

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 572
Thursday, October 4, 1990, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, October 3, 1990, at 8:35 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 FULLER, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to APPROVE the Minutes of September 20, 1990.

UNFINISHED BUSINESS

Case No. 15541

Action Requested:

Special exception to permit a church parking lot - **SECTION 401 - PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 10.

Variance of the requirement that off-street parking spaces be located on the lot containing the principal use - **SECTION 1301.D. GENERAL REQUIREMENTS - OFF-STREET PARKING AND OFF-STREET LOADING** - Use Unit 10.

Variance to permit off-street parking closer than 50' to the centerline of abutting street - **SECTION 1302. SETBACKS** - Use Unit 5, located 3323 South Jamestown.

Presentation:

The applicant, **Greg Guerrero**, 3355 South Jamestown, Tulsa, Oklahoma, submitted a plot plan (Exhibit A-1), and informed that the church in question is continuing to grow and additional parking is proposed. He stated that the parking lot is full and many members are forced to park along the street.

Case No. 15541 (continued)

Comments and Questions:

In response to Ms. White, Mr. Guerrero stated that the church is not opposed to the execution of a tie contract between the two properties, and there will be no additional curb cuts.

Mr. Bolzie Inquired about screening along the north property line, and the applicant stated that screening is in place on the north and east boundaries of the property.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **APPROVE** a Special Exception to permit a church parking lot - SECTION 401 - PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 10; to **APPROVE** a Variance of the requirement that off-street parking spaces be located on the lot containing the principal use - SECTION 1301.D. GENERAL REQUIREMENTS - OFF-STREET PARKING AND OFF-STREET LOADING - Use Unit 10; and to **APPROVE** a Variance to permit off-street parking closer than 50' to the centerline of abutting street - SECTION 1302. SETBACKS - Use Unit 5; per plot plan submitted; subject to the execution of a tie contract; finding that the parking lot adjoins an existing lot and will not require additional curb cuts; on the following described property:

Richfield Addition Resubdivision of Lots 21, 22 and 28, Albert Pike Addition, Lot 6, Block 2, or Lot 6, Block 2, Richfield Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 15542

Action Requested:

Special exception to permit a mobile home - SECTION 401. PRINCIPAL USES IN RESIDENTIAL DISTRICTS - Use Unit 9.

Variance of the one year time limit to permanent - SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS - Use Unit 9, located north of NE/c of West 37th Place South and South Maybelle.

Presentation:

The applicant, Jean McClary, was not present.

Comments and Questions:

Mr. Jones informed that this is the second consecutive meeting the applicant has failed to attend. He stated that, if the Board is inclined to continue the application, Staff will attempt to contact the applicant by certified letter concerning the need for her attendance.

Case No. 15542 (continued)

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **CONTINUE** Case No. 15542 to October 18, 1990, to allow Staff sufficient time to contact the applicant.

Case No. 15545

Action Requested:

An appeal from the decision of the Building Inspector in regard to the 187 required parking spaces - **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 12.

A variance of the required number of parking spaces for 187 to 42 - **SECTION 1212.D OFF-STREET PARKING AND LOADING REQUIREMENTS** - Use Unit 12.

A variance to permit the required off-street parking spaces to be located on a lot other than the lot containing the principal use - **SECTION 1301.D - GENERAL REQUIREMENTS** - Use Unit 12, located 3601 East Admiral Place.

Presentation:

The applicant, **Gabriele**, 3601 East Admiral Place, Tulsa, Oklahoma, was represented by her building contractor, who stated that the doors from the bar to the remainder of the ground floor will be blocked off, and the remaining portion of the floor will be reserved for retail sales. He informed that the second floor of the building will be used for storage purposes (Use Unit 23).

Comments and Questions:

In response to Board comments, Ms. Hubbard clarified that the applicant is willing to limit the upstairs portion of the building to Use Unit 23 storage.

Gabriele stated that the storage portion of the building will be used for her business storage.

Mr. Gardner stated that the applicant informed him that half of the first floor will be used for a bar and the other half for retail purposes, with the upstairs portion being used for Use Unit 23, Storage Not Elsewhere Classified. He informed that this arrangement would require approximately 60 paved parking spaces, which she is willing to supply, along with the execution of a tie contract. Mr. Gardner stated that, if the Building Inspector is in agreement with the revised plot plan, the applicant would then withdraw the appeal from the decision of the Building Inspector and the variance of the number of parking spaces. He pointed out that a variance to permit parking on a lot other than the lot containing the principal use would be needed to meet Code requirements.

Case No. 15545 (continued)

Ms. White asked the applicant if she is amenable to obtaining a tie contract which would tie the two lots together and prevent the sale of one without the other, and she answered in the affirmative.

Ms. White clarified for those in the audience that the applicant is proposing to withdraw the first two variances.

