

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 532  
Thursday, February 2, 1989, 1:00 p.m.  
Francis F. Campbell Commission Room  
Plaza Level of City Hall, Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Bradley Chappelle, Chairman Smith White	Quarles	Gardner Jones 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, January 31, 1989, at 1:05 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 1:05 p.m.

**MINUTES:**

On **MOTION** of Smith, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** the Minutes of January 19, 1989.

**UNFINISHED BUSINESS**

**Case No. 15009**

**Action Requested:**

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow for church use (off-street parking) in an RM-1 zoned district, located NE/c Denver Avenue and Fairview Street.

**Presentation:**

The applicant, Terry Young, 2311 North Elwood, Tulsa, Oklahoma, stated that this case was continued from a previous meeting to allow sufficient time to advertise for additional relief. He noted that, after discussing the matter with Mr. Jackere and Ms. Hubbard, it was concluded that the additional advertising would be of no value to the case; therefore, the same application is again before the Board. Mr. Young informed that the Sentenary United Methodist Church acquired property and removed three houses to provide additional parking (Exhibit A-1). He pointed out that a similar application was approved for the Fairview Apartments, which are located in the area. Mr. Young informed that a tie contract has been executed, which will tie all church property together.

Case No. 15009 (continued)

**Comments and Questions:**

Ms. Bradley asked Mr. Jackere to give his views on the subject, and he stated that at the previous hearing he had informed the Board that, in his opinion the request should be considered as a principal use variance, but has changed his mind after researching other cases concerning church use. Mr. Jackere stated that courts have given a very liberal construction to zoning laws with respect to religious uses. It was noted that the fact the property in question abutts the lot containing the church building strengthens the case. He stated that he is of the opinion that this is not a use variance case, but the Board will have to make that determination.

Ms. Bradley stated that she previously voted against the application, basically on the advice of Mr. Jackere, and that she will now support the application on his advice.

**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 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow for church use (off-street parking) in an RM-1 zoned district; per parking plan submitted; subject to City attorney approval of the submitted tie contract; finding that several parking lots have been approved in the immediate area; and the granting of the special exception request will not be injurious to the neighborhood; on the following described property:

The west 77.67', Lot 9, Block 5, North Tulsa Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15042**

**Action Requested:**

Special Exception - Section 420 - Accessory Use Conditions - Use Unit 1206 - Request a special exception to allow for a home occupation for a newsletter business in an RS-1 zoned district, located 11149 South Hudson Avenue.

**Presentation:**

The applicant, Jean Arehart, was not present.

**Comments and Questions:**

Mr. Jones informed that numerous unsuccessful attempts have been made to contact Ms. Arehart by phone, and suggested that the application be continued once again to allow notification by certified mail.

Case No. 15042 (continued)

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Chappelle, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **CONTINUE** Case No. 15009 to March 2, 1986, to allow Staff sufficient time to contact the applicant by certified mail.

**Case No. 15005**

**Action Requested:**

Special Exception - Section 250.3 - Modification of Screening Wall or Fence Requirements - Use Unit 1210, 1213 and 1214 - Request a special exception to modify and/or remove the screening requirements along the south property line, located SW/c 21st Street and 145th East Avenue.

**Presentation:**

The applicant, Charles Norman, Kennedy Building, Suite 909, Tulsa, Oklahoma, submitted a screening plan (Exhibit B-1), and stated that he is representing the owner of Eastland Shopping Center. He informed that he is requesting a modification of the screening requirement along the south property line of the subject tract. It was noted that a 6' screening fence (approximately 1700') is required, and the installation of a living screen along this lot line was previously approved by the Board. Mr. Norman explained that part of the greenery was installed, but the grade of the area between the driveway and the concrete wall would not support the plant material included in the 1985 landscape plan. He advised that the apartments have been involved in a foreclosure and his client has had difficulty contacting a representative of the complex to discuss the matter. It was noted that they have now met to discuss the issue and both parties are in agreement with the modified screening plan. Mr. Norman pointed out that a 6' solid screening fence would not accomplish a desirable objective for the shopping center or the apartments to the south. He stated that the old concrete block wall will be removed and a retaining wall will be constructed on the property line to create a flat 5' wide area for plants. Mr. Norman informed that Mr. Dickson, who is representing the owner of the apartment complex, is in the audience and available for comment. Photographs (Exhibit B-2) were submitted.

**Comments and Questions:**

Ms. White remarked that she has viewed the property and the proposed retaining wall and landscaping will be an improvement.

