

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 489
Thursday, April 30, 1987, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, April 28, 1987, at 3:35 p.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 1:04 p.m.

MINUTES:

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; Quarles "abstaining"; none "absent") to **APPROVE** the Minutes of April 16, 1987.

UNFINISHED BUSINESS

Case No. 14418

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205 - Request a special exception to allow for a church and related uses in an AG zoned district, located 1/2 mile east of NE/c 101st and Harvard.

Presentation:

The applicant, John Moody, 7666 East 61st Street, Tulsa, Oklahoma, represented the Joy Lutheran Church, and explained that the Lutheran Church is a large denomination in the United States, but one of the smaller denominations in this region. Approximately 15 of the 60 members were present for the hearing. Mr. Moody informed that this church started a mission in the south portion of the City approximately one year ago, meeting in the Forest Creek Shopping Center. He pointed out that the Joy Lutheran Church is proposing to purchase the a 5.63-acre tract, which is owned by the bishop of the Tulsa Diocese of the Catholic Church and is adjacent to St. Bernard's Catholic Church. Mr. Moody stated that the subject property has been owned by the Catholic Church since 1927 and used

Case No. 14418 (continued)

for church and related purposes since 1935. He informed that the Board approved an application in 1983 for the use of the subject property by Living Sound International, Inc. for a musical ministry. Mr. Moody pointed out that a portion of the buildings on the property will continue to be leased by that organization. The applicant noted that St. Bernard's Church is located to the east of the subject tract, to the south is the Shady Oaks Estates Addition, to the west is South Louisville Avenue, and Silver Chase Addition abutting the property on the north boundary. He pointed out that the property is heavily treed and only the existing buildings will be used for the ministry and no construction is contemplated at this time; however, if church growth is experienced, any plans for expansion will be brought before this Board. Mr. Moody explained that he has met with the surrounding property owners and they have voiced a concern as to the future use of the subject tract. He stated that the church has agreed to have only one access point on 101st Street, with 600' of clear visibility from both directions, and no access permitted on Louisville. The applicant informed that the church has agreed to a 100' setback from the northern boundary, a 75' setback along the western boundary (160' from the nearest residence), and a 250' building setback on the south boundary of the property, with a 150' parking lot setback from the south. In this agreement, Mr. Moody informed that no new building can exceed 40' in height and if a steeple is added, total height cannot exceed 60'. He stated that the church has also agreed that additional landscaping will be planted on the western portion of the tract to further buffer those residences. Mr. Moody informed that the total square footage of any new buildings constructed on the land will not exceed 5,000 sq. ft. He pointed out that all trash receptacles are to be screened, church services will be staggered with those of the nearby Catholic Church, with a 15 minute difference in dismissal times, and no day care center being operated on the subject property for a period of 3 years, with no playground equipment being located within 25' of the property line and those areas being enclosed with a 6' screening fence. Mr. Moody informed that any development that is contemplated will drain away from the single-family residences and into the storm sewer or drainage ditches that presently exist. He informed that one property owner had requested that no buildings be built to the north beyond the existing buildings, and his clients found his request to be too restrictive, their opinion being that the 100' treed setback in that area is a sufficient buffer. Photographs (Exhibit A-3) and a restrictive covenant agreement (Exhibit A-2) were submitted.

Comments and Questions:

Ms. White inquired as to the use of the smaller buildings that are located on the property, and Mr. Moody replied that the Living Sound Ministry will continue to lease one building and the remainder will be used for educational purposes.

Mr. Smith asked the applicant if there will be additional parking for the church, and he replied that required hard surface parking will be installed.

Protestants:

Don Bolt, 3720 East 99th Place, Tulsa, Oklahoma, submitted photographs (Exhibit A-4) and explained that there are several reasons why he objects to the application. He stated that the setback of 100' adjoining his property is not sufficient. Mr. Bolt informed that there is a steep incline behind his house and a berm diverts the run-off water away from his home. He stated that he is opposed to any of the buildings being located further to the north, or closer to his home, and advised that he met with Mr. Moody on April 2, 1987 and Mr. Moody agreed at that time to a 150' setback. He pointed that he has a unique situation the other property owners do not experience. Mr. Bolt stated that he does not object to the church use, but is concerned about the effect it will have on his property.

Mr. Chappelle asked Mr. Bolt if he is having a drainage problem at this time, and he replied that he does not, but possibly would have if the berm was not in place.

Two letters of protest (Exhibit A-1) were submitted to the Board.

Interested Parties:

Kenneth Miles, 1608 South Elwood, Tulsa, Oklahoma, informed that he is the attorney for some of the residents of the Shady Oaks Addition to the south of the subject property, as well as some of the Silver Chase residents. He pointed out that the church members and the property owners have had numerous meetings and various alternatives have been explored as problems arose. Mr. Miles stated that an agreement has been reached by the two groups.