Protestants:

Connie Schilling, 3523 East Admiral Court, Tulsa, Oklahoma, stated that she is president of the Sequoyah Homeowners Association, and is concerned that Gabriele has disregarded the law in the past, and even though the second floor is to be used for storage, it may have other uses.

Mr. Bolzie suggested that the neighborhood notify the City of any Imposed Board of Adjustment conditions that are violated.

Ken Holloway, 1517 North Louisville, Tulsa, Oklahoma, stated that he does not believe Gabriele owns all property under application.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **WITHDRAW** a request for an appeal from the decision of the Building Inspector in regard to the 187 required parking spaces - **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 12; and **WITHDRAW** a Variance of the required number of parking spaces for 187 to 42 - **SECTION 1212.D OFF-STREET PARKING AND LOADING REQUIREMENTS** - Use Unit 12; and to **APPROVE** a Variance to permit the required off-street parking spaces to be located on a lot other than the lot containing the principal use - **SECTION 1301.D - GENERAL REQUIREMENTS** - Use Unit 12; per revised site plan submitted; subject to the execution of a tie contract; subject to all doors to the remainder of the lower floor of the building being sealed (per Building Inspector's requirements); subject to the portion of the building not included in the a bar being used for retail uses only; and subject to the upstairs portion of the building being used for Use Unit 23 storage only; on the following described property:

South 40' Lot 10, all of Lots 11 and 12, Block 1, Sequoyah Hills Addition, and south 14' of Lot 8 and all of Lots 9 and 10, Block 1, Lamb Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15554

Action Requested:

Special Exception to permit a day care center - SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5, located 3709 North Hartford.

Comments and Questions:

Mr. Jones informed that both the first and second legal descriptions submitted by the applicant, Karmen Palmer, were in error; however, the correct legal has now been advertised and the case can be heard on October 18, 1990.

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to CONTINUE Case No. 15554 to October 18, 1990.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15559

Action Requested:

Minor Variance of the required front setback measured from the property line from 50' to 49.3' to permit existing buildings and clear title to the property - SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS - Use Unit 25, located 5409-5425 South 101st East Avenue.

Presentation:

The applicant, Daniel R. Adams, 6130-A South Maplewood, Tulsa, Oklahoma, submitted a site plan (Exhibit C-2), and informed that there are several existing buildings on the property and, due to the irregular shape of the tract, the south buildings encroach into the required setback from 2" to approximately 1'. He stated that this action was initiated to clear the title to the property. A Stormwater Case review (Exhibit C-1) was submitted.

Protestants: None.

Board Action:

On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to APPROVE a Minor Variance of the required front setback measured from the property line from 50' to 49.3' to permit existing buildings and clear title to the property - SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS - Use Unit 25; per plot plan submitted; finding a hardship imposed by the irregular shape of the tract, due to the curvature of the Mingo Creek Channel along the east boundary; on the following described property:

Lots 1 and 2, Block 7, Tulsa Southeast Industrial Districts, Blocks 5A, 6, 7 and 8, City of Tulsa, Tulsa County, Oklahoma.

10.04.90:572(5)

Case No. 15571

Action Requested:

Minor Variance of the front yard requirement from 35' to 30.3' to permit the existing dwelling and clear title to the property - **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 6207 South Indianapolis Place.

Presentation:

The applicant, **Randy Dittman**, 616 South Main, Suite 302, Tulsa, Oklahoma, was not present, and the case was passed to the end of the meeting.

NEW APPLICATIONS

Case No. 15550

Action Requested:

Special Exception to permit Christmas tree sales on a permanent, but seasonal basis - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, located NE/c 27th Street and Memorial Drive.

Presentation:

The applicant, **Jim Schaefer**, 36252 South Kropf Road, Woodburn, Oregon, was represented by **Greg Doer**, 823 East 7th Street, Stillwater, Oklahoma. He informed that the Christmas tree lot was in operation at this location last year, and will be a 150' by 150' fenced lot with lights. He stated that the days and hours of operation will be November 16, 1990 through December 26, 1990, 9:00 a.m. to 9:00 p.m., and requested permanent approval for the business. A location map (Exhibit D-1) was submitted.

Comments and Questions:

Mr. Jones advised that typically the Board has not given permanent approval for this type of seasonal business, as the area could change over the years and the use might not continue to be compatible with the surrounding development.

Interested Parties:

Terry Wilson, 7728 East 30th Street, Tulsa, Oklahoma, stated that he is planning team chairman for District 5, and that some Christmas tree lots have been a problem to the area in the past. He pointed out that numerous other articles have been sold on some of the properties, and requested that the Board limit the sales operation to Christmas trees only, with a time limit of one year, if the application is approved.

Mr. Bolzie asked Mr. Wilson if there has been a previous problem with this particular operation, and he replied that he has no problem with this applicant; however, there were numerous sales lots along Memorial during the Christmas season.

