

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 502
Thursday, November 5, 1987, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, November 3, 1987, at 3:50 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 1:02 p.m.

MINUTES:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** the Minutes of October 15, 1987.

Amend Board of Adjustment Guidelines

Action Requested:

Amend Board of Adjustment Guidelines, Paragraph H, Section 1, "to meet the 1st and 3rd Thursday only".

Comments and Questions:

Mr. Gardner explained that this amendment will allow the Board to meet only twice each month instead of every other Thursday, as has been the practice in the past.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **AMEND** the Board of Adjustment Guidelines, Paragraph H, Section 1, "to meet the 1st and 3rd Thursday only".

UNFINISHED BUSINESS

Case No. 14637

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Request a variance of setback from 35' to 25' to allow for dwelling units, located 1/2 mile east of SE/c of Lewis and 71st Street.

11.05.87:502(1)

Case No. 14637 (continued)

Presentation:

The applicant, Richard Kosman, 1331 South Denver, Tulsa, Oklahoma, submitted a plot plan (Exhibit A-1), and stated that he is the engineer for the owners of the property. He informed that the development was not completed due to bankruptcy and will now be finished. Mr. Kosman informed that four lots are involved in this request.

Comments and Questions:

Mr. Gardner informed that all of the front yards will be consistent, leaving a larger rear yard, and all the structures will align.

A Stormwater Case Review (Exhibit B-1) was submitted by Staff.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential Districts) of setback from 35' to 25' to allow for dwelling units; finding that the four lots in question front an internal street and all the structures will have the same alignment; per plot plan submitted; on the following described property:

Beginning at the NE/c of the NW/4 of Section 8, T-18-N, R-13-E, thence south 790.53' to the Point of Beginning, thence south 224', thence west 464', thence north 224', thence east 464' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14644

Action Requested:

Variance - Section 930 - Bulk and Area Requirements In Industrial Districts - Use Unit 1221 - Request a variance of setback from the centerline of 45th Place from 50' to 45', located SW/c US 169 and Broken Arrow Expressway.

Presentation:

The applicant, Bill Stokley, was represented by Eber Wright, 10111 East 45th Place, Tulsa, Oklahoma, who submitted a plot plan (Exhibit B-1) and photographs (Exhibit B-2) of the property in question. Mr. Wright explained that the applicant has received permission from the Board to construct a building 50' from the centerline of the street, and is now requesting that it be allowed 5' closer to the street, but not on the easement. He pointed out that the structure across from Mr. Stokley's property has a setback of approximately 41'. A plat of survey (Exhibit B-3) was submitted.

Case No. 14644 (continued)

Comments and Questions:

Mr. Chappelle asked Mr. Wright why it is necessary to move the building closer to the street, and he replied that the property has been approved for use as a heliport and the extra 5' will provide additional space for him to negotiate the landing of the helicopter.

Ms. Bradley stated that it was her understanding that the heliport would be located on top of a building at this location, and Mr. Wright replied that at some point in the future it may be on top of a building, but several heliport locations have been approved on the site.

Mr. Quarles inquired if the heliport will be located on top of the metal building, and Mr. Wright replied that the building will be used for a helicopter hanger and not a heliport.

Mr. Jackere asked Mr. Wright if there are other structures on Lot 2 at this time, and he replied that there is not a building on the lot at this time.

Protestants:

Donna Kraft, 4500 South 102nd East Avenue, Tulsa, Oklahoma, stated that the City has established rules that all citizens should live by. She pointed out that the growing helicopter business is too small for the property where it is now located and is too close to the intersection of the Broken Arrow and Mingo Valley Expressways. Ms. Kraft stated that she purchased the property where her business is located in order to have exposure to the public, and pointed out that a tall building on the Stokley site will block that exposure.

Mr. Chappelle informed the protestant that the heliport has been approved at a previous hearing and is not the issue before the Board today.

Mr. Jackere explained that the applicant can construct a building of unlimited height on the property by right, but is only before the Board today for a variance to place this particular building 5' closer to the centerline of the street.