Additional Comments:

Mr. Jackere stated that the related uses have not been clearly stated and asked Mr. Moody if he intends to come to the Board if a school or a day care is planned in the future.

Mr. Moody stated that the property will be used for customary uses of the church.

Mr. Jackere asked Mr. Moody if related uses can be removed from the application, and he replied that he is asking for the use of this property for church use the same as is normal and customary as set out in the Zoning Code.

Mr. Moody asked the Board to allow Vacation Bible School, which will be the only school use for the property.

Mr. Smith inquired if parking will be restricted to the south portion of the tract, and Mr. Moody stated that parking will be on the flat portion of the property. He stated that, in regard to his conversation with Mr. Bolt, a request for the 150' setback was discussed and he agreed to present the proposal to his clients, who

Case No. 14418 (continued)

found the 150' to be an excessive amount. He informed that the church may find it necessary in the future to relocate the building which is near Mr. Bolt's property.

Mr. Chappelle stated that he feels the parking should be restricted to the south of the northernmost buildings. He pointed out that any future enlargement of the parking area could create a drainage problem for the north property owner.

Ms. White asked Mr. Bolt if his concerns would be satisfied if the application was approved subject to Storm Water Management approval, and he answered in the affirmative.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1205) to allow for church use and Vacation Bible School in an AG zoned district; per plot plan; subject to a 100' building setback on the north boundary, a 75' building setback on the west boundary, and a 250' building setback and a 150' parking setback on the south; subject to Storm Water Management approval; subject to only one access on 101st Street, with no access on Louisville; subject to landscape plan being submitted to the Board for approval; and subject to maximum building height being 40' (building and steeple maximum 60' in height) and maximum square footage of any new building not to exceed 5,000 sq. ft.; on the following described property:

A tract of land lying in the SW/4 of Section 21, T-18-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows, to-wit:

Commencing at the SE/c of the SW/4 of said Section 21; thence due west along the south section line of said Section a distance of 725.00' to the Point of Beginning; thence due west along south section line a distance of 300.00'; thence due north a distance of 200.00'; thence N 25°6'53" W a distance of 176.71'; thence N 05°21'21" E a distance of 160.70'; thence N 39°48'20" E a distance of 39.05'; thence N 11°18'36" E a distance of 127.48'; thence N 65°33'22" E a distance of 302.08'; thence due east a distance of 34.98'; Thence S 00°00'04" E a distance of 800.00' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14443

Action Requested:

Variance - Section 420.2(d), Section 620(d) - Use Unit 1221 - Request a variance of the 32 sq. ft. surface area, and a variance to allow for more than one sign on each street frontage all in order to permit directional signs, located NE/c 25th Street and Harvard Avenue.

Presentation:

The applicant, Louis Levy, 5314 South Yale, Tulsa, Oklahoma, stated that he represents Doctor's Hospital and that this case was continued from April 16, 1987 to allow Staff to view the property in question. He informed that four directional signs are proposed to direct traffic to the emergency room.

Comments and Questions:

Mr. Gardner informed that Staff has viewed the site, and there is an emergency entrance from both the north and south. He informed that a berm and landscaping is in place, however, the trees have been trimmed, leaving approximately 2' that is not screened.

Ms. Bradley stated that she too has viewed the site and feels that four additional signs are not needed to direct vehicles to the emergency room.

Mr. Gardner suggested that the Board inquire if the hospital intends to maintain a sign on the north boundary of the property that advertises the hospital and the emergency entrance. He stated that the other sign on the corner of 25th and Harvard will obviously be needed, but the lighted sign planned for the emergency entrance should be checked for glare into the neighborhood.

Ms. Bradley stated that there is a sign on the corner of 25th and Harvard, one at 25th and Knoxville, one at the second entrance to the building and one at the dead end street, all of which direct vehicles to the emergency room.

Ms. White stated that she reviewed the facility during the daytime hours and had no trouble locating the emergency room.

Mr. Levy informed that none of the signs directing traffic to the emergency room are lighted, and Ms. White pointed out that there is a small unlighted sign already in place at the entrance.

Mr. Levy advised that no one living in the neighborhood across from the hospital has protested the lighted emergency room sign. He informed that the emergency vehicles do not have a problem finding the emergency room at night, but people in the surrounding area have complained that strangers to the City go into the residential neighborhood in search of the emergency room.

Case No. 14443 (continued)

Ms. Bradley asked the applicant if he is requesting 4 signs in addition to the existing signs, and Mr. Levy replied that he is not, as there are no signs there now, with the exception of the signs on Harvard.

