

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 567
Thursday, July 19, 1990, 1:00 p.m.
City Commission Room, Plaza Level
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 Wednesday, July 18, 1990, at 9:50 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 4-0-1 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; Fuller, "abstaining"; none "absent") to **APPROVE** the Minutes of July 5, 1990.

UNFINISHED BUSINESS

Case No. 15448

Action Requested:

Special Exception to allow a museum in an RS-3 zoned district -
Section 401. Principal Uses Permitted in Residential Districts -
Use Unit 5.

Variance of the 25' setback from abutting properties to 0' -
Section 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS,
REQUIREMENTS - Use Unit 5.

Presentation:

The applicant, **Ida Willis**, 2031 North Peoria Avenue, Tulsa, Oklahoma, who submitted a plot plan (Exhibit A-1) and photographs (Exhibit A-2), requested permission to renovate the existing two-story dwelling for use as a doll and toy museum. The applicant stated that she is proposing to remove the dilapidated garage from the premises and attempt to purchase abutting lots for additional parking if the application is approved. Ms. Willis stated that the museum will be an asset to north Tulsa.

Case No. 15448 (continued)

Comments and Questions:

Ms. Bradley questioned the applicant's request for a variance of the 25' setback to 0', and Board discussion followed. Ms. Willis pointed out that the existing porch on the front portion of the house will be enclosed.

Mr. Jones informed that the applicant did not submit a plot plan at the time of application, therefore, maximum relief was requested. He pointed out that, if inclined to approve the request, the Board can determine a setback that is appropriate.

Mr. Jackere advised that if a non-residential use is proposed in a Residential Zone, a 25' setback from the abutting residential property is required; however, the Board has the power to grant a lesser amount if they deem that the use is compatible with the surrounding area.

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 **Special Exception** to allow a museum in an RS-3 zoned district - **Section 401. Principal Uses Permitted in Residential Districts** - Use Unit 5; and to **APPROVE** a **Variance** of the 25' setback on the west boundary of the subject property to 15', and a variance of the 25' setback on the south to the building wall of the existing house - **Section 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 5; finding that the applicant is proposing to purchase the property to the north for expansion and parking; and that the proposed museum will be compatible with the area, and the granting of the requests will not violate the spirit and intent of the Code; on the following described property:

Lots 3, 4 and 5, Block 1, Winstead Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15477

Action Requested:

Special Exception to allow the existing Will Rogers High School buildings, parking and related facilities and relocation of their baseball field to the southwest corner of South Pittsburg Avenue and East 4th Place, and football field and tract to the new stormwater detention facility - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5.

Variance of the minimum parking requirements - **Section 1205.D. Off-Street Parking and Loading Requirements** - Use Unit 5.

Case No. 15477 (continued)

Variance of the maximum fence height permitted in a Residential District from 8' to 21' - **Section 210.B.3. Permitted Yard Obstructions - Use Unit 5.**

Presentation:

The applicant, **Robert Yadon**, 3227 East 31st Street, Suite 200, Tulsa, Oklahoma, submitted a plot plan (Exhibit B-1), and explained that it had been suggested at the previous meeting that the baseball field be reversed to move home plate closer to the building. He informed that this is not possible, as the curve of the outfield fence would cause the back stop to be located inside the building. Mr. Yadon pointed out that the ball field was designed as proposed because of the natural slope of the land, and the limited space available. Mr. Yadon informed that the Board's request for relocation of the gates and the construction of sidewalks would be an added expense to the school of approximately \$7500. He stated that the school does not have funds for this request, but will provide a fence and sidewalk from the parking lot to the ticket area and the public sidewalk. In regard to parking, he informed that the existing east parking lot has extremely wide aisles (approximately 35') and can be restriped if necessary to provide the required parking spaces.

Comments and Questions:

Mr. Jackere asked the applicant if he is proposing to withdraw the parking variance, and he replied that the school is requesting the variance, but can restripe the lot if necessary.

Protestants:

Aaron Phelps, 521 South New Haven, Tulsa, Oklahoma, informed that the neighbors have met with the school representative, but did not come to an agreement. He stated that his main concern is the location of the gate at the intersection of 4th Place and Pittsburg Avenue, as patrons will unload passengers at the gate and the traffic problem will be compounded.