Ms. Kraft stated that there are five or six helicopters on the subject property at one time and that she is unable to conduct business on the telephone because of the unusual amount of noise. She further noted that during a takeoff the odor is very offensive.

Mr. Jackere informed that this Board cannot consider violations of the Code. He pointed out that it is the right of any protestant to file an appeal in District Court within a 10 day period after the determination of a case, or if a determination of the Board is being violated, Code Enforcement can be contacted for an investigation.

Case No. 14644 (continued)

Alan Kraft, 4500 South 102nd East Avenue, Tulsa, Oklahoma, stated that he objects to the granting of the variance. He informed that he considers the approval of the heliport to be bad planning on the part of the Board.

Ms. Quarles suggested that the issue at hand be addressed, and asked Mr. Kraft to state the adverse affect of moving the building five feet closer to the street.

Mr. Kraft replied that he does not want the facility to be moved closer to his property.

Ms. White asked Mr. Wright to state the hardship for this case, and he replied that the shape and size of the lot makes it necessary to locate the hanger as close to the street as possible to allow a safe approach to the landing pad that would not be over the buildings in the area.

A Stormwater Management Case Review (Exhibit B-4) was submitted by Staff.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Variance** - Section 930 - Bulk and Area Requirements in Industrial Districts - Use Unit 1221 - Request a variance of setback from the centerline of 45th Place from 50' to 45'; per plan submitted; finding that there are other buildings in the area that are closer to the centerline of the street than the building in question; on the following described property:

A part of Lots 1 and 2, Block 1, Ideal Brick Industrial tracts, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, and an unplatted tract lying between said Lots 1 and 2, and all being more particularly described as follows, to-wit: Commencing at the SW/c of Lot 1, Block 1, Ideal Brick Industrial Tracts, according to the recorded plat thereof; thence N 89°53'07" E a distance of 176.00' thence N 0°10'07" E a distance of 60.00' to a point, said point being on the north right-of-way line of East 45th Place South; thence N 89°53'07" E a distance of 225.86' to the Point of Beginning; thence N 00°06'53" W a distance of 343.29' to a point on the south right-of-way line of the Broken Arrow Expressway (Oklahoma Highway 51); thence S 51°55'00" E, along said southerly right-of-way line a distance of 166.24' to a point; thence S 22°25'32" E along said right-of-way line a distance of 259.95' to a point on the north right-of-way line of East 45th Place South; thence S 89°53'07" W along said right-of-way line a distance of 229.33' to the Point of Beginning, and containing 50,000.27 sq. ft., or 1.1479 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14649

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a variance of setback from the centerline of East 21st Street from 60' to 35' to allow for a sign, located 2511 East 21st Street.

Presentation:

The applicant, Pamela Low, 2511 East 21st Street, Tulsa, Oklahoma, submitted a plat of survey (Exhibit C-5) and photographs (Exhibit C-1) of an existing sign for a dental office at the above stated location. She also submitted to the Board a location map (Exhibit C-2) of other signs along 21st Street that are as close, or closer, to the centerline as the sign in question. Ms. Low informed that a hedge along the west boundary line will block the sign if the required setback is held, and a sign for the property next door is located on the east boundary line. She stated that the clients of the east property owners are coming to her office, and suggested that the location of her sign in the middle of the property would cause less confusion for her customers, as well as those visiting next door. A petition of support (Exhibit C-3) from surrounding property owners was submitted.

Protestants:

Mr. Chappelle stated that the Board has received one letter of opposition (Exhibit C-4) to the variance request.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) of setback from the centerline of East 21st Street from 60' to 35' to allow for a sign; per photographs submitted; subject to the execution of a removal contract; finding that there are numerous signs along 21st Street that are as close to the centerline of the street as the sign in question; on the following described property:

Lot 8, Block 4, Wilmac-Knoll Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14651

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Units 1221 - Request a minor variance of setback from the centerline of Yale Avenue from 60' to 50' to allow for an existing sign, located 4545 South Yale Avenue.

