

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 581
Tuesday, February 26, 1991, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, February 22, 1991, at 10:20 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 **BRADLEY**, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; none "abstentions"; Bolzle, Chappelle "absent") to **APPROVE** the Minutes of February 12, 1991.

UNFINISHED BUSINESS

Case No. 15631

Action Requested:

Special Exception to permit a Use Unit 17 (mini-storage business) in a CS District - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17.

Special Exception to permit a single-family dwelling to be used as a manager's residence in a CS District - **Section 702. ACCESSORY USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17.

Special Exception to waive the screening wall or fence requirements along the lot lines abutting R Districts (north and west lot lines) - **Section 1217.C.1 Use Conditions** - Use Unit 17, located SE/c 127th East Avenue and East 40th Street South.

Presentation:

The applicant, **Jim Schwerts**, was not present.

Comments and Questions:

Mr. Jones informed that the applicant has finalized building plans for the proposed mini-storage facility, and has advertised for the required relief; however, this process was not completed early enough to be placed on the February 26th agenda. He suggested that the application be continued to the March 12, 1991 meeting.

Case No. 15631 (continued)

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle "absent") to **CONTINUE** Case No. 15631 to March 12, 1991, to allow sufficient time for readvertising.

Case No. 15646

Action Requested:

Special Exception to permit a heliport in an IL District (pending) - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 2.

Special Exception to modify a previously approved plot plan - **Section 1608. SPECIAL EXCEPTION** - Use Unit 2, located 5624 South 107th East Avenue.

Presentation:

The applicant, **David D. Cannon**, Cannon Construction Company, 10301 East 51st Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit A-2) and requested permission to expand an existing heliport to an abutting lot to the north. He stated that IL zoning is pending on the property.

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle "absent") to **APPROVE** a **Special Exception** to permit a heliport on the northernmost lot in an IL District (zoning pending) - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 2; and to **APPROVE** a **Special Exception** to modify a previously approved plot plan for the southernmost lot - **Section 1608. SPECIAL EXCEPTION** - Use Unit 2; subject to IL zoning being approved; finding that the request is for expansion of an existing heliport, which has proved to be compatible with the surrounding area; and finding that the granting of the requests will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 1, Block 2, Less Beginning at the southwest corner, thence north 161.46', east 352.35', southwesterly 162.53', west 333.62' to the POB; and Lot 2, Block 2, Less Beginning at the southwest corner; thence north 161.46', east 333.62', southwesterly 162.53', west 314.89' to POB, Less the east 5', Lot 2, Block 2, Golden Valley Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 15650

Action Requested:

Special Exception to permit off-street parking in an RM-2 District - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 10.

Variance of the required setback for unenclosed off-street parking, as measured from the centerline of Quaker Avenue, from 50' to 25', and a Variance of the setback, as measured from the centerline of 10th Street, from 55' to 30' - **Section 1302.B. SETBACKS** - Use Unit 10.

Variance to waive the screening requirements along the property lines in common with R Districts for unenclosed off-street parking areas which are principal uses - **Section 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 10, located southwest corner of 10th Street and Quaker Avenue.

Presentation:

The applicant, **Louis Levy**, was not present.

Interested Parties:

Nancy Kachel, 1568 South Gillette, Tulsa, Oklahoma, stated that Mr. Levy is representing the Planned Parenthood organization, and does plan to attend the meeting.

Presentation:

The applicant, **Louis Levy**, 5314 South Yale, Tulsa, Oklahoma, submitted a plot plan (Exhibit B-2) and stated that he is representing Planned Parenthood. He requested Board approval to locate 26 additional parking spaces on RM-2 property adjacent to the principal office use on Peoria Avenue. Mr. Levy explained that the property is now vacant, as the two houses located on the lot have been razed to accommodate the parking area. A brochure (Exhibit B-3) and photographs (Exhibit B-1) of the surrounding area were submitted. The applicant stated that the residents of the three houses across the street from the proposed parking lot have not voiced a concern with the proposal, and the East Lynn Neighborhood Association are supportive of the application. Mr. Levy informed that the parking lot will be in use from 8:00 a.m. to 6:00 p.m., Monday through Friday, and Saturday from 9:00 a.m. to 12:00 noon, with evening classes being conducted on Tuesday and Thursday. He stated that the entrance to the parking lot will be from the alley, with no access points on 10th Street or Quaker Avenue. Mr. Levy informed that the parking lot will be lighted continuously, and a screening fence could be constructed, however, the neighborhood is somewhat divided on this issue.

