

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 551
Thursday, November 16, 1989, 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
Bolzle Bradley Chappelle White, Chairman	Fuller	Jones Moore Richards	Linker, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, November 13, 1989, at 8:30 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** the Minutes of November 2, 1989.

UNFINISHED BUSINESS

Case No. 15232

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1217 - Request a variance of the required 150' frontage, located east of the SE/c 71st Street and South 92nd East Avenue.

Presentation:

The applicant, **Jerry Wilson**, was not present.

Comments and Questions:

Mr. Jones advised that Mr. Wilson had indicated at an earlier meeting that he would return to the Board for additional relief concerning signage; however, he has not returned and has had no contact with Staff concerning signs on the property. He suggested that, due to the fact that the case has been continued numerous times, the Board could consider striking the item from the agenda.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **STRIKE** Case No. 15232.

Case No. 15233

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In the Residential Districts - Use Unit 1205 - Request a special exception to allow a church in an RM-1 zoned district.

Variance - Section 1205.3(a)1 - Use Conditions - Request a variance of the required 1 acre lot area to .70 acre.

Special Exception - Request a special exception to permit a manufactured building to be used for church use until permanent building is constructed.

Variance - Section 1205.3 - Use Conditions - Request a variance of the required screening.

Variance - Section 1205.4 - Off-Street Parking and Loading Requirements - Use Unit 1205 - Request a variance of the required number of parking spaces from 50 to 46, located 3231 East Seminole Street North.

Presentation:

The applicant, **Lawrence Morrison**, 1730 West Latimer Place, Tulsa, Oklahoma, stated that, due to some confusion as to the exact location of the church property, he has appeared before the Board on three different occasions. He pointed out that the plot plan has not been revised since the first hearing, and requested that the variance of the screening requirements be waived until such time as the church is financially able to install a fence. Mr. Morrison pointed out that screening is in place between the church property and the apartment complex to the west, with the remainder of the property being surrounded by open space. It was noted that the resident to the south was supportive of the project, but has moved since the initial Board meeting. The applicant stated that, although one area resident was concerned that the walkway for the school children would no longer be available, those concerns are not warranted, as the church building will not interfere with the path across the property. A plot plan (Exhibit A-1) was submitted.

Comments and Questions:

Mr. Jones explained that the location of the church is to the west and out of the CS zoned area.

There was Board discussion as to the exact location of the church property.

Ms. Hubbard explained that the submitted plot plan is correct; however, it is confusing because the lines seem to indicate that the lot dimensions are measured up to Harvard, which would create a corner lot.

Case No. 15233 (continued)

In response to Mr. Bolzle, the applicant stated that the lot in question is not located on Harvard, and submitted a location map (Exhibit A-2) depicting the exact location of the property.

Ms. Bradley pointed out that the Board has already approved a portion of the application, and Mr. Jones stated that the complete application was advertised a second time to prevent any misunderstanding as to the location of the property, and prevent further delay on Mr. Morrison's project.

Ms. White asked when the building will be completed and the fence installed, and the applicant replied that construction on the church structure will begin in April of 1990 and the fence will be installed after the building is completed. He further noted that a condition of the previous approval stated that the new building would be constructed within one year from April 1, 1990. Ms. Hubbard pointed out that the Board gave the applicant one year to construct the permanent building because the Building Inspector can only issue a permit for a temporary building for a period of 9 months, with a 3 month extension. She informed that the applicant has posted the required \$1000 removal bond.

Protestants:

R. L. Decorte, 1904 North Gary, Tulsa, Oklahoma, stated that he has lived across the street from the subject property for many years. He pointed out that he would like to know the exact location of the proposed building in order to determine the impact it will have on the community.

In answer to a question concerning screening, Ms. Hubbard advised that solid fencing is required along the west 50 to 70' of the north property line.

Charles Castle, 2135 East 24th Street, Tulsa, Oklahoma, stated that he owns the four-acre tract which includes the subject property, and the exact location of the lot is the northwest corner of the tract. He stated that he has no objection to the children crossing his land, as there are no present plans for the balance of the tract.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205) to allow a church in an RM-1 zoned district; to **APPROVE** a **Variance** (Section 1205.3(a)1 - Use Conditions) of the required 1 acre lot area to .70 acre; to **STRIKE** the **Special Exception** to permit a manufactured building to be used for church use until permanent building is constructed; to **APPROVE** a **Variance** (Section 1205.3 - Use Conditions) of the required screening; and to **APPROVE** a **Variance** (Section 1205.4 - Off-Street Parking and Loading Requirements - Use Unit 1205) of the required number of parking spaces from 50 to 46; subject to building being for church use only, a paved parking lot being provided, and construction of a permanent building being

