next meeting in order to research the size of the operation. Mr. Young stated that, in his opinion, the licensing procedure of the State will govern the number of children.

Mr. Quarles informed that, if 300 children were allowed, a traffic problem could arise in the area.

Case No. 14306 (continued)

After discussion, the Board stated a concern with the size of the building and the large number of children that it could accommodate. Mr. Young asked if, in order to prevent a continuance, the Board would allow him to phone his client and determine the number of children that will be cared for in the nursery. The Board was in agreement with the request.

Mr. Young returned to the meeting and stated that the day care center will have a maximum of 125 children.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, White, Smith, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 610 - Principal Uses Permitted In Office Districts - Use Unit 1205) to allow a children's nursery in an OL District; subject to a maximum of 125 children, whose age will not exceed 10 years; subject to days and hours of operation being Monday through Saturday, 6 a.m. to 7 p.m.; and subject to the existing fence being extended north to the end of the playground; finding that the use will not be detrimental to the area and will be in harmony with the spirit and Intent of the Code and the Comprehensive Plan; on the following described property:

Beginning at the NE/c of Block 3, Plaza Village, and amended plat of Skyview Center, an addition in Tulsa, Oklahoma; said corner being on the south line of East 69th Street South; thence S 9°48'14" E along the easterly line of said Block 3 for a distance of 170.79' to a P.I. in the easterly line of said Block 3; thence S 35°23'35" E along the northeasterly line of said Block 3 for a distance of 24.47'; thence S 60°11'25" W for a distance of 180.27' to a point on the westerly line of said Block 3; thence northerly along a curve to the right having a radius of 620.00' for a distance of 264.00' to the NW/c of said Block 3; thence easterly along the radius of 1,340' for a distance of 168.87' to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14310

Action Requested:

Variance - Section 1340.(e) - Design Standards for Off-Street Parking Areas - Use Unit 1210 - Request a variance of the screening fence or its location along the lot line in common with the residential district, located north of NE/c Quincy Avenue and 15th Street.

Presentation:

The applicant, Beth Miller, 1401 East 15th Street, Tulsa, Oklahoma, submitted photographs (Exhibit E-2) and stated that Chimi's

Case No. 14310 (continued)

Restaurant shares a driveway with the house located to the north. She informed that there was a house on the lot at one time, but it has been removed and the space is being used as a parking lot for the restaurant. Ms. Miller informed that if a fence is installed to screen the residence from the parking area, it will be in the middle of the driveway.

Comments and Questions:

Ms. White asked the applicant if there is access to the parking lot from the south and Ms. Miller informed that there is an entrance from the alley, but the customers would have to back out when leaving the parking area.

Ms. Miller stated that the exact location for the fence seems to be the question, since the two properties have a shared driveway.

Protestants:

Kurt Ray, 707 South Houston, Tulsa, Oklahoma, represented Mary Lee, who lives in the house to the north of the parking lot. He informed that in 1983 Chimi's Restaurant opened and was a very small business, but now serves approximately 14,000 customers each month. Mr. Ray informed that a book store and massage parlor are located in the same building with the restaurant, causing a great deal of traffic in the area. He submitted a plot plan (Exhibit E-1) that, in his opinion, would alleviate the problem. Mr. Ray pointed out that the applicant can build an additional exit from their driveway.

Additional Comments:

Ms. Bradley asked Mr. Ray if he agrees that the fence would be in the middle of the driveway and he answered in the affirmative. He explained that his client wants the fence constructed on the property line and plans to move her driveway to the north of the fence.

Protestants:

Mary Lee, 1435 South Quincy, Tulsa, Oklahoma, stated that she lives in the residence to the north of the restaurant parking lot. Ms. Lee informed that occasionally cars park in her driveway and drive across her yard. She asked the Board to require a screening fence to be constructed on the property line.

Additional Comments:

Mr. Smith asked Ms. Lee if half of the garage belongs to her and she answered in the affirmative.