Warren Atwell, 467 South Pittsburg, Tulsa, Oklahoma, stated that he lives across the street from the ball park and is supportive of the application. He pointed out that the school has always caused a trash problem for the area, but does not feel that the baseball facility will add to the problem. He informed that the Police Department has agreed to additional surveillance of the area before school and during the lunch period.

Additional Comments:

Ms. Bradley stated that there has been no new information submitted concerning the case, and feels that use of the parking lot is not encouraged by the layout of the facility.

Case No. 15477 (continued)

Bobby Jones, director of building planning for the Tulsa Public Schools, pointed out that school representatives have met with the property owners in the area, the Traffic Engineering Department and a representative from the Mayor's office in an attempt to solve the traffic problem around the school. He informed that parking could be restricted around the school, but it would cause the students to move further into the neighborhood to park. Mr. Jones noted that the school principal has agreed to meet with the neighbors on a monthly basis to attempt to control the problem. He stated that considerable effort has been expended to satisfy the needs of the neighborhood. In response to the sidewalk issue, Mr. Jones pointed out that the school does not have sufficient funds to construct additional sidewalks, but will construct a ramp from the parking lot to the existing sidewalk to accommodate individuals visiting the facility. He explained that parking is not allowed on 4th Place; however school officials cannot prevent the parents from dropping their children off along the street.

There was discussion concerning entrances to the ball field, and Ms. White asked why the other entrances could not be closed, which would force entry to the field through the gate near the parking lot.

Mr. Bobby Jones pointed out that the cost for changing the entrances and installing additional fencing would amount to approximately \$7000, which is not available for improvements at this time.

It was the consensus of the Board that baseball fans would be encouraged to use the parking lot if the entrance to the facility was located near the lot.

In response to Mr. Bolzle's inquiry as to the cost of the proposed facility, Mr. Bobby Jones stated that the cost has been estimated at approximately \$290,000.

Cecil Tucker, Building Planning Coordinator for Tulsa Public Schools, stated that the relocation of the gates without sidewalks would prevent those individuals confined to wheelchairs from entering the baseball field. He pointed out that parking is not allowed on either side of 4th Place, or on Pittsburg along the west side of the street.

Mr. Jackere pointed out that the fact that parking is prohibited on 4th Place has not been brought to the attention of the Board prior to this time. He stated that virtually nothing would be accomplished by shutting off entrances along the street where parking is not allowed. He further noted that it is the responsibility of the Police Department to patrol the area for parking violations.

Case No. 15477 (continued)

Mr. Tucker further noted that the additional gates are needed for evacuation purposes in the event of an emergency. He stated that signs can be installed to indicate the location of available parking.

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 allow the existing Will Rogers High School buildings, parking and related facilities and relocation of their baseball field to the southwest corner of South Pittsburg Avenue and East 4th Place, and football field and tract to the new stormwater detention facility - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5; to **APPROVE** a **Variance** of the minimum parking requirements - **Section 1205.D. Off-Street Parking and Loading Requirements** - Use Unit 5; and to **APPROVE** a **Variance** of the maximum fence height permitted in a Residential District from 8' to 21' - **Section 210.B.3. Permitted Yard Obstructions** - Use Unit 5; subject to signs being installed that indicate the location of the parking lot, and said signs being installed at each entrance to the stadium; finding that the uses requested are school related and will be compatible with the area; finding that the parking lot is large enough to meet the required parking if restriped; and finding that the installation of the 21' wire fence is necessary to protect the nearby residences from damage that might occur from foul balls; on the following described property:

Beginning at a point 25' south of the northeast corner of the SW/4; thence west 1,417.08'; thence south 0°8' west 791'; thence south 28°45' west 40.03'; thence east 1,437.1'; thence north 0°3.5' east 826' to the Point of Beginning; all out of the SW/4, Section 4, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15485

Action Requested:

Minor Variance of the minimum required setback measured from the centerline of Peoria from 50' to 48' to permit a projecting sign - **Section 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 21, located 3509 South Peoria.

Presentation:

The applicant, **Barry R. Moydell**, 1221 Charles Page Boulevard, Tulsa, Oklahoma, submitted a sign plan (Exhibit C-2) and requested permission to install a wall mounted sign at the above stated location. He pointed out that the building itself does not meet the current setback requirement, and that there are numerous building and sign encroachments in the older area. Mr. Moydell stated that the sign projects 4' 6" from the building wall toward the street, and the canopy below the sign is closer to the street than the proposed sign. A site plan (Exhibit C-1) was submitted.