Case No. 15550 (continued)

Applicant's Rebuttal:

Mr. Doer stated that the business in question sells Christmas trees, tree stands and wreaths, and would not object to the sales being limited to the three items.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **APPROVE** a **Special Exception** to permit Christmas tree sales on the south 150' of the west 150' of the subject tract - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2; per location map submitted: subject to days and hours of operation being from November 16, 1990 to December 26, 1990, 9:00 a.m. to 9:00 p.m.; subject to all sales being limited to Christmas trees, Christmas tree stands and wreaths; finding that the temporary use will not be detrimental to the area; on the following described property:

South 150' of the West 150', Lot 1, Block 1, TriCenter Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15558

Action Requested:

Variance of the required setback from abutting R zoned districts from 75' to 5' to permit construction of new buildings - **SECTION 903 BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25, located 543 South Victor.

Presentation:

The applicant, **Holmes Architectural Services, Inc.**, 543 South Victor, Tulsa, Oklahoma, was represented by **Steve Brown**, owner of the building. He informed that the all offices are in the existing building, and the new construction will be used for warehouse purposes only. Mr. Brown stated that an alley is located to the east of the property, and the request is to construct the building to within 5' of the alley. A plot plan (Exhibit E-2) and a Stormwater Case Review (Exhibit E-1) were submitted.

Comments and Questions:

Mr. Bolzie asked the applicant to explain the need for the building to be 5' from the alley, and he stated that another warehouse is proposed for the future. He pointed out that the existing building was constructed in 1921 and landscaping will be installed; therefore, it is preferable to have the warehouses toward the back to improve the appearance of the property.

Mr. Jones informed that the property is under application for rezoning from RM-1 to IM. He pointed out that, although the property to the north and east is zoned RM-1, it has developed predominately single-family, and Staff feels that these areas should be protected.

Case No. 15558 (continued)

Mr. Gardner stated that industrial parks are planned to allow 75' setbacks; however, in this instance individual lots have been converted to industrial uses over the years. He noted that industrial use on the west side of Victor extends one lot further north than the subject property, and Staff would not recommend approval of industrial uses beyond that point.

In regard to screening, Mr. Gardner advised that screening would be required on the alley; however, the fencing requirement is sometimes waived if the building wall is a solid wall with no windows and would actually serve as a screen.

Ms. White inquired as to the building height, and the applicant stated that the proposed building will have a 16' eaves line, as will the future construction.

Board Action:

On **MOTION** of FULLER, the Board voted 4-0-0 (Boizle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **APPROVE** a Variance of the required setback from abutting R zoned districts from 75' to 5' to permit construction of new buildings - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25; per plan submitted; subject to the approval of industrial zoning for the property; subject to a maximum eaves height of the side wall being a maximum of 16'; and subject to the proposed building and any future construction being used for warehousing and offices only, with no entrance to the alley; finding that the use will not be detrimental to the residential area as there are no doors, windows or access points to the alley on the east side of the building; on the following described property:

Lots 27 - 34 Inclusive, Block 8, Abdo's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15560

Action Requested:

Variance of the number of permitted ground signs on a lot with 267' of frontage from 2 to 3 - **SECTION 1221.C.9 General Use Conditions for Business Signs** - Use Unit 21, located 10032 South Sheridan.

Presentation:

The applicant, **Claude Neon Federal**, was represented by **Larry Wald**, 533 South Rockford, Tulsa, Oklahoma, who requested that Mazzio's restaurant be allowed a third sign on Sheridan at the above stated location. He informed that another tenant, **Movietime Video**, has renegotiated their lease and utilized all of the street frontage for signage on Sheridan. Mr. Wald stated that his client has moved their call-in service to the interior of the shopping center. A sign plan (Exhibit F-1) and photographs (Exhibit F-2) were submitted.

Case No. 15560 (continued)

Comments and Questions:

Ms. White asked the number of tenants in the shopping center, and Mr. Wald replied that there are approximately eight tenants.

Mr. Fuller inquired as to the existing Movietime sign, and he replied that there is 32 sq ft of display surface on the 20' tall sign.

Mr. Jackere asked if every tenant has a free-standing pole sign, and the applicant replied that each tenant does not have a pole sign, but that the tenants are listed on a sign by the main driveway. Mr. Jackere stated that each tenant could request a sign if the Mazzio's sign is approved.

Mr. Gardner asked how many free-standing signs are on 101st Street, and the applicant stated that there is one sign on that street, but the sign inspector has indicated that a sign for the business would not be permitted on 101st Street. Mr. Gardner stated that the property may be entitled to four free-standing signs, based on the total amount of frontage on Sheridan and 101st Street.