Ms. Bradley pointed out that there is a sign on Harvard, a sign on the corner of 25th and Knoxville, one at the north end of Knoxville, and a red sign at the emergency entrance.

Mr. Levy informed that there are no emergency signs on Knoxville.

Ms. White stated that there were emergency signs on Knoxville when she viewed the property.

Mr. Chappelle asked the applicant how many emergency room signs will be on the property if this application is approved, and he informed that there will be six signs, with two signs being on Harvard, two on 25th Street and two on Knoxville. He pointed out that there is a sign at 25th and Harvard that advertises Doctor's Hospital, pharmacy and emergency room, then at the north end of the hospital property there is a sign that points to the east and the emergency room. Mr. Levy stated that these are the only two signs for the emergency room, other than the one on the wall at the entrance to emergency.

Ms. Bradley reiterated that there is an emergency sign on the corner of 25th and Knoxville and another where Knoxville dead-ends, and the applicant replied that there may be signs there, but they will not be replaced.

Ms. White informed that she has viewed the site twice and feels that some of the existing signs could be replaced with more effective signage.

Protestants:

Bernice Jiles, 8413 South College, Tulsa, Oklahoma, stated that she lived on Knoxville until she married Mr. Jiles, and has kept the property there because she may one day move back to the smaller house. She pointed out that the house on Knoxville is rented, but she is still interested in what happens in the neighborhood.

Mr. Quarles asked Ms. Jiles where she understands the signs will be placed and what problem she has with them, and she replied that she is confused at this point, because she thought all of the signs were replacements. Ms. Jiles informed that she is concerned with the 7' 6" lighted sign at the emergency entrance and asked which direction the sign faces.

Ms. Bradley informed that the sign at the emergency entrance faces north and south. She suggested that one big emergency entrance sign on 24th Street would take care of the situation.

Case No. 14443 (continued)

Mr. Gardner informed that there will be a total of 8 emergency directional signs and the question is whether or not the northern most sign on Knoxville is a replacement or a new sign.

Mr. Levy stated that if there is a sign at this location now, it will be replaced with a new sign.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-1-0 (Chappelle, Quarles, Smith, White, "aye"; Bradley, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 420.2(d), Section 620(d) - Use Unit 1221) of the 32 sq. ft. surface area, and a variance to allow for more than one sign on each street frontage all in order to permit directional signs; subject to one unlighted emergency sign being permitted on 25th Street between Harvard and Knoxville; subject to one unlighted emergency sign on 25th Street being eliminated and installed as a replacement for the existing sign on the northwest corner of 25th Street and Knoxville; subject to one unlighted emergency sign being permitted between 24th Street and Knoxville; subject to the existing sign on the north corner of 24th Street and Knoxville being eliminated and a new lighted emergency sign being installed on the southwest corner of 24th Street and Knoxville (facing north/south); finding a hardship demonstrated by the size of the tract and the location of the emergency room entrance; on the following described property:

A parcel of land being a part of the N/2 of the SW/4 of the NW/4 of Section 16, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the US Government Survey thereof and being more particularly described as follows:

Beginning at a point 50' east of the NW/c, SW/4, NW/4; thence east along the north line of the said SW/4, NW/4, a distance of 648.5'; thence south, parallel to the west line of Section 16, a distance of 128.5'; thence west parallel to the north line of said SW/4, NW/4, a distance of 30'; thence south, parallel to the west line of Section 16, a distance of 500' to a point 30' north of the south line of the N/2, SW/4, NW/4; thence west parallel to the north line of said SW/4, NW/4, a distance of 588.5' to a point 80' east of the west line of Section 16; thence north, parallel to said west line, a distance of 598.5'; thence west 30'; thence north, parallel to said west line, a distance of 30' to the point of beginning, and containing 8.6 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14447

Action Requested:

Special Exception - Section 440 - Special Exception Uses In Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RS-3 zoned district.

Variance - Section 440 - Special Exception Uses In Residential Districts - Use Unit 1209 - Request a variance of the time regulation from 1 year to permanently, located 415 South 38th West Avenue.

Presentation:

The applicant, Virginia Cole Revard, 415 South 38th West Avenue, Tulsa, Oklahoma, submitted photographs (Exhibit B-1) and asked the Board to allow her mobile home to remain at its present location permanently. Ms. Revard informed that the mobile home has been at the above stated location since December of 1984.