Case No. 15233 (continued)

started no later than one year from the date the manufactured building is moved to the property in question; and subject to a \$1000 removal bond; finding that church use is compatible with the surrounding neighborhood, and that there are other lots in the area that are similar in size to the lot in question; and finding that a permit for the use of a manufactured home for church use is controlled by the City Building Code and is not a matter to be decided by the Board of Adjustment; on the following described property:

The west 175' of the north 170' of the following;

Beginning 35; west and 25' north of the SE/c, NE/4, SE/4, thence north 410', west 477.5', south 170', east 85', south 240', east 392.5', Section 29, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15275

Action Requested:

Special Exception - Section 710 - Permitted Uses in the Commercial Districts - Use Unit 1217 - Request a special exception to permit automobile sales, service and accessory body shop in a CS zoned district, located 40 South Garnett.

Presentation:

The applicant, **Frank Moskowitz**, PO Box 2875, Tulsa, Oklahoma, stated that he has continued the application several times in order to complete a business transaction on the subject property. It was noted that the 12,000 sq ft building, located on a 3 1/2-acre tract, will be used for restoration purposes, as well as new and used car sales. Mr. Moskowitz explained that there will be no painting of automobiles on the property. A plot plan (Exhibit B-1) was submitted.

Comments and Questions:

Mr. Chappelle asked Mr. Moskowitz if all automobile work will be completed inside the building, and he answered in the affirmative.

In response to Mr. Bolzie's inquiry, the applicant explained that there is inside storage, but some automobiles could occasionally be parked outside.

Kenny Trotter, 2438 East 20th Street, Tulsa, Oklahoma, stated that he is representing the buyers of the property, and pointed out that the parts for the automobiles are expensive and will not be stored outside.

Protestants: None.

Case No. 15275 (continued)

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** (Section 710 - Permitted Uses in the Commercial Districts - Use Unit 1217) to permit automobile sales, service and accessory body shop in a CS zoned district; subject to all automobile repairs being conducted inside the building, and no outside storage of parts and inoperable automobiles; finding that the use is compatible with the area, and will not violate the spirit and intent of the Code; on the following described property:

All that part of Lot 8 and all that part of the N/2, SE/4, NE/4 of Section 6, T-19-N, R-14-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the US Government Survey thereof, more particularly described as follows, to-wit:

Beginning at a point in the east boundary of said Lot 8, a distance of 427.00' from the NE/c thereof; thence S 0°20'00" E along the east boundary of said Lot 8, and the east boundary of said NE/2, SE/4, NE/4, a distance of 350.00'; thence due west parallel to and 777.00' from the north boundary of said Lot 8, a distance of 460.00' thence N 0°20'00" W a distance of 350.00'; thence due east parallel and 427.00' from north boundary of said Lot 8, a distance of 460.00' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15292

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request a variance of the required 100' lot width to 75' to permit a lot split approved by the TMAPC, located 3219 South Birmingham.

Presentation:

The applicant, **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma, requested by letter (Exhibit C-1) that Case No. 15292 be continued to January 4, 1989, to allow the applicant sufficient time to negotiate with interested parties. A plot plan (Exhibit C-2) was submitted.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **CONTINUE** Case No. 15292 to January 4, 1990.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15302

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request a minor variance to permit an existing carport 46' from the centerline of South 27th West Avenue, located 4244 South 27th West Avenue.

Presentation:

The applicant, **Melvin Cochran**, 4244 South 27th West Avenue, Tulsa, Oklahoma, stated that he is proposing to extend and enclose the existing carport. He informed that approximately 10' of space will be added to the structure and garage doors will be installed. The applicant pointed out that all houses across the street are 21' from the street. A floor plan and elevations (Exhibit D-1) were submitted.

Comments and Questions:

Ms. Bradley asked if the proposed garage will encroach 4' into the required setback, and Mr. Cochran answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206) to permit an existing carport 46' from the centerline of South 27th West Avenue; per plot plan and elevations submitted; finding a hardship imposed on the applicant by the corner lot location; and finding that there are numerous structures in the neighborhood that are as close to the street as the proposed garage, and the granting of the variance request will not cause substantial detriment to the neighborhood, or violate the spirit, purposes or intent of the Code; on the following described property:

Lots 11 and 12, Block 3, Park Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15300

Action Requested:

Special Exception - Section 640.6 - Special Exception Uses in Office Districts, Requirements - Use Unit 1213 - Request a special exception to permit a image consultant and hair design (beauty salon) in an OL zoned district, located SW/c Memorial and East 55th Street.

