

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 579
Tuesday, January 22, 1991, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bolzle Bradley Chappelle White, Chairman	Fuller	Gardner 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 Friday, January 18, 1991, at 1:28 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** the Minutes of January 8, 1991.

UNFINISHED BUSINESS

Case No. 15607

Action Requested:

Variance to reduce the lot area requirement from 9000 sq ft to 8500 sq ft, and a variance to reduce the rear yard from 25' to 20' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6.** Both variances to permit Lot Split No. L-17328, located SW/c East 26th Place South and South Boston Avenue.

Presentation:

The applicant, **Ted Sack**, 110 South Hartford, Suite 131, Tulsa, Oklahoma, informed that his client is continuing to meet with the neighborhood concerning the development of the property in question. He stated that an architect has been employed to revise the plans and attempt to make the proposed dwellings more in keeping with the expectations of the area residents. He requested that the application be continued for two weeks.

Comments and Questions:

Mr. Bolzle asked if the case can be heard at the next scheduled Board of Adjustment hearing, and Mr. Sack replied that his client has assured him that all negotiations will be completed by that time.

Case No. 15607 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **CONTINUE** Case No. 15607 to February 12, 1991, as requested by the applicant.

Case No. 15627

Action Requested:

Variance of the required livability space per dwelling unit from 4000 sq ft to approximately 3600 sq ft to permit construction of a new dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1207 East 29th Street.

Presentation:

The applicant, **Michael Dankbar**, 8704 South Indianapolis, Tulsa, Oklahoma, submitted a plot plan (Exhibit A-1), and stated that the two adjacent lots were previously used for one dwelling, which has been removed from the property. He noted that the irregular shaped lots were platted many years ago and are smaller than current Zoning Code requirements, which makes construction very difficult without some type of relief from this Board. Mr. Dankbar stated that the lot in question is 400 sq ft smaller, as relates to livability space, than the current Code requirement. He pointed out that the dwelling has been designed to comply with all setback requirements but, due to the narrowness of the rear portion of the lot, a variance of the livability space is needed. Mr. Dankbar stated that the house will contain approximately 2500 sq ft of floor area, with approximately 500 sq ft of bedroom space on the upper level. He remarked that the dwelling could be moved forward to the required setback, thereby eliminating some driveway paving, and comply with the Code; however, it would not align with the existing dwellings along the street.

Protestants:

Pat Pemberton, 1220 East 29th Street, Tulsa, Oklahoma, pointed out that grading is already taking place on the lots. She stated that the proposed dwellings are too large for the lots and will detract from the appearance of the neighborhood. Ms. Pemberton noted that there is a drainage problem in the area that could be worsened by the proposed construction. She stated that the applicant has failed to demonstrate a hardship for the variance request.

Ms. Hubbard informed that Stormwater Management has obviously issued an Earth Change Permit if grading has begun on the property.

Ms. White noted that a hardship is something unique or unusual about the property that prohibits normal use. She pointed out that, in this instance, the shape of the lot could constitute a hardship.

Comments and Questions:

Mr. Gardner asked Ms. Pemberton if she would be supportive of the application if the floor space on the ground floor was reduced 400 sq ft, and she answered in the affirmative. Mr. Gardner pointed out that the applicant can move the house 5' closer to the street by right, and Ms. Pemberton stated that the house would then block the view of motorists, due to the curvature of the street.

Ms. Hubbard informed that the applicant has in his possession a building permit which will allow construction of the house at the 25' required front setback. She pointed out that, if the applicant does not gain approval of the variance request, he can move the house forward, narrow the driveway and construct a dwelling at this location without relief from this Board.

Mr. Bolzie noted that a 1200 sq ft reduction of livability space was previously granted on another property in the area.

Tom Davis, owner of the property next door to the lot in question, stated that the applicant is proposing to construct two oversized dwellings on two undersized lots, and requested that the variance be denied.