Gary Builder, 1401 East 15th Street, Tulsa, Oklahoma, stated that he represents the owner of the property. He informed that the neighborhood began to change after the Lincoln Lodge Hotel was closed in 1983 and that Chimi's was the first restaurant to open in the 15th Street area. He informed that the driveway is for both property owners and, in his opinion, the construction of the fence

Case No. 14310 (continued)

in the middle of the drive would be illegal. Mr. Builder stated that a fence will be constructed, but he wants to put it in the proper place.

Board Action:

On MOTION of BRADLEY, the Board voted 4-1-0 (Bradley, Quarles, White, Smith, "aye"; Chappelle, "nay"; no "abstentions"; none, "absent") to **CONTINUE** Case No. 14310 until December 18, 1986, to allow legal to review the case.

Case No. 14312

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1211 - Request a special exception to allow office use in an RM-2 District, located SE/c Troost Avenue and 14th Street.

Presentation:

The applicant, Bruce Bolzle, 5550 South Lewis Avenue, Tulsa, Oklahoma, who submitted a plot plan and photographs (Exhibit F-1), explained that he plans to renovate 2 existing 4-plex structures and convert them to offices. Mr. Bolzle asked the Board to allow the office use in an RM-2 District and pointed out that the tenants will probably be attorneys, architects or C.P.A.'s, with no medical uses. He informed that there is sufficient visitor parking in front of the buildings, with entry from South Troost, and the remainder of the parking spaces are located to the rear of the buildings, with ingress and egress being on 14th Street.

Comments and Questions:

Ms. Bradley asked the applicant if the buildings are being used for offices and he replied that they are rented as apartments at the present time.

Ms. White asked Mr. Bolzle if he would be amenable to having ingress and egress for the front parking spaces on 14th Street. He informed that he has no problem with the proposal, but is not sure the City will allow a curb cut so close to the corner.

Board Action:

On MOTION of WHITE, the Board voted 4-1-0 (Chappelle, Quarles, White, Smith, "aye"; Bradley, "nay"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1211) to allow office use in an RM-2 District; per plot plan submitted; subject to ingress and egress for all parking being on 14th Street if approved by the City Traffic Engineer; finding that office use will be compatible with the area and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Case No. 14312 (continued)

Lots 23 and 24, Block 4, Lakeview Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 14313

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215 - Request a special exception to allow the fabrication and sales of portable storage buildings in a CS District, located west of NW/c 89th East Avenue and Admiral Place.

Presentation:

The applicant, James Sweeney, 2527 East 67th Street, Tulsa, Oklahoma, stated that he is the owner of the subject property and is planning to lease the tract for fabrication and sales of portable storage buildings. He asked the Board to approve the special exception request.

Comments and Questions:

Ms. White asked if the building displayed on the lot is similar to those that will be sold and he answered in the affirmative.

Mr. Gardner informed that there is mixed zoning (CS, CH, CG and IL) in the area.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, White, Smith, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215) to allow the fabrication and sales of portable storage buildings in a CS District; finding that there is mixed zoning in the area and that the granting of the special exception will not be detrimental to the area and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 24 and 25, Block 7, Mingo Terrace Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 14315

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts/Section 440 - Special Exception Uses in Residential

Case No. 14315 (continued)

Districts, Requirements - Request a special exception to allow minor automobile repair as a home occupation in an RS-3 District, 9902 East 7th Street.

Presentation:

The applicant, Harold Haugen, 9902 East 7th Street, Tulsa, Oklahoma, asked the Board to allow him to do minor automobile repair in his garage. He informed that he has been conducting the business on the subject property for approximately 3 years, but was recently cited by the City. A petition of support (Exhibit G-1) was submitted.

Comments and Questions:

Mr. Chappelle asked Mr. Haugen to explain the exact nature of his work and he replied that he does tune-ups and electrical repairs.

Mr. Smith inquired as to the number of personally owned cars that are parked at his residence and he informed that he has 3.

Ms. Bradley asked where the cars are parked that are being repaired and the applicant stated that they are inside the 2-car garage.

Ms. Smith inquired as to the approximate number of cars that are being repaired at one time and he replied that there is only one, and sometimes only one each week. He informed that he makes house calls and sometimes works away from home.