Presentation:

The applicant, **Detfel Sobek**, 5510 South Memorial, Tulsa, Oklahoma, submitted photographs (Exhibit E-1), and stated that he has been operating a beauty salon at the above stated location since February of 1988. He pointed out that, at the time he signed a three-year lease with Mid America Savings and Loan Association, he was not aware that the property was not zoned for the proposed use. Mr. Sobek stated that the bulk of his business deals with consulting, however, the shop does have equipment normally found in a beauty shop. He asked the Board to allow the business to continue operation at the present location.

Comments and Questions:

Ms. White inquired as to the days and hours of operation for the salon, and the applicant replied that the salon will be open from 9:00 a.m. to 5:00 p.m., Monday through Saturday. He pointed out that the salon only contains 650 sq ft of floor space, and that he and his partner will be the only employees.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** (Section 640.6 - Special Exception Uses in Office Districts, Requirements - Use Unit 1213) to permit an image consultant and hair design (beauty salon) in an OL zoned district; subject to days and hours of operation being Monday through Saturday, 9:00 a.m. to 7:00 p.m.; finding that the salon has a minimal amount of traffic, and the use is compatible with the surrounding area; on the following described property:

All of Lot 9, Block 1, Memorial Drive Office Park Addition and part of Lot 10, Block 1, Memorial Park Office Addition, beginning at the SE/c of Lot 10, Block 1, thence S 59°32'22" W along a southerly line of said Lot 10 a distance of 44.79' thence N 3°45'29" W a distance of 192.51' to a point on the northerly line of said Lot 10, thence along a curve to the right having an initial tangent bearing of N 86°14'31" E, a central angle of 1°31'51" the radius of 1670' a distance of 44.62' to the northeasterly corner of said Lot 10, thence S 2°13'38" E along the easterly line of said Lot 10 a distance of 171.85' to the Point of Beginning, all in Memorial Park Office Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15303

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirement in Residential Districts - Use Unit 1206 - Request a variance of the required 50' setback from the centerline of South Joplin Avenue to 33', located 5747 East 2nd Street.

Presentation:

The applicant, **Michael Johnson**, 5747 East 2nd Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-2) for a proposed two-car garage. He stated that the location of the garage will be toward the rear of the lot, and the removal of a large tree will be required if it is constructed further from the street. He asked the Board to approve a variance of the setback. Photographs (Exhibit F-1) and a plat of survey (Exhibit F-3) were submitted.

Comments and Questions:

Ms. Bradley asked the applicant if he can move the garage to the south of the proposed site, and he replied that he selected the location on the rear portion of the lot in order to preserve yard space for his children.

In response to Ms. Bradley's inquiry concerning a hardship, the applicant replied that the preservation of the tree is the principal reason for moving the garage closer to Joplin than the Code allows. He pointed out that the garage would not be closer to the street than the building on the lot behind his property, and that a privacy fence will be installed along Joplin after construction is completed.

Mr. Linker advised that a variance of setback has previously been granted on the OL zoned property to the north of the lot in question.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-1-0 (Bolzle, Chappelle, White, "aye"; Bradley, "nay"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirement in Residential Districts - Use Unit 1206) of the required 50' setback from the centerline of South Joplin Avenue to 33'; per plot plan submitted; finding that the structure to the north extends further toward the street than the proposed building, and the granting of the request will not be injurious to the neighborhood; on the following described property:

Lot 15, Block 4 of the Resubdivision Of Lots 7 - 12, Block 4, Berryman Estates, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15304

Action Requested:

Variance - Section 1221.3 - General Use Conditions for Business Signs - Use Unit 1212 - Request a variance in the required 50' setback from the centerline of South Denver Avenue to 30' to permit a sign, located NW/c of 15th Street and South Denver.

Presentation:

The applicant, **Terry Howard**, 1423 South 128th East Avenue, Tulsa, Oklahoma, stated that his client is requesting permission to move a Kentucky Fried Chicken sign closer to the street than the Code allows. He pointed out that, if installed at the required setback, an existing Quik Trip gas canopy and sign would drastically limit their exposure to southbound traffic on Denver. A plot plan (Exhibit G-1) was submitted.

