

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 558
Thursday, March 1, 1990, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bolzle Bradley Fuller White, Chairman	Chappelle	Gardner Moore Richards	Jackere, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, February 27, 1990, at 10:50 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 **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** the Minutes of February 15, 1990.

UNFINISHED BUSINESS

Case No. 15351

Action Requested:

Special Exception to permit a commercial recreation, intensive use (bingo parlor) in IL (industrial light) zoned district - **Section 910. Table 1. Use Units Permitted In Industrial Districts** - Use Unit 19, located 650' west of Sheridan on East 30th Street North.

Presentation:

The applicant, **Bill Smith**, was represented by **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma, who submitted a parking and landscape plan (Exhibit A-1) and an aerial photograph (Exhibit A-2) of the subject property. Mr. Johnsen explained that the Cherokee Nation is proposing to purchase the property in question and begin the operation of a bingo parlor. He stated that the eight-acre tract has industrial zoning and the existing building has previously been used as an indoor polo facility. It was noted that the building has been vacant for several years, and the the bingo parlor will be an

Case No. 15351 (continued)

appropriate and productive use for the area. Mr. Johnsen stated that the new business will have a total of 90 employees, 60 of which will be full time, and approximately \$800,000 will be spent in renovating the site. He informed that the property to the west and south is zoned RMH, with 75' of property to the immediate west being used as an access to the vacant land to the south. He stated that a mobile home park is located to the west, beyond the 75' access strip. Mr. Johnsen pointed out that the building in question is located approximately one-fourth mile from Sheridan Road, and the two lane road (30th Street) serves very few properties. It was noted by the applicant that the days and hours of operation will be Monday through Friday, 5:00 p.m. to midnight, Saturday, 11:30 a.m. to midnight and Sunday, 11:30 a.m. to 6:00 p.m.

Comments and Questions:

Ms. Bradley inquired as to the seating capacity for the building, and Mr. Johnsen replied that the building will accommodate approximately 1400 patrons. She voiced a concern with the large amount of traffic generated by a business of this type, and the limited access provided by the two lane street. Mr. Johnsen pointed out that many of the players arrive by bus, and parking will be provided for 500 vehicles. It was noted that the incoming traffic does not have a peak period, and the closing time is late at night when the traffic is very sparse. He further noted that the road will be widened in front of the facility to allow stacking without interfering with through traffic.

Ms. Bradley asked how many mobile homes are located in the nearby mobile home park, and he replied that there are approximately 25 mobile homes in the park, as it is not fully developed.

Mr. Bolzle stated that, according to the submitted photographs, there are approximately 60 concrete mobile home pads in the park.

In response to Ms. Bradley's comment concerning traffic congestion on the two lane street, Mr. Johnsen pointed out that industrial uses that are allowed by right would generate as much traffic as the proposed bingo parlor.

Mr. Fuller asked Mr. Johnsen if he would object to all lighting being directed inward, and he replied that shielded fixtures will be used for lighting.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-1-0 (Bolzle, Fuller, White, "aye"; Bradley, "nay"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit a commercial recreation, intensive use (bingo parlor) in IL (industrial light) zoned district - **Section 910. Table 1. Use Units Permitted In Industrial Districts** - Use Unit 19; per plan submitted; subject to days and

Case No. 15351 (continued)

hours of operation being Monday through Friday, 5:00 p.m. to midnight, Saturday, 11:30 a.m. to midnight and Sunday, 11:30 a.m. to 6:00 p.m.; subject to lighting directed inward and shielded; subject to a subdivision plat or waiver; and subject to the construction of a 115' turning lane for stacking on 30th Street in front of the building; on the following described property:

Beginning 308.2' south and 659.97' west of the NE/c, SE/4, thence south 600', west 580', north 600', east 580' to the point of beginning. Section 22, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15352

Action Requested:

Variance to permit a 6' overhang for an eaves into the front yard - **Section 240.2. Permitted Yard Obstructions** - Use Unit 6, located 6919 East 16th Street.

Presentation:

The applicant, **Eldred Smith**, requested by letter (Exhibit B-1) that Case No. 15352 be continued to April 19, 1990, as his legal counsel is unavailable for the March 1, 1990 meeting.

Comments and Questions:

Ms. Bradley pointed out that the Board has previously denied Case No. 15352.

Mr. Jackere explained that Staff is obligated to honor all application requests, and the second request seems to be different from the first one, in that the carport in the first application extended closer to the street than the 6' overhang in the current application. He pointed out that the Board must determine if the requests are different. Mr. Jackere stated that the first case is on appeal to District Court at the present time.

