

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 517
Thursday, June 16, 1988, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Chappelle, Chairman Quarles Smith	White	Gardner 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, June 14, 1988, at 12:30 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 1:00 p.m.

MINUTES:

On **MOTION** of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** the Minutes of June 2, 1988.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14848

Action Requested:

Variance - Section 280 - Structure Setbacks from Abutting Streets - Use Unit 1221 - Request a minor variance of setback from the centerline of Harvard Avenue from 50' to 44' to allow for a business sign in a CS zoned district, 1927 South Harvard Avenue.

Presentation:

The applicant, Robert Paddock, 4143 East 31st Street, Tulsa, Oklahoma, stated that he is representing McClead Interiors and Antiques. A plot plan (Exhibit A-1) and photographs (Exhibit A-2) were submitted. He pointed out that the sign is installed at the same location as the one that was previously on the property. Mr. Paddock informed that the Coney Island sign to the north is closer to the street than the sign in question, as it extends to the sidewalk. He pointed out that the subject sign aligns with the Family Dentistry sign to the south.

Protestants: None.

Case 14848 (continued)

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setbacks from Abutting Streets - Use Unit 1221) of setback from the centerline of Harvard Avenue from 50' to 44' to allow for a business sign in a CS zoned district; finding that the sign in question is at the same location as the one that previously served the property; and finding that the sign is not as close to Harvard as the sign to the north, and aligns with those to the south; on the following described property:

Lots 4, 5, and 6, less the west 5' of Lots 5 and 6, Block 1, Sunrise Terrace Third Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14851

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 30' to allow for the replacement of an existing sign, located 1603 South Peoria Avenue.

Presentation:

The applicant, Terry Howard, was represented by Charles Hare, 6550 East Independence, Tulsa, Oklahoma, who submitted a sign plan (Exhibit B-1) for a replacement sign at the above stated location. He informed that Texaco has a new style sign, which will be installed on the existing pole.

Comments and Questions:

Ms. Bradley asked if the new sign will be the same size as the old one, and Mr. Hare replied that the previous sign was 5' by 8' and the new one will be 7' by 7'.

Interested Parties:

Kevin Swartz, 1619 South Peoria, Tulsa, Oklahoma, stated that he came to the meeting to determine if the sign next to his building would be changed.

Mr. Hare informed that only the sign in front of the canopy will be affected by this application.

Grant Hall, 1202 East 18th Street, Tulsa, Oklahoma, stated that there is a school across the street and asked that the base of the sign would not be wide enough to block visibility.

Mr. Hare informed that the base of the sign is very thin and will not block the view of motorists in the area.

Case No. 14851 (continued)

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; 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 30' to allow for the replacement of an existing sign; subject to the execution of a removal contract; finding that the sign will be installed on the existing pole and will be smaller than the one it replaces; on the following described property:

The west 80' of Lots 15 and 16, Block 9, Orcutt Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14845

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 440.6(a) - Special Exception Requirements - Use Unit 1209 - Request a variance of the time regulation from one year to permanently.

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Request a variance to allow for two units on one lot of record, located 5501 North Lewis Avenue.

Presentation:

The applicant, Julius Craven, 5501 North Lewis, Tulsa, Oklahoma, asked the Board to allow a mobile home to be installed on his property. He explained that his son has returned from the Navy and is in need of a place to live.

Comments and Questions:

Ms. Bradley asked the applicant if a plot plan is available for review, and he replied that he does not have a plan with him, but has submitted copies of the plan to other city agencies.

Mr. Smith inquired if the city sewer service is available to the property, and the applicant replied that the tract is served by a septic system. Mr. Craven informed that he has Health Department approval for the septic.

Mr. Quarles asked Mr. Craven how long he has lived at the present location, and he replied that he has lived in the house for approximately seven years.