Ms. White inquired as to the hardship for this case, and Mr. Wald stated that the front of the interior location is turned away from the street and has no street exposure.

Rex Hall, 8935 South 67th East Avenue, Tulsa, Oklahoma, stated that at the time the lease was renegotiated the landlord assured Mazzio's that they would be allowed to have a pole sign; however, after the move they found out that the sign would not be permitted.

Mr. Bolzle asked if a pole sign on 101st Street would not provide the needed results, and Mr. Hall replied that he is not familiar with the placement of the sign and cannot properly answer that question.

Mr. Jackere advised that the number of signs is calculated based on the total arterial frontage, but if the frontage is on two arterial streets the Code does not designate the location of the signs on the property. He pointed out that there are spacing requirements for the signs.

After a brief discussion with the applicant, Mr. Jackere suggested that the case be continued to October 18, 1990, to allow the Mr. Wald to determine what relief is needed.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to CONTINUE Case No. 15560 to October 18, 1990.

Case No. 15561

Action Requested:

Special Exception to permit a church and related uses in an RS-3 District - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located SE/c East 7th Street South and South 108th East Avenue.

Presentation:

The applicant, **Fred Catlett**, 606 North 28th West Avenue, Tulsa, Oklahoma, was represented by **Gary Wentz**, 144 North College, Tulsa, Oklahoma. He explained that the proposed location is centrally located and a desirable location for the construction of a church facility (Exhibit G-1).

Protestants:

Jack Arnold, 10618 East 7th Street, Tulsa, Oklahoma, submitted a petition of opposition (Exhibit G-3) to the proposed church location. He informed that the neighborhood objects to the church because 7th Street is narrow, heavily traveled and is a dead end street. Mr. Arnold further noted that the church and parking lot would further aggravate the water run-off problem in this area. A letter from the Department of Transportation (Exhibit G-2) and photographs (Exhibit G-4) were submitted.

Gene Bachelor, 10722 East 7th Street, Tulsa, Oklahoma, submitted a copy of a letter to Stormwater Management (Exhibit G-2), and pointed out that the construction of the church at this location would add to an existing water run-off problem in the area. He stated that he lives next door to the subject property, and requested that the application be denied.

Mildred Whiten, 10883 1/2 East 11th Street, Tulsa, Oklahoma, informed that she lives to the rear of the property in question, and due to the fact that she has had approximately 4' of floodwater in her house, requested that the application be denied.

Roger Eckhart, 10510 East 7th Street, Tulsa, Oklahoma, stated that his home has been flooded in the past and asked the Board to deny the application.

Terry Wilson, 7728 East 30th Street, Tulsa, Oklahoma, District 5 planning team member, stated that he attended a meeting of the property owners in the area, and they are not opposed to a church in the neighborhood, but are concerned with the flooding problem. He further noted that the construction of the church will have a severe impact on the traffic at the intersection of 7th Street and Garnett.

Applicant's Rebuttal:

The applicant stated that the church would not want to build on the property if there are neighborhood objections. He pointed out that Stormwater Management had informed him that they could support the use, per conditions.

Case No. 15561 (continued)

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Boizie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **DENY** a **Special Exception** to permit a church and related uses in an RS-3 District - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; finding that the street is narrow, and the church property lies within the 100 year floodplain and that additional construction would be detrimental to the neighborhood, adding to the traffic problems and existing water runoff problem in the area; on the following described property:

All of Lot 21, Block 2, and a portion of Lot 20, Block 2, being more particularly described as beginning at the southeast corner of said Lot 20; thence northerly along the easterly line thereof a distance of 100'; thence south-westerly a distance of 137.99' to a point on the southerly line of said Lot 20; thence easterly along the southerly line of said Lot 20 a distance of 95' to the POB, East 11 Park Subdivision to the City of Tulsa, County of Tulsa, State of Oklahoma, and being located in an RS-3 zoned district.

Case No. 15562

Action Requested:

Variance of the front yard requirement, measured from the centerline of East 26th Place, from 50' to 43.5' to permit a metal carport - **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 6781 East 26th Place.

Presentation:

The applicant, **Stan Draayer**, 6781 East 26th Place, Tulsa, Oklahoma, stated that his request to allow an existing carport to remain at its present location was denied. He explained that he is requesting permission to remove 4' of the side portion of the carport, which will cause the structure to align with the side wall of his garage. A plat of survey (Exhibit H-2) and a letter of support (Exhibit H-1) from the neighbors to the west were submitted.

Interested Parties:

Charles Morse, 6775 East 26th Place, Tulsa, Oklahoma, stated that he objected to the original application because the carport encroached into the west setback area, which was very near his home. He informed that he does not object to the present application.

