

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 511
Thursday, March 17, 1988, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, March 15, 1988, at 4:06 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

All members of the Board that were present informed that they did not receive a draft copy of the March 3, 1988 minutes.

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **CONTINUE** approval of the Minutes of March 3, 1988, to April 7, 1988.

UNFINISHED BUSINESS

Case No. 14747

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow for a playground in conjunction with an existing YWCA, located 2227 East 20th Street.

Presentation:

The applicant, Mary Espey, 5155 East 51st Street, Tulsa, Oklahoma, stated that the application was previously continued to allow the YWCA officials to continue negotiations for the purchase of property located between the existing pool and the proposed playground. She informed that they have recently agreed on a price and their ownership will now be continuous from Louis Avenue east to the playground.

Protestants: None.

Case No. 14747 (continued)

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205) to allow for a playground in conjunction with an existing YWCA; finding that the playground will be compatible with the neighborhood; and finding that the use does not violate the spirit and intent of the Code or the Comprehensive Plan; on the following described property:

Lot 17, Block 7, Woodward Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Additional Comments:

Mr. Gardner pointed out to the applicant that it will be necessary to have Board approval if the recently purchased residence is used for purposes other than residential use.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14767

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a minor variance of setback from the centerline of North Mingo Road from 50' to 36' to allow for a business sign, located 4591 North Mingo Road.

Presentation:

The applicant, Terry Howard, was represented by Charles Hare, 6550 East Independence, Tulsa, Oklahoma, who asked permission to change the logo on an existing sign at the above stated location. He stated that the request is made because of a change in ownership from DX Oil Company to Sun Oil Company. He pointed out that the base and pole have been in place for several years and do not meet the setback requirement.

Comments and Questions:

Mr. Quarles asked the applicant if the size of the sign is in compliance with Code requirements, and he answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) of setback from the centerline of North Mingo Road from 50' to 36' to allow for a business sign; subject to the execution of a removal contract; finding that the existing sign

Case No. 14767 (continued)

pole has been in place for several years and that only the sign logo will be changed, with the total square footage of the sign remaining the same; and finding that granting of the variance request will not be detrimental to the area; on the following described property:

The west 198' of the N/2, NW/4, NW/4, less the north 60' and west 40' thereof, Section 18, T-20-N, R-14-E, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 14768

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a minor variance of setback from the centerline of East 31st Street from 50' to 32' to allow for a business sign, located 3344 East 31st Street.

Presentation:

The applicant, Terry Howard, was represented by Charles Hare, 6550 East Independence, Tulsa, Oklahoma, who asked permission to change the logo on an existing sign at the above stated location. He stated that the request is made because of a change in ownership from DX Oil Company to Sun Oil Company. He pointed out that the base and pole have been in place for several years and do not meet the setback requirement.

Comments and Questions:

Mr. Quarles asked the applicant if the size of the sign is in compliance with Code requirements, and he answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) of setback from the centerline of East 31st Street from 50' to 32' to allow for a business sign; subject to the execution of a removal contract; finding that the existing sign pole has been in place for several years and that only the sign logo will be changed, with the total square footage of the sign remaining the same; and finding that granting of the variance request will not be detrimental to the area; on the following described property:

The east 140' of the north 140' of Lot 3, Albert Pike 2nd Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 14769

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a minor variance of setback from the centerline of Peoria Avenue 50' to 34' to allow for a business sign, located 3535 South Peoria Avenue.

Presentation:

The applicant, Terry Howard, was represented by Charles Hare, 6550 East Independence, Tulsa, Oklahoma, who asked permission to change the logo on an existing sign at the above stated location. He stated that the request is made because of a change in ownership from DX Oil Company to Sun Oil Company. He pointed out that the base and pole have been in place for several years and do not meet the setback requirement.