Louise Davis, 1213 East 29th Street, Tulsa, Oklahoma, stated that the existing houses in the area are set back 35' and the proposed dwelling will already be 5' closer to the street than the others. She pointed out that the construction of the large house on the small lot will have a negative impact on the neighborhood.

Barbara Lackey, Maple Ridge Homeowners Association, stated that the association is concerned with the preservation of the historic value of the neighborhood and the quality of life in the area. She requested that the proposed dwellings be in keeping with the existing homes.

Applicant's Rebuttal:

Mr. Dankbar stated that he is detail oriented and is concerned about the appearance of the proposed houses. He pointed out that most of the lots in the area are smaller than the one in question, and have a 50' frontage. Mr. Dankbar informed that he is proposing to move the house back 30' to avoid the removal of trees in the front.

Additional Comments:

Ms. White and Ms. Bradley agreed that, although they are sensitive to the needs of the neighborhood, a variance of the livability space would have less visual impact on the neighborhood than moving the house forward to the 25' required setback.

Mr. Gardner stated that numerous homes in older areas do not comply with the current livability space requirement.

Case No. 15627 (continued)

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** of the required livability space per dwelling unit from 4000 sq ft to approximately 3600 sq ft to permit construction of a new dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding a hardship imposed on the applicant by the irregular shape of the lot and the curvature of the street; finding that there are other dwellings in the older area that do not conform to the current livability space requirement; and finding that the granting of the variance request will not be detrimental to the neighborhood, or violate the spirit, purposes and intent of the Code; on the following described property:

Lot 18, Block 20, Sunset Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15628

Action Requested:

Variance of the required livability space per dwelling unit from 4000 sq ft to approximately 2900 sq ft to permit construction of a new dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1203 East 29th Street.

Presentation:

The applicant, **Michael Dankbar**, 8704 South Indianapolis, Tulsa, Oklahoma, submitted a plot plan (Exhibit B-1), and stated that he is proposing to construct houses on two adjacent lots which were previously used for one dwelling. He informed that the dwelling has been removed from the property. Mr. Dankbar stated that the lot in question is the smaller of the two. The applicant pointed out that the irregular shaped lots were platted many years ago and are smaller than current Zoning Code requirements, which makes construction very difficult without some type of relief from this Board. Mr. Dankbar stated that the lot in question is smaller than the current Code requirement. He pointed out that the dwelling has been designed to comply with all setback requirements but, due to the narrowness of the rear portion of the lot, a variance of the livability space is needed. Mr. Dankbar stated that the house will contain approximately 2600 sq ft of floor area.

Comments and Questions:

Ms. Bradley asked if the house will comply with the livability space requirement if it is moved forward to the current 25' setback, and the applicant stated that the house cannot meet that requirement. He pointed out that, due to the placement of the house to the west, the proposed construction would not be near that dwelling.

Case No. 15628 (continued)

Barbara Lackey, Maple Ridge Homeowners Association, stated that the association is concerned with the preservation of the historic value of the neighborhood and the quality of life in the area. She requested that the proposed dwellings be in keeping with the existing homes.

Ms. Bradley stated that she is not supportive of the large house on the small lot.

In response to Mr. Bolzie, the applicant stated that the house has 2150 sq ft of living space on the ground level, with a total of 2665 sq ft, and further noted that there are other homes in the area that are similar in size. He submitted a plan (Exhibit B-2) depicting the placement of the two proposed dwellings.

Mr. Gardner asked the applicant if he would be opposed to moving the house forward to the 25' building setback, which would increase the livability space by shortening the driveway.

Mr. Dankbar stated that a house constructed at the 25' setback would not align with the existing homes in the neighborhood. He informed that the lot in question has the same frontage as the adjacent lot, which was previously approved.

