

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 523
 Thursday, September 15, 1988, 1:00 p.m.
 Francis F. Campbell Commission Room
 Plaza Level of City Hall, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Chappelle, Chairman Smith White	Quarles	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, September 13, 1988, at 11:30 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Chappelle called the meeting to order at 1:07 p.m.

MINUTES:

Clarification of Minutes Case No. 14777

Mr. Gardner pointed out that the buyers of the property included in BOA Case No. 14777 were not clear on the Board's motion regarding any future expansion to the existing building. The minutes dated April 7, 1988 state, "subject to no expansion of the building". This item just surfaced because of the real estate closing set for today and, therefore, is "new business" and could not have been foreseen to have been a posted item. Mr. Gardner stated that the Tulsa Board of Adjustment needs to clarify today that their approval action for Case No. 14777 included a restriction against expanding for commercial purposes any part of the existing building zoned OL (office low intensity). This Board action did not restrict expanding for commercial purposes that portion of the existing building zoned CS (commercial shopping), or expanding for office purposes that portion of the existing building zoned OL; provided that all other requirements of the Tulsa Building Code and Tulsa Zoning Code are met.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **CLARIFY** the motion for approval of the April 7, 1988 Minutes, Case No. 14777, to read: "subject to no expansion of that portion of the existing building zoned OL for commercial purposes, and subject to all future construction being in compliance with Tulsa Building Code and Tulsa Zoning Code requirements".

Discussion of Case No. 14929

Tom Revelis, 1344 South Gary Place, Tulsa, Oklahoma, stated that he was a protestant in Case No. 14929, which was heard at the September 1, 1988 meeting. He pointed out that the neighborhood was lead to believe that the F & M Bank could build the drive-in facility as a matter of right and the only question that was before the Board was the request to move it within 10' of the street.

Mr. Gardner pointed out that the bank was required to have permission from the Board (Special Exception) to construct the drive-in banking facility in the OL zoned portion of the property, as well as the variance of the setback requested.

Mr. Revelis stated that there was some type of deception on the part of the bank.

Mr. Jackere pointed out that, although the neighborhood may have had the wrong information concerning the case, the Board was presented with correct information at the hearing.

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to APPROVE the Minutes of September 1, 1988.

UNFINISHED BUSINESS

Case No. 14889

Action Requested:

Special Exception - Section 320 - Accessory Uses In Agriculture Districts - Use Unit 1211 - Requests a special exception to allow an antique/artist's studio as a home occupation in an AG zoned district, located 6016 East 101st Street.

Presentation:

The applicant, Phyllis Lynn, 6016 East 101st Street, Tulsa, Oklahoma, who submitted photographs (Exhibit A-1), explained that she is an artist, interior designer and writer, and would like to work from her home. Ms. Lynn stated that occasionally she sells a few pieces of antique furniture to dealers, but does not have customers in her home. It was noted by the applicant that there is sufficient space for parking on the property.

Comments and Questions:

Ms. White asked the applicant how often dealers will visit her home, and Ms. Lynn replied that they will only come to her home when she calls them. She stated that there will probably be no more than three or four clients each day.

Case No. 14889 (continued)

Ms. Bradley asked where the antiques will be stored, and the applicant replied that she has only a few items throughout her house and does not need storage space.

In response to Ms. Whites question concerning classes, the applicant replied that she has taught in the public school systems in the past, but no longer teaches and will not have classes in her home.

Mr. Smith Inquired as to the method used for advising the public that antiques are for sale, and the applicant replied that she is well know in the area and gets her clients through referrals.

Mr. Chappelle Inquired as to the number of antiques in the home, and the applicant replied that there are approximately 10 pieces of antique furniture displayed in the house.

Ms. Bradley asked the applicant if she is familiar with the Home Occupation Guidelines, and Ms. Lynn answered in the affirmative.

Ms. White asked if the interior design business will be conducted on the property, and the applicant stated that she could get a client in this field, but only through referrals. Ms. Lynn informed that she is renting the house and the owner is in agreement with the home business she is proposing to operate.