Comments and Questions:

Mr. Quarles asked the applicant if the size of the sign is in compliance with Code requirements, and he answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) of setback from the centerline of Peoria Avenue 50' to 34' to allow for a business sign; subject to the execution of a removal contract; finding that the existing sign pole has been in place for several years and that only the sign logo will be changed, with the total square footage of the sign remaining the same; and finding that granting of the variance request will not be detrimental to the area; on the following described property:

Lots 3 and 4, Block 4, Oliver's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14770

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a minor variance of setback from the centerline of Peoria Avenue from 50' to 46' and 40' and from the centerline of 41st Street from 50' to 37' to allow for business signs, located 3939 South Peoria Avenue.

Presentation:

The applicant, Terry Howard, was represented by Charles Hare, 6550 East Independence, Tulsa, Oklahoma, who asked permission to change the logo on an existing sign at the above stated location. He stated that the request is made because of a change in ownership from DX Oil Company to Sun Oil Company. He pointed out that the base and pole have been in place for several years and do not meet the setback requirement.

03.17.88:511(4)

Case No. 14770 (continued)

Comments and Questions:

Mr. Quarles asked the applicant if the size of the sign is in compliance with Code requirements, and he answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) of setback from the centerline of Peoria Avenue from 50' to 46' and 40' and from the centerline of 41st Street from 50' to 37' to allow for business signs; subject to the execution of a removal contract; finding that the existing sign poles have been in place for several years and that only the sign logo will be changed, with the total square footage of the sign remaining the same; and finding that granting of the variance request will not be detrimental to the area; on the following described property:

The north 150' of the south 185' of the east 150' of the west 185' of the S/2, SW/4, SW/4, Section 19, T-19-N, R-13-E, Tulsa County, Oklahoma.

Case No. 14771

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a minor variance of setback from the centerline of 21st Street from 60' to 45' to allow for business sign, located 2102 South Utica Avenue.

Presentation:

The applicant, Terry Howard, was represented by Charles Hare, 6550 East Independence, Tulsa, Oklahoma, who asked permission to change the logo on an existing sign at the above stated location. He stated that the request is made because of a change in ownership from DX Oil Company to Sun Oil Company. He pointed out that the base and pole have been in place for several years and do not meet the setback requirement.

Comments and Questions:

Mr. Quarles asked the applicant if the size of the sign is in compliance with Code requirements, and he answered in the affirmative.

Protestants: None.

Case No. 14771 (continued)

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) of setback from the centerline of 21st Street from 60' to 45' to allow for business sign; subject to the execution of a removal contract; finding that the existing sign pole has been in place for several years and that only the sign logo will be changed, with the total square footage of the sign remaining the same; and finding that granting of the variance request will not be detrimental to the area; on the following described property:

Lots 1, 2, 3, and the east 29.32' of Lot 4, Terwilliger Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14772

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a minor variance of setback from the centerline of Memorial Drive from 60' to 55' to allow for a business sign, located southwest corner 55th Street and Memorial Drive.

Presentation:

The applicant, A-Max Sign Company, was represented by Brian Ward, 9520 East 55th Place, Tulsa, Oklahoma, who submitted a sign plan (Exhibit A-1) and photographs (Exhibit S-2). He asked the Board to allow him to add 18 square feet to the existing rock and wood sign, which was constructed when the required setback on Memorial was 50'.

Comments and Questions:

Ms. Bradley asked the size of the existing sign, and Mr. Ward replied that the sign is approximately 6' by 6'.

Mr. Smith asked if the sign will block the visibility of motorists negotiating the turn, and he replied that the visibility of oncoming traffic will not be blocked by the sign.

Protestants:

Barber Winder, 5602 South Memorial Drive, Tulsa, Oklahoma, stated that she and her husband are owners of an office building at the above stated address. She informed that other offices in the area have conformed to the Code requirements and asked that the applicant be required to maintain the same standard.

Janet Craig, 5620 South Memorial, Tulsa, Oklahoma, stated that she and her husband have an office building in the area and, due to an encroachment, had to remove their sign and reconstruct it further from the street. She requested that the application be denied.

Additional Comments:

Ms. Bradley asked Mr. Ward to state a hardship for this case, and he replied that the sign is appropriate for the area and is needed for the dentistry business.