**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 250.3 - Modification of Screening Wall or Fence Requirements - Use Unit 1210, 1213 and 1214) a special exception to modify the screening requirements along the south property line; per screening plans submitted; finding that the existing screening wall will be replaced with a retaining wall which will have a 5' wide planting surface; on the following described property:

Case No. 15005 (continued)

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

**MINOR VARIANCES AND EXCEPTIONS**

**Case No. 15051**

**Action Requested:**

Variance - Section 430.1 - Bulk & Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of front setback from 35' to 31' to allow for an existing porch encroachment, located 4905 South Columbia Avenue.

**Presentation:**

The applicant, J. P. Patman, 4905 South Columbia, Tulsa, Oklahoma, was represented by Charles Baker, who stated that the house in question was constructed approximately 35 years ago and the variance relief is needed to clear the title. A plat of survey (Exhibit C-1) was submitted.

**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 & Area Requirements in Residential Districts - Use Unit 1206) of front setback from 35' to 31' to allow for an existing porch encroachment; per plat of survey submitted; finding that the house has been at the present location for many years and is in alignment with the other homes to the south; on the following described property:

The west 199.2' of Lot 1, Block 1, South Lewis View Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15052**

**Action Requested:**

Variance - Section 430.1 - Bulk & Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of setback from the centerline of 41st from 85' to 73.9' to allow for an addition to an existing dwelling, located 2708 East 41st Street.

**Presentation:**

The applicant, Gerald Bilby, 2708 East 41st Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1) for an addition to an existing home. He stated that the addition will align with the front of the house and will not protrude further into the 41st Street setback than the present structure.

Case No. 15052 (continued)

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 & Area Requirements in Residential Districts - Use Unit 1206) of setback from the centerline of 41st Street from 85' to 73.9' to allow for an addition to an existing dwelling; per plot plan submitted; finding that the proposed addition will align with the existing portion of the house, and the granting of the request will not be detrimental to the neighborhood and will be in harmony with the spirit and intent of the Code; on the following described property:

Part of the E/2, NE/4, NW/4 of Section 29, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows, to-wit:

Beginning at the NW/c of said E/2, NE/4, NW/4 of said Section 29; thence east along the north section line a distance of 25' for the place of beginning; thence south and parallel to the west line of said E/2, NE/4, NW/4 a distance of 250'; thence east and parallel to the north section line a distance of 150'; thence north and parallel to the west line of said E/2, NE/4, NW/4 a distance of 250'; thence west along the north section line a distance of 150' to the Point of Beginning; LESS AND EXCEPT the following described tract, to-wit:

Commencing at a point on the north line of said E/2, NE/4, NW/4, 25.0' east of the NW/c thereof; thence south 160.0' to the Point of Beginning; thence east 145.0'; thence south 90.0'; thence west 145.0'; thence north 90.0' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15056

Action Requested:

Variance - Section 430.1 - Bulk & Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of setback from 25th Street from 30' to 25' to allow for an existing dwelling, located NW/c 25th Street and South Peoria Avenue.

Presentation:

The applicant, Ronald K. Spencer, 8406 South Gary Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit E-1) and stated that the corner of the existing house is encroaching 4.2' into the required street setback. Mr. Spencer informed that the house is irregular in shape and the corner extends into the setback on 25th Street.

Case No. 15056 (continued)

Protestants: None.

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 **Variance** (Section 430.1 - Bulk & Area Requirements in Residential Districts - Use Unit 1206) of setback from 25th Street from 30' to 25' (55' to 50' from the centerline of 25th Street) to allow for an existing dwelling; per plot plan submitted; on the following described property:

Lot 3, Block 1, Sunset Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15048

Action Requested:

Special Exception - Section 420 - Accessory Uses Permitted in Residential Districts - Use Unit 1206 - Request a special exception for a home occupation to allow an insurance office, located 3230 East 31st Street.

Presentation:

The applicant, Dick Beattie, 3230 East 31st Street, Tulsa, Oklahoma, stated that his home is surrounded by business uses. It was noted that a two-story office building is located across the street from his residence, and a dentist office is in operation to the east. He pointed out that he has conducted an insurance business from his home for approximately 27 years, and since 99 percent of the business is conducted by mail or telephone, he rarely has more than two clients per month coming to the office. Mr. Beattie pointed out that, due to the location of his home, individuals coming to his property are not visible to those residents living in the neighborhood. He asked the Board to allow the continued operation of the insurance business at the above stated location.