Protestants:

Tony Stevens, representative of the Steeplechase Homeowner's Association, submitted a petition and letter of opposition (Exhibit A-2), and asked the Board to deny the application. He stated that it was the understanding of the homeowners in the area that commercial development would be restricted to intersections, and pointed out that the subject property is served by a dirt road and is not suitable for a business location.

Applicant's Rebuttal:

Ms. Lynn stated that it is not her intent to have a commercial use move into the area, but would like permission to do her painting and occasionally sell to antique dealers. She pointed out that the quiet nature of the area is the reason for moving to this location, and that she has no intention of operating a large business.

Additional Comments:

Mr. Chappelle asked Mr. Stevens the location of his property, and he explained that he lives in the subdivision to the south of the subject tract, which is accessed by a 400' driveway from 101st Street.

Ms. White stated that the application includes two acres of land, and the home occupation has the potential of growing into a large business.

Case No. 14889 (continued)

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **DENY** a **Special Exception** (Section 320 - Accessory Uses In Agriculture Districts - Use Unit 1211) to allow an antique/artist's studio as a home occupation in an AG zoned district; finding that the home occupation, as presented, is not compatible with the area and violates the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

A part of the E/2, E/2, NW/4, NE/4 of Section 27, T-18-N, R-13-E of the Indian Base and Meridian, Tulsa county, Oklahoma, more particularly described as follows: Beginning at the NE/c of said E/2, E/2, NW/4, NE/4 of Section 27, thence west 140', thence south 622'; thence east 140'; thence north 622' to the Point of Beginning, Tulsa County, Oklahoma, containing two acres more or less, according to the US Geological Survey thereof, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14486

Action Requested:

Variance - Section 1221.4 - CS District Use Conditions for Business Signs - Use Unit 1221 - Request a variance of the size of wall and canopy signs, located 3727 South Memorial Drive.

Presentation:

The applicant, Steve Williams, was not present.

Comments and Questions:

Mr. Chappelle informed that a letter (Exhibit B-1) requesting a continuance, due to the pending revision of the Code concerning canopy signs, was received from the applicant.

It was noted by Ms. Bradley, that this application has been continued several times, and after discussion with legal counsel, it was the general consensus of the Board that another continuance would not be in order.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **STRIKE** Case No. 14486.

Case No. 14575

Action Requested:

Appeal - Section 1650 - Appeals from the Building Inspector - Use Unit 1221 - Appeal Building Inspector's decision to deny a sign permit application on the grounds of sign surface footage.

Interpretation - Section 1660 - Interpretation - Use Unit 1221 - Request interpretation of the term "non-illuminated background" as it appears in the term "display surface area", located 3727 South Memorial Drive.

Presentation:

The applicant, Michael Hackett, 1443 South Norfolk Avenue, Tulsa, Oklahoma, requested by letter (Exhibit B-1) that Case No. 14575 be continued until February of 1989. He stated that the sign ordinance changes are pending and it will not be known whether the proposed regulations will resolve this issue until they are finalized.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **CONTINUE** Case No. 14575 to October 6, 1988, and directed Staff to notify the applicant that the case will be heard at that time.

Case No. 14926

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of front setback from 25' to 13' and side yard setback from 5' to 2' to allow for a carport, located 624 East 54th Place North.

Presentation:

The applicant, Willie McHenry, 6439 North Wheeling Avenue, Tulsa, Oklahoma, stated that the carport in question is partially constructed, and the application was continued from the last meeting to allow the Board to view the property.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of front setback from 25' to 13' and side yard setback from 5' to 2' to allow for a carport; finding that there are other carports in the area and that the granting of the request will not be detrimental to the neighborhood; on the following described property:

Lot 3, Block 55, Valley View Acres III Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14933

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1213 - Request a special exception to allow a retail (seafood) market in an IL zoned district, located 14 West Brady.

Presentation:

The applicant, John Laur, 1716 South Phoenix, Suite 102, Tulsa, Oklahoma, submitted a plot plan (Exhibit C-1), and stated that he is the architect for the owner of the subject property. He informed that a farmers market has been operating at the above stated location for approximately four months, but is now in need of Board approval since Bodine seafood has been added to the sales line. A parking layout (Exhibit C-2) and location map (Exhibit C-3) were submitted.

