

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 556
Thursday, February 1, 1990, 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 Fuller White, Chairman		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 30, 1990, at 1:30 p.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 **BOLZLE**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the Minutes of January 18, 1990.

UNFINISHED BUSINESS

Case No. 15286

Action Requested:

Special Exception to allow church use in an RM-2 zoned district - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5, located NE/c East 13th Place South and South Troost Avenue.**

Presentation:

The applicant, **Tex Richardson**, was not present.

Comments and Questions:

Mr. Bolzle stated that he has spoken with the preacher for the church, and he has indicated that the church is no longer attempting to purchase the lot in question, and suggested withdrawal of the application.

Protestants: None.

Case No. 15286 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays" no "abstentions"; none "absent") to **WITHDRAW** Case No. 15286.

Case No. 15331

Action Requested:

Special Exception to permit Christmas tree sales for a period of three (3) years, and special exception to permit a landscaping business and wood lot in a CS zoned district - **Section 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Units 2 and 15, located SW/c East 91st Street and South Harvard Avenue.

Presentation:

The applicant, **Scott Staggs**, 5346 South Sheridan, Tulsa, Oklahoma, submitted a plot plan (Exhibit H-1), and explained that his business would mainly consist of the sale of Christmas trees, plants and firewood. He pointed out that the 11-acre tract has been fenced, which prevents the dumping of refuse at this location and improves the appearance of the corner. Mr. Staggs stated that he will stock no more than five ricks of firewood on the lot at any given time.

Comments and Questions:

Ms. Bradley asked if the business will be confined to a 300' by 300' parcel of land, and the applicant answered in the affirmative.

Ms. White referred to the gravel parking area noted on the plot plan, and asked Mr. Staggs if he is aware of the requirement for hard surface parking on the lot. The applicant replied that he did not know about that requirement, but will comply with the City ordinance. He noted that there are other similar businesses that are operating in the City without a hard surface parking area.

Ms. Hubbard pointed that Christmas tree lots are listed under Use Unit 2, which has no parking requirements.

Ms. Bradley asked if the existing shed will remain on the lot, and Mr. Staggs replied that the building was previously used to house pumps, and will remain on the property. Ms. Bradley pointed out that the property is in an unkempt condition, with parts of Christmas trees and debris cluttering the lot.

There was Board discussion concerning future development of the corner properties, and Mr. Jones informed that only the property in question is zoned for commercial uses.

Protestants: None.

Case No. 15331 (continued)

Board Action:

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit Christmas tree sales for a period of one year only, and a special exception to permit a landscaping business and wood lot for one year only, in a CS zoned district - **Section 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Units 2 and 15; per plot plan submitted, subject to hard surface parking; and subject to all debris being removed from the lot; on the following described property:

NE/4, NE/4, NE/4, NE/4, Section 20, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15351

Action Requested:

Special Exception to permit a commercial recreation, intensive use (bingo parlor) in an IL zoned district - **Section 910. Table 1. USE UNITS PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 19, located 650' west of Sheridan on East 30th Street.

Presentation:

The applicant, **Bill Smith for Benham Group**, was represented by **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma. Mr. Johnsen requested that Case No. 15351 be continued to March 1, 1990, to allow sufficient time to explore the development costs and prepare a site plan. He informed that the interested party in the case has been notified and is not opposed to the continuance.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 15351 to March 1, 1990, as requested by counsel for the applicant.

Case No. 15355

Action Requested:

Special Exception to permit church uses (future parsonage, classrooms, parking area) in a residential zone - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, located 2111 North Frankfort and 2218 North Frankfort Place.

Presentation:

The applicant, **Antioch Baptist Church**, was represented by **M. C. Potter**, who submitted a location map (Exhibit A-1), and requested permission to remove a dwelling on Frankfort Place and install parking on two properties owned by the church. He informed that the church membership has increased to 1,050 and additional space, as well as parking, is needed. Mr. Potter informed that the church attempted to relocate, but was unable to dispose of the existing building.

Comments and Questions:

Ms. White remarked that the church property is currently accessed from Frankfort, and the constructing of a parking lot on Frankfort Place would be an encroachment into a residential area.

Mr. Jones pointed out that residences are located to the north, south and east of the property on Frankfort Place.

The applicant informed that the parsonage will be moved to another lot and the church building will be expanded into this area. There was discussion as to the use of the church property on Frankfort Place for a parsonage, and the applicant explained that his mother and brother live in the parsonage, and the house on Frankfort is not large enough to supply their needs.

Protestants:

Ms. White informed that the Board has received one letter of protest (Exhibit A-2) from **Kenneth Miles**, counsel for **Dorothy Lockhart**.

Dorothy Lockhart, 2214 North Frankfort Place, Tulsa, Oklahoma, submitted a petition of protest (Exhibit A-3) signed by approximately 40 property owners in the area. She stated that she lives next door to the proposed parking lot on Frankfort Place and is opposed to the application.

Ms. White asked Ms. Lockhart if she objects to a parking lot being located at 2111 North Frankfort, and she replied that she is only concerned with a parking lot being installed next door to her home on Frankfort Place.