Comments and Questions:

Ms. Bradley inquired if there are other mobile homes in the area, and the applicant informed that there is a mobile home to the south and west of her home, on 39th West Avenue, and another one on 41st West Avenue.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 440 - Special Exception Uses In Residential Districts - Use Unit 1209) to allow a mobile home in an RS-3 zoned district; and to **APPROVE** a **Variance** (Section 440 - Special Exception Uses In Residential Districts - Use Unit 1209) of the time regulation from 1 year to permanently; finding that there are other mobile homes in the area and that the mobile home in question has been at the present location for approximately 2 years and has proved to be compatible with the neighborhood; on the following described property:

N/2 of Lot 9, Block 10, Sherwood Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14448

Action Requested:

Variance - Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1208 - Request a variance of lot width from 100' to 42'; lot area from 10,000 sq. ft. to 6,600 sq. ft.; land area from 1,700 sq. ft. per dwelling unit to 1,650 sq. ft. per dwelling unit in order to permit 4 units and a variance of the sideyard setback from 10' to 2.6' in order to permit a lot split, located 1017 - 1019 North Denver.

Case No. 14448 (continued)

Comments and Questions:

Mr. Gardner stated that there is no change in the use, but the lot split is only to allow separate ownership. He informed that TMAPC approved the application on April 15, 1987.

Presentation:

The applicant, Roy Girod, Route 2, Box 2, Glenpool, Oklahoma, submitted a plat of survey (Exhibit C-1) and explained that the property in question will be divided, with part of the driveway being given to each of the two properties.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1208) of lot width from 100' to 42'; lot area from 10,000 sq. ft. to 6,600 sq. ft.; land area from 1,700 sq. ft. per dwelling unit to 1,650 sq. ft. per dwelling unit in order to permit 4 units and a variance of the sideyard setback from 10' to 2.6' in order to permit a lot split; per plot plan submitted; finding that the use of the property has not changed, and that the lot split is being obtained in order to allow separate ownership of the units; on the following described property:

Lot 11, Block 10, Burgess Hill Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14449

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the lot width from 100' to 75', a variance of the lot area from 13,500 sq. ft. to 7,575 sq. ft. and a variance of the land area from 16,000 sq. ft. to 11,325 sq. ft. all in order to permit a lot split, located 2404 East 26th Place.

Comments and Questions:

Mr. Taylor informed that Staff has received a letter (Exhibit X-1) from the applicant requesting that Case No. 14449 be continued to August 6, 1987.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 14449 to August 6, 1987.

Case No. 14450

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request of variance of the required frontage from 30' to 15' in order to permit a lot split, located 11114 East 68th Street.

Presentation:

The applicant, Roland and Associates, was represented by Bill Roland, Box 660, Coweta, Oklahoma, who submitted a plat of survey (Exhibit D-3) and stated that he is proposing to split a large lot into two separate tracts. Mr. Roland informed that he plans to construct the same type of homes that have been built in the area. He informed that one lot will contain 16,000 sq. ft. and the other will have 40,000 sq. ft., with the smallest being approximately twice the size of any other lot in the addition. He stated that the property has a 30' frontage on 68th Street, which will provide a 15' wide driveway for entry to each lot. Mr. Roland pointed out that the 30' portion contains a drainage easement and a sanitary easement.

Protestants:

Jerry Acker, stated that he lives on the lot to the west of the easement and the proposed driveway will be very close to his home. He suggested that the driveway and the construction at the proposed location will destroy the continuity of the neighborhood. Photographs were submitted (Exhibit D-1).

Mr. Quarles asked Staff if the applicant would be allowed by right to construct one house on the subject property and access it from 68th Street.

Mr. Gardner replied that the lot would meet the requirement for a 30' frontage on a dedicated street and one house would be permitted without any other approvals from this Board.

Mr. Acker pointed out that the installation of the street would devalue his property, because there is not another driveway in the addition that goes between two houses. He stated that the addition drains in the direction of the lot in question and it is covered with water during rainy periods.

Stan Bolding, Department of Stormwater Management, stated that the overland drainage easement that exists on the plat is there to provide overland relief for the storm sewer in the Southbrook II Subdivision. He informed that the easement is classified as a watercourse; therefore, the project will be required to obtain a Class A Watershed Development Permit and notice will be sent to adjacent property owners.

Case No. 14450 (continued)

Ms. Bradley asked Mr. Bolding if the construction of houses on the lot will cause the water runoff to be increased, and he answered in the affirmative. He stated that the entire site will be required to have grading plans approved through the permit process, and the applicant has a set of plans on file in the DSM at this time.

Mr. Smith inquired as to the width of the proposed driveway, and Mr. Bolding replied that it appears to be approximately 20' wide.

Ms. Bradley asked if the additional development will increase the flooding possibilities in that the area, and Mr. Bolding replied that his department is required to review the application in such a manner that the adjacent properties are not adversely affected. He informed that the plans are being reviewed at this time.