Comments and Questions:

Mr. Smith inquired as to the hours of operation for the business, and Mr. Laur stated that the business is now operating from 9:00 a.m. to 6:00 p.m., Thursday, Friday and Saturday.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1213) to allow a retail (seafood) market in an IL zoned district; finding that the market is already in operation and that seafood will merely be added to the items offered for sale; and finding the market has been in operation for several months and has proved to be compatible with the area; on the following described property:

Lot 6 and the W/2 of Lot 7, Block 40, Original Town of Tulsa Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14935

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a minor variance of setback from the centerline of Birmingham Avenue from 50' to 45' to allow for an addition to an existing dwelling, located 2402 North Birmingham Avenue.

Presentation:

The applicant, Lisa Warford, 2402 North Birmingham Avenue, Tulsa, Oklahoma, was not present.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **CONTINUE** Case No. 14935 to October 6, 1988.

NEW APPLICATIONS

Case No. 14931

Presentation:

Special Exception - Section 910 - Principal Uses Permitted In Industrial Districts - Use Unit 1205 - Request a special exception to allow for a church and related uses in an IL zoned district, located NE/c 101st East Avenue and 50th Place.

Presentation:

The applicant, Sam M. Lewis, 6336 South 103rd East Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1), and stated that he is representing the Alsuma Holiness Church. He explained that the church was formerly located on Mingo and that building was purchased by the City to allow the widening of the street.

Comments and Questions:

Ms. White asked if there is a church diagonally across from the proposed site, and the applicant replied that there is a building at that location, but it is no longer a church.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted In Industrial Districts - Use Unit 1205) to allow for a church and related uses in an IL zoned district; per plot plan submitted; finding that the church use will be compatible with the area and will not violate the spirit and intent of the Code; on the following described property:

Lot 13 - 18, Block 49, Alsuma Addition, City of Tulsa, Tulsa County, Oklahoma.

09.15.88:523(7)

Case No. 14932

Action Requested:

Variance - Section 1221.4(a) - Use Conditions for Business Signs - Use Unit 1221 - Request a variance of the height restriction from 50' to 60' to allow for a business sign in a CS District, located 11710 East 11th Street.

Presentation:

The applicant, Craig Neon Sign Company, was represented by Ray Toraby, 1889 North 105 East Avenue, Tulsa, Oklahoma, who submitted a sign plan (Exhibit E-1) and requested that his client, Taco Bueno, be permitted to raise an existing sign to a height of 60'. He submitted photographs (Exhibit E-2) which supported his explanation that the present sign is blocked by buildings and trees and is not visible to motorists traveling south on the expressway. Mr. Toraby pointed out that the sign and the base will remain the same, with only an extension of 10' being added.

Comments and Questions:

Mr. Gardner pointed out that the expressway is elevated at 11th Street and the Code stipulates that under these circumstances an outdoor advertising sign is not to exceed 60' in height. If an outdoor advertising sign could be raised to 60' next to an elevated expressway, the business sign would be smaller and more in harmony than the other type.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to APPROVE a Variance (Section 1221.4(a) - Use Conditions for Business Signs - Use Unit 1221) of the height restriction from 50' to 60' to allow for an existing business sign in a CS District; per sign plan submitted; finding that the expressway is elevated at 11th Street and the sign is partially blocked by surrounding buildings and trees; and finding that a 60' outdoor advertising sign would be allowed by right at this location, due to the elevation of the expressway; on the following described property:

A tract of land situated in the N/2, W/2, NE/4, NW/4 and the N/2, E/2, NW/4, NW/4 of Section 8, T-19-N, R-14-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows, to-wit:

Beginning at a point 80' south and 284.87' west of the NE/c of the N/2, W/2, W/2, NE/4, NW/4, said point being the intersection of the right-of-way lines of East 11th Street and US I-44; thence north 89°43' east and parallel to the north line