Case No. 14845 (continued)

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for a mobile home in an RS-3 zoned district; to **APPROVE** a **Variance** (Section 440.6(a) - Special Exception Requirements - Use Unit 1209) of the time regulation from one year to permanently; and to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling per Lot of Record) to allow for two units on one lot of record; subject to Health Department approval; finding that there are numerous mobile homes in the general area, and the granting of the requests will not be detrimental to the neighborhood; on the following described property:

The N/2, N/2, SW/4, NW/4, NW/4, Section 8, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14846

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Use Unit 1215 - Request a special exception for a home occupation to allow for a radiator repair business in an RM-1 zoned district, located 912 West 24th Street.

Presentation:

The applicant, James Goldstein, 912 West 24th Street, Tulsa, Oklahoma, stated that most of his radiator repair business consists of pickup and delivery. He explained that there is a building behind his residence where the repairs will be made and access to that building is from the alley. It was noted that, due to the fact that most of the radiators are brought in for repair, there will be no vehicles parked on the premises. Mr. Goldstein submitted a petition of support (Exhibit C-1) signed by residents of the neighborhood.

Comments and Questions:

Ms. Bradley stated that her main concern with the business in question is the disposal of the chemicals used for flushing the radiators.

Mr. Smith asked if the chemicals are contained, or just run down the gutter, and the applicant replied that he does not use the customary boll out vat. He stated that he will have the chemicals hauled away if the vat is installed in the future. Mr. Goldstein informed that there are services available that haul away chemicals that cannot be disposed of in the city sewer.

Ms. Bradley asked the applicant if he has received a copy of the Home Occupation Guidelines, and he replied that he does not have a copy.

Case No. 14846 (continued)

Mr. Smith asked if cars are serviced that come to the repair shop, and he replied that occasionally a car would come to the shop for repair.

Mr. Quarles pointed out that only immediate family members can work in the business, no signs are allowed, and there should be no outward appearance that a business is in operation on the property.

Protestants:

Mr. Chappelle informed that the Board has received a letter of protest (Exhibit C-2) from the Tulsa Development Authority.

Gloria Burgess, stated that she owns the property at 911 West 23rd Place, Tulsa, Oklahoma and is concerned with the chemicals used in the radiator business and the possibility of additional cars being parked on the property. She pointed out that the church across the street already generates a great deal of traffic in the neighborhood and creates a parking problem. Ms. Burgess asked the Board to deny the home occupation request.

Mr. Goldstein stated that the residents in the area are supportive of the business.

Additional Comments:

Mr. Quarles asked the applicant if he is presently living on the property, and he replied that he has lived in the house since September of 1987, and will continue to live there.

Ms. Bradley asked if all repairs will be made inside the building, and the applicant answered in the affirmative.

Mr. Chappelle inquired as to the amount of noise that will be generated by the repair operation, and Mr. Goldstein replied that he will not use impact wrenches and the noise will be minimal.

Mr. Smith asked the applicant if he can limit the repair to those radiators that have been detached from the car and brought to the shop, and he replied that he will abide by any restrictions imposed by the Board.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Special Exception** (Section 420 - Accessory Uses in Residential Districts - Use Unit 1215) for a home occupation to allow for a radiator repair business in an RM-1 zoned district; for a period of three (3) years only; subject to no impact wrenches being used in the business; subject to all radiators being picked up and delivered, with no outside storage of automobiles; subject to all repairs being made inside the building; subject to Home Occupation Guidelines; and subject to Water and Sewer Department approval for disposal of all liquid waste used in radiator repair; on the following described property:

Case No. 14846 (continued)

Lot 1, Block 3, Westdale Addition and the east 20' of Lot 1, Block 49, Amended Plat of West Tulsa Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14847

Action Requested:

Variance - Section 730.1 - Bulk and Area Requirements In Commercial Districts - Use Unit 1213 - Request a variance of setback from the north property line from 25' to 15' to allow for the construction of a building, located 3901 South Harvard Avenue.