Mr. Gardner advised that the applicant is requesting permission to retain approximately 6' of the existing carport structure. He explained that the applicant tied the carport beams to those of the existing house, which will require extensive carpentry and brick work to remove; therefore, Mr. Smith is requesting permission to leave approximately 6' of the new structure attached to the house.

Protestants:

Allen Kolpek, 6913 East 17th Street, Tulsa, Oklahoma, stated that he lives approximately one block from the subject property and is opposed to a continuance.

Board Action:

Mr. Bozile's motion to find that the relief requested is different from that requested in the previously denied case, and that Case No. 15352 be heard as a new application, died for lack of a second.

Case No. 15352 (continued)

Additional Comments:

There was Board discussion as to whether or not this case is significantly different from the previously denied case.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DETERMINE** that Case No. 15352, which appears on the current agenda and requests a 6' overhang, is significantly different from the previously denied request for a carport (approximately 22'); and to **CONTINUE** Case No. 15352 (6' overhang) for two weeks, March 15, 1990.

Case No. 15371

Action Requested:

Variance of the required lot area of two acres to approximately one acre - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT - Use Unit 6.**

Variance of the required 200' lot width to 190' on Tract A to allow for a lot split - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT - Use Unit 6, located 4984 East 114th Place South.**

Presentation:

The applicant, **Helen Howard**, was not present.

Comments and Questions:

Mr. Gardner advised that the case has been continued from a previous meeting and that it is the responsibility of the applicant to present the case.

Protestants:

Numerous protestants were in attendance, but did not address the Board.

Willis Thompson, 4990 East 114th Place, Tulsa, Oklahoma, who submitted a petition of opposition (Exhibit C-1), stated that his property abuts the subject property and he is opposed to the lot split. He informed that one dwelling has been constructed on the lot.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Variance** of the required lot area of two acres to approximately one acre - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT - Use Unit 6**; and to **DENY** a **Variance** of the required 200' lot width to 190' on Tract A to allow for a lot split - **Section 330. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT - Use Unit 6**; finding that all lots in the addition comply with the two-acre lot size requirement, and a hardship was not presented that would justify the granting of the variance requests; on the following described property:

Case No. 15371 (continued)

Lot 6, Block 3, Stonebridge Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15381

Action Requested:

Special Exception to reduce required number of parking spaces from 258 to 241 spaces - **Section 1470. PARKING, LOADING AND SCREENING NONCONFORMITIES** - Use Unit 14.

Variance of the required number of parking spaces from 258 to 241 spaces - **Section 1214.4 Off-Street Parking and Loading Requirements** - Use Unit 14, located 6225 East 36th Street South.

Presentation:

The applicant, **Ed French**, 403 April Lane, Guthrie, Oklahoma, stated that he is representing Evans Furniture, which operates from a two-story building at the above stated location. He informed that a portion of the the second floor, which contains the main sales area, is being finished for added showroom space. Mr. French pointed out that the additional space will not result in an increase in customers, but will merely convert warehouse area to display area. He informed that the parking lot has 17 spaces less than the Code requirement. A plot plan (Exhibit D-1) was submitted.

Comments and Questions:

Mr. Gardner remarked that showroom space and retail space have the same parking requirements, although, a showroom of this type requires a large amount of space for the display of large furniture items.

There was Board discussion as to the need for both the special exception and the variance. Ms. Hubbard stated that, at the time of Mr. French's request for a building permit, she suggested that he apply for a variance of the required number of parking spaces. She pointed out that both the special exception and the variance will not be required.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required number of parking spaces from 258 to 241 spaces - **Section 1214.4 Off-Street Parking and Loading Requirements** - Use Unit 14; per plot plan submitted, for the existing furniture showroom use only; finding that the number of customers will not be increased by the additional showroom space, and the granting of the variance request will not be detrimental to the area; on the following described property:

Case No. 15381 (continued)

All that part of Lots 2 and 3, Block 2, Wilmot Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, more particularly described as follows, to-wit: Beginning in the south boundary of said Lot 3, 15.00' from the SE/c thereof: thence N 0°22'30" W parallel to and 15.00' from the east boundary of said Lot 3, a distance of 208.00'; thence N 12°43'23" E 114.73'; thence N 0°22'30" W parallel to and 11.00' east of the west boundary of said Lot 2, a distance of 300.72' to the north boundary of said Lot 2; thence S 60°27'25" E, 0.00'; thence along the northerly boundary of said Lot 2 to the right on a curve having a radius of 3769.72', a distance of 438.57'; thence S 0°07'15" E 381.30' to the south boundary of said Lot 2; thence S 89°47'35" W along the south boundary of said Lot 2 and 3, a distance of 390.84' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15383

Action Requested:

Variance of the required 10' side yard setback to 4' to permit addition to existing residence - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1322 South Indian Street.