Case No. 14772 (continued)

Mr. Gardner asked Mr. Ward why the sign is being placed 5' closer to the street than the required setback, and he replied that there is already an existing structure at this location and additional signage will be placed on top of the existing one.

There was discussion as to the number of square feet in the sign.

Mr. Linker advised that the Board should consider only the variance request at this time.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) of setback from the centerline of Memorial Drive from 60' to 55' to allow for a business sign; subject to the execution of a Removal Contract; and subject to the overall square footage of the sign meeting Code requirements; finding that the sign has been at the present location since 1973 and that the proposed addition to the sign will not be closer to Memorial Drive than the existing sign; on the following described property:

Lots 9 and 10, Block 1, Memorial Drive Office Park Addition,
City of Tulsa, Tulsa County, Oklahoma.

Case No. 14776

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of setback from 25' to 21' to allow for an existing carport, located 1562 East 59th Street.

Presentation:

The applicant, Michael Gidley, 1562 East 59th Street, Tulsa, Oklahoma, submitted photographs (Exhibit B-1) and requested that he be allowed to leave an existing carport at its present location. Mr. Gidley informed that the 22' length of the carport is needed to protect his vehicles, one of which is an 18 1/2' Suburban. He stated that the carport does not obstruct the view of the abutting property owners.

Comments and Questions:

Mr. Quarles asked the applicant if he constructed the carport, and he replied that he had the carport built last fall by Standard Builders.

Mr. Smith asked if the requested 21' setback is measured from the curb, and Mr. Gidley answered in the affirmative.

Case No. 14776 (continued)

Mr. Gardner informed that the required setback is 25' from the property line, not from the curb, and pointed out that the applicant has not advertised for sufficient relief.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **CONTINUE** Case No. 14776 to April 21, 1988, to allow the case to be readvertised for additional relief.

Case No. 14778

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a minor variance of setback from the centerline of 51st Street from 50' to 37' to allow for a business sign, located 2816 East 51st Street.

Presentation:

The applicant, Stokley Outdoor, was represented by Steve Nelson, 10111 East 45th Place, Tulsa, Oklahoma, who submitted a plot plan (Exhibit C-1) and photographs (Exhibit C-2). He informed that he is requesting a variance of the setback for a commercial sign with a concrete pedestal. Mr. Nelson explained that there is no identification for the building at this time and space is limited for the installation of the sign. He informed that there is a similar structure in the area that is as close to the street as the proposed sign.

Comments and Questions:

Mr. Quarles asked if the sign will block the view of motorists exiting the property, and he stated that it will not.

Mr. Smith asked the applicant if he has conferred with the Traffic Engineer to determine if there is sufficient sight distance on the corner, and he replied that he has not spoken with anyone from that department.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) of setback from the centerline of 51st Street from 50' to 37' to allow for a business sign; subject to the execution of a removal contract; and subject to Traffic Engineer approval; finding that there are other sign structures in the area that are as close to the street as the sign in question; on the following described property:

The north 150' of Lots 1 and 2, Block 8, Villa Grove Gardens Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14779

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a minor variance of setback from the centerline of Harvard Avenue from 50' to 42' to allow for a business sign, located 1629 South Harvard Avenue.

Presentation:

The applicant, David Calahan, 1629 South Harvard, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1) and photographs (Exhibit D-2), and stated that he is co-owner of C and C Office Machines. He explained that the sign is not visible from the north, due to the fact that the building in that direction has been constructed close to the street, and requested permission to place the business sign 42' from the centerline.

Comments and Questions:

Ms. Bradley asked how far the nearby Murdock Real Estate sign is from the centerline of Harvard, and the applicant replied that it is approximately 42' or 43' from the centerline.

Mr. Callahan informed that there are other sign structures as close to the street as the one in question.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) of setback from the centerline of Harvard Avenue from 50' to 42' to allow for a business sign; per plan submitted; subject to the execution of a removal contract; finding that the granting of the variance request will not be detrimental to the area and that the sign in question will align with existing signs along Harvard; on the following described property:

Lot 6, Block 8, Sunrise Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14780

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a minor variance of setback from the centerline of Admiral Place from 50' to 35' to allow for a business sign, located 4611 East Admiral Place.