Comments and Questions:

There was Board discussion as to why the Quik Trip signs next door to the business in question were installed in the required setback without Board of Adjustment approval.

Mr. Jones pointed out that the canopy is not required to be installed behind the setback line.

Ms. Hubbard advised that there was District Court action which allowed the canopy and gasoline pumps on the site.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **CONTINUE** Case No. 15304 to December 7, 1989 to allow sufficient time for additional research.

Case No. 15305

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 17 - Request a special exception to allow automobile, truck and recreational vehicle sales, new and used, in a CS zoned district, located NW/c of East 21st Street and South Memorial Drive.

Presentation:

The applicant, **Charles Norman**, was represented by **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma, who submitted photographs (Exhibit H-1), and explained that he is representing Mr. Norman's client in his absence. He stated that the property in question will be used for automobile sales, and noted that the Riverside Chevrolet Company has a used car lot on the northeast corner of the same intersection. Mr. Johnsen pointed out that car sales are prevalent along Memorial Drive, and the use will be consistent with the development in the area. He noted that the interior of the existing building will be altered to accommodate the proposed use, and the balance of the tract will be used for automobile display.

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Case No. 15305 (continued)

Comments and Questions:

Mr. Chappelle inquired as to the number of cars on the lot, and Mr. Johnsen replied that approximately 90 automobiles will be displayed.

In response to Mr. Bolzie, Mr. Johnsen stated that there was previously a car sales lot in operation to the north of the subject property.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 17) to allow automobile, truck (less than 1 ton) and recreational vehicle sales, new and used, in a CS zoned district; finding that there are similar uses in the immediate vicinity, and numerous vehicle sales operations in the area along Memorial Drive; and finding that the granting of the special exception request will not be detrimental to the area: on the following described property:

Beginning at a point 230.09' north and 50' west of the SE/c of Section 11, T-19-N, R-13-E of the Indian Base and Meridian, City of Tulsa, Tulsa County, State of Oklahoma, according to the US Government Survey thereof, said point being 65.0' north of the SE/c of Block 1, in 21st and Memorial Plaza, an addition in Tulsa County, Oklahoma, according to the recorded plat thereof; thence S 89°51'10" W a distance of 161'; thence due south a distance of 180.09' to the north Right-of-Way line of east 21st Street; thence N 89°51'10" E a distance of 106.00'; thence due south a distance of 25.25'; thence N 89°51'10" E, parallel to the centerline of 21st Street, a distance of 45'; thence due north a distance of 140.34' to a point on the south line of Block 1 in 21st and Memorial Plaza; thence N 89°51'10" E a distance of 10'; thence due north a distance of 65' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15306

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the required 50' setback from the centerline of East Oklahoma Street to 39', located 6035 East Oklahoma Street.

Presentation:

The applicant, **Francis Hilberling**, 6035 East Oklahoma Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit J-1) for a proposed addition to an existing house. It was noted that, due to the shape of the lot, the addition encroaches into the front building setback.

Case No. 15306 (continued)

Comments and Questions:

Ms. Bradley stated that she has viewed the site, and that any further construction on the irregular shaped lot would require some relief from the Board.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required 50' setback from the centerline of East Oklahoma Street to 39'; per plot plan submitted; finding a hardship imposed on the applicant by the curvature of the street and the irregular shape of the lot; and finding that the granting of the request would not be injurious to the neighborhood or impair the spirit, purposes or intent of the Code; on the following described property:

Lot 5, Block 6, Maplewood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15307

Action Requested:

Special Exception - Section 710 - Permitted Uses in the Commercial Districts - Use Unit 1202 - Request a special exception to allow a Christmas tree sales lot in a CH zoned district, located SW/c of East 11th Street and South 77th East Avenue.

Presentation:

The applicant, **Dan Kilpatrick**, was represented by **Jim Tunnell**, 1937 South 68th East Avenue, Tulsa, Oklahoma, who requested permission to sell Christmas trees at the above stated location. He informed that used cars are presently being sold on the property, but they will be moved to another portion of the 300' wide lot.

Comments and Questions:

There was discussion as to available parking, and Mr. Kilpatrick pointed out that there are approximately 40 spaces on the lot for customer parking.

Mr. Jones explained that the lot under application, according to the legal description provided by the applicant, is approximately 50' by 120', but the applicant could own adjoining property that would be available for the automobile sales operation.