Comments and Questions:

Mr. Richards informed that the applicant, **Terry Smith**, has requested by letter (Exhibit E-1) that Case No. 15383 be withdrawn.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **WITHDRAW** Case No. 15383, as requested by the applicant.

Case No. 15384

Action Requested:

Special Exception to permit a home occupation (embroidering and monogramming) in a Residential District - **Section 440. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 6, located 1241 South 105th East Avenue.

Presentation:

The applicant, **Marilyn Monselle**, was represented by **John Moody**, 2520 Mid-Continent Tower, Tulsa, Oklahoma. He informed that the property in question abuts the Mingo Valley Expressway to the rear, and is located in a single-family residential neighborhood. Mr. Moody submitted a brochure (Exhibit F-3) depicting the type of machines used in the business, and explained that the home occupation, consisting of monogramming and embroidering, has been in operation at this location for approximately three years. He stated

Case No. 15384 (continued)

that Ms. Monselle's sister has assisted her in the business operation, and was instrumental in acquiring funds to start the business. Mr. Moody stated that neighbors complained of TV interference after the business purchased an additional machine, which precipitated this request for a special exception. Photographs (Exhibit F-1) of the applicant's home and the surrounding neighborhood were submitted. In reference to the noise level, Mr. Moody informed that the machines (a total of 8 sewing heads) operate very quietly, and cannot be heard three feet from the residence. He stated that a representative from the Public Service Company conducted limited testing to determine if electrical disturbances were caused by the operation of the machines, and the limited test indicated that there was no electrical disturbance; however, it was not conclusive, due to rainy weather. Mr. Moody stated that the next door neighbors were away from home when he attempted to contact them regarding the television interference, and a letter (Exhibit F-2) regarding the matter was left in the mailbox. He informed that his client will take any steps necessary to remedy any electrical disturbances created by her machinery. In reference to the number of vehicles visiting the Monselle residence, Mr. Moody stated that there have been two UPS deliveries in the past 17 days and no more than 11 customers in one week. A petition of support (Exhibit F-4) and a letter describing the business (Exhibit F-5) were submitted. Mr. Moody stated that the neighbors have expressed a concern with automobiles being parked on the Monselle property, and explained that Mr. Monselle restores automobiles as a hobby, but does not operate an automobile restoration business.

Comments and Questions:

Ms. White inquired as to the amount of floor space devoted to the business, and Mr. Moody replied that the machines are located in the garage (18' by 20') and one accessory room (13' by 18'), but both machines will be located in the garage if this application is approved.

In response to Mr. Jackere, Mr. Moody informed that the house contains approximately 2000 sq ft of floor space. Mr. Jackere asked if the applicant's sister assists in the daily operation of the business, and Mr. Moody stated that she helps out occasionally, but is not employed by Ms. Monselle; however, she is a partner in the business and receives a portion of the business income. Mr. Moody stated that his client is aware that employees are not allowed in a home occupation, and she is prepared to accept the fact that her sister may not be allowed to assist in the business.

Ms. Bradley voiced a concern that the business will continue to grow at this location, and the number of customers visiting the residence will increase.

Mr. Moody assured the Board that the number of machines will not be increased and the business will not be expanded at this location beyond the present operation.

Case No. 15384 (continued)

In response to Ms. Bradley, Mr. Jackere advised that, if the Board is inclined to approve the application, the growth of the business could be controlled by restricting the square footage of the house devoted to the business and the number of machines.

Ms. Bradley inquired as to the use of the storage buildings on the property, and Mr. Moody replied that the buildings are used for storage of personal items and have no connection with the home occupation.

Protestants:

Ingrid Darnieder, 1231 South 105th East Avenue, Tulsa, Oklahoma, who lives next door to the Monselle property, stated that the commercial type monogramming machines used in the business are not appropriate for a residential area. She stated that Ms. Monselle's sister works in the business full time, and a third person works part time. Ms. Darnieder stated that the approval of the home occupation will generate additional traffic in the neighborhood and devalue her property. She asked the Board to deny the application.