Case No. 14651 (continued)

Presentation:

The applicant, George Baillie, 1523 South Harvard, Tulsa, Oklahoma, asked the Board to allow a sign, which was constructed in 1984, to remain at its present location. A plot plan (Exhibit D-1) was submitted. Mr. Baillie stated that the company has 31 similar signs in the City of Tulsa, all of which have 50' setbacks. He informed that the application for a sign permit (Exhibit D-3) requested a 50' setback and it was overlooked that the issued permit required 60'. Mr. Baillie pointed out that there are other structures that are closer to the centerline of South Yale than the sign in question.

Comments and Questions:

Ken Bode, Sign Inspection Department, stated that this violation was discovered when the property was checked for another violation. He informed that it was discovered during this inspection that the sign in question is 43' from the centerline of South Yale. A photograph (Exhibit D-2) was submitted.

Mr. Quarles pointed out that the applicant has requested that the sign be approved at 50' from the centerline, and asked Mr. Bode if the sign would still be in violation of the Code if this request is approved, and he answered in the affirmative.

Mr. Baillie stated that all contract work orders call for a 50' setback and, if it has been placed closer, it is a construction error that will be corrected.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Streets - Use Units 1221) of setback from the centerline of Yale Avenue from 60' to 50' to allow for an existing sign; finding that there are other sign structures that are as close to the street as the sign in question; on the following described property:

Beginning 118.03' south and 50' east of the NW/c, W/2, SW/4, thence south 175', northeast 175', northwest 117.09', west 150' to the Point of Beginning, Section 27, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14642

Action Requested:

Variance - Section 1221.3(k) - Use Conditions for Business Signs - Use Unit 1221 - Request a variance to allow for a roof sign for an existing business, located 5030 South Sheridan Road.

11.05.87:502(6)

Case No. 14642 (continued)

Presentation:

The applicant, Robert Wilton, 5030 South Sheridan, Tulsa, Oklahoma, was represented by Marie Roberts, who requested permission to place a sign (2' by 10') on the roof at the above stated location. She stated that the sign that is now in place is very small and is supported by the eaves of the building. She submitted photographs (Exhibit E-1) of the building and the sign, and pointed out that there is a roof sign in place for the cleaners in the same building.

Comments and Questions:

Mr. Gardner informed that roof signs became illegal approximately two years ago and all nonconforming signs must be in compliance with the Code by 1996, or have Board approval for a variance.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Variance** (Section 1221.3(k) - Use Conditions for Business Signs - Use Unit 1221) to allow for a roof sign for an existing business until January 1, 1996, at which time all roof signs will be required to be removed; subject to all other signs advertising the liquor business being removed; finding that there is an existing roof sign advertising the cleaners which is located in the same building; on the following described property:

The south 990' of the east 660' of the SE/4, SE/4, Section 27, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14647

Action Requested:

Special Exception - Section 420.1 - Accessory Uses In Residential Districts - Use Unit 1217 - Request a special exception to allow for a home occupation for automobile service and minor repair in an RS-3 zoned district, located 2125 South 103rd East Avenue.

Presentation:

The applicant, Orville Plummer, 2125 South 103rd East Avenue, Tulsa, Oklahoma, was represented by Attorney Gordon B. Cecil, who requested by letter (Exhibit F-1) that Case No. 14647 be continued to November 19, 1987.

Protestants:

One letter of protest (Exhibit F-2) was submitted by Staff.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **CONTINUE** Case No. 14647 to November 19, 1987, as requested by the applicant.

Case No. 14648

Action Requested:

Variance - Section 620.2 d(1) - Accessory Use Conditions - Use Unit 1221 - Request a variance to allow for two signs on one street frontage in an OL zoned district, located 2105 East 15th Street.

Presentation:

The applicant, Robert Manke, 1516 North Harvard, Tulsa, Oklahoma, stated that he is representing the owner of the property in question. He submitted photographs (Exhibit G-1) and letters of support (Exhibit G-3). Mr. Manke stated that the new sign was installed because the old sign blocked the view of clients leaving the parking lot. He pointed out that one sign has been placed on each end of the wall, and asked the Board to allow both signs to remain in their present location.

Protestants:

Mr. Chappelle stated that a letter of protest (Exhibit G-2) has been received from the Gillette Historical Association.

Comments and Questions:

Ms. Bradley pointed out that the existing signage is excessive for the business.