Hilda Zimble, 11108 East 68th Street, Tulsa, Oklahoma, submitted a petition of protest (Exhibit D-2) from surrounding property owners and stated that her property abutts the property in question. She pointed out that the lot was never intended to be developed, but was to remain a grassy area.

Ms. Bradley asked Ms. Zimble where she would suggest the access point to the lot be located, and she replied that the property should have access to the south.

Frank Gravette, 6802 South Garnett, Tulsa, Oklahoma, informed that he owns property to the east of the subject property and that the area has a bad drainage situation.

Applicant's Rebuttal:

Mr. Roland informed that the Planning Commission approved the lot split at a previous meeting, but rescinded the approval because of a typographical error on the address of the property in question (open meeting law). He pointed out that it will again go before TMAPC at the next meeting. Mr. Roland explained that the proposed houses on the lots will be an asset to the area.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 207 - Street Frontage Required - Use Unit 1206) of the required frontage from 30' to 15' in order to permit a lot split; subject to TMAPC and Department of Stormwater Management approval; finding a hardship demonstrated by the location, size and configuration of the tract; and finding that the request will not be detrimental to the area and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 17, Block 6, Southbrook II Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14451

Action Requested:

Special Exception - Section 440 - Special Exception Uses In Residential Districts - Use Unit 1209 - Request special exception to allow for a mobile home in an RS-3 District.

Variance - Section 440 - Special Exception Uses In Residential Districts - Use Unit 1209 - Request variances of time regulation from 1 year to permanently, located west of SW/c of 95th East Avenue and 42nd Street North.

Presentation:

The applicant, Gary Purdue, 132 North 142nd Street, Tulsa, Oklahoma, stated that a house and mobile home are on his property at the present time and asked the Board to allow the mobile to remain there permanently.

Comments and Questions:

Ms. White asked if the mobile home is skirted and made to look permanent, and Mr. Purdue replied that it will be skirted if this application is approved. He informed that there are other lots in the area with more than one dwelling unit.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; none "abstaining"; Smith, "absent") to **APPROVE** a **Special Exception** (Section 440 - Special Exception Uses In Residential Districts - Use Unit 1209) to allow for a mobile home in an RS-3 District; and to **APPROVE** a **Variance** (Section 440 - Special Exception Uses In Residential Districts - Use Unit 1209) of time regulation from 1 year to permanently; subject to skirting being installed and the mobile home being made to look permanent; finding that the mobile home has been at the present location for several months and has proved to be compatible with the neighborhood; on the following described property:

Lot 7, Block 2, Mohawk Village Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14452

Action Requested:

Special Exception - Section 410 - Principal Uses in Residential Districts - Use Unit 1213 - Request a special exception for a home occupation to allow for a beauty shop in an RS-3 zoned district, located 10957 East 4th Street.

Presentation:

The applicant, June Rose, 10957 East 4th Place, Tulsa, Oklahoma, stated that she is planning to open a beauty shop in the back portion of her garage. She stated that there will be no change in the exterior of the home.

Comments and Questions:

Mr. Quarles asked the applicant if she is operating a shop in her home at this time, and she replied that she is not.

Mr. Rose asked that his wife be permitted to operate the beauty shop Monday through Saturday.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; none "abstaining"; Smith, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses in Residential Districts - Use Unit 1213) for a home occupation to allow for a beauty shop in an RS-3 zoned district; subject to one chair only; and subject to hours of operation being Monday through Saturday from 9 a.m. to 6 p.m.; finding that the beauty shop 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 22, Block 23, Wagon Wheel Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14453

Action Requested:

Variance - Section 1221.3(f) - General Use Conditions for Business Signs - Use Unit 1221 - Request a variance of setback from the centerline of South Harvard Avenue from 50' to 45' to allow for a sign, located 4436 South Harvard.

Presentation:

The applicant, Mir Khezri, 1889 North 105th East Avenue, Tulsa, Oklahoma, was represented by Bob Dale of the same address. Mr. Dale submitted a sign plan (Exhibit E-2) for Tulsa Dialysis Clinic, which is located on Harvard behind another office building. He informed that Craig Neon has been employed to install the sign, and asked the Board to allow it to be placed 45' from the centerline of Harvard. Mr. Dale pointed out that the sign will be in the parking lot if the 50' setback is held. Photographs (Exhibit E-1) were submitted.

Comments and Questions:

Ms. White asked Mr. Dale if the sign in question will align with the chiropractor's sign, and he informed that the chiropractor's sign is set only 38' from centerline.

Ken Bode, Sign Inspector, informed that the owner of the chiropractor's sign has executed a removal contract with the City.