Presentation:

The applicant, Duane Lunger, was represented by Ralph Jones, 3227 East 31st Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit D-1), and stated that he has previously been before the Board concerning the property at the above stated location. He informed that the redevelopment of the property began approximately eight months ago and will contain 5700 square feet of floor space. It was noted by Mr. Jones that the existing building will be demolished. He informed that a 10' utility easement prevents the location of the new building close to the south property line and if that 10' can be recovered the construction can continue as proposed. Mr. Jones advised that any concerns of the abutting property owners have been satisfied.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Variance** - Section 730.1 (Bulk and Area Requirements In Commercial Districts - Use Unit 1213 - Request a variance of setback from the north property line from 25' to 15' to allow for the construction of a building; per plot plan submitted; finding that the 10' utility easement to the south prevents construction to the lot line and limits the amount of building space on the lot; on the following described property:

The west 140' of Lot 11, Block 5, Eisenhower Third Addition; City of Tulsa, Tulsa County, Oklahoma.

Case No. 14849

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1210 - Request a use variance to allow for off-street parking in an RS-3 zoned district, located 55th Place and South 41st West Avenue.

Case No. 14849 (continued)

Comments and Questions:

Mr. Jackere advised that, due to the adoption of a recent law, which is effective immediately, the Board of Adjustment does not have the authority to hear use variance applications.

Presentation:

The applicant, John Jones, PO Box 9859, Tulsa, Oklahoma, stated that Staff has previously informed him of the adoption of the new law restricting the authority of the Board to hear use variance requests.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **STRIKE** Case No. 14849 and **REFUND** the total filing fee, in the amount of \$200.00; finding that a newly adopted law prohibits the hearing of use variance cases by the Board of Adjustment.

Case No. 14850

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205 - Request a special exception to allow for a private school in an AG zoned district, located 6427 West Edison Street.

Presentation:

The applicant, Gene Griffin, 9920 East 42nd Street, Tulsa, Oklahoma, stated that an attempt is being made to lease an existing dwelling for use as a private church school. He informed that 14 students are enrolled, and classes will be held at the present location for a two year period. It was noted by the applicant that the church owns 240 acres of vacant land which abuts the subject property, and only one residence is near the proposed school.

Comments and Questions:

At Mr. Chappelle's request, the applicant informed that the days and hours of operation will be the same as other schools, with Staff arriving at approximately 7:30 a.m.

Mr. Griffin advised that living quarters for a security person will be provided in one portion of the building.

Mr. Quarles asked if the school will move to another location at the end of the two year period, and he replied that a facility will be built on the 240 acre tract when the two year lease has expired.

In response to Ms. Bradley's question concerning the sewer system, Mr. Griffin stated that a septic system is in use, as the city sewer is not available in that area.

Case No. 14850 (continued)

Ms. Bradley asked if the nearby creek causes flooding on the subject tract, and the applicant replied that the property in question is elevated and flooding does not occur where the house is located.

Potestants:

Maxine Owens, 6402 West Edison, Tulsa, Oklahoma, inquired as to the access road to the school, and asked if the small road in front of her home would be used. She stated that she is also opposed to the installation of signs.

Mr. Griffin informed that the school will be only for members of one congregation and there will be no signs. He informed that the occupants of the house will use the public road, but those entering the property for school activities will enter on the road to the east and across a portion of the 240 acres which is owned by the church.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205) to allow for a private school in an AG zoned district for a period of three years only; finding that the residence is large enough to accommodate the small school enrollment, and that the use will not be detrimental to the area; on the following described property:

A tract of land in the SW/4, SE/4, Section 31, T-20-N, R-12-E, Osage County, Oklahoma, being more particularly described as follows: Beginning at the SW/c, SE/4, thence N 0°00'24" E for 164' to the Point of Beginning, thence N 0°00'24" E, 210.08', thence S 89°52'30" E for 361.7', thence S 13°17'27" E for 215.85', thence N 89°52'30" W for 411.29' to the Point of Beginning, City of Tulsa, Osage County, Oklahoma.