Mr. Bolzie stated that the rear portion of the lot is very narrow, which constitutes a hardship.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-1-0 (Bolzie, Chappelle, White, "aye"; Bradley, "nay"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** of the required livability space per dwelling unit from 4000 sq ft to approximately 2900 sq ft to permit construction of a new dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per site plan submitted; finding a hardship imposed on the applicant by the irregular shape of the lot and the curvature of the street; finding that there are other dwellings in the older area that do not conform to the current livability space requirement; and finding that the granting of the variance request will not be detrimental to the neighborhood, or violate the spirit, purposes and intent of the Code; on the following described property:

Lot 17, Block 20, Sunset Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15633

Action Requested:

Special Exception to permit an auto salvage business in an IM Zoned district - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 27, located 1520 East Pine.

Presentation:

The applicant, **Jimmy Beard**, 5601 South 257th East Avenue, Tulsa, Oklahoma, stated that he has recently purchased an existing junk yard, and requested permission to operate an auto salvage yard at this location. He explained that his father has owned an auto salvage business next door to the subject property for many years, and he has purchased the junk yard with the intent of cleaning up the site. He stated that the junk yard operation has always been detrimental to the area. A copy of the Stormwater Case Review (Exhibit C-1) was submitted.

Comments and Questions:

Ms. Bradley asked Mr. Beard if the newly acquired property will be merged with his father's salvage operation, and he replied that the two businesses will be separate.

In regard to Ms. Bradley's question concerning ingress and egress, the applicant stated that the gate on Oklahoma Street, at Rockford Avenue, will remain, but no others will be installed for the business.

Mr. Beard asked what portion of the property will require screening, and Mr. Gardner advised that screening will be required on the east and south property lines adjacent to the residentially zoned area.

Mr. Beard stated that some of the neighbors are opposed to a screening fence, and Ms. White stated that she feels a screening fence should be installed between the salvage and the residences.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** to permit an auto salvage business in an IM zoned district - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 27; subject to a solid screening fence being installed along the south and east property lines abutting residentially zoned districts; subject to the gate on Oklahoma Street at Rockford Avenue remaining, with no additional gates being installed; and subject to Stormwater Management approval; finding that the use is compatible with surrounding businesses, and the granting of the request will not be detrimental to the area; on the following described property:

Lots 1, 2, 9, 10, 11, 12, 13, 14, 15 and 16, Block 2, and all of Blocks 3 and 4, less the 50' buffer adjacent to the RM-1 District, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15634

Action Requested:

Special Exception to permit the expansion of a church use (presently 3834 sq ft) in an IL zoned district - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 5, located 10838 East Marshall Street.

Presentation:

The applicant, **Wayne Albery**, 4325 East 51st Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1), and stated that church use was originally approved in 1987 for Willie George Ministries. He explained that they have experienced growth and are proposing to expand into other portions of the building; however, the sanctuary size will not be increased.

Comments and Questions:

Mr. Bolzle asked if the additional space is used in conjunction with the regular church services, and Mr. Albery answered in the affirmative. He explained that the business portion of the operation is conducted along with other businesses in the center, but previous Board action has limited the church services to Sunday and Wednesday.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** to permit the expansion of a church use (presently 3834 sq ft) in an IL zoned district - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 5; per plot plan; subject to church uses being limited to Sunday worship services, with all other services being held after 5:00 p.m.; finding that the church has been meeting at this location for several years, and has proved to be compatible with the area; on the following described property:

Lot 1, Block 2, Interchange Business Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15635

Action Requested:

Variance to increase the display surface area for a wall sign from 3 sq ft per lineal foot of building wall to 3.66 sq ft (from 90 sq ft to 109.8 sq ft) to permit a lighted fascia band - **Section 1221.D.2. - CS District Use Conditions for Business Signs** - Use Unit 21, located 9606 East 71st Street South.

Presentation:

The applicant, **Terry Howard**, submitted a sign plan (Exhibit E-2) for a lighted fascia band on a business, Star Lube, at the above stated location. He informed that the same type of sign will be installed at all other business locations throughout the United States.