Case No. 14932 (continued)

of said Section 8 and along the south right-of-way line of East 11th Street for 170'; thence S 0°17' E for 125'; thence S 55°1'46" W for 185.55'; thence S 89°43' W for 200.10' to a point on the Easterly right-of-way line of US I-44; thence N 27°43' E and along said right-of-way line for 160.19'; thence N 48°34'30" E for 148.93' to the Point of Beginning; Less and except the following described tract: Beginning at a point 80' south and 284.87' west of the NE/c, N/2, W/2, W/2, NE/4, NW/4, said point being the intersection of the rights-of-way lines of East 11th Street and US I-44; thence N 89°43' E and parallel to the north line of said Section 8 for 170'; thence S 0°17' E for 125'; thence S 55°1'46" W for 30.10' to the Point of Beginning; thence S 55°1'46" W for 155.43'; thence S 89°43' W for 200.10' to a point on the easterly right-of-way line of US I-44; thence N 27°43' E along said right-of-way line for 100.19'; thence N 89°43' E for 280.88' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14934

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, located 1012 West 36th Place.

Comments and Questions:

Ms. Hubbard informed that the applicant is not in need of relief for a mobile home for residential use. She explained that the previous approval of the mobile home was made per drawings submitted, for residential use, and he is now deviating from the drawings by using the mobile for a use other than residential purposes.

Presentation:

The applicant, Tulsa Public Schools, was represented by Steve Copeland, who stated that the school has been using an old bus for tool and parts storage. He informed that their need has outgrown the space available in the bus and asked the Board to allow the empty mobile home to be used for storage purposes.

Comments and Questions:

Mr. Gardner pointed out that this application is merely to modify the previous approval for residential use, per plot plan submitted at that time. He noted that the applicant is submitting a new plot plan (Exhibit F-1).

Protestants: None.

Case No. 14934 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for a mobile home in an RS-3 zoned district; per revised plot plan submitted; and subject to the mobile home being utilized as a storage building only, with no residential use; on the following described property:

A tract of land located in the NE/4 of the SW/4, Section 23, T-19-N, R-12-E, Tulsa County, Oklahoma being described as: Beginning at a point 440' south and 190' west of the center of Section 23, thence 300' south, thence 300' west, thence 300' north, thence 300' east to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14936

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205 - Request a special exception to allow for a day care center in an RS-3 zoned district, located 3709 North Hartford Avenue.

Comments and Questions:

Mr. Taylor informed that an identical request was approved for the vacant lot to the immediate south of the property in question, due to the fact that the applicant supplied the wrong lot number to Staff when the application was filed. He stated that the present applicant is before the Board to request day care use on the property to the north with the existing dwelling.

Ms. Bradley asked if the vacant lot can also be used for the day care, and Mr. Taylor answered in the affirmative.

Presentation:

The applicant, Lee Roberson, 215 East 55th Street North, Tulsa, Oklahoma, stated that he is not the same applicant that received the previous approval, but the same amount of children will be cared for and the same hours will be kept.

Additional Comments:

Ms. Bradley asked the applicant if the day care will have a maximum of 16 children, with hours of operation from 7:00 a.m. to 5:30 p.m., Monday through Friday, and Mr. Roberson answered in the affirmative.

Mr. Gardner asked the applicant if he plans to add to the existing building, and he replied that no additional construction is proposed.

Case No. 14936 (continued)

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow for a day care center in an RS-3 zoned district; subject to a maximum of 16 children; subject to the business operating 7:00 a.m. to 5:30 p.m., Monday through Friday; and subject to all State requirements for day care being met; finding that the granting of the special exception request will not be detrimental to the area; on the following described property:

Lot 11, Block 1, Chandler-Frates III Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14937

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1226 - Request a special exception to allow for a sand blasting business in an IL zoned district.

Variance - Section 930 - Bulk and Area Requirements in Industrial Districts - Use Unit 1226 - Request a variance of setback from the centerline of 48th Street from 50' to 41', located 4748 South 101st East Avenue.

Presentation:

The applicant, Wayne Wright, 4748 South 101st East Avenue, Tulsa, Oklahoma, stated that he is the owner of a sand blasting business, which consists of rust and paint removal from antique cars. He pointed out that the entire operation will be completed in an enclosed 600 sq. ft. pole barn. Mr. Wright stated that the property is bordered on the north and south by vacant land, a refuse company is located to the east and a body shop is in operation to the west.