Presentation:

The applicant, Terry Howard, was represented by Charles Hare, 6550 East Independence, Tulsa, Oklahoma, who asked permission to remove five existing signs at the above stated location and replace them with one tenant type sign. He explained that the existing signs for the shopping center are located 35' from the centerline of Admiral Place.

Case No. 14780 (continued)

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) of setback from the centerline of Admiral Place from 50' to 35' to allow for a new business sign; subject to the execution of a removal contract; and subject to the removal of all other pole signs on the property; finding that the five existing signs will be removed from the shopping center and replaced with only one sign at the same 35' setback; and finding that there are other signs along Admiral Place that are as close to the street as the one proposed for the center; on the following described property:

Lot 7, Block 1, Stanford Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14781

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a minor variance of setback from the centerline of Yale Avenue from 60' to 50' to allow for a business sign, located 4810 East Skelly Drive.

Presentation:

The applicant, Terry Howard, was represented by Charles Hare, 6550 East Independence, Tulsa, Oklahoma, who asked permission to change the logo on an existing sign at the above stated location. He stated that the request is made because of a change in ownership from DX Oil Company to Sun Oil Company. He pointed out that the base and pole have been in place for several years and do not meet the setback requirement.

Comments and Questions:

Mr. Quarles asked the applicant if the size of the sign is in compliance with Code requirements, and he answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) of setback from the centerline of Yale Avenue from 60' to 50' to allow for a business sign; subject to the execution of a removal contract; finding that the existing sign pole has been in place for several years and that only the sign logo will be changed, with the total square footage of the sign remaining the same; and finding that granting of the variance request will not be detrimental to the area; on the following described property:

03.17.88:511(10)

Case No. 14781 (continued)

A part of Lot 1, Interstate Central, an Addition to Tulsa County, State of Oklahoma, described as follows:

Beginning at the NE/c of said Lot 1, said point being the intersection of the west right-of-way line of South Yale Avenue and the south right-of-way line of I-44, thence due south along the east line of Lot 1, a distance of 150.0' to a point, said point being 50.0' north of the SE/c of Lot 1, thence due west, parallel with 50.0' perpendicularly distant from the south line of Lot 1, a distance of 174.33', thence N 35°40'04" W parallel with and 50.0' perpendicularly distant from the southwest line of Lot 1, a distance of 62.92' to a point on the south right-of-way line of I-44 and 60.0' northeast of the westerly most corner of Lot 1, thence N 54°19'56" E along the south right-of-way line of I-44 a distance of 169.39', thence N 89°54'54" E a distance of 73.41' to the Point of Beginning and containing 23,898.83 sq. ft. of 0.5486 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14766

Action Requested:

Variance - Section 1213.3(b) - Use Conditions - Use Unit 1213 - Request a variance of the screening requirement to permit a screening fence off the property.

Variance - Section 1221.3 - General Use Conditions for Business Signs - Use Unit 1213 - Request a variance of the Board approved 32' setback from the centerline of Utica Avenue to 30' to permit the relocation of a sign.

Request approval of amended plot plan from Board of Adjustment No. 10694.

Presentation:

The applicant, David Grooms, 901 North Mingo, Tulsa, Oklahoma, stated that he is representing the Quik Trip Corporation and informed that the abutting western 50' of land has been purchased to allow the reconstruction of an existing facility and the addition of a new gas isle and canopy. He explained that the Board has previously approved a variance for the installation of a screening fence off the subject property, per plot plan. Mr. Grooms informed that an amended plot plan (Exhibit E-1) has been drawn up, which indicates the location of the screening fence and the sign.

Protestants: None.

Case No. 14766 (continued)

Comments and Questions:

Mr. Gardner informed that the previously approved plot plan allowed a 32' setback and the present request is for a 30' setback.