Case No. 15650 (continued)

Comments and Questions:

Ms. White asked Mr. Levy if his client would be agreeable to the execution of a tie contract between the two lots, and he answered in the affirmative.

In regard to the screening requirement, Ms. White pointed out that this requirement is to protect the residential neighborhood.

Mr. Levy stated that a fence could conceal illegal activities that might take place on the parking lot, and the neighborhood did not want a solid fence.

Protestants: None.

Board Action:

On **MOTION** of FULLER, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle "absent") to **APPROVE** a **Special Exception** to permit off-street parking in an RM-2 District - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 10; to **APPROVE** a **Variance** of the required setback for unenclosed off-street parking, as measured from the centerline of Quaker Avenue, from 50' to 25', and a **Variance** of the setback, as measured from the centerline of 10th Street, from 55' to 30' - **Section 1302.B. SETBACKS** - Use Unit 10; and to **APPROVE** a **Variance** to waive the screening requirements along the property lines in common with R Districts for unenclosed off-street parking areas which are principal uses - **Section 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 10; per plot plan submitted; subject to all lighting being shielded and directed away from the residences; finding the use to be compatible with the area; and finding that the parking lot will not have a detrimental impact on the residential neighborhood, as there will be no access points on 10th Street or Quaker Avenue; on the following described property:

Lots 1 and 2, Block 10, East Lynn Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15655

Action Requested:

An appeal from the decision of the Building Inspector in determining that the existing signage is in violation of the Zoning Code - **Section 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 11.

Variance to permit more than one business sign on each street frontage of a lot, and variance to exceed the permitted square footage of display surface area per lineal foot of street frontage - **Section 602.B.4. Signs** - Use Unit 11, located 6711 South Yale.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, stated that he is representing the owner of the subject tract, and submitted a packet (Exhibit C-1) containing photographs and sign permits. He explained that there are two existing office buildings on the property, each having two stories, with signage in place. Mr. Johnsen informed that the existing signage does not comply with Code requirements in an OM District. He pointed out that there are five wall signs on the two buildings (3 on north building and 2 on south building), with one 4' by 4' pole sign in front of the south building. In regard to street frontage, Mr. Johnsen explained that the ownership has 305' of frontage on South Yale, and the property could theoretically be divided into three lots, each having 32 sq ft of signage. He noted that the Country Companies Insurance sign is illuminated. Mr. Johnsen stated that the building inspection office has issued six sign permits for the property, with the Country Companies Insurance sign being permitted in May of 1988. It was noted by the applicant that the property went through the foreclosure process in December of 1989, and his client acquired the property in the same month. Mr. Johnsen pointed out that the new owners assumed that the existing signs were in compliance with the current Code requirements. He stated that the Cimarron Federal sign was approved by the Board for a period of one year, and that one year time period has expired. After a brief history of the previous tenants and the sign changes, Mr. Johnsen pointed out that some of the sign permits could have been issued in error, and requested that the existing signs be approved for a two-year period, at which time a monument sign will be installed for the complex. He stated that his client has agreed to record a restrictive covenant that would spell out the sign limitations and when they must be removed. A letter from Country Companies Insurance (Exhibit C-2) was submitted.

Comments and Questions:

Mr. Fuller pointed out that it was the intent of the Board that a monument sign be erected in one year from the time the Cimarron Federal sign was approved in 1989.

Mr. Johnsen pointed out that the property has changed ownership since the previous approval.

Mr. Gardner asked Mr. Johnsen if he is proposing to have one monument sign for the two buildings by December of 1992, and he answered in the affirmative.