Case No. 14852

Action Requested:

Special Exception - Section 710 - Principal Uses in Commercial Districts - Use Unit 1215 and 1217 - Request a special exception to allow Other Trades and Services (Use Unit 15) and Automotive and Allied Activities (Use Unit 17) in a CS zoned district.

Special Exception - 410 - Principal Uses Permitted in Residential Districts - Use Unit 1210 - Request a special exception to allow for off-street parking in an RM-2 zoned district, located SE/c Admiral Place and 161st East Avenue.

Presentation:

The applicant, Charles Norman, Suite 909, Kennedy Building, Tulsa, Oklahoma, submitted a plot plan and development standards (Exhibit E-2) for construction on a 12 1/2-acre triangular tract of land. He informed that the back portion of the tract is along the

Case No. 14852 (continued)

Rose Dew Subdivision, and it abuts church property on 161st East Avenue. It was noted that the north 330' of the tract is zoned CS, with the remainder of the property zoned RM-2. Mr. Norman asked the Board to approve the development of the property as a service center, with Use Units 15 and 17 being permitted. He informed that there is a drainage channel through the property for stormwater drainage, with a concrete box being required from Admiral Place to the south of the property, continuing southwest within the drainage way. A detention facility will be located on the corner of the property and south of the church. Mr. Norman informed that the property will be platted into lots fronting on Admiral Place, with the minimum frontage being 120', and off-street parking being located in the RM-2. He pointed out that parking will be permitted only in front of a 50' strip which will be reserved for a landscaped area and a buffer for the residences in the Rose Dew Addition. Mr. Norman informed that 6' solid screening is required for the commercial area and around the church. It was noted by the applicant that there will be no access on 164th Street and all lighting will be directed downward and away from the residences. The applicant informed that the proposal to tie 161st and Admiral Place has been declared not technically feasible by the Traffic Engineer (Exhibit E-3). He pointed out that the residents of the addition that use 161st to enter their back yards can continue to do so. Photographs (Exhibit E-1) were submitted.

Comments and Questions:

Mr. Jackere asked if the off-street parking will be for customer and employee parking, and not for the sale of vehicles. Mr. Norman answered that the lot will be used for a parking lot only.

Ms. Bradley stated that Use Unit 17 permits over night parking, and Mr. Norman informed that over night camping is not planned and can be deleted as a part of the application.

Protestants:

Johnny Charles, 16429 East 1st Street, Tulsa, Oklahoma, stated that he is concerned with the alley remaining open to allow fire trucks to have access to the fire hydrant. He asked that the businesses not be allowed to operate after 6 p.m.

Mr. Gardner informed that the stub street behind the addition belongs to the City and is not affected by the decision of this Board.

Mr. Chappelle and Ms. Bradley agreed that it would be difficult to impose a 6 p.m. closing time on a commercial center.

Mr. Chappelle informed that the Board has received one letter of protest (Exhibit E-4) to the application.

Case No. 14852 (continued)

Jeannie Ball, 16409 East 1st Street, Tulsa, Oklahoma, stated that she has a garage on the back portion of her property, and is concerned that the alley will be closed, which is the only access to the garage. She pointed out that there are several places in the area that services large trucks and is concerned with the added noise and exhaust that might be caused by additional truck service businesses.

Dan Frakes, 16201 East 1st Street, Tulsa, Oklahoma, stated that his house is near the area where the detention pond will be located, and is concerned as to the distance from the channel to his fence. Mr. Norman informed that the channel is approximately 30' to 35' from the property line. Mr. Norman informed that trees will be in the 50' reserved area, which was meant to protect the residents in the Rose Dew Addition.