Terry Wilson, 7728 East 30th Street, Tulsa, Oklahoma, planning team chairman for District 5, stated that the Board has recently denied a similar application in the area, and that carport has been removed. He commented that Standard Builders constructed both carports, and did not secure proper permits for their erection. Mr. Wilson requested that the construction companies that operate in this manner be required to have a license, or that fines be imposed for this type of construction without proper permits.

Case No. 15562 (continued)

Ms. White stated that the Board has no jurisdiction in these matters.

Mr. Jackere advised that the Code does not require that a contractor have a license to build any type of structure, and this Board does not have the authority to deal with this subject. Mr. Jackere further noted that a license to build would not guarantee that the structure would be built in accordance with Code requirements. He informed that there is an existing ordinance that allows a building contractor to be fined up to \$500 per day for violations that persist.

Mr. Bolzle assured Mr. Wilson that this problem will be investigated, and the Board will determine if there are ways they can assist in improving this situation.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-1-0 (Bolzle, Fuller, White, "aye"; Chappelle, "nay"; no "abstentions"; Bradley, "absent") to **DENY** a **Varlance** of the front yard requirement, measured from the centerline of East 26th Place, from 50' to 43.5' to permit a metal carport - **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the applicant failed to present a hardship that would warrant the granting of the variance request; on the following described property:

Lot 4, Block 5, Amended Plat Block 58, Boman Acres Third Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15563

Action Requested:

Special Exception to permit Use Unit 17 uses in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located north of the NE/c of 71st Street and Peoria Avenue.

Presentation:

The applicant, **Tom Wenrick**, was represented by **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma, who submitted a plot plan (Exhibit J-1), perspective drawings (Exhibit J-2) and a layout (Exhibit J-3) for the project. He informed that a service road serves three tracts, with the northernmost tract being the proposed site, and Luby's Cafeteria being located on the middle tract. He added that the remaining tract was previously approved for a Goodyear Tire Center. Mr. Johnsen informed that the service road to the property is a private drive and has been surfaced and curbed, with access to Peoria and 71st Street via the private drive. Photographs (Exhibit J-4) were submitted.

Case No. 15563 (continued)

Comments and Questions:

Ms. White inquired as to the use, and Mr. Johnsen stated that the application is for Use Unit 17, Automotive and Allied Activities. He informed that a valet auto wash, lube and detailing service is proposed.

Mr. Gardner pointed out that this type of car wash is very different from the typical car wash which is open 24 hours a day and often unattended, and the Board must determine if the proposal will be in keeping with the character of the area.

In response to Mr. Gardner, Mr. Johnsen stated that the hours of operation will be during the daylight hours.

Mr. Fuller asked if there will be gas pumps installed outside the facility, and Mr. Johnsen answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of FULLER, the Board voted 4-0-0 (Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **APPROVE** a Special Exception to permit a valet auto wash, lube and detailing service, Use Unit 17, in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; subject to the car wash being located inside the building; and subject to the business being operated as described (valet) during daylight hours only; finding that there are similar auto related uses in the area, and the proposed operation will be compatible with the surrounding businesses; on the following described property:

Part of Lot 2, Block 1, Riverbridge Center, an addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the Recorded Plat thereof, more particularly described as follows, to-wit: Beginning at a point, said point being the most northerly northeast corner of said Lot 2; thence due south for 185.73'; thence south 64°26'50" west for 210.49'; thence north 19°22'11" west for 30.43'; thence due north for 193.93'; thence due east for 0.00' to a point of curve; thence northeasterly along a curve to the left with a central angle of 81°14'02" and a radius of 62.00; for 87.90'; thence north 89°26'50" east for 138.72' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15564

Action Requested:

Special Exception to permit Use Unit 15 (upholstery shop) and Use Unit 17 (auto repair/auto refinishing) uses in a CS District - SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Units 15 and 17.

Varlance to allow open air storage and display of merchandise within 300' of an R zoned district - SECTION 1217. AUTOMOTIVE AND ALLIED ACTIVITIES - Use Unit 17, located 718 South Lewis.

Presentation:

The applicant, J. W. Smith, was represented by Eric Bolusky, 1839 East 63rd Street, Tulsa, Oklahoma, who submitted photographs (Exhibit K-2), stated that there has been some citizen concern with the auto repair business. He pointed out that the former operator of the business was not a good neighbor and the surrounding property owners were opposed to the business. Mr. Bolusky stated that the present operator lives in the house behind the garage and would not want to harm the neighborhood. He informed that the business will be operated in conjunction with a used car lot that is located at 650 South Lewis, and walk-in customers will not come to the shop. Mr. Bolusky stated that vehicles will not be kept on the subject property, and all repair work will be completed inside the building. He pointed out that there are similar businesses operating in the area.

Comments and Questions:

Mr. Fuller asked why a plot plan was not submitted, and the applicant stated that he was not aware that a plan was required.