Mr. Tunnell stated that he and Mr. Kilpatrick presently use the east half of the block for their business, and the east corner of the lot will be used for the temporary sale of Christmas trees. He stated that the automobiles will be moved to another part of the lot.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** (Section 710 - Permitted Uses in the Commercial Districts - Use Unit 1202) to allow a Christmas tree sales lot in a CH zoned district from November 16, 1989 to December 26, 1989.

Due to an oversight of interested parties in the audience, it was the general consensus of the Board that a vote should be taken to rescind the previous action and allow them to speak.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **RESCIND** the previous action to approve a special exception to allow Christmas tree sales in a CH zoned district.

Protestants:

Robert Critz, 1129 South 76th East Avenue, Tulsa, Oklahoma, stated that he is concerned with the parking problem that could be created by the Christmas tree sales lot. He pointed out that 76th and 77th East Avenue are narrow, and parking along these streets would be hazardous. Photographs (Exhibit K-1) were submitted.

L. L. Fincannon, 1116 South 77th East Avenue, Tulsa, Oklahoma, pointed out that 77th Street is approximately 50' wide and cannot accommodate those customers that might want to park on the street.

Applicant's Rebuttal:

Mr. Tunnell stated that he plans to sell approximately 40 trees, and there is sufficient space on his lot to accommodate all customers.

Ms. White asked Mr. Tunnell how many cars for sale are currently displayed on the property, and he replied that there are approximately 10 cars on the lot at this time.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** (Section 710 - Permitted Uses in the Commercial Districts - Use Unit 1202) to allow a Christmas tree sales lot in a CH zoned district from November 16, 1989 to December 26, 1989; subject to a maximum of 40 Christmas trees being displayed on the lot; on the following described property:

Lot 1, Block 1, Eastmoor Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15308

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1227 - Request a variance of the required setback from the centerline of South Peoria to 40' to permit a building, located South of SE/c East 42nd Place South and South Peoria.

Presentation:

The applicant, **Robert LaBass**, PO Box 702220, Tulsa, Oklahoma, represented the John Zink Company, and requested permission to construct a small utility shed to cover an existing boiler. He pointed out that the building will be behind the wall which separates the John Zink buildings from Peoria, but is within the required 50' setback from the centerline of the street. The applicant stated that the wall is 9' in height and the highest point of the building will be 10'. It was noted that the utility shed backs up to an existing building on the property, and will be barely visible from the street. A plot plan (Exhibit L-1), a location map and aerial (Exhibit L-2) and a floor plan (Exhibit L-3) were submitted.

Interested Parties:

Judy Smith, 1505 East 44th Street, Tulsa, Oklahoma, informed that she lives behind the business and is not opposed to the construction of the building, but voiced a concern that the exits that were blocked off by the wall might be reopened.

Mr. LaBass stated that the old exits will remain closed.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Boizle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** (Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1227) of the required setback from the centerline of South Peoria to 40' to permit a building; per plot plan submitted; finding that the proposed building will be located behind an existing masonry wall, with only a portion of the roof being visible from the street; and that the granting of the request will not be detrimental to the area; on the following described property:

Part of the NW/4, beginning 5' north, 85' west, SW/c Block 6, Wilder Addition, thence north 124.73', east 85', north 149', east 987.5', north 315.33', west 1036.3', north 141.5', west 175', south 141.5', east 15', south 405.59', west 4.75', south 183.91', east 124.75' to the Point of Beginning, Section 30, T-19-N, R-13-E, 10.28 acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15309

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to permit a day care center in a RS-3 zoned district, located 614 East 59th Place North.

Presentation:

The applicant, **Charles O'Neal**, 105 West 50th Place North, Tulsa, Oklahoma, stated that he is proposing to operate a day care center at the above stated location. He stated that there will be no structural changes made to the building.

Comments and Questions:

Ms. Bradley asked the applicant if there is a day care center in operation across the street from the proposed business, and he answered in the affirmative.

In response to Ms. White, Mr. O'Neal stated that the days and hours of operation for the business will be Monday through Friday, 6:00 a.m. to 6:00 p.m. He informed that employees and children are picked up in a van, therefore, parking will not be needed for the employees or parents.

Ms. White inquired as to the number of employees, and the applicant replied that he will have six employees.

Interested Parties:

Ms. Jenkins, director of the Walker's Day Care across the street from the proposed business, stated they do not have a parking problem because they pick up and deliver their children and employees. She stated that she is supportive of the applicant's child care operation, as there are numerous children turned away from their day care because they are operating at maximum capacity.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to permit a day care center in a RS-3 zoned district; subject to the operator of the business providing transportation for all employees and children attending the day care; and subject to days and hours of operation being Monday through Friday, 6:00 a.m. to 6:00 p.m.; finding that the proposed use will be compatible with the residential neighborhood; on the following described property:

Lot 2, Block 8, Suburban Hills, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15310

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow a mobile home in an RS-1 District.