Comments and Questions:

Ms. Bradley remarked that there were four cars and a truck parked at the residence when she viewed the property, and asked the applicant to state the number of people in his family. Mr. Beattie stated that only he and his wife live in the home, and explained that several cars are parked on the property because he recently had the opportunity to purchase the entire stock of vehicles from a car sales lot. He pointed out that the lot had to be cleared immediately, so he parked them at his residence temporarily.

In response to Ms. Bradley, the applicant stated that the cars have been on his property since July of 1988. Mr. Beattie noted that the cars will all be sold as soon as possible.

Case No. 15048 (continued)

Ms. Bradley stated that she noticed a sign in place (on the front door) when she viewed the property, and asked if the purpose of the sign is to identify the insurance office. Mr. Beattie replied that he installed the sign because the address seemed to be difficult to find.

In response to Ms. White's questions concerning employees and business hours, the applicant stated that he does not have employees and that the business will operate from 8:00 a.m. to 5:00 p.m., Monday through Friday.

Ms. White asked Mr. Beattie if he restores old cars, and he replied that he has restored one old car, but does not intend to make a living restoring old cars.

Ms. Bradley asked the applicant how long he has been operating his insurance business, and he replied that he has been at this address for three years. He pointed out that the previous owner of the property was operating a wholesale wine distributorship at this location, and that there are numerous other home office operations in the city, such as Avon, Amway and insurance agents.

In response to Mr. Smith, the applicant stated that he was unaware that the Code did not permit home offices until he was cited.

Mr. Jackere asked the applicant if he is selling cars from his home, and he stated that he is not. Mr. Jackere pointed out that the fact that the cars were parked on the lot brought the insurance business to the attention of Code Enforcement. In response to Mr. Jackere, the applicant stated that there would have been no visible evidence that a business was being operated in the homes he has lived in during the last 10 years.

Ms. White inquired if another office was also maintained away from home during the 27 years that a home office was used, and Mr. Beattie stated that he did have another office during some of those years.

When Mr. Chappelle asked Mr. Beattie where he meets his clients, he replied that he usually goes to their home or office.

**Protestants:**

Mr. Chappelle stated that the Board has received a letter of protest and photographs (Exhibit F-2) from Eldred C. Montgomery.

Ish W. Pilkington, 3125 South Gary, Tulsa, Oklahoma, submitted a petition of opposition (Exhibit F-1) signed by surrounding property owners, and stated that three previous applications have been made to use the house for purposes other than residential.

Case No. 15048 (continued)

Dan Haggard, 3142 South Gary, Tulsa, Oklahoma, stated that he is concerned with possible deterioration of the neighborhood if the business is allowed. He pointed out that the installation of a sign and paving in the front yard is not compatible with the remainder of the addition, and asked the Board to deny the application.

Mr. Chappelle asked Mr. Haggard if he would be opposed to the operation of the insurance office if the cars were removed and it was not apparent that a business was being operated on the property. Mr. Haggard stated that he would not be opposed to that type of office, but the hard surface yard would still give the appearance that a business was being conducted on the premises. In response to Mr. Chappelle's question concerning visitors and traffic, he replied that he is not aware of an unusual amount of traffic.

Sequoyah Perry, 3320 South Gary Place, Tulsa, Oklahoma, referred to the photographs supplied by Mr. Montgomery and pointed out that it appears that an insurance salvage business or a used car lot is being operated on the property. He stated that he began a visual inspection of the property on November 23, 1988 and has observed a trailer transport, a van, old cars and what appeared to be a welding truck parked on the lot at various times. Mr. Perry suggested that the area is not being enhanced by the junky used cars and the insurance business, and asked the Board to preserve the integrity of the neighborhood by denying the special exception request.

Mr. Chappelle asked Mr. Perry if he had observed an unusual amount of foot traffic on the subject property, and he replied that he has not.

In response to Ms. Bradley's inquiry, Mr. Perry stated that he has noticed an unusual amount of vehicles on the property only since the summer of 1988.

Ancel Owens, 3139 East 31st Street, Tulsa, Oklahoma, represented the Lakewood Corporation, and stated that he and the surrounding property owners object to the movement of business further to the west.

Ruth Pilkington, 3125 South Gary Avenue, Tulsa, Oklahoma, clarified that the property in question is located on the corner of 31st Street and Gary Place, and pointed out that there is already a traffic problem at this intersection in that it is difficult to gain access to 31st Street.