Mr. Fuller asked Ms. Darnieder if she can hear the machines from her home, and she replied that she is not able to hear the machines in her home or yard, but has noticed an increase in traffic.

Kenneth Batchelor, 1222 South 105th East Avenue, Tulsa, Oklahoma, submitted a copy of the yellow page ad from the telephone book, which listed the Monselle's business, and a petition of opposition (Exhibit F-6) to the home occupation. He pointed out that Highway 169 raises the noise level in the neighborhood and any additional traffic only adds to the problem. He asked the Board to preserve the residential character of the neighborhood and deny the application.

Ms. Bradley asked Mr. Batchelor how he determined that a business was being operated on the premises, and he replied that the amount of traffic visiting the Monselle property is not normal for a neighborhood residence. He informed that three cars were parked in the back yard and several cars were being repaired in front of the residence, all of which have been removed since the complaint was filed.

Mr. Jackere asked how long the applicant had lived at the present location before he became aware that a business was being operated, and Mr. Batchelor stated that cars were being sold on the property from the time he took possession. Mr. Jackere asked when he became aware that the embroider and monogramming business was operating on the subject property, and he replied that he found out about the business approximately one year ago.

Emma Batchelor, 1222 South 105th East Avenue, Tulsa, Oklahoma, stated that she is concerned with the large amount of traffic and parked cars along the street. She informed that two businesses are listed in the telephone book at this address.

Case No. 15384 (continued)

Harry Greene, 1274 South 103rd East Avenue, Tulsa, Oklahoma, stated that he has lived in the neighborhood for 28 years, and that, although his name is found on the support petition, he is not supportive of the application. He stated that the business operation was misrepresented to him at the time he signed the petition. Mr. Greene stated that he was told the business would not expand and a second machine has recently been purchased.

Interested Parties:

Janet Miller, 1249 South 105th East Avenue, Tulsa, Oklahoma, stated that she lives next door to the applicant, and is supportive of the application. She pointed out that she has not experienced TV interference and has not noticed an increase in neighborhood traffic since the business began operation.

Carolyn Harter, 1238 South 105th East Avenue, Tulsa, Oklahoma, informed that she lives directly across the street from the Monselle property and is supportive of the home occupation. She stated that it is not apparent that a business is being operated in the home.

Mr. Fuller asked Ms. Harter if she has had a problem with TV interference, and she replied that she has not noticed an electrical disturbance on the TV.

Applicant's Rebuttal:

Mr. Moody stated that all cars have been removed from the property and Mr. Monselle completes his restoration work at another location. He informed that the second machine can also be placed in the garage and the business will not be expanded.

Additional Comments:

In reference to the noise factor, Ms. White pointed out that the machines obviously cannot be heard outside the residence; however, she voiced a concern with a full-time employee for the home occupation and the additional traffic that is generated.

Mr. Jackere advised that restriction can be placed on the business that would eliminate the employee.

Mr. Gardner advised that, if inclined to approve the application, the Board could restrict the business to the garage portion of the residence only, limit further expansion and restrict those working in the business to those family members residing in the home. He pointed out that the Board should determine how much additional traffic, if any, will be generated by the new machine.

Mr. Moody stated that the new machine was purchased because his client was working long hours to fill orders, and the new machine will allow the same amount of work to be done in less time.

Case No. 15384 (continued)

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit an embroidering and monogramming home occupation for a period of two years **only** in a Residential District - **Section 440. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 6; subject to no expansion of the existing business, including no additional machines; subject to only family members residing in the home being allowed to work in the business; and subject to the two embroider/monogramming machines being located in the garage; finding that the addition of a second machine will not increase production or generate additional traffic in the neighborhood; and that the application, as presented, will not be detrimental to the area, or violate the spirit, purposes and intent of the Code; on the following described property:

Lot 22, Block 2, Crescent Heights, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15385

Action Requested:

Variance of the required front setback measured from centerline of the street right-of-way from 50' to 41' and a variance of the required side setback measured from centerline of street right-of-way from 50' to 37' - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 5.

Variance of the minimum lot size from one acre to 22,540 sq ft - **Section 1205.3 Use Conditions** - Use Unit 5, located 1802 North Troost.

Presentation:

The applicant, **Willie McHenry**, 211 West 49th Street North, Tulsa, Oklahoma, represented the St. John Missionary Baptist Church. He submitted a plot plan (Exhibit G-1) and stated that the church is proposing to add two educational wings to the existing building. Mr. McHenry stated that the surrounding property owners are supportive of the application. He informed that the construction of the additions at another location would displace required parking spaces.