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 **APPROVE** a **Minor Variance** of the minimum required setback measured from the centerline of Peoria from 50' to 48' to permit a projecting sign - **Section 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 21; per sign plan submitted; finding that many buildings in the older area are closer to the street than the current Code permits, and the installation of the sign at the proposed location will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

The north 2' of Lot 2, and all of Lots 3, 4, 5 and 6, and the east 50' of Lot 12, Block 3, Olivers Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15471

Action Requested:

Special Exception to permit expansion of an existing school - **Section 1402. NONCONFORMING USE OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION** - Use Unit 5.

Presentation:

The applicant, **Tom Williamson**, 3104 South Elm Place, Broken Arrow, Oklahoma, submitted a plot plan (Exhibit D-1) and stated that a classroom and locker addition, totaling 4400 sq ft, will be added to the existing school.

Case No. 15471 (continued)

Protestants: None.

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 **Special Exception** to permit expansion of an existing school - **Section 1402. NONCONFORMING USE OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION** - Use Unit 5; per plot plan submitted; finding that the expansion of the existing school use is in harmony with the spirit and intent of the Code; on the following described property:

A tract of land in Osage County, State of Oklahoma, situated in the SE/4 of the NW/4 of Section 27, T-20-N, R-12-E, being more particularly described as follows, to-wit: Commencing at the center of said Section 27, thence north 89°12'01" west along the south line of said NW/4, a distance of 657.27'; thence north 0°47'59" east a distance of 135.00' to the POB; thence north 44°12'01" west a distance of 208'; thence north 0°47'59" east a distance of 332'; thence north 60°47'59" east a distance of 566.19'; thence south 48°19'07" east a distance of 367.69'; thence south 0°18'46" west a distance of 587.11'; thence south 54°13'47" west a distance of 0.00' to a point of curvature to the right, said curve having a radius of 50' and a central angle of 35°46'13"; thence along said curve a distance of 31.22' to a point of tangency; thence north 89°12'01" west a distance of 597.02'; thence north 0°47'59" east a distance of 75' to the POB. **Excluding:** Commencing at the center of said Section 27; thence north 89°12'01" west along the south line of said NW/4 a distance of 657.27'; thence north 0°47'59" east a distance of 60.00' to the POB; thence north 0°47'59" east a distance of 199.00'; thence south 89°12'01" east a distance of 309.00'; thence south 0°47'59" west a distance of 199.00'; thence north 89°12'01" west a distance of 309.00' to the POB, containing 1.41 acres, more or less and being located in an RS-3 zoned district, City of Tulsa, Osage County, Oklahoma.

Case No. 15478

Action Requested:

Special Exception to permit a day care center in an RS-3 District - **Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, located at 4902 East Haskell Place.

Presentation:

The applicant, **Rosetta Whitmeyer**, 4902 East Haskell Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit E-1) and requested permission to operate a day care center for approximately 30 children in a duplex at the above stated address.

Case No. 15478 (continued)

Comments and Questions:

Ms. Bradley asked if an expansion of the building is proposed, and Ms. Whitmeyer stated that there will be no additional construction on the lot.

Ms. Bradley voiced a concern with the location of the drop off area on Yale, and asked the applicant if she would consider installing a circle drive on Haskell Place. Ms. Whitmeyer stated that she will move the driveway if necessary.

Mr. Bolzie inquired as to the days and hours of operation, and the applicant stated that the business will be a before-and-after school program, Monday through Friday, 6:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 during school hours, but will be in operation from 6:00 a.m. to 6:00 p.m. during the summer months and on holidays. Ms. Whitmeyer noted that the center will only care for school age children.

Ms. Bradley asked the applicant if she has been in contact with the Department of Human Services, and she replied that she has another day care business which must comply with the rules of that department. She explained that the proposed program will only be operated six hours each day during the school year, with summer sessions being conducted as a day camp, neither of which requires a state license.

Protestants:

Jack Campbell, 4911 East Haskell Place, Tulsa, Oklahoma, stated that a day care center is already in operation across the street from the proposed site. He pointed out that the neighborhood has an existing traffic problem, which will be compounded by a second day care center.

Ms. White asked Mr. Campbell how many employees park on the street at this time, and he replied that two cars usually park on the street.