Earnestine Wayland, 3137 South Florence Place, Tulsa, Oklahoma, stated that she lives three houses from the subject property and drives by several times during the day. She noted that several vehicles have been parked at Mr. Beattie's residence over the past three years, but it has had the appearance of a used car lot during the past few months. She pointed out that the removal of the hedge made the sign and the paved yard visible, and caused the property to have the appearance of a business location.



Case No. 15048 (continued)

Ms. Bradley asked Ms. Wayland if she would be opposed to a home occupation that is operated in accordance with the Home Occupation Guidelines, and she replied that she would object because it already looks like a business.

**Additional Comments:**

Mr. Gardner gave a brief zoning history of the property, and explained that attorneys officed in the house at one time, but this use was denied in District Court. It was noted that other use variances have been denied by the Board since that time; however, this is the first application for a home occupation on the subject tract.

Mr. Smith asked Mr. Beattie if he has agents that work in his business, and he replied that he works alone and has no agents.

**Applicant's Rebuttal:**

Mr. Beattie remarked that all structures on the corner of 31st Street and Gary Place are, or have been, used for business purposes. He reiterated that he does not operate a car lot or salvage operation and does not plan to do so in the future. Mr. Beattie stated that he will remove the sign from his house and it will not be evident that an insurance office is in operation.

Mr. Chappelle asked the applicant if he sells all lines of insurance, and he stated that 90 percent of his business consist of homeowner policies, with a small amount of automobile insurance.

In response to Ms. White, Mr. Beattie stated that he would be satisfied with working hours being 8:00 a.m. to 5:00 p.m., Monday through Friday.

Ms. Bradley asked if the paving to the north of the house was in place at the time of purchase, and the applicant answered in the affirmative.

Ms. Bradley requested an explanation of the welding equipment Mr. Perry referred to in his protest presentation, and the applicant explained that he was using an acetylene torch to alter the frame of a car.

Ms. White remarked that this is a fragile area and she would not like a precedent set by approving a business at this location, but a home occupation is different from the previously denied use variance applications. She stated that a home occupation could be operated compatibly here; however, the applicant has not conducted the matter appropriately up to this time.

Mr. Smith agreed with Ms. White and added that he does not think that business uses should cross Gary Place going to the west.

**Case No. 15048 (continued)**

Mr. Chappelle stated that he could possibly support a home occupation, but is not sure this business would comply with the Home Occupation Guidelines.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles "absent") to **DENY** a **Special Exception** (Section 420 - Accessory Uses Permitted In Residential Districts - Use Unit 1206) for a home occupation to allow for an insurance office; finding that the proposed use would not be compatible with the residential area, and that the special exception request would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 1, Block 4, Ranch Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15049**

**Action Requested:**

Variance - Section 620.2(d) - Request a variance to allow for three (3) business signs per lot of record in an OM zoned district, located 6711 South Yale Avenue.

**Comments and Questions:**

Mr. Jones advised that there was a problem with the notice for this case and the applicant, Craig Neon, has agreed to a continuance of the application to the next scheduled meeting.

**Protestants:**

One letter (Exhibit X-1) of opposition was received by Staff.

**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. 15049 to February 16, 1989.

**Case No. 15050**

**Action Requested:**

Variance - Section 930 - Bulk & Area Regulations in Industrial Districts - Use Unit 1223 - Request a variance of the frontage requirements on a freeway service road from 150' to 10', located east of Sheridan Road at I-44.

**Presentation:**

The applicant, Tom Mann, was not present.

Case No. 15050 (continued)

**Comments and Questions:**

Mr. Jones informed that the applicant contacted Staff and requested that Case No. 15050 be continued to the next scheduled meeting, due to inclement weather.

**Protestants:** None.

**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. 15050 to February 16, 1989, as requested by the applicant.

**Case No. 15053**

**Action Requested:**

Special Exception - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1218 - Request a special exception to allow for a drive-in restaurant in a CS zoned district.

Variance - Section 730 - Bulk & Area Requirements In Commercial Districts - Use Unit 1218 - Request a variance of lot frontage from 150' to 134', located north of the NE/c 39th Street and Harvard Avenue.