Ms. White asked the applicant to state the days and hours of operation for the repair business and he replied that he will be open from 8 a.m. to 5 p.m., Monday through Friday, with only occasional Saturday work.

Mr. Quarles asked Mr. Haugen how long he has been working as an independent mechanic and he replied that he has been doing this type of work since he lost his job in 1983 and was not able to find employment.

Ms. White inquired as to the type of equipment used in the business and the applicant informed that he only uses hand tools.

Ms. Bradley pointed out that a home occupation is not supposed to have the appearance of a business and that, in her opinion, the amount of cars parked around Mr. Haugen's residence makes it look like a business. The applicant pointed out that many households have several cars.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, White, Smith, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 420 - Accessory Uses in Residential Districts/Section 440 - Special Exception Uses

Case No. 14315 (continued)

In Residential Districts, Requirements) to allow minor automobile repair as a home occupation in an RS-3 District; for a period of 2 years only; subject to no more than 2 cars being worked on at any given time; subject to all work being done inside the garage; subject to no outside storage; and subject to the Home Occupation Guidelines; on the following described property:

Lot 5, Block 20, Amended Rosewood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14316

Action Requested:

Request a revision of the original conditions of approval on BOA Case No. 13470.

Variance - Section 730 - Bulk and Area requirements in Commercial Districts - Use Unit 1205/1210 - Request a variance of the floor area ratio from 50% to 61%.

Request the Board to require a tie contract on all parcels of subject tract, located NE/c 36th Street and Indianapolis, 3515 South Harvard.

Presentation:

The applicant, Larry Johnston, 610 South Main, Tulsa, Oklahoma, stated that the plans for church expansion were approved by the Board approximately 2 years ago, subject to the purchase of the lot across the street and execution of a tie contract between the two properties. Mr. Johnston noted that expansion has not begun at this time, but is scheduled for next spring. He pointed out that they do not own the lot across the street, but do have a parking agreement with the owners. A document (Exhibit H-1) creating a reciprocal parking agreement was submitted.

Comments and Questions:

Ms. White asked if the Red Cross still owns the building across the street from the church and the applicant replied that there are new owners.

Craig Foster, 2255 South Rockford, Tulsa, Oklahoma, stated that the church has traded parking with the new owners, in that they have the right to park 50 vehicles on church property during the day and the church has access to all of their parking lot (no less than 114 spaces) on Sunday morning and evening. He informed that the parking agreement runs with the land and will be in effect even if the property is sold to another owner.

Case No. 14316 (continued)

Mr. Quarles asked if there is any way that the 114 spaces can be reduced and Mr. Foster stated that the church will, according to the parking agreement, always have 114 spaces available for parking.

Mr. Smith asked Mr. Foster if he is opposed to making the City a third party to the agreement to insure that the City will be notified in the event of a change in the parking arrangement. He stated that he is not opposed to the City being a third party to the agreement.

Stan Bolding, Stormwater Management, stated that the applicant will be required to obtain a Watershed Development Permit for any increase in structure. He asked that this permit be acquired before applying for a Building Permit.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, White, Smith, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a revision of the original conditions of approval on BOA Case No. 13470; to **APPROVE** a **Variance** (Section 730 - Bulk and Area requirements in Commercial Districts - Use Unit 1205/1210) of the floor area ratio from 50% to 61%; and to **APPROVE** the execution of a tie contract on all parcels of subject tract; subject to applicant acquiring a Watershed Development Permit and Stormwater Management approval; subject to applicant returning to the Board if the reciprocal parking agreement, supplying 114 parking spaces across the street from the church, is altered in any way; finding that this agreement revises the prior conditions (Case No. 13470) of approval which required the church to purchase the parking lot across the street; and finding that the floor area ratio requirement would actually be met if all of the property owned by the church was one parcel; on the following described property:

Lot 40, Albert Pike Addition, and Lots 1 - 4, Block 4, Eisenhower Addition, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:22 p.m.

Date Approved 12.18.86


Chairman