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required front setback measured from centerline of the street right-of-way from 50' to 41' and a variance of the required side setback measured from centerline of street right-of-way from 50' to 37' - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 5.; and to **APPROVE**

Case No. 15385 (continued)

a **Variance** of the minimum lot size from one acre to 22,540 sq ft - **Section 1205.3 Use Conditions** - Use Unit 5; per plot plan submitted; finding a hardship imposed by the location of the building on the corner lot; and finding that the new addition will not be as close to Troost as the existing building; on the following described property:

Lots 12, 13, and 14, Block 7, Bullette Heights 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15386

Action Requested:

Variance of the number of required off-street parking spaces provided form 10 spaces to zero spaces for addition to existing office building - **Section 1211. OFFICE AND STUDIOS** - Use Unit 11.

Special Exception to permit enlargement of existing use without providing required parking spaces for the enlargement - **Section 1470. PARKING, LOADING AND SCREENING NONCONFORMITIES** - Use Unit 11.

Variance to permit enlargement of existing building without providing required parking spaces for the addition - **Section 1310. APPLICABILITY OF REQUIREMENTS** - Use Unit 11.

Variance to permit required parking spaces to be located on lot which does not contain the principal use - **Section 1320. GENERAL REQUIREMENTS** - Use Unit 11, located 1515 South Boulder.

Presentation:

The applicant, **Stephen Olsen**, 324 East 3rd Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit H-1) for a 3000 sq ft addition to an existing building at the above stated location. He requested permission to provide required parking for ten vehicles on the lot to the immediate south of the building.

Comments and Questions:

Ms. Hubbard informed that the existing building is nonconforming as to parking requirements, and the applicant is required to supply parking for the proposed addition.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the number of required off-street parking spaces provided form 10 spaces to zero spaces for addition to existing office building - **Section 1211. OFFICE AND STUDIOS** - Use Unit 11; to **APPROVE** a **Special Exception** to permit enlargement of existing use without providing required parking spaces for the

Case No. 15386 (continued)

enlargement - **Section 1470. PARKING, LOADING AND SCREENING NONCONFORMITIES** - Use Unit 11; to **APPROVE** a **Variance** to permit enlargement of existing building without providing required parking spaces for the addition - **Section 1310. APPLICABILITY OF REQUIREMENTS** - Use Unit 11; and to **APPROVE** a **Variance** to permit required parking spaces to be located on lot which does not contain the principal use - **Section 1320. GENERAL REQUIREMENTS** - Use Unit 11; per plot plan submitted; subject to the execution of a tie contract between lot containing the building and the parking lot to the south; on the following described property:

Lots 6 and 7, Block 2, Stansbery Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15387

Action Requested:

Special Exception to permit a screening and decorative fence within the required front yards, on East 51st Street and South 76th East Avenue, with a fence height which exceeds 4' - **Section 240.2 Permitted Yard Obstruction** - Use Unit 8, located northeast of East 51st Street and South 76th East Avenue.

Presentation:

The applicant, **Charles Norman**, 2520 Mid-Continent Tower, Tulsa, Oklahoma, submitted a plot plan (Exhibit J-1) and photographs (Exhibit J-2), and stated that he is representing Union Mutual Life Insurance Company, owners of the Cobblestone Apartments. He informed that a wrought iron fence has been constructed along the east side of the apartments, and the owner is proposing to extend the fence to enclose the entire complex (approximately 2300'). The applicant explained that the property has frontage on two streets and the Code limits the height of a fence in a front yard to 4', which would cause the fence along 51st Street (required front yard) to be 2' higher than the Code allows.

Interested Parties:

Ms. White informed that the Board has received a letter (Exhibit J-3) from a representative of the Git-N-Go Convenience Food Stores, which requested that all additional fencing conform to the style that is presently in place on the east side of the apartments.

Mr. Norman stated that the proposed fencing will be the same style and material as the existing fence.

Protestants: None.