Interested Parties:

Nina Hurd, 2105 East 15th Street, Tulsa, Oklahoma, stated that a huge tree, which has recently been knocked down by a truck, was blocking the entire entry to the clinic. She informed that the signs were set at an angle to accommodate the tree and to allow exposure to traffic going east or west.

Additional Comments:

Ken Bode, Sign Inspection Department, stated that 32 square feet of signage is the maximum amount allowed for the property, and each existing sign is that large.

Board Action:

On **MOTION** of BRADLEY, the Board voted 3-0-1 (Bradley, Chappelle, Quarles, "aye"; no "nays"; White, "abstaining"; Smith, "absent") to **DENY** a Variance (Section 620.2 d(1) - Accessory Use Conditions - Use Unit 1221) to allow for two signs on one street frontage in an OL zoned district; finding that a hardship was not demonstrated that would warrant the granting of double signage for the business; on the following described property:

The west 75' of Lot 24, and the east 15' of Lot 23, less the following described part of Lot 23; Beginning on the north line of Lot 23 at a point 12' west of the NE/c of Lot 23; thence west 3'; thence south 117'; thence east 3'; thence north 117' to the point of beginning; all in Block 5, Terrace Drive Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Case No. 14650

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1215 - Request a use variance to allow for off-street parking and to allow for storage in an RS-2 zoned district.

Presentation:

The applicant, Ollie Gresham, 1850 South Boulder, Tulsa, Oklahoma, asked the Board to continue Case No. 14650 to December 3, 1987. He informed that he has mailed a letter requesting continuance (Exhibit H-1) to Staff, as well as the land owners within 300 feet of the property in question. Mr. Gresham stated that additional time is required in order to meet with residents of the area and attempt to work out a solution to problems concerning the application.

Protestants:

Terry Moses, a resident of the area, stated that he and several other property owners left their work places to attend this meeting and that he is opposed to the continuance request. He stated that he did not receive a letter from Mr. Gresham advising of the continuance.

Ms. Hubbard informed that a complaint concerning the property in question was filed with Code Enforcement approximately two months ago, and is under investigation at this time.

Mr. Quarles remarked that he is inclined to approve the continuance since this is the first request and it is a timely one.

Ms. White stated that she is in agreement with Mr. Quarles and is also in favor of a continuance.

Darrell Mayfield, 916 South Allegheny, Tulsa, Oklahoma, stated that he lives within 300' of the property in question and that he did receive a letter from the applicant requesting a continuance of the case.

Mr. Chappelle pointed out that it has been a routine practice of the Board to grant a continuance to either the applicant or protestants on first request, and if the request is timely filed.

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to CONTINUE Case No. 14650 to December 3, 1987, as requested by the applicant.

Case No. 14652

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1202 - Request a special exception to allow for a Christmas tree sales lot in an AG zoned area, located south of East 74th Place South and South Memorial.

Presentation:

The applicant, Charles Rauch, 1543 East 49th Place, Tulsa, Oklahoma, asked permission to operate a Christmas tree sales lot on the subject property, from November 23 to December 25, 1987. He stated that the lot will operate seven days each week from 8:30 a.m. to 10:00 p.m.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1202) to allow for a Christmas tree sales lot in an AG zoned area from November 23 to December 25, 1987; subject to sales being conducted seven days each week from 8:30 a.m. to 10:00 p.m.; on the following described property:

The S/2, NE/4, SW/4, NW/4 and the S/2, S/2, NW/4, SW/4, NW/4 less the West 115' of the S/2, S/2, NW/4, SW/4, NW/4, Section 12, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14653

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of setback from the centerline of East 32nd Place South from 60' to 45' to allow for an addition to an existing dwelling unit, located 3216 South Evanston Avenue, Tulsa, Oklahoma.

Presentation:

The applicant, Jerry Clark, 3216 South Evanston, Tulsa, Oklahoma, submitted a plot plan (Exhibit K-1) and photographs (Exhibit K-2), and asked the Board to allow the construction of an additional bedroom and bath to an existing home. Mr. Clark stated that he has visited with his neighbors and has found no opposition to the new addition. A plat of survey (Exhibit K-3) was submitted.