Mr. Jackere informed that any business sign that was lawful when constructed, but does not comply with the current Code, will be removed in 1996, and Mr. Johnsen's client may be giving up more signage than is necessary if they are removed in two years.

Ms. Bradley asked if all building space is leased, and Mr. Johnsen stated that it is approximately 85% occupied.

Case No. 15655 (continued)

Board Action:

On **MOTION** of FULLER, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle "absent") to **UPHOLD** the **Decision** of the Building Inspector in determining that the existing signage is in violation of the Zoning Code - **Section 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 11; and to **APPROVE** a **Variance** to permit more than one business sign on each street frontage of a lot, and a **Variance** to exceed the permitted square footage of display surface area per lineal foot of street frontage in order to accommodate the existing signage for **one year only** - **Section 602.B.4. Signs** - Use Unit 11; subject to a restrictive covenant being filed of record stating the Board's restrictions and conditions; finding that the temporary approval of the existing signs for one more year will not be detrimental to the area; on the following described property:

Beginning 100' north of the southwest corner; thence north 230.18', east 275', south 175', east 15', south 40', west 15', south 90.18', west 225', northwesterly 90.26' to POB, Block 1, Burning Hills Addition to the City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15659

Action Requested:

Variance to increase the number of signs permitted per lot frontage from 1 to 2 in order to permit the erection of an additional wall sign - **Section 602. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS - Accessory Use Conditions. Signs** - Use Unit 11, located 5404-D South Memorial Drive.

Presentation:

The applicant, **Oklahoma Neon, Inc.**, was represented by **Terry Howard**, 1423 South 128th East Avenue, Tulsa, who submitted a site plan (Exhibit D-1) and photographs (Exhibit D-2). Mr. Howard stated that his client is an Allstate Insurance agent, and is proposing to replace a metal wall sign with a 5' by 3'4" lighted sign. He explained that his client is requesting relief from this Board because the name of the development (Waterbridge) is near the street in front of the Insurance office, which causes two signs to be located on his clients portion of the property.

Protestants: None.

Board Action:

On **MOTION** of FULLER, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle "absent") to **APPROVE** a **Variance** to increase the number of signs permitted per lot frontage from 1 to 2 in order to permit the replacement of an existing wall sign - **Section 602. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS - Accessory Use Conditions. Signs** - Use Unit 11; subject

Case No. 15659 (continued)

to the new sign containing both existing wall signs; finding the second sign to be a sign for the entire 12-lot office development; and finding a hardship imposed by the fact that the sign containing the name of the development causes the lot in question to exceed the number of signs permitted on one lot; on the following described property:

Lot 2, Block 14, Waterbridge Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15660

Action Requested:

Variance of the required livability space per dwelling unit from 5000 sq ft to approximately 3700 sq ft to permit construction of a dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1309 East 27th Street.

Presentation:

The applicant, **Robert E. Wright**, 9017 East 63rd Street South, Tulsa, Oklahoma, submitted a packet (Exhibit E-1) containing renderings, letters of support and a location map. Mr. Wright explained that he is proposing to construct a house on a 50' by 135' lot, which was platted in 1922. The applicant pointed out that many of the existing houses in the neighborhood do not comply with the current setback or livability space requirements and, if he is forced to adhere to the current requirements, approximately 74% of the lot will be devoted to livability space.

Comments and Questions:

Ms. Bradley commented that the lot sizes in the area are more comparable to RS-3 zoning than RS-2.

Mr. Gardner pointed out that there are existing houses in the area that could not be built under the current Zoning Code without relief from the Board.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle "absent") to **APPROVE** a **Variance** of the required livability space per dwelling unit from 5000 sq ft to approximately 3700 sq ft to permit construction of a dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding a hardship imposed by the small size of the lot in an RS-2 zoned area; and finding that the granting of the variance request will not violate the spirit, purposes or intent of the Code, as there are other homes in the neighborhood that are comparable in size, and have been constructed on 50' wide lots; on the following described property:

Lot 23, Block 1, Sunset View Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15661

Action Requested:

Variance to permit three business signs on an OM and PUD zoned lot with two street frontages, and a variance of the permitted square footage of display surface area from 102 sq ft to 180 sq ft - **Section 601.B.4.b. Signs** - Use Unit 2, located 2738 East 51st Street.