**Presentation:**

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, who submitted a plot plan (Exhibit G-1) and photographs (Exhibit G-4), stated that he is requesting a special exception to allow a 25-bay drive-in restaurant at the above stated location, but asked that the variance request be withdrawn, as it was discovered that this relief was granted at an earlier date. He explained that the property presently contains a restaurant structure which is in a dilapidated state and will be replaced by a standard Sonic structure. It was noted that there will be a canopy in the middle of the property and along the south boundary, with the sign (6' x 12' plus 3' x 8' marquee) being at the same location as the one previously used by the other restaurant. He stated that hours of operation will be 11:00 a.m. to 11:00 p.m., Sunday through Thursday, and 11:00 a.m. to 12:00 midnight on Friday and Saturday. Mr. Johnson noted that the restaurant has a menu board to communicate with the customers, and does not have a public address system (loud speaker system).

**Comments and Questions:**

Ms. Bradley noted that a portion of the property is not fenced, and Mr. Johnsen stated that the residential area will be protected by a 6' screening fence along the east boundary line.

Mr. Smith asked if there is an exit on 39th Street, and Mr. Johnsen answered in the affirmative, pointing out that there is an alley which runs south to 39th Street.

Case No. 15053 (continued)

Bob Johnson, 3835 South Gary Place, Tulsa, Oklahoma, who submitted a petition of opposition (Exhibit G-2), stated that he lives across Harvard from the proposed business and has experienced a great deal of difficulty with the previous restaurant. He stated that seats and loud speakers were installed outside the building, and occasionally radios were played until 2:00 a.m. Mr. Johnson remarked that the previous restaurant also caused a trash problem for the neighborhood.

Nettie Springer, 3843 South Gary, Tulsa, Oklahoma, who stated that the previous restaurant was a nuisance because of the horns honking, loud radios and squealing tires, asked that the application be denied.

Ms. Bradley asked Ms. Springer how long she has lived at the present address, and she replied that she moved there approximately two years ago. Ms. Bradley stated that she is sympathetic with the protestants and aware that some types of businesses cause trash and noise problems, but Harvard is a commercially zoned street.

Mr. Chappelle stated that the Board has received one letter (Exhibit G-3) opposing the application.

**Applicant's Rebuttal:**

Mr. Johnsen pointed out that the property is zoned for commercial uses. He further noted that the protestants should not experience a great deal of noise from the drive-in, since they live across the street from the site, with their homes fronting on Gary Place and their back yards on Harvard. He reiterated that there will be no loud speakers installed on the property. Mr. Johnsen pointed out that a service station, a convenience grocery and other uses of that nature, which are allowed by right at this location, would be far more disruptive than the proposed use.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1218) to allow for a drive-in restaurant in a CS zoned district; and to **WITHDRAW** a **Variance** (Section 730 - Bulk & Area Requirements in Commercial Districts - Use Unit 1218) of lot frontage from 150' to 134'; per plot plan submitted; subject to the days and hours of operation being Sunday through Thursday, 11:00 a.m. to 11:00 p.m., Friday and Saturday, 11:00 a.m. to midnight; subject to no outside public address system (loud speakers); subject to no outdoor eating tables; subject to the parking be striped to direct traffic flow around the building to a Harvard exit; finding that the variance of lot frontage was granted in a previous application; and finding that the proposed drive-in restaurant will be less intense than some of the existing uses along Harvard, and that the granting of the special

Case No. 15053 (continued)

exception request, with the imposed conditions, will not be detrimental to the area and will be in harmony with the spirit and intent of the Code; on the following described property:

The North 134.89' of the south 234.89' of Lot 9, Block 4, Eisenhower III Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15054

Action Requested:

Special Exception - Section 1680.1(g) - Special Exceptions - Use Unit 1210 - Request a special exception to allow for off street parking in an RS-3 zoned district, located north of NW/c 15th Street and Evanston.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, stated that he is representing Barron and Hart, Inc., a business engaged in rebuilding automobiles since 1947. Mr. Johnson explained that the business has grown over the years, and the lot in question was cleared, fenced and graveled for employee parking. He informed that Pitcock Electric is located to the north of the subject tract, a housing unit being purchased by his client and Rex's Restaurant to the south and the Barron and Hart parking lot directly across the street to the east. Photographs (Exhibit H-1) were submitted. It was noted that a complaint was obviously filed, and he requested that the Board approve the application to allow 14 employees to park on the lot. He pointed out that parking lot use directly across the street has been previously approved by the Board, and later by the City Commission in a PUD.

Comments and Questions:

Ms. White asked if there will be outside storage on the lot, and Mr. Johnsen replied that the lot will be used for employee parking only, with no outside storage.

Mr. Gardner informed that the Code, as relates to off-street parking in residentially zoned areas, is in the process of being amended and this amendment may be approved by the City Commission at their Tuesday meeting. He stated that Mr. Jackere, who had to leave, advised him that the Board does, however, have the authority to grant the use at this time.