Norma Hawkins, 2210 North Frankfort Place, Tulsa, Oklahoma, stated that the existing paving that has been installed by the church causes a drainage problem for the neighbors. She asked that the church not be allowed to encroach into the residential neighborhood on Frankfort Place.

Vera Miller stated that she lives to the north of the property in question, and pointed out that a parking lot would create a traffic problem in the neighborhood and endanger the lives of the children.

Case No. 15355 (continued)

Dorothy Brumfield, 530 East Woodrow Street, Tulsa, Oklahoma, asked the Board to deny the application and preserve the quiet and peaceful character of the neighborhood.

Applicant's Rebuttal:

Mr. Bolzle asked the applicant if the house on Frankfort Place is occupied and he replied that a church member lives there temporarily. He stated that the church is attempting to be a good neighbor, and informed that the lot would probably not be in use except on Wednesday and Sunday.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Special Exception** to permit church uses (future parsonage, classrooms, parking area) in a residential zone - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, located 2218 North Frankfort Place; and to **APPROVE** a **Special Exception** to permit church uses (future parsonage, classrooms, parking area) in a residential zone - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, 2111 North Frankfort Avenue; subject to the execution of a tie contract between the property at 2111 North Frankfort Avenue and the remaining church property; finding that the bulk of the property owned by the church is along Frankfort Avenue and church use on the abutting property would be compatible with the established uses on that street; however, the removal of the house and construction of a parking lot on Frankfort Place would be an encroachment into the residential area and detrimental to the neighborhood; on the following described property:

Lot 7, Baldwin Place Addition (2111 North Frankfort Avenue);
Lot 15, Block 2, Reedlawn Addition (2218 North Frankfort Place), City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15363

Action Requested:

Variance of the maximum 20% rear yard lot coverage permitted with detached accessory building 522 sq ft to 888 sq ft - **Section 240. YARDS** - Use Unit 6, located SW/c 43rd Street North and Evanston Place.

Case No. 15363 (continued)

Presentation:

The applicant, **Johnny L. Smith**, 2888 East 43rd Street North, Tulsa, Oklahoma, stated that he is in the process of building a 20' by 30' carport to protect two vehicles that are being restored. He explained that there are three cars parked in the back yard, which will be removed when his brother-in-law's estate is settled in March. The applicant stated that the existing storage building will also be removed from the premises when the carport is completed. A plot plan (Exhibit J-1) was submitted.

Comments and Questions:

Ms. Bradley asked Mr. Smith if he is in the car restoration business, and he replied that he is employed by Public Service and restores cars as a hobby. He informed that he began the project approximately two years ago, and has occasionally had help from a friend and relative.

Mr. Jackere asked the applicant if he has sold a car within the last two years, and Mr. Smith replied that he has not completed the restoration of a car within the last two years.

In response to Mr. Fuller, the applicant informed that the carport is 20' by 30' and is constructed with 4" by 6" wood posts, with the north side being attached to the house and the west end enclosed. He stated that the carport is 90% complete.

Ms. Hubbard advised that the applicant presently has accessory buildings covering more than 20% of the rear yard (600 sq ft carport and 288 sq ft portable building).

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the maximum 20% rear yard lot coverage permitted with detached accessory building from 522 sq ft to 600 sq ft - **Section 240. YARDS** - Use Unit 6; per plot plan submitted; subject to removal of the portable building upon completion of the carport; subject to the execution of a Restrictive Covenant prohibiting the use of the carport for commercial activities; finding a hardship demonstrated by the irregular shape of the property; and the corner lot location; on the following described property:

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

Case No. 15365

Action Requested:

Variance of the maximum of one ground sign per lot of record to permit one additional ground sign - **Section 1221.3.1 General Use Conditions for Business Signs** - Use Unit 17.

Variance to exceed the permitted square footage for signage - **Section 1221.4.C CS District Use Conditions for Business Signs** - Use Unit 17, located south of SW/c 41st Street and Sheridan.

Presentation:

The applicant, **Mr M. Khezri**, 509-A North Redbud, Broken Arrow, Oklahoma, submitted a sign plan (Exhibit B-1) and stated that the property in question has 445' of street frontage. He noted that there are three signs in place and requested permission to install one additional sign, which would be allowed by right if the tract contained five additional feet of frontage.

Comments and Questions:

Mr. Jones informed that a letter (Exhibit B-2) received from **Jim Garriott**, Building Inspector, stated that the property has 315' of frontage and the four requested signs total 448 sq ft of display surface area, which requires a variance.

Mr. Jackere pointed out that the Code allows two square feet per lineal foot of frontage for one sign; however, if additional signs are installed, the display surface area for all signs is one square foot of signage per lineal foot of frontage.

There was discussion concerning the submitted legal description and the exact amount of frontage on the property, and Mr. Khezri informed that he obtained the measurements from an architectural drawing used when the building was remodeled in 1987.

After Mr. Chappelle suggested a continuance, Mr. Khezri pointed out that the present car dealership is operating with the signs of the previous dealer still in place, which they feel is detrimental to their business.