Presentation:

The applicant, **I. T. McGill Company**, PO Box 9667, Tulsa, Oklahoma, was represented by **Michael Newell**, who explained that the business is experiencing growth in the Tulsa area, and requested permission to install a third sign on the property. A sign plan (Exhibit N-1) was submitted.

Comments and Questions:

Mr. Fuller asked Mr. Newell if the name of the company is listed on a monument sign, and he answered in the affirmative.

Mr. Newell noted that the I. T. McGill Company has more than one facility in the Tulsa area, and this location was chosen as the major office complex for the organization. He pointed out that the right to install the sign was of major importance in the decision to locate in the building.

Ms. White pointed out that a variance request requires proof of hardship by the applicant.

Ms. Bradley inquired as to the size of the monument sign, and Mr. Newell stated that there are two 32 sq ft monument signs for the property.

In response to Mr. Gardner, Mr. Newell informed that both monument signs are located on 51st Street.

Mr. Jones pointed out that the building is permitted to have one sign on Columbia Place and one sign on 51st Street, however, the PUD allowed both signs to be located on 51st Street. He stated that Staff advised the applicant that a wall sign can be installed by right if one of the monument signs is removed.

Mr. Newell stated that the owner controls the removal of signs on the property, and pointed out that the total square footage of proposed signage does not exceed the permitted amount for the property.

Protestants: None.

Case No. 15661 (continued)

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle "absent") to **DENY** a **Variance** to permit three business signs on an OM and PUD zoned lot with two street frontages, and a variance of the permitted square footage of display surface area from 102 sq ft to 180 sq ft - **Section 601.B.4.b. Signs** - Use Unit 2; finding that the applicant failed to demonstrate a hardship for the variance request; finding that the company name is displayed on two monument signs, and the installation of additional signage would violate the spirit, purposes and intent of the Code; on the following described property:

Lot 1, Block 1, Elmcrest Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15662

Action Requested:

Appeal of the Code Enforcement Officer's determination that a business, Kirby Company distributorship, is being conducted from a residence - **Section 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 6.

Special Exception to permit a home occupation in an RS-3 zoned district - **Section 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 6.

Presentation:

The applicant, **Santo Dellaria**, 2068 South 74th East Avenue, Tulsa, Oklahoma, stated that he owns his business and has had five business locations in the City during the past 21 years. Mr. Dellaria informed that he is a franchised Kirby distributor for this area, but retired in October and did not renew the lease at his business location. A letter from the Oklahoma Tax Commission was submitted (Exhibit F-1). The applicant stated that he has never sold Kirby vacuum cleaners from his home and does not intend to sell from his home, as his sales agreement (Exhibit F-2) with the Kirby Company states that all demonstrations and sales are made in the customer's home. He informed that his garage, which was converted to a conference room, is now used for poker games and parties.

Comments and Questions:

Mr. Jackere pointed out to Mr. Dellaria that he has filed a request for an appeal from the Code Enforcement officer's determination that a business is being conducted on the property in question, and a request for a home occupation at the same location. He asked the applicant to explain what activities are conducted on the premises.

In response to Mr. Jackere's question concerning activities that are conducted in the home, Mr. Dellaria stated that he is in the process of writing a book in his home, and occasionally helps other people get involved in productive sales.

Case No. 15662 (continued)

Ms. Bradley asked the applicant if he is engaged in sales training, and he replied that all training is conducted at another location.

In answer to Mr. Fuller's inquiry, the applicant stated that he has had approximately five customers visit his home during the past month, and delivery trucks never bring supplies to this address.

Mr. Jackere asked Mr. Dellaria if he is requesting a home occupation, and he replied that he does want a home occupation if it is required to continue his present activities.