Protestants:

Ms. Robert Kenny, 4404 South Gary, Tulsa, Oklahoma, stated that she is representing the Villa Grove Homeowner's Association and that this organization has worked very hard to maintain the good appearance of Harvard. She asked the Board to deny the variance.

Additional Comments:

Ms. Bradley asked if the sign in question will be a lighted sign, and Mr. Dale informed that it will not be a neon lighted sign, but may have a flood light. He stated that the sign will compliment the property and the building.

Ms. White asked Mr. Dale if his sign will align with the sign to the south of the subject property, and he replied that the sign to the south is at a 50' setback. He informed that the subject property is narrow, with limited exposure.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 1221.3(f) - General Use Conditions for Business Signs - Use Unit 1221) of setback from the centerline of South Harvard Avenue from 50' to 45' to allow for a sign; subject to no neon lighting on the sign, with only flood lighting being permitted; subject to City Commission approval; and subject to the execution of a removal contract; finding a hardship demonstrated by the narrow shape of the lot and the fact that there are other signs closer to the centerline of Harvard than the sign in question; on the following described property:

The north 90' of the south 180' of Tract 3, Block 2, Meadow Villa Grove Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14454

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215 - Request a special exception to allow for a dry cleaning plant (1,499 sq. ft.) in a CS zoned district, located 3515 East 31st Street.

Presentation:

The applicant, Richard Monaghan, 6111-H South Mingo, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-1) and asked the Board to allow the operation of a retail dry cleaning facility in a newly constructed building at the above stated location.

Comments and Questions:

Mr. Smith asked if the wall between the dry cleaning plant and the Movie Time Video extends to the top of the building, and he answered in the affirmative.

Mr. Smith inquired if the facility is a synthetic solvent plant, and Mr. Monaghan replied that a closed system is used.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215) to allow for a dry cleaning plant (1,499 sq. ft.) in a CS zoned district; per plot plan; subject to Health Department approval; finding that the dry cleaning plant will be compatible with 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 15 - 17, Block 8, Bellaire Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14455

Action Requested:

Use Variance - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1209 - Request a use variance to allow for a mobile home to be used for a residence in a CS zoned district, located at 4944 Charles Page Boulevard.

Presentation:

The applicant, Monty Ford, Box 372, Sand Springs, Oklahoma, submitted photographs (Exhibit G-1) and explained that the property in question has been owned by members of his family for many years, but has deteriorated beyond repair. He asked the Board to allow him to demolish the old house and replace it with a mobile home. Mr. Ford informed that his mother lives directly behind the subject property and needs someone nearby to care for her.

Case No. 14455 (continued)

Comments and Questions:

Mr. Smith asked the applicant when the house will be removed from the lot, and he replied that he plans to begin immediately.

Mr. Chappelle informed that Staff has received a letter of support (Exhibit G-2) from a property owner in the area.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-1 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; Quarles, "abstaining"; none "absent") to **APPROVE** a **Use Variance** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1209) to allow for a mobile home to be used for a residence in a CS zoned district; subject to building permit and health department approval; and subject to the existing dwelling being removed from the property prior to the installation of the mobile home; on the following described property:

East 49' of Lot 8, Block 1, Vern Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14456

Action Requested:

Appeal - Section 1650 - Appeals from the Building Inspector - Use Unit 1221 - Request an appeal from the decision of the Building Inspector's Office with regard to existing awnings and signs, located at 6005 South Peoria.

Presentation:

The applicant, Stephen Williams, 505 North Walnut, Broken Arrow, Oklahoma, requested by letter (Exhibit H-1) that Case No. 14456 be continued until May 14, 1987, in order that he can obtain additional legal advisement.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 14456 to May 14, 1987.

Case No. 14457

Action Requested:

Variance - Section 1340.(e) - Design Standards for Off-Street Parking Areas - Use Unit 1210 - Request a variance of the screening requirements between an existing church parking lot and an R zoned district, located 4526 East 29th Street.

Case No. 14457 (continued)

Presentation:

The applicant, Jay Allen, 2800 South Yale, Tulsa, Oklahoma, was represented by John Wheeler, 3737 South 124th East Avenue, Tulsa, Oklahoma, who submitted a petition (Exhibit J-1) signed by property owners in the area. Mr. Wheeler stated that the subject tract has been used for a church parking lot since 1974 and pointed out that screening would encourage vandalism to cars parked behind the fence. He stated that a screening fence would detract from the appearance of the property.