Case No. 15635 (continued)

Comments and Questions:

Mr. Gardner pointed out that the current Sign Code is in the process of being revised. He stated that, if the proposed sign standards are approved by the City Council, as approved by the TMAPC, this type of sign will be permitted by right.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** to increase the display surface area for a wall sign from 3 sq ft per lineal foot of building wall to 3.66 sq ft (from 90 sq ft to 109.8 sq ft) to permit a lighted fascia band - **Section 1221.D.2. - CS District Use Conditions for Business Signs - Use Unit 21; per sign plan submitted; finding that the sign in question is being used for Star Lube businesses nationwide; and finding that the current Sign Code is under revision, and the sign in question will be allowed by right if the proposed regulations are adopted; on the following described property:**

West 200' of east 250' of south 200' of north 260' of E/2, E/2, NE/4, NE/4, Section 12, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15636

Action Requested:

Variance to increase the display surface area for a wall sign from 3 sq ft per lineal foot of building wall to 3.66 sq ft (from 90 sq ft to 109 sq ft) to permit a lighted fascia band - **Section 1221.D.2. - CS District Use Conditions for Business Signs - Use Unit 21, located 12909 East 21st Street South.**

Presentation:

The applicant, **Terry Howard**, submitted a sign plan (Exhibit E-2) for a lighted fascia band on a business, Star Lube, at the above stated location. He informed that the same type of sign will be installed at all other business locations throughout the United States.

Comments and Questions:

Mr. Gardner pointed out that the current Sign Code is in the process of being revised. He noted that, if the proposed sign standards are adopted by the City Council, as approved by the TMAPC, this type of sign will be permitted by right.

Protestants: None.

Case No. 15636 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** to increase the display surface area for a wall sign from 3 sq ft per lineal foot of building wall to 3.66 sq ft (from 90 sq ft to 109.8 sq ft) to permit a lighted fascia band - **Section 1221.D.2. - CS District Use Conditions for Business Signs** - Use Unit 21; per sign plan submitted; finding that the sign in question is being used for Star Lube businesses nationwide; finding that the current Sign Code is under revision, and the sign in question will be allowed by right if the proposed regulations are adopted; on the following described property:

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

Case No. 15637

Action Requested:

Special Exception to permit Use Unit 17 (mobile home sales use) in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17.

Special Exception to waive the screening requirements along the property line abutting an R District - **Section 1217.C.1. - AUTOMOTIVE AND ALLIED ACTIVITIES** - Use Unit 17.

Variance to allow open air storage or display of merchandise offered for sale within 300' of an adjoining R District - **Section 1217.C.2. - AUTOMOTIVE AND ALLIED ACTIVITIES** - Use Unit 17, located 700 North Mingo Road.

Presentation:

The applicant, **Chuck Meyer**, 700 North Mingo Road, Tulsa, Oklahoma, explained that an office for the existing mobile home park is currently located on the subject property; however, in order to fill their mobile home park to the west, a mobile home sales operation is proposed at this location. He pointed out that the mobile units will be sold to those individuals that plan to move into the mobile home park.

Comments and Questions:

Ms. White asked the applicant if he is requesting that the screening fence between the office and the mobile home park be waived, and Mr. Meyer asked that the existing chain link fence remain in place between the two properties.

Ms. Bradley inquired as to the hours of operation for the business, and the applicant stated that the office will be open from 9:00 a.m. until dark.

Case No. 15637 (continued)

Mr. Gardner pointed out that the mobile home park and mobile home sales are compatible uses, and a waiver of the screening requirement might be appropriate in this case; however, the use could change and screening might be necessary.

Mr. Jackere advised that, if approved for mobile home sales, the screening requirement should be waived only as long as the property is used for mobile home sales.