Leonard Piper, 4909 East Haskell Place, Tulsa, Oklahoma, stated that he lives near the existing day care center, and a second day care center will further aggravate traffic congestion. He informed that the Post Office to the east generates a lot of traffic in the neighborhood.

Kate Campbell, 4911 East Haskell Place, Tulsa, Oklahoma, pointed out that the majority of the residents of the area are retired and she is opposed to the intrusion of the day care centers into the residential neighborhood.

Case No. 15478 (continued)

Additional Comments:

Mr. Fuller asked the applicant to state the total number of employees that will be working in the day care centers, and she replied that there will be four employees for the two centers.

There was discussion concerning the drop off area, and Mr. Bolzle suggested that the case be continued to the next scheduled meeting to allow the Board sufficient time to site check the property in question.

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 **CONTINUE** Case No. 15478 to August 2, 1990, to allow the Board sufficient time to review the property in question.

Case No. 15479

Action Requested:

Special Exception to permit a Postal Service parking lot - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 2.**

Variance of the required 60' setback from the centerline of East Apache to 50'; variance of the required 50' setback from the centerline of North Garrison Place 25'; variance of the required 50' setback from the centerline of North Hartford to 30' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 2.**

Variance of the definition of "accessory use" to delete the requirement that the principal and accessory uses be on the same lot - **Section 1800. DEFINITIONS - Use Unit 2.**

Presentation:

The applicant, **US Postal Service**, was represented by **Richard L. Helligman**, PO Box 2600, Tulsa, Oklahoma, who requested permission to provide additional employee parking across the street from the existing Post Office.

Protestants:

Janece Richard represented her mother who resides at 2523 North Garrison Avenue, Tulsa, Oklahoma. She was concerned that the parking lot would be installed behind the Post Office and near her mother's property.

Ms. Bradley pointed out the proposed location of the parking lot is across the street from the existing building, and Ms. Richard withdrew her protest.

B. S. Roberts, 541 East Latimer, Tulsa, Oklahoma, stated that he is representing District 1, and asked if the parking lot will be secured after the Post Office closes to prevent loitering.

Case No. 15479 (continued)

Comments and Questions:

There was Board discussion concerning fencing for the property, and Mr. Heiligman stated that the parking lot will be fenced and a screening fence can be erected on the south property line.

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 a Postal Service parking lot - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; to **APPROVE** a **Variance** of the required 60' setback from the centerline of East Apache to 50'; variance of the required 50' setback from the centerline of North Garrison Place to 25'; variance of the required 50' setback from the centerline of North Hartford to 30' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 2; and to **APPROVE** a **Variance** of the definition of "accessory use" to delete the requirement that the principal and accessory uses be on the same lot - **Section 1800. DEFINITIONS** - Use Unit 2; per site plan submitted; subject to the lot in question being fenced, and secured when the Post Office is closed; and subject to a solid screening fence being installed along the south property line; finding that an employee parking lot at the proposed location will not be detrimental to the area; on the following described property:

The south 25' of Lot 1, and all of Lots 2, 3 and 4, Block 10, Ellingdale Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15480

Action Requested:

Minor Variance of the required yard on East 22nd Place from 20' to approximately 16' to allow an existing residential garage, located 7317 East 22nd Place.

Presentation:

The applicant, **Duane Suchy**, 6102 South Sheridan, Tulsa, Oklahoma, stated that he is representing the seller in a real estate transaction and the relief is requested to clear the title to the subject property. He informed that the house was constructed approximately 30 years ago. A plat of survey (Exhibit G-1) was submitted.

Protestants:

Walter Otney, 2175 South 74th East Avenue, Tulsa, Oklahoma, stated that he has lived in the area and asked that expansion not be permitted closer to the street than the Code allows.

Ms. White clarified that the owner is not proposing expansion, but is merely attempting to clear the title in order that the property can be sold.

Mr. Otney withdrew his protest.

Case No. 15480 (continued)

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bolzie, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle "absent") to **APPROVE** a **Minor Variance** of the required yard on East 22nd Place from 20' to approximately 16' to allow an existing residential garage; per plat of survey submitted; finding that the existing house was constructed many years ago and the relief requested is to clear the title for resale; on the following described property:

Lot 11, Block 4, Michael Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15481

Action Requested:

Variance of the height restriction for ground mounted signs from 25' to 30' within the building setback line of a Planned Unit Development - **Section 1103.B.2.b.(4) - PLANNED UNIT DEVELOPMENT - Use Unit 21**, located 91st Street and Memorial Drive.