Mr. Smith asked Mr. Norman if his client would object to a 7' fence along the south lines of sites one and two, and the east line of site one. Mr. Norman replied that his client will agree to a 7' fence in lieu of a 6' at these locations.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses in Commercial Districts - Use Unit 1215 and 1217) to allow Other Trades and Services (Use Unit 15) and Automotive and Allied Activities (Use Unit 17) in a CS zoned district; and to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1210) to allow for off-street parking in an RM-2 zoned district; per plot plan; subject to a 7' fence along the south boundary lines of sites one and two, and a 7' fence along the east boundary of site one; subject to no over night camping; and subject to development standards submitted (Exhibit E-2) which state that construction of buildings will be limited to the north 330' of the tract, a 50' wide buffer (48 pine and oak trees, not less than 3" in diameter) will be provided along the southerly boundary of Sites 3, 4, and 5, access to Tulsa Service Center will be limited to East Admiral Place and 161 East Avenue only, and all lighting will be directed downward and away from the residences to the east and south, with light poles within 100' of the south boundary being no higher than 24'; finding that there are multiple zoning classifications in the area and the granting of the special exception requests will not be detrimental to the area; on the following described property:

A part of the SW/4, NW/4 and a part of US Government Lots 5 and 6 of Section 2, T-19-N, R-14-E of the Indian Base and Meridian, Tulsa county, Oklahoma according to the US Government survey thereof. Said Property is more particularly described as follows, to wit:

Case No. 14852 (continued)

Beginning at a point on the west line of US Government Lot 5 of Section 2, T-19-N, R-14-E of the Indian Base and Meridian, Tulsa County, Oklahoma according to the US Government survey thereof, said point being 40.00' S 00°05'00" E of the NW/c of said Lot 5; thence N 90°00'00" E and parallel with the north line of said Lot 5, a distance of 1318.49' to a point on the east line of said Lot 5, said point also being on the west boundary of Rose Dew Addition, an addition in Tulsa County, Oklahoma according to Plat Number 2510 filed in the records of the Tulsa County Clerk; thence S 00°08'25" E along the east line of said Lot 5 and the west boundary of said Rose Dew Addition a distance of 296.50'; thence S 11°59'06" E along the west boundary of said Rose Dew Addition a distance of 3.58' to the NE/c of Rose Dew Second, an addition in Tulsa County, Oklahoma according to Plat Number 2995 filed in the records of the Tulsa County Clerk; thence S 90°00'00" W along the north boundary of said Rose Dew Second and parallel with and 340.00' from the north line of US Government Lots 5 and 6, a distance of 370.66'; thence S 47°55'09" W along the northerly boundary of said Rose Dew Second, a distance of 240.32'; thence S 60°00'00" W along the northerly boundary of said Rose Dew Second, a distance of 525.89'; thence N 00°05'00" W, a distance of 410.80'; thence S 90°00'00" W and parallel with the north line of US Government Lot 5, a distance of 314.45' to a point on the west line of said Lot 5; thence N 00°05'00" W along the west line of said Lot 5, a distance of 353.21' to the Point of Beginning and containing 12.588 acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14853

Action Requested:

Use Variance - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1213 and 1214 - Request a use variance to allow for Use Unit 13 (convenience goods and services) and Use Unit 14 (shopping goods and services) in an OM zoned district, located NW/c 31st Street and South Harvard Avenue.

Comments and Questions:

Mr. Jackere advised that, due to the adoption of a recent law which is effective immediately, the Board of Adjustment does not have the authority to hear use variance applications.

Presentation:

The applicant, Interwest Company, was represented by Pat Fox, who was previously informed of the adoption of the new law restricting the authority of the Board to hear use variance requests.

Case No. 14853 (continued)

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **STRIKE** Case No. 14853 and **REFUND** the total filing fee, in the amount of \$200.00; finding that a newly adopted law prohibits the hearing of use variance cases by the Board of Adjustment.