Mr. Jackere asked if there will be outside storage of vehicles at any time, and Mr. Bolusky stated that there will be no outside storage after dark. He informed that employees will park outside the building and cars that are being moved in and out of the shop could be parked outside.

In response to Mr. Bolzie, the applicant stated that he is not in need of the variance request.

Protestants:

James Barnes, 2252 East 7th Street, Tulsa, Oklahoma, stated that automobiles are parked in front of the building and displayed with "for sale" signs during the day, and then moved to a fenced lot at night. He pointed out that the automobiles are painted during the evening hours and paint fumes are blown out into the neighborhood.

John Smith, 802 South Lewis, Tulsa, Oklahoma, informed that cars with chipped paint are sanded and spot painted, and in response to Mr. Jackere, stated that an entire vehicle is sometimes painted. He informed that this is not done on a regular basis.

Case No. 15564 (continued)

Mr. Jackere inquired as to the nature of the auto repair business, and Mr. Smith replied that he repairs water pumps, air conditioners, etc., but does not repair motors or transmissions. He stated that he also does minor body repair, but does not rebuild wrecked cars.

Allen Stewart, 2244 East 7th Street, Tulsa, Oklahoma, submitted photographs (Exhibit K-1) and stated that the present occupant of the property was present during the previous business operations at this location, and may have worked there.

Steve Keener, 2239 East 8th Street, Tulsa, Oklahoma, stated that he has lived at this address for approximately eight years, and Mr. Smith has often stored inoperable automobiles in his back yard and had several cars in the front. He informed that the owner of the property was aware of the fact that Mr. Smith repaired cars and should have refused to rent the building for that purpose, as the Board had previously denied that use. A letter of opposition (Exhibit K-4) was submitted.

Tracy Fields, 2244 East 8th Street, Tulsa, Oklahoma, a property owner in the area, stated that Mr. Smith has cleaned up the property at this time, but has not complied with the Code in the past.

Bruce Gord, 2244 East 8th Street, Tulsa, Oklahoma, stated that the applicant runs a body shop and does a lot of painting on the premises.

A packet (Exhibit K-5) and a petition (Exhibit K-3) were submitted.

Interested Parties:

George Smith, 802 South Lewis, Tulsa, Oklahoma, a property owner in the area, stated that he has found the present business operator to be a good neighbor, and feels he is being judged by the previous owners that did not operate in good faith.

David Carpenter, 2260 East 8th Street, Tulsa, Oklahoma, stated that he works across the street at Hanks Restaurant and is supportive of the application.

Applicant's Rebuttal:

Mr. Bolusky stated that the building is designed for a garage, and this is a good use of the building. He pointed out that the present owner should not be judged on the actions of previous occupants of the building.

Additional Comments:

Mr. Bolzie asked Mr. Bolusky if the residence will be used for automotive purposes, and he replied that it could be removed and used for a parking area.

Ms. White pointed out that the building covers the major portion of the property, and there is no parking for a garage type use.

Case No. 15564 (continued)

Mr. Bolzie asked Ms. White if she could support the application if the automobiles were stored inside the building, and she replied that she is not supportive of the garage use.

In response to Mr. Fuller, Mr. Gardner replied that automobile painting can only be done in industrial zoned areas.

Mr. Chappelle pointed out that the comments today are no different than those comments heard when the application was denied in June, and the use was found to be incompatible with the neighborhood at that time.

Board Action:

On MOTION of CHAPPELLE, the Board voted 3-1-0 (Bolzie, Chappelle, White, "aye"; Fuller, "nay"; no "abstentions"; Bradley, "absent") to **DENY** a Special Exception to permit Use Unit 15 (upholstery shop) and Use Unit 17 (auto repair/auto refinishing) uses in a CS District - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Units 15 and 17; and **DENY** a Variance to allow open air storage and display of merchandise within 300' of an R zoned district - **SECTION 1217. AUTOMOTIVE AND ALLIED ACTIVITIES** - Use Unit 17; finding that the proposed use is not compatible with the surrounding neighborhood, and the granting of the requests would violate the spirit and intent of the Code and the Comprehensive Plan: on the following described property:

Lots 29 and 30, Block 6, Hillcrest Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15565

Action Requested:

Special Exception to permit Use Unit 17, sales of automobiles only, in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 5033 North Peoria.

Presentation:

The applicant, Dewey Rinehardt, 13717 East 66th Street, Tulsa, Oklahoma, stated that he has recently relocated his used car sales business and requested permission continue to operate at the new location.

Comments and Questions:

Mr. Gardner asked how much of the building will be utilized for office space, and he replied that the office is approximately 10' by 15'. He informed that he operates the business alone and will have a maximum of six cars. Mr. Rinehardt stated that the office is in a vacant theater and the cars will be parked in the parking lot.

Mr. Chappelle inquired as to the maximum amount of cars that have been on the lot at one time, and he replied that he has never had more than six cars on his lot.