In response to Ms. Bradley's question, **Jack Page**, Stormwater Management, stated that any improvement to the property is considered development, and a permit is required. He informed that, although the property is in a flood hazard area, the mobile homes are on wheels and further elevation is not required.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** to permit Use Unit 17 (mobile home sales use) in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; to **APPROVE** a **Special Exception** to waive the screening requirements along the property line abutting an R District - **Section 1217.C.1. - AUTOMOTIVE AND ALLIED ACTIVITIES** - Use Unit 17; and to **APPROVE** a **Variance** to allow open air storage or display of merchandise offered for sale within 300' of an adjoining R District - **Section 1217.C.2. - AUTOMOTIVE AND ALLIED ACTIVITIES** - Use Unit 17; subject to the property being used for mobile home office and sales only; subject to screening requirements being waived on the west boundary line only if the property is used for mobile homes sales; subject to days and hours of operation being Monday through Saturday, 9:00 a.m. to 9:00 p.m., and Sunday, 12 noon to 9:00 p.m.; and subject to Stormwater Management approval; finding the use to be compatible with those in the surrounding area; on the following described property:

A tract in the SE/4, Section 36, T-20-N, R-13-E, Beginning at a point 1175' north of the southeast corner of the SE/4; thence north 500', west 200', south 500', east 200' to POB, City and County of Tulsa, Oklahoma.

Case No. 15638

Action Requested:

Special Exception to permit a private social and dining club - **Section 1608. SPECIAL EXCEPTION, and Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, located 1414 South Galveston.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma, stated that he is representing Mr. and Mrs. Fletcher McCusker and other founding members of the proposed Mansion Club. He explained that the property is subject to a historic open space and facade easement, and the use of the property as a private club requires approval of a special exception from the Board of Adjustment, approval of the Historical Society and the City of Tulsa. Mr. Norman stated that the Oklahoma Historical Society previously advised that they would approve the change of use; however, a letter received today from that organization stated that the parking indicated on the site plan (Exhibit G-3) is unacceptable. He requested that the case be continued to the February 12th meeting to allow sufficient time for further review of the parking arrangement. Letters from the Oklahoma Historical Society (Exhibit G-2) and the Tulsa Preservation Commission (Exhibit G-1) were submitted.

Comments and Questions:

Ms. Bradley asked if City approval is required, and Mr. Norman stated that City approval is required, and that both the City and State requests were filed at the same time.

Protestants:

Norma Turnbo, 1822 South Cheyenne, Tulsa, Oklahoma, stated that she is chairman of the Tulsa Preservation Commission and District 7 Planning Team, and asked the Board to deny the application, as the parking issue does not change the fact that the proposed use will be detrimental to the neighborhood. She further noted that she is not in agreement with the architect for the Historical Society in making the determination that a private club is similar to office use.

Comments and Questions:

Mr. Chappelle pointed out that the Historical Society is supportive of the use, but is opposed to the parking arrangement.

Ms. White remarked that the State customarily yields to any City decision in regard to traffic problems that could be caused by the use.

In regard to the continuance, Mr. Chappelle informed that it has been the Board's policy to grant one continuance to either the applicant or the protestant, if requested.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **CONTINUE** Case No. 15638 to February 12, 1991, as requested by the applicant.

Case No. 15639

Action Requested:

Special Exception to permit hospital use in an OL zoned district -
Section 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS - Use
Unit 5, located SE/c 68th Street South and South Canton Avenue.

Presentation:

The applicant, **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma, submitted photographs (Exhibit H-1) and explained that St. Francis Hospital purchased the property in question for the specific purpose of storing hospital records. He stated that the one story office building will not be altered. Mr. Johnsen noted that the District 18 Plan denotes the property as being located in Special District 2, but the linear development area along 71st Street overlaps that special district. He informed that Staff has suggested that a PUD be filed, which would be the case if land use was intensified; however, in this case, the underlying zoning will not be changed, no new buildings are proposed and a governmental agency will review the application. Mr. Johnsen stated that the planned objectives will be fully met by this Board's review, and a PUD on this tract would serve no particular purpose. The applicant pointed out that numerous buildings in the area are used for medical related purposes, and the building in question has a computer and telephone connection to St. Francis Hospital. In regard to traffic generated by the use, Mr. Johnsen stated that the hospital van will visit the building twice daily and, in an emergency situation, a member of the hospital staff could visit the site to retrieve records. He added that once a month a truck moves a pallet of records to the facility for storage. Mr. Johnsen informed that of building will also be used by Medishare Incorporated, which provides services to patients that have left the hospital, but are still in need of health care items. He explained that oxygen tanks, wheelchairs, respiratory devices and other medical items will be stored in 25% of the building. Mr. Johnsen stated that the present tenants will vacate the premises within the next year.