Case No. 14854

Action Requested:

Special Exception - Section 420.1 - Accessory Uses in Residential Districts - Use Unit 1215 - Request a special exception to allow a home occupation for a spraying business (trees and weeds) in an RS-3 zoned district, located 2103 West 46th Place.

Comments and Questions:

Mr. Taylor informed that Staff has received a letter (Exhibit F-1) from a relative of the Ms. Reynolds requesting continuance of Case No. 14854 until July 21, 1988, due to the death of the applicant.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **CONTINUE** Case No. 14854 to July 21, 1988, due to the death of the applicant.

Case No. 14855

Action Requested:

Variance - Section 1211.4; 1225.4 - Off-Street Parking Requirements - Use Units 1211/1225 - Request a variance of the required number of parking spaces from 29 to 15, located 4133 South 72nd East Avenue.

Presentation:

The applicant, Robyn Christenson, 4129 South 72nd East Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit G-1), and stated that he is representing Bob Nash, owner of the property in question. He informed that a 6000 sq. ft., two story office building is proposed for the location and additional parking spaces are needed for the project. It was pointed out that there is sufficient parking to accommodate the new building on the adjoining property, which is also owned by Mr. Nash. Mr. Christenson informed that the total parking requirement for the two buildings is 52 spaces and the total number available is 88 spaces.

Comments and Questions:

Mr. Quarles asked the applicant how the parking would be arranged if the owner sold one of the buildings, and he replied that a parking agreement (Exhibit G-2) signed by the owners, will allow mutual parking on the two adjoining parking lots.

Case No. 14855 (continued)

Mr. Jackere informed that the parking document states that the 14 spaces provided are common spaces between the two property owners.

Mr. Chappelle asked Mr. Jackere if the 14 spaces referred to are on the subject tract, and he replied that they are on the abutting property. Mr. Jackere pointed out that 29 exclusive parking spaces are required for the building in question, and there are only 15 exclusive spaces available, with 14 spaces for shared parking.

Mr. Quarles asked the applicant if his client would be agreeable to amending the parking agreement to show the 14 shared spaces as exclusive instead of mutual parking. Mr. Christenson stated that there would be no problem with showing the 14 spaces as exclusive parking for the property in question.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Varlance** (Section 1211.4; 1225.4 - Off-Street Parking Requirements - Use Units 1211/1225) of the required number of parking spaces from 29 to 15; subject to City Attorney approval of the wording for a reciprocal parking and access agreement between the two abutting property owners; finding that the two combined parking lots supply sufficient required parking spaces for the two buildings; on the following described property:

Lots 13, 14, 15, 16 and the south 100' of Lot 17, Block 8, Katy Freeway Industrial Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14856

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1205 - Request a special exception to allow an adult day care center with a maximum of 52 participants, in an OL zoned district, located 2116 - 2118 East 15th Street.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, submitted a plot plan (Exhibit H-1) for a creative living center. He informed that the operator of the center has met with the interested parties that were present at a previous Board hearing, and further explained the operation. Mr. Johnsen stated that the center will provide daytime care for frail, older adults, and support their family or those caring for them. It was noted by the applicant that the number of participants in the program has been reduced from 65 to a maximum of 52. Mr. Johnsen pointed out that the 19' driveway to the parking lot (approximately 50 parking spaces) in the rear will be wide enough for two cars to pass.

Comments and Questions:

Ms. Bradley asked if loading and unloading will occur in the back parking lot, and Mr. Johnsen stated that the primary entrance will be in the rear parking lot, but the front entrance will also be used. He pointed out that there is sufficient room for three cars to park in the front circle drive, with a spare lane left open for through traffic. Mr. Johnsen explained that the front entrance will be helpful to some of the participants in the program who are very frail and are unable to walk a long distance. Photographs (Exhibit H-2) and a layout of traffic patterns (Exhibit H-4) were submitted. It was pointed out that there is no left turn on 15th Street for those traveling in a northerly direction, and there was some concern that this would generate more neighborhood traffic in the area of Barnard School. Mr. Johnsen stated that probably only four participants in the day care would be arriving from the south on Lewis Avenue and might drive through the neighborhood.