Comments and Questions:

Mr. Smith asked if the automobiles are operable, and Mr. Wright said that some have engines and some do not have engines. Mr. Smith stated that he is concerned with a salvage yard beginning on the property, and asked if the vehicles will be sand blasted and moved to another location. The applicant pointed out that the automobiles cannot set outside after the paint is removed.

Ms. White asked if several automobiles will stack while waiting to be blasted, and the applicant said he usually has a backlog of approximately one week. He stated that there are three cars on the lot at this time.

Case No. 14937 (continued)

Ms. Bradley stated that she has viewed the property and it has the appearance of a junk yard. Mr. Wright remarked that he had to move approximately 6 weeks ago and the previous occupant of the property has not removed all of his equipment from the lot. It was noted by the applicant that the Health Department requires that the sand blasting residue be contained.

Mr. Smith asked if the containment referred to is the prevention of sand blowing in the area, and the applicant answered in the affirmative.

Mr. Wright informed that construction of the pole barn has begun and that it is more than 41' from the centerline of 48th Street.

Ms. Bradley pointed out that 48th Street is not open on the south side of the property, and Ms. Hubbard stated that the right-of-way is in place and the setback is determined by the right-of-way.

Protestants:

Terry Tucker, Tucker's Body Shop, which is located to the rear of the proposed business, stated that he has no objection to the business if the sand does not blow. He pointed out that it is imperative that the sand be contained and not be allowed to drift to the newly painted automobiles on his lot. Mr. Tucker remarked that his business is experiencing a problem with blowing sand at this time, and he has had several paint jobs returned.

Additional Comments:

Mr. Wright stated that he was granted permission to hang drop cloths (Exhibit G-1) from the 4 by 4 boards, but the space is not tightly enclosed.

Mr. Jackere asked the length of time needed for construction after the Building Permit is secured, and the applicant replied that the structure has been approved by the Health Department and construction time will take approximately five days. The applicant stated that the Health Department has approved the open air operation while the building is being built, and Mr. Jackere pointed out that the Health Department probably is not aware of the fact that the property is zoned IL, and that this would not be a problem in a properly zoned area.

Ms. White asked Mr. Tucker if he could support the application if the sand is properly contained, and he replied that he is supportive of the application if the sand is actually contained.

Ms. Bradley remarked that she is not sure the sand can be properly contained when operating this close to a business that cannot tolerate sand in the air.

Mr. Wright stated that his neighbors can report any fugitive dust to the Health Department.

Case No. 14937 (continued)

Mr. Smith stated that the business is operating in violation of the Code and suggested that the application be approved, but that all business operation cease until an appropriate building is constructed to contain the dust.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-1-0 (Chappelle, Smith, White, "aye"; Bradley, "nay"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted In Industrial Districts - Use Unit 1226) to allow for a sand blasting business in an IL zoned district; and to **APPROVE** a **Variance** (Section 930 - Bulk and Area Requirements In Industrial Districts - Use Unit 1226) of setback from the centerline of 48th Street from 50' to 41'; subject to all operations ceasing until the completion of the new building and appurtenances, which comply with Health Department requirements, and have been inspected by that department; subject to the applicant submitting drawings and plot plan to the Board; finding that the sand blasting business, if properly contained, will not be detrimental to the area; and finding that 48th Street dead ends at 101st Street and is not open on the south side of the subject tract; on the following described property:

The East 5' of Lot 19, and all of Lots 20, 21, 22 and 23, Block 28, Alsuma Addition, City of Tulsa, Tulsa County, Oklahoma.

Additional Comments:

Ms. Bradley asked Mr. Tucker if he has any questions about the approval of the application, and he replied that he understands the approval, but is not sure who to contact if there is a problem with the business.

Mr. Jackere advised the applicant that he can contact the Health Department if a problem arises with the business.

Case No. 14939

Action Requested:

Variance - Section 1221.5 - Use Conditions for Business Signs - Use Unit 1221 - Request a variance of the size of a sign to allow for an existing 26' 10" by 6' electric awning sign (156.5 sq. ft.), located 7307 East Admiral Place.