Presentation:

The applicant, **W. O. Wozencraft**, requested by letter (Exhibit H-1) that Case No. 15481 be withdrawn.

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 **WITHDRAW** Case No. 15481, as requested by the applicant.

Case No. 15482

Action Requested:

Special Exception to permit a church in an IL zoned district - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS - Use Unit 5**, located 3520 West 48th Street South.

Presentation:

The applicant, **Diana Kitchen**, 116 West K Place, Jenks, Oklahoma, stated that the land in question is vacant and the buyer is proposing to construct a church on the property. She informed that the final plans for the church have not been completed for Board review.

Raymond Jarvis, Mounds, Oklahoma, stated that he is representing the church and plans will not be drawn for the building until the property has been purchased. He informed that the building will contain approximately 6000 sq ft of floor space.

Case No. 15482 (continued)

Comments and Questions:

Ms. White informed that the Board will require a site plan review before construction begins, and Mr. Jarvis replied that the church will submit plans before applying for a building permit.

Mr. Jackere advised that the Board can make the determination as to whether or not church use is compatible with the surrounding area, and require that the applicant return with a site plan for Board review prior to construction.

Mr. Jones stated that, if inclined to approve the application, Staff will give notice to surrounding property owners and the plans will be in the INCOG office for review.

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 Special Exception to permit a church in an IL zoned district - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 5; subject to detail site plans being submitted for Board review prior to the issuance of a building permit; and subject to Staff mailing notice of the hearing to surrounding property owners after plans are submitted; finding that the use is compatible with the surrounding area; on the following described property:

Tract No. 4, Carbondale Third Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15483

Action Requested:

Appeal of the decision of the City Zoning Officer in determining that data storage and shredding of corporate documents constitutes a Use Unit 23 - **Section 1606. INTERPRETATION** - Use Unit 17 or 23.

Special Exception to permit data storage and shredding of corporate documents in a CS District - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 1125 East 36th Street North.

Presentation:

The applicant, **Roger Hornsby**, 222 East First Street, Tulsa, Oklahoma, stated that he operates a Cooperate Records Management business, which does filming, storage and inventory control of records. He explained that once the records reach their respective statute of limitations they are removed from the inventory and shredded. He asked the Board to approve the records management business at this location.

Comments and Questions:

Mr. Jackere asked the applicant if he is operating a records management business at this time, and Mr. Hornsby answered in the affirmative.

Case No. 15483 (continued)

In response to Mr. Jackere, the applicant stated that the records may be delivered or picked up by vans, pickups or trucks, depending upon the size of the account. He informed that there will be daily activity at the site, as his customers have access to their records at all times.

Mr. Bolzle asked what type of vehicle would remove the large bales of shredded documents, and the applicant replied that the building is equipped with a loading dock, and the bales would be loaded on semitrailers at this location. He informed that in the future he proposes to have a semi on the premises at all times, and the bales will be placed in the truck daily.

Mr. Jackere stated that Mr. Gardner of the INCOG Staff has previously conferred with him regarding this issue, and whether or not the proposed use would be similar to a mini-storage (Use Unit 17), or a warehouse operation (Use Unit 23). He pointed out that the Board must make this determination.

After discussion, it was the consensus of the Board that the storage and shredding business, as described, is a more intense use than those under Use Unit 17.

Mr. Hornsby stated that, at this time, he will not have more than one semitrailer leaving the business every three weeks, and asked that the storage be approved if the shredding would be a problem.

Mr. Jackere stated rezoning of the property could be considered.

Ms. Hubbard stated that, if the Board reverses her decision, they would be conveying the message to her that future uses of this nature should be considered to be Use Unit 17.

Mr. Bolzle stated that he does not want to set that precedent, as there are numerous CS Districts that could not support a use of this intensity.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle "absent") to **UPHOLD** the **Decision** of the City Zoning Officer in determining that data storage and shredding of corporate documents constitutes a Use Unit 23 - **Section 1606. INTERPRETATION**; and to **DENY** a **Special Exception** to permit data storage and shredding of corporate documents in a CS District - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; finding that the use is more intense than those in the surrounding area; and the granting of the request would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 2, Block 1, Market Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15484

Action Requested:

Special Exception to permit a heating and air conditioning service as a home occupation in an RS-3 zoned district - **Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Units 6 and 15, located 1725 South 145th East Avenue.