Mr. Chappelle stated that he voted against the application at the first hearing, and his concern at that time was the traffic issue. He stated that his concerns have been satisfied by Mr. Johnsen's explanation.

Interested Parties:

Joe Braun, 1544 South Yorktown Place, Tulsa, Oklahoma, asked how many enrollees the center had at the previous location, and Mr. Chappelle informed that the minutes from the previous meeting state that there are 36 participants. Mr. Braun asked that the front driveway be changed in some way to prevent parking on the sidewalk. He pointed out that children walk along the sidewalk on their way to school and voiced a concern that their safety could be endangered.

Mr. Johnsen stated that the parking area will be striped and a sign will be installed which will prohibit parking in one lane, but curbing is not planned.

Mr. Quarles pointed out that the primary parking lot and entrance will be located to the rear of the building.

Ms. Bradley remarked that the use is compatible with the existing uses in this area along 15th Street.

Mr. Chappelle informed that Staff has received two letters of support (Exhibit H-3) for the application.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Special Exception** (Section 610 - Principal Uses Permitted In Office Districts - Use Unit 1205) to allow an adult day care center with a maximum of 52 participants; subject to the primary entrance being located to the rear of the building; subject

Case No. 14856 (continued)

to one lane in the front drive be clear at all times; subject to traffic flow per plan; and subject to no parking on sidewalk; finding that there are existing uses in the area that are similar in nature; and finding that the adult day care center 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:

The west 25' of Lot 3, all of Lot 4 and the east 25' of Lot 5, Block 1, Maywood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14857

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1202 - Request a special exception to allow for a tent revival in a CS zoned district, located 800 North Country Club Drive.

Presentation:

The applicant, Mother Tucker Ministries, PO Box 702615, Tulsa, Oklahoma, was represented by Mr. Miller, who informed that a tent revival is planned at the above stated location.

Comments and Questions:

Mr. Chappelle asked how long the revival will be conducted at this location, and Mr. Miller replied that the meeting is scheduled to begin on June 19 and last for two weeks.

Mr. Smith inquired as to the times for starting and ending the services, and Mr. Miller informed that services will begin at 7:30 p.m. and end between 10:00 p.m. and 11:00 p.m.

In response to Ms. Bradley's inquiry as to parking, Mr. Miller informed that adequate parking is provided on the premises.

Mr. Smith asked if the meeting could be finished by 10 o'clock, and he stated that he is not sure, but would prefer 11 o'clock.

Interested Parties:

Rex Williams stated that he is representing the 450 families who are members of the Tulsa Country Club. Mr. Williams stated that there is a concern with the hours for the revival, the number of nights the meetings will last, the dust that will be created and the traffic that will be generated by the revival. He asked if there will be restroom facilities and security for the event, and if the debris will be cleaned up after the meetings.

Case No. 14857 (continued)

Carol Seacat, 408 West 6th Street, Okmulgee, Oklahoma, stated that she is representing Mr. Boswell, owner of the property east of the proposed site. She informed that her client is opposed to the holding of a tent revival in this area. It was noted that the area is basically residential, with some CS zoning, and the road is not equipped to handle a large amount of traffic. Ms. Seacat pointed out that a meeting of this type would cause a lot of noise for the residents of the neighborhood, and vandalism was a problem before the home burned, and could be a problem again if security is not provided. Ms. Seacat asked that, if the application is approved, a bond be required to insure cleanup of the site.

Additional Comments:

Ms. Bradley asked if the revival is for Tulsa residents, or if people will be coming from other states, and Mr. Williams replied that the meeting will be for Tulsa area residents.

In response to Ms. Bradley's inquiry as to the number of people expected to attend the meeting, Mr. Williams stated that he does not know, but the tent will seat only 200.