Mr. Gardner asked the applicant if his telephone number is listed in the yellow page advertising portion of the telephone directory, and he replied that the 21st Street address is listed in the yellow pages. Mr. Dellaria stated that the listing will be discontinued after this year.

In response to Mr. Gardner, the applicant stated that he has three vehicles parked at his residence, which have a Kirby decal to allow policemen to identify him as a neighborhood salesman.

Mr. Fuller asked the applicant what prompted the Board application, and Mr. Dellaria replied that he was selling vacuum cleaners at his garage sale.

Mr. Jackere asked the applicant to state all business activities that are conducted from his home, and he replied that he occasionally sells Kirby belts and bags.

In response to Mr. Gardner, Mr. Dellaria informed that the Kirby decals on his vehicles do not have an address, but are only to identify the vehicle as belonging to a neighborhood salesman. Mr. Dellaria stated that he has removed the decal from his garage door and will remove them from his vehicles.

Mr. Jackere asked the applicant if any type of training is conducted in his home, and he replied that occasionally meetings for team captains are held in his home.

In reply to Ms. Bradley's question concerning the storage of vacuum cleaners, the applicant stated that a small number of vacuums for demonstration purposes are kept in his van and at this home.

Protestants:

Candy Parnell, City Code Enforcement, stated that she visited with Mr. Dellaria in his home on January 17, 1991, and he explained that he has a Kirby distributorship and sales people that work for him. She pointed out that the garage had been converted to a meeting room and was set up for some type of meeting. Ms. Parnell stated that sweeper parts and supplies were also displayed in the garage. She informed that the address found in the yellow page listing for Mr. Dellaria's business is not an approved city address. Ms. Parnell requested that the application for a home occupation be denied.

Case No. 15662 (continued)

Violet Cobb, 2033 South 74th East Avenue, Tulsa, Oklahoma, stated that the station wagon may have a Kirby decal, but also has 18" lettering. She pointed out that the corner lot location of Mr. Dellaria's property creates a traffic problem for motorists entering the addition, and portrays a bad image of the neighborhood.

Ray Cosby, 8705 East 21st Street, Tulsa, Oklahoma, stated that he is cochairman for District 5, and is representing many homeowners in the area. He informed that the neighborhood is comprised of well maintained residences and asked the Board to deny the sale of merchandise at this location. Letters of opposition and photographs (Exhibit F-3) were submitted.

Ray McCollum, 3135 South 76th East Avenue, Tulsa, Oklahoma, president of Whitney Homeowners Association, stated that a constant garage sales is operated on the subject property, and asked the Board to deny the application.

Ms. Fuller asked Mr. McCollum if he has observed the traffic at this location, and he replied that there have been as many as six cars parked at Mr. Dellaria's residence.

In response to Mr. Fuller, Mr. McCollum stated that sweepers have been displayed for sale in the driveway approximately six times in the past three or four months.

Virginia Brockett, 2055 South 74th East Avenue, Tulsa, Oklahoma, stated that she has lived in the area for 32 years and has observed the applicant disregarding neighborhood zoning. She submitted a job advertisement found in the newspaper on February 17, 1991, which listed Mr. Dellaria's telephone number.

Mr. Jackere asked Ms. Brockett if she has observed signs advertising Mr. Dellaria's garage sales, and she answered in the affirmative.

Terry Wilson, planning team director for District 5, stated that he has observed numerous vehicles on the applicant's property, and the business in question is a violation of the Zoning Code. He asked the Board to consider the comments of the area residents and preserve the integrity of the neighborhood by denying the application for a home occupation.

Applicant's Rebuttal:

Mr. Dellaria stated that he will agree to remove the Kirby signs from his vehicles, but denied the statement that his business has caused a traffic problem for the neighborhood. He pointed out that he has only received one citation from the City concerning the operation of his business. Mr. Dellaria stated that he has an agreement with the Kirby Company which authorizes him to sell vacuum cleaners in the homes of his customers.