Mr. Jackere asked what is advertised on the portable sign referred to in the case report, and the applicant replied that there is not a portable sign on the property.

The Board allowed the applicant to leave the hearing to research the exact dimensions of the subject property. After conversing with Mr. Khezri, Mr. Jackere advised that the applicant is sure that the property has 445' of frontage on Sheridan Road. He suggested that, if inclined to approve the application, the Board could require the applicant to furnish satisfactory evidence to the City Attorney's office that there is actually 445' of street frontage before installing the sign.

Case No. 15365 (continued)

Mr. Khezri stated that Lots 13 - 18 in Imperial Plaza Addition are also included in the 445' measurement.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bolzie, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the maximum of one ground sign per lot of record to permit one additional ground sign, or a total of four ground signs only - **Section 1221.3.1 General Use Conditions for Business Signs** - Use Unit 17; and to **APPROVE** a **Variance** to exceed the permitted square footage for signage - **Section 1221.4.C CS District Use Conditions for Business Signs** - Use Unit 17; per sign plan submitted; subject to the applicant providing satisfactory evidence to the City Attorney's office that there is 445' of street frontage on Sheridan Road before installing the sign; on the following described property:

Lot 1, Block 1, Nalman-Nassif Plaza, a resubdivision of a part of the S/2 of Lot 5, and part of the N/2 of Lot 6, Richland Addition, and a resubdivision of Lots 13 - 18, Block 1, Imperial Plaza Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15368

Action Requested:

Special exception to modify parking requirements to reduce the number of off-street spaces provided from 75 to 64 - **Section 1470. PARKING LOADING AND SCREENING REQUIREMENTS** - Use Unit 12.

Variance to allow required off-street parking spaces to be within setback area of a major street plan - **Section 280. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 12, located NE/c East 15th Street and Peoria Avenue.

Presentation:

The applicant, **Stephen Olsen**, 324 East 3rd Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit C-1), and stated that he is architect for the project in question. He explained that the existing Mary's Restaurant contains 2200 sq ft of floor space, with 22 parking spaces allocated, and the proposed 2000 sq ft restaurant requires 20 parking spaces. Mr. Olsen stated that the remaining retail area requires 32 parking spaces, with the total number for all uses being 74, which is 13 less than the required amount.

Comments and Questions:

Ms. Bradley commented that a parking problem already exists in the area, and the addition of another restaurant may compound the problem.

Case No. 15368 (continued)

Mr. Jones advised that the parking lot in its present state is probably nonconforming, and although the parking does not meet the Code requirement, the applicant has provided some additional parking spaces for the new use.

In response to Mr. Fuller, Ms. Hubbard pointed out that some of the parking as it exists along Peoria encroaches into the major street setback.

Mr. Olsen pointed out that the owner did increase the parking area by the removal of one building.

Mr. Bolzie asked the applicant how many parking spaces have been added since his client purchased the subject property, and he replied that 30 additional spaces have been provided.

Board Action:

On **MOTION** of FULLER, the Board voted 3-2-0 (Bolzie, Chappelle, Fuller, "aye"; Bradley, White, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to modify parking requirements to reduce the number of off-street spaces provided from 75 to 64 - **Section 1470. PARKING LOADING AND SCREENING REQUIREMENTS** - Use Unit 12; and to **APPROVE** a **Variance** to allow required off-street parking spaces to be within setback area of a major street plan - **Section 280. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 12; per plot plan submitted; finding that the older area was developed without adequate on-site parking and, therefore, nonconforming as to parking; finding that the owner has added 30 spaces and the resulting number of spaces will be adequate for the area; and finding that many of the parking lots along Peoria encroach into the setback area of the Major Street Plan; on the following described property:

Lots 1, 2, 3, 6 and 11, Broadmoor Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 8234

Action Requested:

Approval of amended site plan.

Presentation:

The applicant, Tom Williamson, Ragland Architects, 3104-A South Elm Place, Broken Arrow, Oklahoma, submitted an amended site plan (Exhibit D-1), and requested permission to add two classrooms (4000 sq ft) to the southwest portion of the existing elementary school.

Case No. 8234 (continued)

Comments and Questions:

Mr. Jones informed that the previously submitted site plan (Exhibit D-2) was approved by the Board in 1974 (new addition essentially aligns with the existing building walls).

Mr. Bolzle inquired as to the amount of property owned by the school at this location, and the applicant replied that the school is located on a nine-acre tract.

Protestants: None.

Board Action:

On **MOTION** of FULLER, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the amended site plan as presented.

Case No. 14814

Action Requested:

Approval of amended site plan.

Presentation:

The applicant, **Bill Conroy**, submitted an amended site plan (Exhibit E-1), and explained that the Philbrook Art Center is requesting permission to replace a 280 gallon underground gasoline tank with a 1000 gallon tank. Mr. Conroy stated that the gasoline reserve will be used to power the emergency generators.

Protestants: None.

Board Action:

On **MOTION** of CHAPPELLE, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** an amended site plan, as submitted by the applicant.

There being no further business, the meeting was adjourned at 2:45 p.m.

Date Approved

2/15/90


Chairman