Comments and Questions:

Ms. Bradley asked Mr. Wheeler why he is before the Board today, and Ms. Hubbard explained that during the research of a previous case it was discovered that a zoning clearance permit had never been obtained for the parking lot in question.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 1340.(e) - Design Standards for Off-Street Parking Areas - Use Unit 1210) of the screening requirements between an existing church parking lot and an R zoned district; finding that the screening fence would be directly across the street from residences and would be of no advantage to the neighborhood or the church; on the following described property:

All that part of the SE/4, SE/4 lying north of the M K & T Railroad R/W and Broken Arrow Expressway R/W and south of Budd Addition to the City of Tulsa, less and except the east 575' thereof, Section 16, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14458

Action Requested:

Special Exception - Section 440 - Special Exception Uses In Residential Districts - Use Unit 1213 - Request a special exception for a home occupation to allow for a beauty shop in a residence, located 4128 East 1st Street.

Presentation:

The applicant, Sue Dinges, 4128 East 1st Street, Tulsa, Oklahoma, asked the Board to allow her to operate a one chair beauty shop in her home at the above stated location.

Comments and Questions:

Ms. White asked the applicant if the beauty shop exists at this time, and she replied that it does not.

Case No. 14458 (continued)

Mr. Bradley inquired if the proposed shop will be in the home or in the garage, and she replied that a portion of the garage has been converted to a den, which will be used for the beauty shop.

Mr. Quarles asked the applicant if she plans to work after 6 p.m. and she replied that she does not work evenings.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 440 - Special Exception Uses in Residential Districts - Use Unit 1213) for a home occupation to allow for a beauty shop in a residence; subject to one chair only; subject to days and hours of operation being Monday through Saturday, 9 a.m. to 6 p.m.; finding that the granting of the special exception 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 100, Block 1, Rogers Heights Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14459

Action Requested:

Special Exception - Section 440 - Special Exception Uses in Residential Districts - Use Unit 1213 - Request a special exception to permit a home occupation for a hand carved sign business in a residence, located 1220 South Lewis Place.

Presentation:

The applicant, Dan Speed, 1220 South Lewis Place, Tulsa, Oklahoma, stated that he is a wood carver and makes specialized signs for the multi-family housing industry. He informed that his shop is in the garage and mostly hand tools are used, with the occasional use of a band saw.

Comments and Questions:

Ms. Bradley inquired as to the size of the signs, and Mr. Speed replied that they are approximately 32 sq. ft. in size.

Ms. Bradley asked where the signs are stored, and the applicant informed that they are stored in the garage, but they are usually transported to the sign location immediately. He pointed out that a large amount of his business is out of state and the signs are delivered to their destination in a trailer, which is parked on his lot. Mr. Speed stated that there is a business abutting his property to the rear and the neighbor to the south is not opposed to the home occupation.

Case No. 14459 (continued)

Mr. Jackere asked what type of trailer is used, and the applicant informed that it is a small trailer that is pulled behind his car.

Ms. Bradley asked if a hammer is used in the carving operation, and Mr. Speed informed that he occasionally uses a mallet.

Mr. Quarles asked the applicant what brought him to the Board, and he replied that he wants to have a legal operation.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 440 - Special Exception Uses In Residential Districts - Use Unit 1213) to permit a home occupation for a hand carved sign business in a residence; per home occupation guidelines; finding that the home occupation will be compatible with the neighborhood and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 5, Block 3, Boswell's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14461

Action Requested:

Variance - Section 730 - Bulk and Area Requirements - Use Unit 1221 - Request a variance of setback from the centerline of Utica Avenue from 50' to 35', a variance of setback from the centerline of Utica Avenue and 15th Street from 50' to 45' and a variance of setback from the centerline of 15th Street from 50' to 34' all to allow for business signs, located NW/c 15th Street and Utica Avenue.

Presentation:

The applicant, Randy Stayton, 9229 South Fulton Avenue, Tulsa, Oklahoma, was represented by Marcy Moore, 101 North Robinson, Oklahoma City, Oklahoma, who submitted a plot plan (Exhibit K-1) for the signs in question. She explained that Phillip's Petroleum Company is constructing a new station and asked the Board to allow the setback variances to permit signs to be placed in the proposed landscape area on the property. Ms. Moore pointed out that the signs would interfere with the traffic flow if the required 50' setback is held, and the signs would have to be 8' to 10' higher for truck clearance. She informed that the signs at the northwest and southwest locations are 23' in height, and the corner sign is 13'.

Comments and Questions:

Ken Bode, Sign Inspector, stated that a neighbor to the west may have a problem with his property being blocked by the Phillip's sign.

Protestants:

Ron Henderson, 1643 East 15th Street, Tulsa, Oklahoma, informed that he has offices to the west of the new Phillip's station. He stated that the sign next to his property would be devastating to him, since it begins at the corner of his property and extends to the sidewalk, then extends upward to a height of 23'. Mr. Henderson pointed out that there would be a solid wall of signage blocking his property and that he has voiced a concern to Phillip's, but they have not discussed the matter with him.