Protestants: None.

Case No. 14653 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of setback from the centerline of East 32nd Place South from 60' to 45' to allow for an addition to an existing dwelling unit; per plan submitted; finding a hardship imposed on the applicant by the placement of the house on the lot and the corner lot location; on the following described property:

Lot 10, Block 3, Charlane Estates of Blocks 3, 4 and 5, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14654

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1215 - Request a special exception to allow for off-street parking in an RM-2 zoned district.

Special Exception - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1215 - Request a special exception to allow for Use Unit 15 In a CS zoned district.

Variance - Section 730 - Bulk and Area Requirements In Commercial Districts - Use Unit 1215 - Request a variance to allow for a 9600 sq. ft. building In a CS District; a variance of setback from the centerline of East 2nd Street from 50' to 35' and a variance of setback from the centerline of South Victor Avenue from 50' to 47', located NW/c of East 2nd Street and South Victor Avenue.

Presentation:

The applicant, Charles Norman, Suite 909, Kennedy Building, Tulsa, Oklahoma, submitted a plot plan (Exhibit L-1) and photographs (Exhibit L-4), and stated that he is representing Edward's Properties, which are the owners of the property in question. Mr. Norman informed that Cherokee Process Color has leased the building for approximately 15 years to house a printing business. He explained that the company presently occupies a 4800 sq. ft. building which is located on two lots (50' by 150'), and is proposing an expansion which will double the size of the present structure. He informed that the company has acquired a lot to the north of the existing building which will be used for customer and employee parking. Mr. Norman pointed out that the subject property is zoned CS, property to the north and east is zoned RM-2, with an exterminating business and chemical storage area located in the RM-2 District across the street to the south. Property to the west of the subject tract is zoned CH. He stated that he is of the opinion that the business in question is under Use Unit 15, printing and publishing. Mr. Norman asked the Board to permit the new construction to align with the south wall of the existing building,

Case No. 14654 (continued)

which is within 35' of the centerline of Second Street. He pointed out that none of the buildings to the west, south or east of the subject property comply with the building setback requirement, and that the setback requirement for the surrounding RM-2 Districts is 35' instead of 50'. Mr. Norman informed that the parking lot to the north will be screened along the north boundary, all lighting will be hooded and directed downward and away from the single family dwelling, a tie contract will be executed to provide that Lot 4 can never be sold apart from Lots 5 and 6. Development standards (Exhibit L-2) were submitted.

Comments and Questions:

Mr. Quarles inquired if the existing building is allowed to have all uses under Use Unit 15, and Mr. Norman replied that the records do not reflect that the application was ever before the Board. He stated that he is only requesting printing and publishing, which is within Use Unit 15.

Mr. Norman submitted a letter (Exhibit L-3) from the resident to the north of the subject tract, who requested that the trash dumpster be located on the southwest corner of Lot 4. He added that the exterior of the new construction will be the same as the existing building.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1215) to allow for off-street parking in an RM-2 zoned district; to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215) to allow for Use Unit 15 in a CS zoned district; and **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1215) to allow for a 9600 sq. ft. building in a CS District; a variance of setback from the centerline of East 2nd Street from 50' to 35' and a variance of setback from the centerline of South Victor Avenue from 50' to 47'; per plot plan submitted; subject to printing and publishing use only, under Use Unit 15; subject to development standards; screening along north boundary of Lot 4, hooded lighting being directed downward and the execution of a tie contract on Lots 4, 5 and 6; finding that there are numerous setback encroachments in the older area and the new construction will align with the existing wall; finding that the required setback in the surrounding RM-2 districts is only 35' from the centerline; and finding that the granting of the requests 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 4, 5, and 6, Block 9, Gillette Hall Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14656