Mr. Johnsen remarked that he is against the ordinance change, and that, in his opinion, the Board has used very good judgment in reviewing these applications for off-street parking.

Protestants:

Fran Pace, 1326 South Florence, Tulsa, Oklahoma, Chairman of District 4 Planning Team, stated that she lives one and one-half blocks to the north of the subject tract and is opposed to business moving further into the residential neighborhood. She informed that the screening fence was erected on the lot after the complaint was filed.

Case No. 15054 (continued)

**Additional Comments:**

Mr. Gardner pointed out that such a decision should be made based on the physical facts in the area.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Chappelle, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **APPROVE** a **Special Exception** (Section 1680.1(g) - Special Exceptions - Use Unit 1210) to allow for off-street parking in an RS-3 zoned district; subject to employee parking only, with no customer vehicles being parked on the lot; and subject to no outside storage; finding that a parking lot which aligns with the subject lot has been previously approved across the street to the east, and approval of this request will not cause this use to move further into the residential area; on the following described property:

Lots 17 and 18, Block 6, Rosemont Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15057**

**Action Requested:**

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215 - Request a special exception to allow for the modification of conditions for an approved trade school in a CS zoned district, located NE/c 31st Street and South Sheridan.

**Presentation:**

The applicant, Paul Baker, requested by letter (Exhibit J-1) that Case No. 15057 be continued for 30 days.

**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 **CONTINUE** Case No. 15057 to March 2, 1989, as requested by the applicant.

**Case No. 15058**

**Action Requested:**

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1220 - Request a special exception to allow for Use Unit 20 (Commercial Recreation, Intensive) in an IL zoned district, located SW/c 122nd East Avenue and 51st Street.

Case No. 15058 (continued)

**Presentation:**

The applicant, James Gentry, 12505 East 37th Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit K-1), and stated that he is representing the Union Kids baseball organization. He informed that the proposed baseball fields will serve children from kindergarten through the sixth grade.

**Protestants:** None.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 3-0-0 (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 1220) to allow for Use Unit 20, baseball fields and related accessory uses only, in an IL zoned district; per plot plan submitted; subject to any future lighting being directed inward; finding that the baseball fields will be compatible with the surrounding area; on the following described property:

Lot 1, Block 1, the vacated portion of South 119th East Avenue Right-of-Way from East 51st Street South south to the north line of Reserve "A", and Lots 1, 2, 3 and 4 of Block 2 of the Metro Park Addition to the City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15059**

**Action Requested:**

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1212 - Request a special exception to allow for a restaurant in an IL zoned district.

Variance - Section 930 - Bulk & Area Requirements in Industrial Districts - Use Unit 1212 - Request a variance of setback from the centerline of 33rd West Avenue from 100' to 65', located 4407 South 33rd West Avenue.

**Presentation:**

The applicant, Tony Tuthill, 9765 East 46th Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit M-1) and requested permission to operate a carry-out restaurant on the subject tract. He informed that a modular building will be placed on the vacant lot to house the business.

Case No. 15059 (continued)

**Interested Parties:**

Steve Gary, Sooner Federal Savings and Loan, PO Box 1004, Tulsa, Oklahoma, stated that the loan company owns property to the north of the tract in question, and they are glad to see improvements taking place on the site. Mr. Gary remarked that he requested a site plan for review and has not received a copy. He pointed out that their building complies with the 100' setback from Southwest Boulevard and are concerned with the reason for the variance request. After reviewing the plans and a brief discussion with Mr. Tuthill, Mr. Gary stated that he is not opposed to the application.

**Comments and Questions:**

Mr. Gardner stated that the building to the south of the subject tract is approximately 55' to 60' from the centerline, and Mr. Tuthill stated that the proposed restaurant building will be set back 65', which is further back than the canopy for the Texaco station to the south.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Chappelle, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1212) to allow for a restaurant in an IL zoned district; and to **APPROVE** a **Variance** (Section 930 - Bulk & Area Requirements in Industrial Districts - Use Unit 1212) of setback from the centerline of 33rd West Avenue from 100' to 65'; per plot plan submitted to the Building Inspector for a building permit; finding that there are other structures in the immediate area that are closer to the street than the proposed building; and that the granting of the requests will not be detrimental to the area; on the following described property:

Lots 12 and 13, Block 8, Park Addition, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:20 p.m.

Date Approved

2-16-89



Chairman