Presentation:

The applicant, Mike Moydell, 1221 West 3rd Street, Tulsa, Oklahoma, was not present.

Comments and Questions:

Mr. Taylor informed that the applicant has requested that Case No. 14939 be continued to October 6, 1988.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **CONTINUE** Case No. 14939 to October 6, 1988, as requested by the applicant.

09.15.88:523(13)

Case No. 14941

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow for a fellowship hall in conjunction with an existing church in a RS-3 district.

Variance - Section 440.7(c,d) - Special Exception Requirements - Use Unit 1205 - Request a variance of frontage and a variance of setback from the south property line.

Variance - Section 1205.3(a.1) - Use conditions - Use Unit 1205 - Request a variance of lot area and of lot width.

Variance - Section 1320.(d) - General Requirements - Use Unit 1205 - Request a variance to allow for off-site parking, located 1101 South Sandusky Avenue.

Presentation:

The applicant, Alvin McCreary, 2700 East 51st, Suite 140, Tulsa, Oklahoma, stated that he is architect and construction manager for the proposed project. He submitted a plot plan (Exhibit H-2) for a fellowship hall which will be constructed for church use. Mr. McCreary asked the Board to allow church parking on the lot across the street, which the church has owned approximately 10 years. Photographs (Exhibit H-1) were submitted.

Comments and Questions:

Ms. White asked the applicant if the church would be opposed to the execution of a tie contract which would tie all of the church property together, thus preventing the sale of one portion without the other.

Mr. McCreary replied that the Church Board is agreeable to a tie contract if it is a requirement of the Board.

Ms. Hubbard explained that if the church property was only one lot the frontage requirement would be met, but the fact that the lots are separate requires relief from this Board.

Mr. Gardner pointed out that Toledo Avenue separates the property, but if all church property on the west side of Toledo was only one lot, as well as on the east side, part of the relief requested would not be needed.

Case No. 14941 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow for a fellowship hall in conjunction with an existing church in an RS-3 District; to **APPROVE** a **Variance** (Section 440.7(c,d) - Special Exception Requirements - Use Unit 1205) of frontage and a variance of setback from the south property line; to **APPROVE** a **Variance** (Section 1205.3(a.1) - Use conditions - Use Unit 1205) of lot area and of lot width; and to **APPROVE** a **Variance** (Section 1320.(d) - General Requirements - Use Unit 1205) to allow for off-site parking; per plot plan submitted; subject to the execution of a tie contract on all church properties under this application; finding that the fellowship hall will be used for activities of the existing church, which has been at this location for many years and has proved to be compatible with the area; and finding a hardship demonstrated by the fact that the church property is divided into several small lots; and finding that the granting of the requests will not cause substantial detriment to the area, and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 1, 2, 17, 18, 19, 20, Block 1, Beverly Heights Addition and Lots 1, 2, 3, 4, 21, 22, 23, and 24, Block 4, Beverly Hills Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 14619

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from the south property line to 5' and a variance of lot area from 9000 sq. ft. to 8379 sq. ft., located SE/c East 21st Street and South Rockford Avenue.

Comments and Questions:

Mr. Taylor informed that this application has been previously approved, subject to the applicant returning with a site plan for Board review.

Presentation:

The applicant, Rondall King, was represented by Boyd McGuire, 6708 East 65th Street, Tulsa, Oklahoma, who submitted a site plan (Exhibit J-1) for the Board's review.

Mr. Gardner explained that the lot split was approved, but because of the configuration of the lot and setbacks on three sides, any type of construction on the lot would require relief from the Board. He stated that the Board was supportive of the variance at the previous meeting, but requested a review of the site plan before construction began on the property.

Case No. 14619 (continued)

Comments and Questions:

Ms. White asked if the construction has been approved by Stormwater Management, and Ms. Hubbard stated that the application has gone to that department, but is not sure if the review is complete at this time.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** the site plan for Case No. 14619, as submitted, subject to approval of drainage by Stormwater Management.

There being no further business, the meeting was adjourned at 2:42 p.m.

Date Approved _____

10-6-88

Andy Bradley

Chairman