Variance - Section 440 - Special Exception Uses in Residential Districts - Use Unit 1209 - Request a variance of the one year time limitation to permanent.

Variance - Section 208 - One Single-Family Dwelling Unit per Lot of Record - Request a variance to allow two dwelling Units on one lot of record, located 16927 East 12th Street.

Presentation:

The applicant, **Grace Wells**, 16927 East 12th Street, Tulsa, Oklahoma, was represented by **Ron Wells**, who submitted a plot plan (Exhibit M-1) and stated that he is proposing to attach a mobile home to an existing house, resulting in one dwelling. He stated that he plans to add stone to the combined units in the near future.

Comments and Questions:

In response to Ms. Bradley, Ms. Hubbard explained that the mobile home and the house should be considered as two units since there is a mobile home and a single family dwelling on the property.

Mr. Jones pointed out that, according to the Code, both the mobile home and the existing house are considered to be dwelling units.

Protestants:

Richard Johnson, 17006 East 11th Street, Tulsa, Oklahoma, stated that he owns the property to the north of the lot in question. He stated that there are other mobile homes in the area, but they are not permanent and a removal bond was required. Mr. Johnson stated that he is not opposed to the combination of the two units, but requested that the application be approved for five years only.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Boizie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow a mobile home in an RS-1 District; and to **APPROVE** a **Variance** (Section 440 - Special Exception Uses in Residential Districts - Use Unit 1209) of the one year time limitation to 5 years only; and to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling Unit per Lot of Record) to allow two dwelling Units on one lot of record; per plot plan submitted; subject to the posting of a removal bond and Health Department approval; finding that the mobile home will be attached to the existing house and the two will become one dwelling unit; on the following described property:

South half Lot 3, Block 1, Lynn Lane Estates, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15311

Action Requested:

Variance - Section 620.2(d) - Accessory Use Conditions - Use Unit 1205 - Request a variance to permit three wall signs (1 freestanding sign) and exceed the permitted square footage, located 222 South Memorial.

Presentation:

The applicant, **David Cannon**, 10301 East 51st Street, Tulsa, Oklahoma, who submitted a sign plan (Exhibit N-2) and photographs (Exhibit N-1), stated that the application concerns signage for the Sertoma handicapped opportunities workshop. He informed that they contracted with a sign company to build a replacement sign, and they obviously made the assumption that the property is zoned CS, and constructed the sign. He stated that the property is actually zoned OL, and the sign cannot be hung in the OL district without the granting of a variance to exceed the permitted square footage.

Comments and Questions:

Ms. Bradley asked if there are wall signs on the east and south sides of the building, as well as a pole sign in the front, and Mr. Cannon answered in the affirmative. He explained that the two signs on the building and the freestanding sign were installed when the building was constructed in 1980. It was noted that, when application was made for the pole sign, the Sign Inspector may have overlooked the fact that there were two wall signs on the building, and obviously thought the property was located in a CS zoned district. He stated that a permit was issued to allow the installation of a 32 sq ft pole sign by the street.

Ms. White pointed out that there is no CS zoned property on the west side of Memorial between 2nd Street and 4th Place, and that the abutting properties to the north and south, as well as the subject tract, have an OL zoning classification.

Ms. Bradley asked if the existing signs exceed the permitted signage on the property, and Mr. Cannon answered in the affirmative.

There was discussion as to the hardship for this case, and it was the general consensus of the Board that the existing signage already exceeds the amount allowed by the Code, and that the applicant has not presented a hardship to warrant the granting of a variance.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **DENY** a **Variance** (Section 620.2(d) - Accessory Use Conditions - Use Unit 1205) to permit three wall signs plus a

Case No. 15311 (continued)

sign (existing signs already exceed the permitted square footage); finding a hardship was not presented that would warrant the granting of the request; on the following described property:

Part of the E/2, SE/4, NE/4, Section 2, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, beginning 874.75' north of SE/4, NE/4; thence west 357', north 130.25', east 357', south 120.25' to POB.

Case No. 15312

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1225 - Request a variance to permit building within 46' of the centerline of Charles Page Boulevard.