Case No. 15387 (continued)

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit a screening and decorative fence within the required front yard on East 51st Street which exceeds 4' in height - **Section 240.2 Permitted Yard Obstruction** - Use Unit 8; per plot plan submitted; subject to the proposed fence being constructed of the same material and being the same style as the existing wrought iron fence; finding that the apartment complex is partially fenced and the granting of the special exception request will not be detrimental to the area; on the following described property:

A tract of land being a part of Lot 2, Block 1, Fontana, an addition in the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, more particularly described as follows, to-wit:

Commencing at the SE/c of said Lot 2, Block 1, Fontana; thence S 89°58'33" W along the south line of Lot 2, Block 1, a distance of 150.00' to the Point of Beginning; thence S 89°58'33" W continuing along said south line a distance of 475.05'; thence due north a distance of 285.00'; thence N 24° E a distance of 184.26'; thence N 66° W a distance of 209.39' to a point on the easterly right-of-way line of South 76th East Avenue; thence N 24° E along said east right-of-way line a distance of 489.16' to a point of curve to the right; thence along a curve to the right having a central angle of 66°00'00" and a radius of 260.00', a distance of 299.50'; thence due east along the south right-of-way line of East 49th Street South, a distance of 80.80' to a point of curve to the right; thence along the curve to the right having a central angle of 6°54'03" and a radius of 741.55'; a distance of 89.32'; thence due south a distance of 645.64'; thence N 89°58'33" E a distance of 135.00' to a point on the east line of said Lot 2, Block 1, Fontana; thence due south along said east line a distance of 188.39'; thence S 89°58'33" W a distance of 150.00'; thence due south a distance of 300.00' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15388

Action Requested:

Special Exception to permit a day care center in a Residential District - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, located 1546 East Seminole Street.

Presentation:

The applicant, **Peggy Nash**, 229 East 51st Place North, Tulsa, Oklahoma, was represented by **John Green**, owner of the property in question. Mr. Green requested permission to operate a day care center at the above stated location. He informed that the lot is fenced and has one driveway for ingress and egress.

Case No. 15388 (continued)

Comments and Questions:

Ms. White inquired as to the days and hours of operation for the business, and Mr. Green replied that the center will be open from 7:00 a.m. to 9:00 p.m., seven days each week.

In response to Ms. Bradley, Mr. Green informed that the the present enrollment is 13, and the number will not exceed 25, due to the size of the house.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit a day care center in a Residential District - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5; subject to proper state license, and days and hours of operation being 7:00 a.m. to 9:00 p.m., seven days each week; and subject to no expansion of the existing building; finding that the day care operation will be compatible with the residential area, and will not violate the spirit and intent of the Code; on the following described property:

Lot 9, Block 10, Bullette Heights 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15389

Action Requested:

Variance of the required front yard setback from 25' to 18' to permit construction of new dwelling - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1441 East 32nd Place South.

Presentation:

The applicant, **Tom Nicklas**, 2727 East 21st Street, Suite 306, Tulsa, Oklahoma, submitted a plot plan (Exhibit K-2) for a proposed dwelling. He explained that Crow Creek and the creek easement cover approximately 50% of the lot, and it is difficult to find a floor plan that can be placed on the lot without encroaching into the required setback. The applicant pointed out that there are numerous houses in the area that are closer to the street than the Code allows, and that the proposed dwelling will align with the house next door to the west, except for a bay window.

Comments and Questions:

Ms. White stated that one letter (Exhibit K-1) was received, which requested that the house align with others along the street, and that the dwelling have sufficient parking.

Case No. 15389 (continued)

Protestants:

John Elder, 1443 East 32nd Place, Tulsa, Oklahoma, stated that he lives to the east of the property in question, and objected to the large house being placed on the small lot. He pointed out that the applicant was aware of the creek when he purchased the property, and requested that the house be constructed to comply with Code requirements.

Mr. Bolzie asked Mr. Elder how the construction of a house at the proposed location would be detrimental, and he replied that he is not sure it would be detrimental, but thinks the applicant should adhere to Code requirements.

Ms. White pointed out that the creek behind the property would constitute a hardship in this case.

Board Action:

On **MOTION** of **FULLER**, the Board voted 3-0-1 (Bolzie, Fuller, White, "aye"; no "nays"; Bradley, "abstaining"; Chappelle, "absent") to **APPROVE** a **Variance** of the required front yard setback from 25' to 18' to permit construction of new dwelling - **Section 430. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding that the house will align with structure to the west; and finding a hardship imposed by the creek and creek easement located to the rear of the lot; and finding that there are numerous homes in the area that are closer to the street than the proposed dwelling, and the granting of the request will not be detrimental to the neighborhood; on the following described property:

Lot 5, Block 3, Peoria Acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15390

Action Requested:

Variance to waive the screening requirements along the property lines abutting an R District - **Section 1211.3 Use Conditions** - Use Unit 11, located 8117 East 15th Street.