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Use Unit 1213 - Request a variance of setback from the centerline of Yale Avenue from 60' to 30' to allow a gasoline island canopy, located SW/c of 4th Place and Yale Avenue.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, stated that he is representing the owner of the property in question, W. O. Smith, and the lessee, Git-N-Go Corporation. He informed that the store presently has two pump islands, one on South Yale and one on 4th Place. Mr. Johnsen asked the Board to allow the erection of a canopy over the gas island on South Yale. He informed that, although the property is zoned OL, it was apparently used for commercial purposes prior to the adoption of a Zoning Code. Mr. Johnsen pointed out that a service station was operating on the subject property before the Git-N-Go was opened, with the gas pumps at the same location. He explained that the present operators have sought the Board's approval of a canopy on two previous occasions, with one application being for a canopy over both islands and the second for one only over the island on South Yale. Both variance requests were denied. Mr. Johnsen pointed out that the property was platted in the 1920's, with dedication being 25' on Yale, but when the Zoning Code as adopted in 1970 a structure setback of 60' was established on this primary arterial. He informed that numerous buildings in this area along Yale encroach on the building line. The applicant stated that the design has now been improved, with the pump island on 4th Place being removed and a double island and canopy installed two feet farther from South Yale. A plot plan (Exhibit M-1) and petition of support (Exhibit M-2) were submitted.

Comments and Questions:

Mr. Chappelle asked if the style of the new construction will be consistent with the other Git-N-Go facilities, and Mr. Johnsen answered in the affirmative.

Ms. Bradley voiced a concern with the denial of the application twice in the past six or seven years.

Mr. Johnsen stated that the application has changed significantly since the last hearing.

Mr. Gardner informed that 4th Street is a residential street and the proposal is to remove the pumps on that street and move the pumps on South Yale back two feet.

Protestants: None.

Case No. 14656 (continued)

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Variance** (Section 630 - Bulk and Area Requirements in the Office Districts - Use Unit 1213) of setback from the centerline of Yale Avenue from 60' to 30' to allow a gasoline island canopy; per plot plan submitted; subject to gasoline pumps being removed on 4th Place; finding that the property was platted in the 1920's and numerous structures along South Yale Avenue encroach on the required setback; and finding that the granting of the variance request will not cause substantial detriment to the public good or impair the spirit, purposes and intent of the Code, or the Comprehensive Plan; on the following described property:

Lot 1 and the north 95.1' of Lot 2, Block 1, Kendall View Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14657

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1205 - Request a special exception to allow for a church and church related uses in an IL zoned district, located 10838 East Marshall Street.

Presentation:

The applicant, Wayne Alberty, 4325 East 51st Street, Suite 115, Tulsa, Oklahoma, submitted a plot plan (Exhibit N-1), and stated that he is representing the owners of the property in question. He informed that the property is to be leased by the Willie George Ministries, which is a nationally syndicated children's ministry. Mr. Alberty stated that the majority of the required uses include TV production, telemarketing, printing and publications which are allowed in the IL District; however, 5600 sq. ft. of the 30,000 sq. ft. facility will be devoted to an auditorium for church services. He asked the Board to allow church and related uses on the property. A building layout (Exhibit N-2) and an aerial photograph (Exhibit N-3) were submitted.

Comments and Questions:

Ms. Bradley inquired as to the size of the congregation, and Mr. Alberty informed that the group currently has approximately 250 in attendance, but the space allocated for the assembly could accommodate 600 people. He pointed out that there is ample parking on the lot.

Case No. 14657 (continued)

Ms. Bradley stated that she counted only nine parking spaces and asked Mr. Alberty to clarify the parking arrangement. He explained that the ministries will be located in the east half of the building, with 60 parking spaces in the rear and an additional 121 spaces along the front. He pointed out that the office will not be open during the time the church services are conducted.

Mr. Gardner explained that the applicant is leasing only a portion of the building, which has adequate parking as long as church services are not being conducted on a normal work day. He stated that the Board, if inclined to approve the application, could limit the use of the building for church services to certain days and hours.

Mr. Alberty informed that the church will meet on Sunday mornings and all other meetings times will be after 5 p.m.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1205) to allow for a church and church related uses in an IL zoned district; subject to days and hours of operation being limited to Sunday mornings and evenings after 5 p.m.; finding that the special exception request is compatible with the area and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 1, Block 2, Interchange Business Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14658

Action Requested:

Use Variance - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1213 - Request a use variance to allow for a gift and flower shop and related uses in an OL zoned district, located 3107 East 31st Street.