Mr. Chappelle asked how many parking spaces are available, and Mr. Williams stated that he does not know how many spaces are on the lot.

Ms. Hubbard pointed out that the previous church use had a parking requirement that was based on the floor area of the sanctuary, but there is no parking requirement for a tent revival. She stated that this Board can impose the parking requirements for this type of meeting.

In response to Mr. Smith's question, Mr. Williams informed that portable bathrooms will be moved to the site for use during the meeting and someone will be with the tent at all times.

Ms. Bradley asked if a revival has previously been held at this location, and Mr. Williams replied that this is the first one to be held on the lot.

Mr. Chappelle inquired as to the number of people that attended the last meeting of this type, and Mr. Williams replied that the last one was held in the street, with attendance varying from one person up to 25.

Members of the Board concurred that there is a lack of specific planning for the event.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **DENY** a **Special Exception** (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1202) to allow for a tent revival

Case No. 14857 (continued)

In a CS zoned district; finding that the use is not compatible with the area; and finding that the granting of the request would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

A tract of land situated in the SE/4, SE/4, NE/4 of Section 34, T-20-N, R-12-E of the Indian Base and Meridian, Osage County, Oklahoma, more particularly described as follows, to-wit: Commencing at the NW/c of Lot 4, Block 1, of South Osage Hills Addition to Tulsa, Osage County, Oklahoma, according to the recorded plat thereof; thence westerly on a projection of the north line of said Lot 4, a distance of 60.00'; to a point, said point being on the west right-of-way line of Country Club Drive; thence south along said right-of-way line a distance of 166.00'; to the true point of beginning; thence continuing south along said west right-of-way line a distance of 450.00'; thence west along a line at right angles to said west right-of-way line a distance of 127.00'; thence north along a line parallel to said west right-of-way line of Country Club Drive a distance of 450.00'; thence east along a line at right angles to said west right-of-way line of Country Club Drive a distance of 127.00' to the true point of beginning containing 1.31 acres, more or less, subject, however, to all the conditions, limitations, and provisions reserving oil, gas, coal, and other minerals to the Osage Tribe of Indians by Act of Congress, June 28, 1906 (34 Stat. L. 539), and acts amendatory thereto and supplementary thereto, City of Tulsa, Osage County, Oklahoma.

Case No. 14860

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1207 - Request a special exception to allow for an existing duplex in an RS-3 zoned district, located 2145 - 2149 South Lewis Avenue.

Presentation:

The applicant, Morgan Jones, 4524 East 67th Street, Tulsa, Oklahoma, stated that the property previously belonged to a church and was sold to investors. He informed that the loan company required this action to clear the title.

Comments and Questions:

Mr. Chappelle asked if any changes are being made to the structure, and Mr. Jones replied that the building will not be changed.

Protestants:

There were interested parties in the audience who did not choose to address the Board.

Case No. 14860 (continued)

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1207) to allow for an existing duplex in an RS-3 zoned district; finding the request is made to clear the title for a duplex that has been at the present location for several years and will undergo no physical changes; on the following described property:

The west 81' of the south 150' of Lot 18, Harter's Second Subdivision to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof; less and except a tract described as beginning at the SW/c of said Lot 18, thence north along the west line of said Lot 18, a distance of 150', thence east 7.32' to a point, said point being 150' north and 7.32' east of the SW/c of said Lot 18, thence in a southwesterly direction to the SW/c of said Lot 18 and to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Discussion of House Bill 1828 Dealing with Use Variances

Jackere advised the Board that House Bill 1828 was recently passed, and the new law prohibits the Board of Adjustment from considering use variance applications. He informed that the law is effective immediately and, therefore, the two use variance cases on this agenda could not be heard by the Board.

There being no further business, the meeting was adjourned at 3:29 p.m.

Date Approved 7-7-88


Chairman