Presentation:

The applicant, **Ed Hawkins**, 8630 East 15th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit L-3), and informed that he is representing his mother, owner of the property in question. He stated that an office building containing 800 sq ft of floor space is proposed, and asked the Board to waive the screening requirements on the south and east sides of the lot. Mr. Hawkins pointed out that his mother lives in the residence to the east, and a screen would only divide her two properties. It was noted by the applicant that 15th Street is on the south boundary of the lot, with a parking lot located further to the south. He stated that a screening fence is in place along the east boundary of his mother's property.

Comments and Questions:

Ms. Bradley pointed out that the living screen along the east boundary is very sparse.

Protestants:

Ms. White informed that the Board has received a letter and photographs (Exhibit L-1) from Ray Cosby, District 5 Co-Chairman, and member of the Mingo Valley Homeowners Association. She stated that Mr. Cosby requested that the subject property be screened, due to the fact that Hawkins Construction Company uses their property for a truck parking lot and storage of materials. A drawing (Exhibit L-2) was submitted.

Mr. Hawkins remarked that the lot to the north where the trucks are parked is not under application and there is not a requirement for screening to the north.

Ray Cosby, 8705 East 21st Street, Tulsa, Oklahoma, stated that he may have misunderstood the application, as he thought a screening fence would be required on the north boundary. He stated that Ms. Wise, who has residential property to the north, would like to have the truck parking lot screened.

Mr. Jackere pointed that the lot is zoned OL and only the front portion is under application, therefore, screening is not required between the two OL zoned properties.

Jack Waterfield, Vice-President of the Mingo Valley Homeowners Association, stated that Ms. Wise, homeowner to the north, is ill and unable to attend this meeting. He requested that a screening fence be required on the north boundary of the subject tract.

There was discussion as to what type of screening plan would be beneficial to both the applicant and the protestants. The applicant pointed out that he understands the protestants concerns, and would be amenable to installing a screening fence on the extreme north portion of his mother's property if the screening requirements on the south and east are waived.

Mr. Jackere advised that the application could be continued to allow Staff and the applicant to review the case and arrive at a reasonable solution that would alleviate Ms. Wise's problem and be helpful to Mr. Hawkins.

There was discussion as to whether or not Mr. Hawkins' vacant property to the north is nonconforming, and Mr. Jackere stated that there is a possibility that the nonconformity has expired.

Ms. Hubbard asked if the applicant has applied for a plat waiver, and Mr. Hawkins stated that he has made application for a waiver.

Case No. 15390 (continued)

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** to waive the screening requirements along the south property line abutting an R District - **Section 1211.3 Use Conditions** - Use Unit 11; and to **CONTINUE** the balance of the application to April 5, 1990; finding that the south property line abuts 15th Street and the residentially zoned property located to the south of 15th Street is actually a parking lot for a small shopping center; and finding that the granting of the request will not be detrimental to the area, or violate the spirit, purposes and intent of the Code; on the following described property:

West 100' of Lot 5, less the west 25', Block 10, Forest Acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15391

Action Requested:

Special Exception to permit the construction of mini-storage warehouses - **Section 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 6436 South Peoria.

Presentation:

The applicant, **Wayne Alberty**, 4325 East 51st Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit M-1) and stated that he is representing South Peoria Express Storage. Mr. Alberty stated that additional property is being secured for the expansion of an existing mini-storage at this location.

Comments and Questions:

Ms. Bradley inquired as to the amount of expansion, and Mr. Alberty informed that the existing mini-storage contains 52,000 sq ft of floor space, and the total after expansion will be 64,000 sq ft.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit the construction of mini-storage warehouses - **Section 710. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; per plot plan submitted; finding that the existing mini-storage is compatible with the surrounding uses, and the expansion will not be detrimental to the area; on the following described property:

Case No. 15391 (continued)

A portion of Lot 1, Block 1, Young Center Addition, more particularly described as follows: Beginning at the NE/c of said addition thence N 88°50'59" W a distance of 261'; thence due south a distance of 211'; thence S 88°50'59" E a distance of 5'; thence due north a distance of 150'; thence S 88°50'59" E a distance of 256'; thence due north a distance of 61.0' to the Point of Beginning; containing 16,671 sq ft or 0.3827 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15392

Action Requested:

Special Exception to permit reconstruction of church facilities 100% destroyed by fire - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5.

Varience to waive the requirement for a 6' screening fence along the north 120' of the west property line and along the west 100' of the north property line - **Section 1340. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 5, located 1928 North Lewis Avenue.