Mr. Grooms informed that the fence is presently installed on top of a retaining wall on the north portion of the property. He pointed out that there is a steep grade to the back of the building and if the fence is installed on the ground at the property line it will not screen properly.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **APPROVE** a **Variance** (Section 1213.3(b) - Use Conditions - Use Unit 1213) of the screening requirement to permit a screening fence off the property; to **APPROVE** a **Variance** (Section 1221.3 - General Use Conditions for Business Signs - Use Unit 1213) of the Board approved 32' setback from the centerline of Utica Avenue to 30' to permit the relocation of a sign; and to **APPROVE** an **amended** plot plan from Board of Adjustment Case No. 10694; subject to the amended plot plan submitted; finding that, due to the steep grade, the location of the screening fence on the retaining wall will provide adequate screening for the lots to the north; on the following described property:

Lots 21 - 24, Block 8, Lynch-Forsythe Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14773

Action Requested:

Variance - Section 1221.3 - General Use Conditions for Business Signs - Use Unit 1221 - Request a variance to exceed the permitted one sign per 150' of arterial street frontage and a variance of the permitted 2 sq. ft. of signage per sign for each linear foot of frontage, located 3900 South Memorial.

Presentation:

The applicant, Terry Howard, was represented by Charles Hare, 6550 East Independence, Tulsa, Oklahoma, who submitted a drawing (Exhibit F-1) for a sign which his company is proposing to install at the above stated location. He informed that Fred Jones Motor Company has recently purchased the subject property and is moving their Hyundai dealership to this location. Mr. Hare stated that there is a 672 sq. ft. bulletin board (outdoor advertising sign) on the south portion of the property. He informed that a 320 sq. ft. business sign was removed from the lot and asked permission to replace it with a business sign that will contain 144 sq. ft. of advertising space.

Case No. 14773 (continued)

Comments and Questions:

Mr. Smith asked Mr. Gardner to state the allowed signage for the property, and he replied that the two lots are nonconforming as relating to signage. He informed that the Code states that one sign is allowed per 150' of street frontage. Mr. Gardner stated that the northern lot in question has less than 150' of frontage and is entitled to one sign. He noted that the applicant is entitled to two signs on the south lot, but the display surface area of the existing and proposed sign exceeds the allowed footage.

Mr. Gardner asked the applicant if the new sign will be on the lot to the south, and he answered in the affirmative. Mr. Hare informed that the north lot will be utilized for used car sales and will have a 2' by 6' sign. Mr. Gardner pointed out that the proposed signs for the two lots will be in compliance with the Sign Code if the size of the outdoor advertising sign is not taken into consideration. He informed that the southern lot previously had approximately 992 sq. ft. of signage, and will have approximately 836 sq. ft. after the new southern sign is installed. The ordinance permits 306 sq. ft. for two signs, or 459 sq. ft. for only one sign.

Interested Parties:

Mr. Quarles informed that the Board has received one letter of support (Exhibit F-2) from Hale Plumbing Company, which is located to the south of the car lot.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **APPROVE** a **Variance** (Section 1221.3 - General Use Conditions for Business Signs - Use Unit 1221) to exceed the permitted one sign per 150' of arterial street frontage and a **Variance** of the permitted 2 sq. ft. of signage per sign for each linear foot of frontage; finding that the total signage for the two lots will not exceed the previous amount of signage; finding that the existing outdoor advertising sign has been on the property for many years and is nonconforming; and finding that the granting of the variance will not be detrimental to the area, but will actually reduce the amount of signage for the two lots in question; on the following described property:

A part of the SE/4 of the SE/4 of Section 23, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma more particularly described as follows, to-wit:

Case No. 14773 (continued)

Commencing at the NE/c of the SE/4 of the SE/4 of Section 23, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, thence S 0°03'00" W, along the east line of Section 23 and the centerline of South Memorial Drive, a distance of 430.00'; thence N 89°57'53" W a distance of 75.00' to a point on the west line of a right-of-way easement of South Memorial Drive and the Point of Beginning; thence N 89°57'53" W a distance of 305.00'; thence N 0°03'00" E a distance of 227.75'; thence S 89°14'46" E a distance of 181.12'; thence S 0°12'56" W a distance of 25.05'; thence S 67°04'13" E a distance of 14.69'; thence S 77°19'11" E a distance of 10.45'; thence S 68°29'30" E a distance of 107.70' to a point on the west line of right-of-way easement of South Memorial Drive; thence S 0°03'00" W, parallel to and 75.00' perpendicularly distant from the east line of said Section 23 and the centerline of South Memorial Drive a distance of 153.00' to the Point of Beginning and containing 62,985.42 square feet or 1.4459 acres more or less.