Comments and Questions:

Mr. Quarles asked the size of the proposed signs, and Ms. Moore informed that the shield portion of the signs on the southwest corner of the property, on 15th Street, and the northwest corner, on Utica Avenue, will be 7' by 7', with a 6' by 7' price sign below the shield. She informed that a 13' read-a-board sign is located at 15th and Utica.

Ken Bode, Sign Inspector, informed that the Phillip's sign could be 50' in height at the normal 50' setback.

Mr. Gardner pointed out that the sign could be located at the setbacks requested, but raised to a height that would not block Mr. Henderson's property.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-1 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; Smith, "abstaining"; none "absent") to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements - Use Unit 1221) of setback of business signs from the centerline of Utica Avenue from 50' to 35', a variance of setback from the centerline of Utica Avenue and 15th Street from 50' to 45' and a variance of setback from the centerline of 15th Street from 50' to 34', with the bottom of this sign exceeding the height of the building to the immediate west; finding a hardship demonstrated by the corner lot location and required setbacks on both Utica and 15th Street; on the following described property:

The south 25' of Lot 8; all of Lots 9 - 12, Block 4, Lakeview Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14470

Action Requested:

Variance - Section 1130.2 - Accessory Uses - Use Unit 1221 - Request a variance from 2 sq. ft. to 3 sq. ft. to allow for a wall sign, a variance to allow for a flashing sign and a variance to allow for a flashing sign within 200' of a residential zoned area, located NW/c 71st Street and Canton Avenue.

Comments and Questions:

Mr. Taylor informed that the PUD on the subject tract was approved on April 22, 1987 by TMAPC.

Presentation:

The applicant, Quick Trip Corporation, was represented by Ed Poston, 7335 South Lewis, Tulsa, Oklahoma, who submitted a drawing (Exhibit L-2) and photographs (Exhibit L-1). He maintained that the sign in question is not a flashing sign, but is similar to a time and temperature sign, in that it presents the changing gasoline prices. He noted that the bulbs lighting the prices are 4 ampere bulbs, which are recessed 3 inches into the sign, making it visible only within a 120° angle.

Comments and Questions:

Mr. Gardner pointed out that the frequency of the message change (flash) can be regulated.

Mr. Quarles inquired as to the size of the numbers on the sign, and Mr. Poston replied that the lighted area containing the numbers is 2 1/2' by 3'.

Mr. Gardner stated that he had suggested that the applicant confer with the Building Inspector and get a determination if the subject sign is classified as a flashing sign, and if so, relief could be requested from the Board.

Mr. Gardner informed that if a variance for a flashing sign is granted, some determination should be made as to whether the sign is similar to a time and temperature sign or a regular flashing sign. Mr. Gardner noted that the City Commission continued the PUD to allow this Board to finish their deliberation on the sign question.

Mr. Quarles asked Mr. Poston to state the hardship for this case, and he replied that the sign does not actually flash, but changes slowly, and is similar to a time and temperature sign.

Case No. 14470 (continued)

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 1130.2 - Accessory Uses - Use Unit 1221) from 2 sq. ft. to 3 sq. ft. to allow for a wall sign, a variance to allow for a flashing sign and a variance to allow for a flashing sign within 200' of a residential zoned area; per plan submitted; subject to one full second or longer between price changes (oscillation of the price change mechanism); finding that the sign is unique and is similar in operation to a time and temperature sign; on the following described property:

The south 200.00' of Lot 1, Block 2, Burning Hills, an addition in the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, being more particularly described as follows, to-wit:

Beginning at the SW/c of said Lot 1, Block 2 ; thence N 0°00'17" E a distance of 200.00' to a point; thence S 89°49'53" E a distance of 300.01' to a point on the east line of said Lot 1, Block 2; thence S 0° 00'22" W a distance of 200.00' to the SE/c of said Lot 1, Block 2; thence N 89°49'38" W a distance of 300.00' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 14410

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1220 - Request a special exception to allow for a golf driving range, miniature golf course, golf school/learning center, baseball batting cages and related sales and service facilities, located west side of Memorial at 108th Street.

Presentation:

The applicant, Bill Jones, 3800 First National Tower, Tulsa, Oklahoma, submitted a detail landscape and fencing plan (Exhibit M-1) for a golfing facility at the above stated location. Mr. Jones pointed out that this plan was one of the approval requirements imposed at a previous Board of Adjustment meeting.

Case No. 14410 (continued)


Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Chappelle, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **APPROVE** a detail landscape and fencing plan for Case No. 14410 as presented.

There being no further business, the meeting was adjourned at 4:32 p.m.

Date Approved

5.14.87



Chairman