Case No. 15565 (continued)

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-1-0 (Bolzie, Chappelle, White, "aye"; Fuller, "nay"; no "abstentions"; Bradley, "absent") to **APPROVE** a **Special Exception** to permit Use Unit 17, sales of automobiles only, in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; subject to a maximum of 10 cars; and subject to the theater remaining closed to the public; finding that the use is compatible with the surrounding area, and in harmony with the spirit and intent of the Code; on the following described property:

All of Northridge Center Addition Amended, a resubdivision of Lots 1, 2 and 3, and the west 395' of Lot 4, Block 1, Northridge Center Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15566

Action Requested:

Special Exception to permit a night club in an Industrial District - **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 12.

Variance of the required number of parking spaces from 42 to 0 - **SECTION 1212.D. Off-Street Parking and Loading Requirements** - Use Unit 12, located 113 South Elwood.

Presentation:

The applicant, **Deborah Wayland**, was represented by **Robert Wayland**, Route 1, Box 470, Teriton, Oklahoma, who stated that he has acquired a license for his club, and has access to 47 parking spaces on an adjoining lot.

Comments and Questions:

Mr. Bolzie inquired as to the parking agreement, and he replied that his patrons will pay the required fee to park on the lot.

In response to Mr. Bolzie, the applicant stated that the beer club will occupy 3200 sq ft of floor space.

Mr. Fuller asked Mr. Wayland to state the hours of operation, and he replied that the club will be open from 8:00 p.m. to 2:00 a.m., Thursday, Friday and Saturday.

Case No. 15566 (continued)

Protestants:

Pat Ryan, 3516 West 51st Street, Tulsa, Oklahoma, represented the National Association of Letter Carriers, and stated that the association owns the office building located at 124 South Denver, along with parking lots to the front and rear of the building. He stated that the establishment of this type of business would add to the existing problem of clearing debris left on the parking lots after business hours. Mr. Ryan further noted that the business has the potential of increasing theft and vandalism in the area, and asked the Board to deny the application.

Alvin Lough, who represented Gelico Uniforms and Shoes, 202 South Denver, Tulsa, Oklahoma, stated that he is in agreement with the presentation made by Mr. Ryan. He added that the bar would pose a safety problem, as there are groups of transients and drunks that gather behind buildings and in the alleys after dark.

James Stowe, Route 9, Box 431, Claremore, Oklahoma, stated that he owns the building at 202 South Denver, and asked the Board to deny the application.

James Urs, 103 South Elwood, Tulsa, Oklahoma, stated that his business, Acme Wheel Alignment, is to the north and has a large parking lot, which would be a very convenient area for the club patrons. He informed that he received a negative report concerning his liability insurance if the business is allowed at the proposed location.

Additional Comments:

Mr. Bolzle informed that he has site checked the proposed location, and is convinced that it is an inappropriate use for the area.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **DENY** a **Special Exception** to permit a night club in an Industrial District - **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 12; and to **DENY** a **Variance** of the required number of parking spaces from 42 to 0 - **SECTION 1212.D. Off-Street Parking and Loading Requirements** - Use Unit 12; finding that the intended use is not compatible with the surrounding area, and that the granting of the requests would violate the spirit and intent of the Code; on the following described property:

West 45' of Lot 5, and west 45' of the south 50' of Lot 6, Block 93, Original Townsite of Tulsa, Tulsa County, Oklahoma.

Case No. 15567

Action Requested:

Special Exception to permit a mobile home as a dwelling -
SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT -
Use Unit 9.

Varience to waive the hard surface, all-weather requirements for
parking and driveways - **SECTION 1303. DESIGN STANDARDS FOR**
OFF-STREET PARKING AREAS - Use Unit 9, located 9316 Mohawk
Boulevard.

Presentation:

The applicant, Eldon Ford, 5522 North 97th East Avenue, Tulsa,
Oklahoma, requested permission to install a mobile home at the above
stated location.

Comments and Questions:

In response to Mr. Bolzle's inquiry concerning the waiver of the
hard surface requirement, Mr. Gardner stated that the area is
sparsely developed and few of the driveways and parking areas are
paved.

Ms. Hubbard advised that the mobile home is located in the AG
portion of the tract.