Presentation:

The applicant, **W. G. Nelson**, was represented by **Byron Salsman**, 2618 West 45th Street, Tulsa, Oklahoma, who submitted a site plan (Exhibit N-1) and stated that he is an architect and is attempting to assist in the reconstruction of a church building that was destroyed by fire. He explained that, when making application for a building permit, it was discovered that the church use is not permitted on all of the church property. Mr. Salsman pointed out that the previous building exceeded the current setback requirement along Lewis; however, the new building will be positioned to allow the parking area nearer the street. He noted that during the process of relocating the building, it was determined that church use was not permitted on all church property. Mr. Salsman asked that the screening requirement be waived on the west and north property lines, as the property owners on those boundary lines have requested that no screening be installed.

Comments and Questions:

In response to Ms. Bradley, Mr. Salsman stated that a portion of the property on the western boundary will be used for parking, however, the low area will not be utilized at this time.

Mr. Fuller asked if a chain link fence is in place along the entire west boundary, and Mr. Salsman answered in the affirmative.

Mr. Gardner pointed out that a parking lot within 50' of a residential area must be screened, therefore, only 120' along the west boundary of the church property, or one-third of the frontage, requires screening (that portion zoned RS-3).

Case No. 15392 (continued)

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 3-1-0 (Bradley, Fuller, White, "aye"; Bolzle, "nay"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit reconstruction of church facilities 100% destroyed by fire - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5; and to **APPROVE** a **Variance** to waive the requirement for a 6' screening fence along the north 120' of the west property line and along the west 100' of the north property line - **Section 1340. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 5; per plot plan submitted; finding that the church has been at this location for many years and is compatible with the area; finding that only one-third of the property along the west boundary line requires screening, and screening would not be required if the parking lot was 25' further from the residential area; and finding that screening along the north property line would be of little advantage, as that boundary abuts the street; on the following described property:

North 156,54' of Lot 1, less 8.5' for street, and the east 100' of Lot 2, Block 4, Conservation Acres Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15393

Action Requested:

Special Exception to permit the expansion of the parking area accessory to the police station - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 4, located 75th Place and Riverside Parkway.

Presentation:

The applicant, **City of Tulsa**, was represented by **Ron Walker**, 1512 North Florence Place, Tulsa, Oklahoma, who submitted a plot plan (Exhibit P-1) for an extension of the existing parking lot. He informed that the added parking area will provide 45 additional spaces, or a total of 122 parking spaces for the police station. Mr. Walker explained that, due to added personnel, parking has become a problem during peak hours. He pointed out that each employee has two vehicles on the lot, one personal car and one patrol car.

Comments and Questions:

Mr. Gardner asked Mr. Walker if the 60' buffer on the east boundary will be maintained, and he answered in the affirmative.

Protestants: None.

Case No. 15393 (continued)

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit the expansion of the parking area accessory to the police station - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 4; per plot plan submitted; finding that the expansion will not be closer to the residential area than the existing parking lot; on the following described property:

A part of Lots 1, 2, 3 and 4, Block 3, River Grove Subdivision, a duly recorded subdivision located in Section 7, T-18-N, R-13-E, of the Indian Base and Guide Meridian, Tulsa County, Oklahoma, which is more particularly described as follows, to-wit: Commencing at the SE/c of Lot 1, Block 3, River Grove, as the Point of Beginning:

Thence S 88°36'50" W a distance of 72.89' to a point on the easterly boundary of the proposed Riverside Parkway; thence N 37°46'15" W a distance of 545.06' to a point of curvature; thence along a 44,939.56' radius curve to the left, having an initial tangent bearing of N 37°46'15" W, a central angle of 0°16'10", for an arc distance of 211.34' to a point; thence N 88°17'18" E along the north boundary of Block 3, River Grove and the south right-of-way of east 75th Place South a distance of 521.54' to a point; thence S 1°25'42" E along the westerly boundary of Block 8, Kensington II Amended, a distance of 611.60' to the Point of Beginning, said tract containing 181,513.61 sq ft or 4.1670 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 15233

Action Requested:

Approval of amended site plan.

Presentation:

The applicant, **Lawrence E. Morrison**, 2708 North Cincinnati, Tulsa, Oklahoma, submitted an amended plot plan (Exhibit R-1) for a previously approved church building. He explained that the amended plan reflects a change in the setback from 5' to 25' on the west property line, as required by the Code.

Case No. 15233 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** the **amended site plan**, as submitted, for Case No. 15233.

There being no further business, the meeting was adjourned at 4:15 p.m.

Date Approved Mar. 15, 1990

Harry White
Chairman