Comments and Questions:

Ms. Bradley inquired as to the amount of traffic generated by Medishare, and Mr. Johnsen stated that five technicians will be operating from this location, which will create less traffic than a typical doctor's office.

In response to Mr. Bolzie, the applicant stated that he does not consider the facility to be a warehouse, as this is merely a storage of records presently kept in the hospital. He pointed out that the use is similar to an abstract company or other such companies that store information and are located in OL Districts.

Mr. Bolzie asked if a sprinkler system will be installed in the building, and Mr. Johnsen answered in the affirmative.

Mr. Gardner pointed out that the use would be allowed by right if the property was contiguous with the other hospital property and not separated by a street.

Case No. 15639 (continued)

Mr. Jackere stated that the Board must determine if the proposed use will negatively impact the neighborhood.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Boizie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** to permit hospital use in an OL zoned district - **Section 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 5; subject to 75% of the building being used as a record storage facility for St. Francis Hospital, and 25% for distribution of medical equipment; finding the use to be compatible with the neighborhood, as there are numerous medical facilities in the area; on the following described property:

The north 275' of Lot 2, Block 3, Burning Hills Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15641

Action Requested:

Variance of the required rear yard from 25' to 6' to permit the construction of an addition to the residence and demolishing the existing detached garage and building a new attached garage on approximately the same location - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6.

Special exception to permit the enlargement and alteration of a nonconforming dwelling structure - **Section 1405. STRUCTURAL NONCONFORMITIES** - Use Unit 6, located 2145 East 23rd Street.

Presentation:

The applicant, **Architectural Resources**, 7318 South Yale, Tulsa, Oklahoma, was represented by **Jack Arnold**, who submitted a plot plan (Exhibit K-1), and stated that his client is proposing to expand an existing dwelling. He explained that the existing garage will be replaced, and the new addition will conform to the current setback requirements on both Zuni Avenue and 23rd Street. He informed that the proposed construction was designed to save the large trees on the lot. A plat of survey (Exhibit K-2) was submitted.

Comments and Questions:

Ms. Bradley asked the applicant to state the hardship for the variance, and Mr. Arnold replied that he considers the irregular shaped lot, with several large trees, to be the hardship for the request.

Ms. White asked if the construction will extend further to the north than the existing garage, and Mr. Arnold stated that it will not be closer to the north property line.

Case No. 15641 (continued)

Mr. Bolzle asked if the addition could be attached to the existing garage by right, and Ms. Hubbard informed that the attachment of the principal building to the existing garage would require a variance of Zoning Code setbacks.

Mr. Gardner advised that the Code permits a detached garage in the rear yard within 3' of the property line. He pointed out that the applicant could build the house 2' from the existing garage; however, if it is attached to the garage, a 25' setback is required.

The applicant noted that the proposed construction will be an asset to the neighborhood, as approximately 1800 sq ft of floor space will be added to the house.

Protestants:

Monty Thames, 2140 East 22nd Place, Tulsa, Oklahoma, stated that his dwelling is located to the north of the lot in question, and is concerned how the proposed construction will affect his property.

Ms. White provided Mr. Thames with a plot plan depicting the proposed construction, and pointed out that the new garage will not extend closer to the north property line than the existing garage.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** of the required rear yard from 25' to 6' to permit the construction of an addition to the residence and demolishing the existing detached garage and building a new attached garage on approximately the same location - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; and to **APPROVE** a **Special Exception** to permit the enlargement and alteration of a nonconforming dwelling structure - **Section 1405. STRUCTURAL NONCONFORMITIES** - Use Unit 6; per plot plan submitted; finding a hardship imposed on the applicant by the irregular shape of the tract, and numerous large trees on the lot; finding that the new construction will not be closer to the north property line than the existing structure; and finding that the granting of the requests will not be detrimental to neighborhood or violate the spirit, purposes or Intent of the Code; on the following described property:

The East 1/2 of Lot 20, and all of Lot 21, Block 7, Brentwood Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15642

Action Requested:

Special Exception to permit a state approved day care center -
Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -
Use Unit 5, located 4322 North Johnstown Avenue.