Ms. White asked the applicant if he has read the letter from
Stormwater Management (Exhibit L-1) regarding the subject property,
and he answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle,
Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley,
"absent") to **APPROVE** a Special Exception to permit a mobile home as
a dwelling - **SECTION 301. PRINCIPAL USES PERMITTED IN THE**
AGRICULTURE DISTRICT - Use Unit 9; and **APPROVE** a **Varience** to waive
the hard surface, all-weather requirements for parking and driveways
- **SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS -**
Use Unit 9; subject to Stormwater Management and Health Department
approval; finding that the mobile home is located on the AG portion
of the tract, and there are numerous gravel driveways in the area;
on the following described property:

W/2, SW/4, NE/4, NE/4 and S/2, NW/4, NE/4, less north 10' of
east 1570' and less the north 50' of the west 75', Section 12,
T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15568

Action Requested:

Variance of the required rear yard from 25' to 3' and a variance of the required side yard from 10' to 6" to permit an existing detached carport - SECTION 402.B.1.a. Accessory Use Conditions, and SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6, located 5903 South Marlon Place.

Presentation:

The applicant, **Gordon L. Patton**, 5903 South Marlon Place, Tulsa, Oklahoma, submitted letters of support (Exhibit M-1) and photographs (Exhibit M-2). He informed that the residence was built in 1961 and a carport has been constructed without a Building Permit. Mr. Patton stated that he relied on his contractor to check out the Code requirements, and he did not apply for the permit.

Comments and Questions:

In response to Mr. Bolzle, the applicant stated that the carport is 9' from the rear property line.

Mr. Jackere asked Mr. Patton if the carport is attached to the house, and he replied that it is detached.

Ms. Hubbard informed that the carport is classified as an attached carport, as it is connected to the house.

Mr. Patton stated that he has never had a garage, and pointed out that all lots in the area are irregular in shape, making construction very difficult without encroaching into the setback.

Protestants:

Geraldine Sanger, 5814 South New Haven, Tulsa, Oklahoma, stated that she lives behind the structure in question, and is concerned with water runoff toward her property. She pointed out that a tool shed constructed on the property line also diverts water in the direction of her lot.

Interested Parties:

Mary Server stated that she lives to the west of the applicant, and is supportive of the application.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **APPROVE** a Variance of the required rear yard from 25' to 3' and a variance of the required side yard from 10' to 6" to permit an existing detached carport - SECTION 402.B.1.a. Accessory Use Conditions, and SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6; per plan submitted; finding a hardship imposed on the applicant by the curvature of the street and the irregular shape of the lot; on the following described property:

Lot 13, Block 5, Rustic Hills Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15569

Action Requested:

Variance of the front setback requirement for parking from 85' to 50' - **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 5, and **SECTION 1205.C.1.b. Use Conditions** - Use Unit 5.

Variance of the setback requirement for parking in an R District from 50' to 30' - **SECTION 1302. SETBACKS** - Use Unit 5, located 5590 South Lewis.

Comments and Questions:

Mr. Bolzle informed that he will abstain from hearing Case No. 15569.

Presentation:

The applicant, **Ed Bates**, 4502 East 75th Street, Tulsa, Oklahoma, submitted a site plan (Exhibit N-1), and stated that he is representing Southern Hills Baptist Church. He informed that the project is surrounded on most of three sides by a shopping center and office use. Mr. Bates informed that parking for the church is 28' from the curb, while London Square has parking extending to within 8' of the curb. He stated that parking on the side street is 30' from the curb, and is consistent with the existing buildings.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-1 (Chappelle, Fuller, White, "aye"; no "nays"; Bolzle, "abstaining"; Bradley, "absent") to **APPROVE** a **Variance** of the front setback requirement for parking from 85' to 50' - **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 5, and **SECTION 1205.C.1.b. Use Conditions** - Use Unit 5; and to **APPROVE** a **Variance** of the setback requirement for parking in an R District from 50' to 30' - **SECTION 1302. SETBACKS** - Use Unit 5; per plot plan submitted; finding that the setbacks for the church parking lots are consistent with the existing parking lots in the area; on the following described property:

East 608' of the north 358' of the NE/4, NE/4, SE/4, Section 31, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

The meeting was adjourned at 4:23 p.m.

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Bolzie, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Fuller, Bradley, "absent") to reopen the meeting to consider Case No. 15571, as the applicant is now present.

Case No. 15571

Action Requested:

Minor Variance of the required front yard from 35' to 30.3' to permit an existing dwelling - **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6.

Presentation:

The applicant, **Randy Dittman**, 616 South Main, Tulsa, Oklahoma, submitted a plat of survey (Exhibit X-1), and stated that this request is to clear the title for an existing dwelling.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Bolzie, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, Bradley, "absent") to **APPROVE** a **Minor Variance** of the required front yard from 35' to 30.3' to permit an existing dwelling - **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per survey submitted; finding that the Irregular shape of the lot creates an unnecessary hardship, and the existing encroachment has not had a detrimental affect on the surrounding neighborhood; and finding that the application has been filed to clear the title for an existing dwelling; on the following described property:

Lot 9, Block 1, Country Club South Addition, City of Tulsa, Tulsa County, Oklahoma.

There being no further business the meeting was adjourned at 4:30 p.m.

Date Approved Nov. 1, 1990


Chairman