Presentation:

The applicant, Theodore Wilson, was represented by Mike Taylor, 2753 West 113th Street, Tulsa, Oklahoma. He stated that Mr. Wilson is proposing to lease the property in question and open a florist shop. Mr. Taylor informed that the deed of dedication was for nonresidential use. He informed that the property was annexed into the City in 1952 and a real estate office was permitted on the site in 1965. He stated that the property has been vacant for many years, and that his client is planning to lease, with the option to buy, if this application is approved. Mr. Taylor informed that there is sufficient parking available to accommodate the flower shop. Photographs (Exhibit O-1) were submitted.

11.05.87:502(15)

Case No. 14658 (continued)

Ted Wilson, 4038 East 27th Street, Tulsa, Oklahoma, stated that he has had a business in the area and has established clientele. He informed that the owner has agreed to give him a two year lease, with an option to buy the property.

Comments and Questions:

Mr. Chappelle asked the applicant to state the proposed days and hours of operation for the business, and he replied that the shop will be open from 9 a.m. to 6 p.m., except during the holiday season, when longer hours are demanded.

Ms. Bradley asked if there is a residence to the west, and the applicant answered in the affirmative.

In response to Ms. Bradley's inquiry as to required screening, Mr. Taylor informed that screening is required if the use abutts a residential area.

Mr. Wilson pointed out that a hedge serves as a natural screen along the lot line that abutts the residential area.

Terry Taylor pointed out that the purpose of screening is to provide a visual separation from the residential area, and whether or not the hedge is high and dense enough to serve that purpose could be determined by the Board.

There was discussion as to whether the business would have sufficient parking, and Mr. Gardner informed that one parking space is required for each 225 sq. ft. of floor space. He further explained that the subject property was the original construction and real estate office for Jacobs Company when the surrounding subdivision was constructed. He informed that the plot to the west was used illegally for attorney's offices and they were removed. Mr. Gardner noted that the house to the west was always a residence and the property in question is a buffer, separating that residential area from the retail shopping center to the east. He pointed out that the requested use is not as intense as some, but is a retail commercial use.

Ms. White stated that she is familiar with the business and commended the applicant for his nice business operation, but voiced a concern that approving the application would set a bad zoning precedent for the area.

Protestants:

Earnestine Ayala, 3139 South Florence Place, Tulsa, Oklahoma, stated that she has no objection to a flower shop, but is concerned about what type of business might follow the flower business if it proves to be unsuccessful.

Case No. 14658 (continued)

Applicant's Rebuttal:

Mr. Taylor stated that the owners of the property have been unable to rent the building for office space and it has been unoccupied for the past four years. He informed that the shape of the offices seems to make them undesirable to most of the prospective renters.

Mr. Quarles pointed out that there is nothing unique about the property that prevents it from being used for office space.

Mr. Chappelle asked if he could rent the building for office use if he was in need of an office, and the applicant answered in the affirmative.

After discussion, it was the general consensus of the Board that the applicant has failed to demonstrate a hardship for the variance request and that the office use should remain as a buffer for the residential area.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **DENY** a Use Variance (Section 610 - Principal Uses Permitted In Office Districts - Use Unit 1213) to allow for a gift and flower shop and related uses in an OL zoned district; finding that a hardship was not demonstrated for the variance request; finding that the OL office buffer should be maintained between the residential and retail area; and finding that the granting of the application would be detrimental to the area and would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

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

OTHER BUSINESS

Case No. 13551

Action Requested:

Review of detail site plan.

Comments and Questions:

Mr. Taylor informed that the applicant, Roy Johnsen, has requested that Case No. 13551 be continued to November 19, 1987, to allow the case to be heard by the Technical Advisory Committee on November 12 and the Planning Commission on November 18. A site plan (Exhibit P-1) was submitted.

Case No. 13551 (continued)

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **CONTINUE** Case No. 13551 to November 19, 1987, as requested by the applicant.

There being no further business, the meeting was adjourned at 3:28 p.m.

Date Approved 11-19-87



Chairman