Presentation:

The applicant, **Marvin Ashmore**, 2205 South 107th East Avenue, Tulsa, Oklahoma, who submitted a plat of survey (Exhibit J-1) and photographs (Exhibit J-2), stated that he is representing the recent buyers of the subject property. He asked that his client be allowed to operate a heating and air-conditioning business on the premises. Mr. Ashmore informed that one employee drives a business vehicle and work is dispatched to him; however, he does pick up parts at this location. He stated that an office for the business is set up in the barn and parts are also stored in the building.

Comments and Questions:

Mr. Fuller inquired as to the prior use of the property, and the applicant informed that the property was used for training race horses.

Mr. Jones pointed out the Home Occupation Guidelines state that employees, other than family members, are not allowed to participate in a home occupation.

Mr. Ashmore remarked that the structure housing the business is barely visible from the street.

Mr. Jones advised that the Board must determine if the proposed use is appropriate for the area and can comply with the Home Occupation Guidelines.

Mr. Jackere stated that the nature of some businesses will prevent them from meeting the Guidelines. He informed that the City receives numerous complaints concerning similar operations which have employees that meet at a City residence in the morning to pick up their trucks and supplies.

David Luper, 1725 South 145th East Avenue, Tulsa, Oklahoma, stated that he operates a service business, and when equipment is sold it is ordered directly from the distributor. He stated that parts are stored on the service truck, however, some small parts are stored in the barn.

Ms. White asked Mr. Luper if he is living on the property at this time, and he answered in the affirmative. He informed that the house and the barn have different addresses, since the barn is just south of the house.

Case No. 15484 (continued)

In response to Ms. White, Mr. Luper stated that he is before the Board today because he was told before he purchased the property that he could operate his business at this location.

Mr. Ashmore explained that he had listed the property for sale, and when another agent showed the home to a prospective buyer, the owner's mother indicated that the property had a commercial zoning classification.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bolzie, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle "absent") to **DENY** a **Special Exception** to permit a heating and air conditioning service as a home occupation in an RS-3 zoned district - **Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS - Use Units 6 and 15**; finding the heating and air-conditioning use to be too intense for the residential area; and finding that the business has an employee, and failed to comply with the Home Occupation Guidelines; on the following described property:

S/2, N/2, S/2, NW/4, SW/4, Section 10, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15486

Action Requested:

Variances of the lot width, lot area, land area per dwelling unit, livability space per dwelling unit, front yard, rear yard and side yard requirements for construction of two single-family dwellings - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6**, located 30th Place between Trenton and Troost.

Presentation:

The applicant, **Roy D. Johnsen**, 324 Main Mall, Tulsa, Oklahoma, stated that two dwelling units were proposed for the property in question; however, he requested withdrawal of the request for two dwellings, as only one dwelling will be constructed. He asked that the application be continued to August 2, 1990 to allow further investigation of the case.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bolzie, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle "absent") to **WITHDRAW** the variance request for two dwelling units, and **CONTINUE** the remainder of the application to allow the applicant sufficient time to research which variances relating to bulk and area requirements are needed.

Case No. 15492

Action Requested:

Approval of amended site plan as shown by the As-Built Survey dated 4/25/90, including a variance of the side yard requirements in the RM-1 and RM-2 Districts from 10' to 9' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 8, located SE/c 31st Street South and Riverside Drive.

Variance of the number of required off-street parking spaces from 364 to 356 spaces - **Section 403.C. Internal Space Requirements** Exclusive of Street and Required Open Space - Use Unit 8.

Presentation:

The applicant, **Charles E. Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma, stated that he represented the developer of the Sundance Apartments in 1976, when a site plan was approved by the Board on the basis of combining the density between two zoning districts. He informed that the property is being sold and refinanced; however, the As-Built Survey (Exhibit K-1) discloses two discrepancies between the original approved plan and the project as it exists at this time. Mr. Norman explained that there are eight fewer parking spaces than required on the 1976 plan, and one corner of the second building from the southeast corner projects into the setback. In regard to the parking spaces, Mr. Norman pointed out that a security gate and fire access lane seems to have deleted the eight spaces required by the Board in 1976.