Presentation:

The applicant, **Samuel Cephas**, 4322 North Johnstown, Tulsa, Oklahoma, was represented by **Jeffery Bell**, who requested permission for his client to operate a day care center at the above stated address. He pointed out that the neighborhood is desperately in need of additional day care facilities.

Comments and Questions:

In response to Ms. White's inquiry concerning the maximum number of children and the days and hours of operation, Mr. Bell stated that the center will be open from 7:00 a.m to 7:00 p.m., with a maximum enrollment of 15 children. He informed that the business could expand to accommodate as many as 24 children.

Ms. Bradley stated that she is opposed to the location of a day care center in the interior of the neighborhood, with no parking and no drop off area for the children. She informed that she has viewed the property and found an existing parking problem, with numerous cars parked along the street.

Mr. Jones remarked that the current Code requires a child care facility to provide one parking space per 1000 sq ft of floor area; however, the preliminary findings during a recent parking study determined that Tulsa requires approximately one-half as many parking spaces as other cities in the United States. He stated that a recommendation will be made to increase the parking requirement.

Ms. White stated that, although she is aware of the demand for neighborhood day care facilities, she is concerned with the interior location of the proposed center.

Mr. Bolzle pointed out that parking for staff will not be provided and a safe drop-off location is not available on the lot.

Protestants:

Ms. White informed that one letter of protest (Exhibit L-1) was received from a resident in the neighborhood.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **DENY** a Special Exception to permit a state approved day care center - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -** Use Unit 5; finding the use to be detrimental to the residential neighborhood, as sufficient on-site staff parking is not available, a safe drop-off area is not provided and the day care business would generate additional traffic on the narrow, congested residential street; on the following described property:

Case No. 15642 (continued)

Lot 18, Block 3, Suburban Acres Amended Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15643

Action Requested:

Variance of the minimum setback abutting an arterial street designated on the Major Street Plan from 50' to 30', as measured from the centerline of East 11th Street, to permit off-street parking spaces - **Section 215. STRUCTURE SETBACK FROM ABUTTING STREETS.**

Variance of the minimum setback for off-street parking within 50' of an R District from 50' to 30' - **Section 1302.B. OFF-STREET PARKING SETBACKS.**

Variance to allow required off-street parking to be located on a lot not containing the principal use - **Section 1301.D. OFF-STREET PARKING, GENERAL REQUIREMENTS** - Use Unit 12, located 3102 East 11th Street.

Presentation:

The applicant, **G. Oney Associates**, was represented by **Joe McCormick**, 111 East 1st Street, Tulsa, Oklahoma, who submitted a site plan (Exhibit M-1) for the proposed construction of a new Taco Bell restaurant. He explained that the applicant, Mr. Oney, is the engineer for this project, which includes the construction of a new Taco Bell and the demolition of the existing structure after its completion. He informed that a 50' setback is required on 11th Street and the restaurant will be 30' from the centerline of the street. Mr. McCormick stated that an additional lot has been acquired, and the parking and restaurant will now be located on four lots. He pointed out that a tie contract has been recommended by Staff but, since the property is leased, requested that the Board grant the variance, subject to the property being used for restaurant and parking use only (per plot plan).

Comments and Questions:

Mr. Jackere stated that, if inclined to approve the application, the Board should condition an approval on the four lots being leased together to provide adequate parking for the restaurant.

In response to Ms. Bradley, Mr. McCormick stated that an existing fence on the south boundary line will be replaced by a new screening fence.

Ms. Bradley inquired as to the location of the drive-in window, and Mr. McCormick stated that one entrance to the property will be located on Florence, with the drive-in window being located on the south end of the building.