Case No. 15662 (continued)

Board Action:

On **MOTION** of **FULLER**, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzie, Chappelle "absent") to **UPHOLD** the Code Enforcement officer's determination that a business, Kirby Company distributorship, is being conducted from a residence - **Section 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 6; and to **DENY** a **Special Exception** to permit a home occupation in an RS-3 zoned district - **Section 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 6; finding that the home occupation is not compatible with the neighborhood, and the granting of the special exception request would violate the spirit and intent of the Code; on the following described property:

Lot 21, Block 8, Moeller Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15663

Action Requested:

Variance of the number of required off-street parking spaces from 100 to 94 spaces - **Section 1208.D. - Off-Street Parking and Loading Requirements** - Use Unit 8.

Special Exception to approve an amended site plan in order to clear title to the property - **Section 1608. SPECIAL EXCEPTION** - Use Unit 8, located 9524 East 71st Street.

Presentation:

The applicant, **Bob Thomas**, 2251 East 39th Street, Tulsa, Oklahoma, stated that he is the general partner of Gemini Partners Limited Partnership that is under contract to acquire Woodland Terrace retirement apartments. He informed that Board action is required to clear the title and resolve a parking issue. Mr. Thomas stated that Woodland is comprised of 150 units, with two units being used for common area purposes and 144 units currently occupied. He pointed out that 100 parking spaces were previously required by the Board, however, only 94 spaces were striped. He pointed out that the average age of the occupants is in the upper 70's and only 24 residents own cars. Mr. Thomas stated that there are approximately 35 vacant spaces during the peak parking periods, and asked the Board to approve 94 parking spaces for the complex. He pointed out that he is proposing to reserve the existing greenbelt, however, there is sufficient space in this area to add the additional six spaces.

Comments and Questions:

Ms. Bradley voiced a concern that the building would not have sufficient parking if it was converted to a standard apartment complex in the future.

Mr. Gardner advised that, if inclined to approve the application, the Board could require that the use be restricted to elderly housing.

Protestants: None.

Case No. 15663 (continued)

Board Action:

On **MOTION** of **FULLER**, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle "absent") to **APPROVE** a **Variance** of the number of required off-street parking spaces from 100 to 94 spaces - **Section 1208.D. - Off-Street Parking and Loading Requirements** - Use Unit 8; and to **APPROVE** a **Special Exception** to approve an amended site plan in order to clear title to the property - **Section 1608. SPECIAL EXCEPTION** - Use Unit 8; subject to the property remaining a retirement complex for the elderly; finding that there are approximately 35 vacant parking spaces during the peak parking periods; and finding that only 24 of the 144 residents park vehicles on the parking lot; on the following described property:

Lot 1, Block 1, Woodland Springs Center Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15664

Action Requested:

Special Exception to permit an on-premise pole mounted message center sign with flashing illumination in a Residential District - **Section 402.B.4 - Accessory Uses Permitted in Residential Districts - Signs** - Use Unit 21, located 5840 South Hudson.

Presentation:

The applicant, **Claude Neon Federal**, was represented by **Larry Wald**, 533 South Rockford, Tulsa, Oklahoma, who submitted a sign plan (Exhibit H-1) for a proposed sign at the above stated location. He explained that Memorial High School is proposing to replace an existing pole sign with a new structure containing "Memorial Chargers", with an electronic display surface area. Mr. Wald stated that the 5 watt bulbs in the sign are considerably less wattage than those on a standard electronic message board.

Comments and Questions:

Ms. Bradley asked if the replacement sign will be the same size as the existing sign, and Mr. Wald replied that the new sign will be larger, but will comply with Code requirements.

In response to Ms. Bradley, **Mr. Ritter**, assistant principal for Memorial High School, stated that the school is proposing to advertise the 144 various school activities that are conducted each year. He pointed out that the sign will not flash, but will merely be a computer controlled message center, which will not be lighted during the nighttime hours.

Mr. Wald stated that the lighting will be turned off during the summer months, and a protective shield will cover the sign.

Ms. White asked when the sign will be turned off during school months, and Mr. Ritter stated that there would be no reason to light the sign after 10:00 p.m.