Variance - Section 280 - Major Street Plan - Use Unit 1225 - Request a variance to permit one parking space to be located in the Major Street Plan setback, located 3129 Charles Page Boulevard.

Presentation:

The applicant, **Robert Richey**, 8189 East 44th Street, Tulsa, Oklahoma, submitted a plat of survey (Exhibit P-1) and stated that he is representing the Lassiter Richey Company, Inc. He explained that an existing structure will be removed and replaced by an office building that will be approximately 11' further from the right-of-way than the old building. Mr. Richey pointed out that there is not sufficient space on the lot to move the building back to the required setback, and noted that many buildings in this area are closer to the street than the proposed structure. The applicant stated that he lacks one parking space for the building, but the owner of the subject property also owns the property to the east and west, which is available for parking.

Comments and Questions:

Ms. Bradley questioned why the applicant cannot meet the parking requirement, and Ms. Hubbard pointed out that, although there may be available parking spaces on adjoining lots, the only lot under application is the one containing the new building. Ms. Hubbard noted that she has not seen a layout for the abutting properties.

Mr. Richey pointed out that the proposed building will be used for warehouse purposes only at this time.

Interested Parties:

Dave Wilson, 3105 Charles Page Boulevard, Tulsa, Oklahoma, stated that the building on the property to the west of the lot in question is 11' closer to the street than the proposed building. He stated that approximately 50' of the abutting grassy area will be covered with a hard surface, and will be available for parking, with 15 additional spaces being located on the lot next door.

Case No. 15312 (continued)

Ms. Hubbard pointed out that the one required parking space must be provided on the lot containing the principal use, or the applicant must acquire the variance to permit one parking space in the Major Street Plan setback.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to APPROVE a **Variance** (Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1225) to permit building within 46' of the centerline of Charles Page Boulevard; and to APPROVE a **Variance** (Section 280 - Major Street Plan - Use Unit 1225) to permit one parking space to be located in the Major Street Plan setback; per plat of survey submitted; subject to the execution of a removal contract; finding that there are other buildings closer to the street than the proposed structure; on the following described property:

Lot 27, Block 11, Hale Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15313

Action Requested:

Special Exception - Section 910 - Permitted Uses in the Industrial Districts - Use Unit 1202 - Request a special exception to allow Christmas tree sales in an IL zoned district, South of SE/c East 41st Street and South Memorial Drive.

Presentation:

The applicant, **Chet Blackington**, was represented by **Bob Duncan**, 6130 South Maplewood, Tulsa, Oklahoma. He stated that the tract in question is for sale and requested permission to sell Christmas trees and tropical plants at this location until the property is sold.

Comments and Questions:

Mr. Jones pointed out that the request for the sale of tropical plants does not appear on the initial application. He advised that the Board can determine if the sale of Christmas trees is an appropriate use for the property, and continue the request for sale of tropical plants until the next scheduled meeting.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to APPROVE a **Special Exception** (Section 910 - Permitted Uses in the Industrial Districts - Use Unit 1202) to allow temporary

Case No. 15313 (continued)

Christmas tree sales from November 16, 1989 to January 1, 1990 in an IL zoned district; subject to days and hours of operation being Monday through Sunday, 8:00 a.m to 10:00 p.m.; and CONTINUE the balance of the application to December 7, 1989; on the following described property:

Beginning at the NW/c of the NW/4, NW/4, thence south 560' to a point, thence east 25' to the POB, thence southeast 846.70' to a point, thence southwest a distance of 208' to a point, thence northwest 325.93' to a point, thence due west 376.44' to the west line of Section 25, T-19-N, R-13-E, thence north 320' to a point, thence east 25' to POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15314

Action Requested:

Special Exception - Section 910 - Permitted Uses in the Industrial Districts - Use Unit 1212 - Request a special exception to allow a Use Unit 12, restaurant, in an IM zoned district, located West of SW corner of West 41st Street and South Jackson.

Presentation:

The applicant, **Brad Kirberger, Sr.**, 3406 East 59th Street, Tulsa, Oklahoma, requested permission to construct a 2500 sq ft restaurant in an IM zoned district.

Comments and Questions:

Ms. White inquired as to the days and hours of operation, and Mr. Kirberger replied that the restaurant will be open seven days each week, 24 hours a day.