Mr. McCormick informed that **Fran Pace**, District 4 chairman, has viewed the plot plan and has no objection to the proposal.

In response to Ms. Bradley, Mr. McCormick stated that the speaker for the drive-in window is located close to the building, and will not cause a noise problem for the abutting residential property.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** of the minimum setback abutting an arterial street designated on the Major Street Plan from 50' to 30', as measured from the centerline of East 11th Street, to permit off-street parking spaces - **Section 215. STRUCTURE SETBACK FROM ABUTTING STREETS**; to **APPROVE** a **Variance** of the minimum setback for off-street parking within 50' of an R District from 50' to 30' - **Section 1302.B. OFF-STREET PARKING SETBACKS**; and to **APPROVE** a **Variance** to allow required off-street parking to be located on a lot not containing the principal use - **Section 1301.D. OFF-STREET PARKING, GENERAL REQUIREMENTS** - Use Unit 12; per plot plan and use submitted; finding that the new restaurant will replace an existing structure, which will be demolished upon completion of the new building; on the following described property:

Lots 1, 2, 23 and 24, Block 2, Pilcher Summit Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15645

Action Requested:

Special Exception to permit a Use Unit 15, fabrication, assembly and servicing of telecommunications equipment - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS**, and **Section 704. SPECIAL EXCEPTION USES IN COMMERCIAL DISTRICTS, REQUIREMENTS** - Use Unit 15, located 8421 East 61st Street South.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma, who submitted a location map (Exhibit N-1) and photographs (Exhibit N-2), explained that he is representing Xeta Corporation, which designs and assembles components for computerized telephone switching equipment. He noted that these items are manufactured by

Case No. 15645 (continued)

other businesses and are only assembled at this location. Mr. Norman stated that the company has leased approximately 21,000 sq ft in the Eton Square Shopping Center for their corporate headquarters, engineering offices, accounting offices and assembly area. He requested permission for his client to fabricate, assemble and service telecommunication equipment under the provisions of Use Unit 15.

Comments and Questions:

Mr. Bolzie asked what percentage of the leased area will be devoted to the assembly of equipment, and Mr. Norman replied that approximately 35% of the total floor area will be reserved for this use.

In response to Ms. Bradley's concern, Ms. Hubbard advised that Use Unit 15 allows minor fabrication assembly, and Mr. Gardner pointed out that a heating and air conditioning contractor could make and assemble air conditioning ducts on the property with BOA approval under Use Unit 15.

Mr. Bolzie asked the size of the assembled units, and the applicant stated that they are approximately the size of a large television.

In response to Mr. Bolzie, the applicant stated that the business does not operate a night shift, but could have someone on the premises to take nighttime trouble calls.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** to permit a Use Unit 15, fabrication, assembly and servicing of telecommunications equipment - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS**, and **Section 704. SPECIAL EXCEPTION USES IN COMMERCIAL DISTRICTS, REQUIREMENTS** - Use Unit 15; subject to the business designing and assembling components provided by others, for computerized telephone call switching; finding the use to be compatible with the surrounding uses, and no more intense than a television repair shop or a heating and air conditioning business, which would be allowed by exception at this location; on the following described property:

The east 1320' of Lot 1, Block 1, Memorial South Center Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 15640

Action Requested:

The applicant, **James Unruh**, counsel for **U-Stor-It Warehouse Associates**, 1535 South Memorial, Suite 104, Tulsa, Oklahoma, requested by letter (Exhibit J-1) that Case No. 15640 be withdrawn, and fees in the amount of \$175.00 be refunded.

Comments and Questions:

Mr. Jones informed that the application was withdrawn prior to processing and recommended a refund of \$175.00.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **WITHDRAW** Case No. 15640, as requested by the applicant, and **REFUND** fees in the amount of \$175.00; finding that the application was withdrawn prior to processing.

There being no further business, the meeting was adjourned at 4:05 p.m.

Date Approved

Feb. 12, 1991

Harry White
Chairman