AND

Commencing at the NE/c of the SE/4 of the SE/4 of Section 23; thence S 0°03'00" W along the east line of Section 23 and the centerline of South Memorial Drive, a distance of 430.00'; thence N 89°57'53" W a distance of 75.00' to a point on the west line of a right-of-way easement of South Memorial Drive; thence N 0°03'00" E along the west line of said right-of-way easement, parallel to and 75' perpendicularly distant from the east line of said Section 23, a distance of 153.00' to the Point of Beginning; thence N 68°29'30" W a distance of 107.70'; thence N 77°19'11" W a distance of 10.46'; thence N 67°04'13" W a distance of 14.69'; thence N 0°12'56" E a distance of 25.05'; thence N 89°14'45" W a distance of 181.12'; thence N 0°03'00" E a distance of 98.83'; thence N 53°45'16" E a distance of 124.07'; thence S 89°57'53" E a distance of 57.39'; thence S 47°56'17" E a distance of 198.66'; thence S 0°03'00" W, along the west line of a right-of-way easement of South Memorial Drive, parallel to and 75' perpendicularly distant from the east line of said Section 23 and the centerline of South Memorial Drive, a distance of 114.00' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14774

Action Requested:

Appeal - Section 1650 - Appeals from the Building Inspector - Use Unit 1213 - Request an appeal from the decision of the Building Inspector in issuing a zoning clearance permit for a sexually oriented business, located 5925 East 11th Street.

Case No. 14774 (continued)

Presentation:

The applicant, Blake Champlin, 1211 South Canton, Tulsa, Oklahoma, was present. A petition of protest (Exhibit Z-4), a copy of the notice of appeal (Exhibit Z-3) and a response (Exhibit Z-5) to the dismissal request were submitted.

Comments and Questions:

Mr. Taylor informed that Mr. Salisbury, attorney for the owner of the sexually oriented business, has requested by letter (Exhibit Z-1) that Case No. 14774 be continued to April 21, 1988. Mr. Salisbury stated that additional time is needed to complete surveys and maps required for the protest. A letter (Exhibit Z-2) requesting dismissal of the appeal was also submitted.

Additional Comments:

The applicant, Blake Champlin, stated that he has no objection to the requested continuance.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **CONTINUE** Case No. 14774 to April 21, 1988, as requested by the protestant.

Case No. 14775

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted 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 Requirements - Use Unit 1209 - Request a variance of the time regulation from one year to permanently.

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1209 - Request a variance of the side yard setbacks, located 156 South 34th West Avenue.

Presentation:

The applicant, Johnny Yeatman, 157 South 34th West Avenue, Tulsa, Oklahoma, informed that his home burned in January and asked the Board to allow him to install a mobile home on the property. Photographs (Exhibit G-1) were submitted. Mr. Yeatman stated that he has lived on the street for many years and would like to continue to reside in the area. He informed that there are other mobile homes in the neighborhood, with one being down the street from his lot and one approximately one block away.

Comments and Questions:

Mr. Quarles inquired as to the distance from the subject property to the nearest mobile home, and Mr. Yeatman replied that the mobile home on 34th Street is approximately four houses (300' or 400') from his property.

Case No. 14775 (continued)

Ms. Bradley inquired as to the size of the mobile home in question, and the applicant replied that it is a double wide mobile, 42' by 56'. Photographs (Exhibit G-1) were submitted.