Protestants:

Theda Lauderback, 3132 South Boston Court, Tulsa, Oklahoma, stated that the privacy fence to the west and south of her property, which is to be maintained by Sundance Apartments, is in a deplorable condition. She asked if the new owners will be responsible for maintaining the fence.

Mr. Norman informed that the apartment complex is responsible for the upkeep of the fence, and a number of renovations are proposed. He stated that Ms. Lauderback's concerns will be conveyed to the new owner, as it is their obligation to maintain the screening fence.

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** an amended site plan as shown by the As-Built Survey dated July 10, 1990, including a variance of the side yard setback requirement (second building from the SE/c) in the RM-1 and RM-2 Districts from 10' to 9' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 8; and to **APPROVE** a **Variance** of the number of required off-street parking spaces from 364 to 356 spaces - **Section 403.C. Internal Space Requirements** Exclusive of Street and Required Open Space - Use Unit 8; per As-Built Survey submitted; on the following described property:

Case No. 15492 (continued)

All of the lands included in the vacated plats of River Acres and Riverdale, a resubdivision of part of Block 2, River Acres, subdivisions of a part of Lot 1 and a part of the NW/4 of the NW/4 of the NE/4 Section 24, T-19-N, R-12-E of the IBM in the City and County of Tulsa, Oklahoma according to the U.S. Government Survey thereof and according to the recorded plats of said River Acres and Riverdale, exclusive of the street dedications provided therein for South Riverside Drive and East 31st Street South; and a part of an unplatted tract lying adjacent thereto in the E/2 of the NW/4 of the NW/4 of the NE/4 of said Section 24, all of which being more particularly described by metes and bounds as follows:

Commencing at the NE/c of said NW/4 of the NW/4 of the NE/4 of Section 24; thence due west along the north section line of said Section 24 a distance of 247.50' to a point; thence south $0^{\circ}09'37''$ west a distance of 40.00' to the POB, said POB being the point of intersection of the southerly right-of-way line of East 31st Street South and the east boundary line of said vacated plat of River Acres, thence due west along the said southerly right-of-way line of East 31st Street South a distance of 478.15' to a point on the easterly right-of-way line of South Riverside Drive, said point also being the northwest corner of Block 1 of said vacated plat of River Acres; thence south $12^{\circ}37'00''$ east along said easterly right-of-way line of South Riverside Drive a distance of 288.29' to a point of curve; thence continuing along said easterly right-of-way line of South Riverside Drive, along the curve to the right having a radius of 1519.39' and a central angle of $8^{\circ}55'59''$ a distance of 236.89' to a point of tangency; thence continuing along said easterly right-of-way line of South Riverside, south $3^{\circ}41'00''$ east a distance of 104.61' to a point on the south line of said NW/4 NW/4 NE/4 of Section 24, said point also being the southwest corner of Block 1 of said vacated plat of Riverdale; thence south $89^{\circ}54'28''$ east along the said south line of the NW/4 NW/4 NE/4 of Section 24 a distance of 373.17' to a point, said point being the southeast corner of Block 1 of said vacated plat of Riverdale; thence continuing south $89^{\circ}54'28''$ east along the said south line of the NW/4 of the NW/4 of the NE/4 of Section 24 a distance of 246.76' to the southeast corner thereof; thence north $0^{\circ}16'26''$ east along the east line of said NW/4 NW/4 NE/4 Section 24 a distance of 89.98' to a point; thence north $89^{\circ}52'40''$ west 75.00' to a point; thence north $22^{\circ}39'07''$ west a distance of 60.68' to a point; thence north $89^{\circ}57'09''$ west a distance of 12.03' to a point; thence north $26^{\circ}42'52''$ west a distance of 82.98' to a point; thence north $89^{\circ}56'52''$ west a distance of 98.78' to a point on the east boundary line of said vacated River Acres; thence north $0^{\circ}09'37''$ east along said east boundary line a distance of 400.66' to the POB, City of Tulsa, Tulsa County, Oklahoma.

UNFINISHED BUSINESS

Case No. 15481

Action Requested:

Refund of filing fees in the amount of \$150.00.

Comments and Questions:

Mr. Jones stated that, due to TMAPC action, Mr. Wozencraft is no longer in need of the relief requested. He suggested that filing fees in the amount of \$150.00 be refunded to the applicant.

There being no further business, the meeting was adjourned at 3:24 p.m.

Date Approved August 2, 1990

Shary White
Chairman