Ms. White asked if the Industrial businesses in the area have shift work, and the applicant answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to APPROVE a **Special Exception** (Section 910 - Permitted Uses in the Industrial Districts - Use Unit 1212) to allow a Use Unit 12, restaurant, in an IM zoned district: subject to days and hours of operation being 7 days a week, 24 hours a day; finding the use will be compatible with the surrounding Industrial area; on the following described property:

The north 250' of the west 200' of the W/2, NW/4, NE/4, less the east 30' and less the south 147' of Section 26, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Special Exception - Section 410 - Permitted Uses in the Residential Districts - Use Unit 1205 - Request a special exception to allow a day care center in an existing school, located north of the northeast corner of South Hudson and East 58th Street South.

Presentation:

T. J. Sinclair, 3003 South 69th East Avenue, Tulsa, Oklahoma, represented St. Francis Hospital, and stated that the primary purpose is to move the existing day care operation from Key Elementary School building to a free-standing building.

The applicant, Carol McClure, 10611 East 100th Street, Tulsa, Oklahoma, explained that the school is in need of classroom space currently occupied by the day care, and has agreed to move a free-standing building on the school playground for day care use. She stated that approximately 75 children are enrolled in the program, and the hours of operation are from 6:15 a.m. to 6:00 p.m., Monday through Friday. She stated that the day care is licensed by the State for 60 children, with an average of 55 children being cared for each day. Ms. McClure pointed out that they have over enrolled due to the fluctuation of the parent's schedules, and have been able to maintain the 55 average. It was noted that the day care is for the children of St. Francis employees, and has been in operation since 1985. A letter from St. Francis Hospital (Exhibit R-1) and a room layout (Exhibit R-2) were submitted.

Interested Parties:

Dennis Linscheid, 4255 East 78th Street, Tulsa, Oklahoma, stated that he is staff architect for the hospital, and explained that the new location for the day care is 241' from Hudson. He stated that the drop off point will be from Hudson, with the school driveway being used. It was noted that the day care operation will have five employees and will park with the teachers.

Mr. Bolzle asked how many children will be cared for in the proposed building, and Ms. McClure stated that they have not received a reply from the State as to the number that will be allowed. She stated that the number of children may reach 100 by the end of a five-year period.

Dorothy Markham stated that she lives a block from the school and was not sure where the children would be dropped off. Ms. Markham informed that she is not opposed to the application.

Case No. 15315 (continued)

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** (Section 410 - Permitted Uses in the Residential Districts - Use Unit 1205) to allow a day care center on the school grounds (prefab building); per plan submitted; subject to days and hours of operation being 6:15 a.m. to 6:00 p.m., Monday through Friday; on the following described property:

NW/4, NW/4, SE/4, Less East 30', Section 34, T-19-N, R-13-E,
City of Tulsa, Tulsa County, Oklahoma.

Case No. 15317

Action Requested:

Special Exception - Section 710 - Permitted Uses in the Commercial Districts - Use Unit 1202 - Request a special exception to allow Christmas tree sales in a CS zoned district, located NE/c East 27th Street and South Memorial Drive.

Presentation:

The applicant, **Jim Schaefer**, 36252 South Kropf Road, Woodburn, Oregon, was represented by **Bob Robinson**, who stated that he is appearing on behalf of the owner and the applicant. He requested Board permission for the operation of a Christmas tree sales lot on a portion of the shopping center parking lot. He stated that lights and a temporary fence will be constructed around the display area. A plot plan (Exhibit S-1) was submitted.

Comments and Questions:

Ms. Bradley asked if the traffic will enter from 27th Street, and the applicant replied that there will be an entrance on 27th Street and Memorial Drive.

Mr. Bolzie inquired as to the size of the sales lot, and the days and hours of operation. Mr. Robinson replied that the fenced portion of the lot will be 150' by 150', and the lot will be open from 9:00 a.m. to 9:00 p.m. each day of the week until Christmas.

Protestants:

Terry Wilson, 6121 East 32nd Street, Tulsa, Oklahoma, chairman of the District 5 Planning Team, stated that he thought the application was for a tract of land diagonally across the street from the subject tract. He requested that the sale of Christmas trees on the lot in question be limited as to the days and hours of operation.

Case No. 15317 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** (Section 710 - Permitted Uses in the Commercial Districts - Use Unit 1202) to allow Christmas tree sales from November 16, 1989 to December 26, 1989 in a CS zoned district; per plan submitted; subject to hours of operation being from 9:00 a.m. to 9:00 p.m.; finding that the temporary use will be compatible with the area; on the following described property:

Lot 1, Block 1, Tri Center, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:58 p.m.

Date Approved

Dec. 7, 1989

Sherry White
Chairman