Protestants:

Mr. Quarles informed that one letter of protest (Exhibit G-2) was received from a resident in the area.

Interested Parties:

Loretta Lowery, 128 West 34th Street, Tulsa, Oklahoma, mother of the applicant, stated that the mobile home is much nicer than the house that was previously on the property.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow a mobile home in an RS-3 zoned district; to **APPROVE** a **Variance** (Section 440 - Special Exception Requirements - Use Unit 1209) of the time regulation from one year to permanently; and to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1209) of the side yard setbacks; subject to the mobile home being a double wide, with a pitched roof (as shown in photographs Exhibit G-1); finding that there are other mobile homes in the area and the granting of the requests 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 14, Block D, Joe Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14777

Action Requested:

Use Variance - Section 610 - Principal Uses Permitted In Office Districts - Use Unit 1214 - Request a use variance to allow for Use Unit 14 in an OL zoned district, located 7712 East 71st Street.

Presentation:

The applicant, McDowell and Associates, was represented by Dave Jackson, 8455 South College, Tulsa, Oklahoma.

Comments and Questions:

Mr. Smith informed that he is unable to hear this case, due to the fact that his company has recently surveyed the property in question.

Due to the absence of two Board members and the fact that Mr. Smith abstained, it was necessary to continue the case for lack of three affirmative votes required to pass the request.

Case No. 14777 (continued)

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **CONTINUE** Case No. 14777 to April 7, 1988, due to lack of three affirmative votes required to grant the request.

Case No. 14782

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1215 - Request a special exception to allow a greenhouse/solarium showroom in a CS zoned district, located 5345 East 41st Street.

Presentation:

The applicant, Carol Field, was represented by Mark Cundith, Route 2, Inola, Oklahoma, contractor for the project. After submitting a plot plan (Exhibit H-1) and a brochure (Exhibit H-2), Mr. Cundith stated that the showroom will be lease space in the mall at the above stated location. He explained that the space will be used for retail plant sales and office space.

Comments and Questions:

Ms. Hubbard explained that the applicant is before the Board today because greenhouse sales are listed under Use Unit 15 in the zoning ordinance, and he has the burden of proving that the use is in harmony with the surrounding uses.

Mr. Smith asked if all sales will be confined to the inside of the building, and the applicant answered in the affirmative.

Mr. Cundith stated that the plot plan illustrates a greenhouse on the front of the building, but this is an addition that is to be constructed in the future. He informed that only interior remodeling is planned at this time.

Mr. Smith asked if outside sales will be held periodically, and Mr. Cundith stated that there will be no outside sales.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1215) to allow a greenhouse/solarium showroom in a CS zoned district; subject to all items for sale being contained within the building, with no outside storage; and subject to no outside sales of plants or materials; finding that the plant sales conducted inside the building will be compatible with the surrounding uses in the shopping center; on the following described property:

Case No. 14782 (continued)

A part of the SE/4, SW/4, of Section 22, T-19-N, R-13-E, of the Indian Base and Meridian, Tulsa County, Oklahoma, being more particularly described as follows, to-wit:

Beginning at the SE/c of said SE/4, SW/4, thence N 89°59'40" W along the south line thereof for a distance of 466.41' to the point of beginning; thence due north a distance of 819.58' to a point on the south line of Block 9, Highview Estates Addition; thence due west along said south line of said Block 9 a distance of 300'; thence due south for a distance of 819.55' to the south line of Section 22; thence S 89°59'40" E a distance of 300', more or less to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 14740

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215 - Request a special exception to allow a greenhouse/solarium showroom in a CS zoned district, located 5345 East 41st Street.

Comments and Questions:

Mr. Taylor advised that the applicant, Harriet Westerman, 1145 South Utica, Tulsa, Oklahoma, informed Staff that she intends to use the original plot plan and asked that this application to amend the plot plan be withdrawn.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Bradley, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, White, "absent") to WITHDRAW Case No. 14740, as requested by the applicant.

There being no further business, the meeting was adjourned at 2:10 p.m.

Date Approved 4-21-88

Carly Chappelle
Chairman