Protestants:

Lloyd Hobbs, 5846 South Hudson Place, Tulsa, Oklahoma, stated that numerous property owners in the neighborhood are opposed to the installation of the proposed message sign. He pointed out that the new sign will be twice as large as the present one, and would appear to be a commercial type sign in a residential area. Mr. Hobbs pointed out that motorists will be distracted by the message, and this would pose a traffic hazard for those driving or walking near the school. He asked the Board to deny the application for a message center sign with flashing illumination.

There was discussion as to whether the Memorial Charger sign and the message sign are considered to be two different signs on one pole.

Mr. Jackere advised that the request appears to be a variance instead of a special exception, and the applicant could be in need of additional relief for the amount of signage on the property.

Mr. Wald stated that the top portion of the sign is an identification sign and the bottom portion is a bulletin board.

Ms. White pointed out that there is also a wall sign on the school building.

Ed Veigl, 5816 South Irvington Avenue, Tulsa, Oklahoma, stated that he lives two blocks east of Memorial High School, and pointed out that the proposed sign will be visible from his patio and 600' in both directions. He voiced a concern that the sign will be distracting to motorists driving in the area.

David Neal, 5841 South Hudson, Tulsa, Oklahoma, stated that there seems to be three signs proposed for the school, and suggested that they may be attempting to circumvent the system. He stated that the large advertising type sign will detract from the appearance of the neighborhood.

Additional Comments:

In response to Ms. Bradley, Mr. Wald stated that the proposed sign will be approximately one foot taller than the existing one.

Mr. Gardner informed that the school is entitled to one (maximum 150 sq ft) identification sign, and one bulletin board sign (maximum 32 sq ft).

In response to Ms. Bradley, Mr. Wald explained that all signs of the type being considered for the school have the capability of being a flashing, moving or programmable sign.

Ms. White stated that her major concern is the changing message sign on a street that is used by the nearby elementary school, as well as the students attending Memorial High School.

Case No. 15664 (continued)

Bill Bond, 2318 West Newport, Tulsa, Oklahoma, principal of Memorial High School, explained that the school has no intent of creating a problem for the neighborhood, but is attempting use the sign as a way to communicate with the surrounding area. He pointed out that they would like to use the sign to gain additional neighborhood support for activities held at the school, as well as recognize children that excel. Mr. Bond stated that the children have requested that their school be allowed to have a message center similar to those in place at other schools in the area.

Mr. Gardner advised that the Board could require that the message be stationary, not traveling or flashing, with only the ability to change the message electronically.

Mr. Fuller suggested that the case be continued to April 9, 1991 to allow the applicant to meet with the neighbors and determine what type of sign would supply the needs of the school and be compatible with the residential neighborhood.

Board Action:

On **MOTION** of **FULLER**, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle "absent") to **CONTINUE** Case No. 15664 to April 9, 1991, to allow sufficient time for negotiations between the representatives of Memorial High School and the property owners in the neighborhood.

Case No. 15665

Action Requested:

Variance of the number of required off-street parking spaces from 100 spaces to 84 spaces - **Section 1208.D. Off-Street Parking and Loading Requirements** - Use Unit 8.

Special Exception to approve an amended site plan in order to clear title to the property - **Section 1608. SPECIAL EXCEPTION** - Use Unit 8, located 8887 South Lewis Avenue.

Presentation:

The applicant, **Bob Thomas**, 2251 East 39th Street, Tulsa, Oklahoma, stated that he is the general partner of Gemini Partners Limited Partnership that is under contract to acquire Burgundy Place retirement apartments. He informed that Board action is required to clear the title and resolve a parking issue. Mr. Thomas stated that Burgundy Place is comprised of 133 units, and has 84 of the 100 required parking spaces available. He pointed out that the average age of the occupants is in the upper 70's and very few residents own cars. It was noted by the applicant that there are 27 vacant spaces during peak parking hours. A plot plan (Exhibit J-2) was submitted.

Protestants: None.

Case No. 15665 (continued)

Board Action:

On **MOTION** of **FULLER**, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzie, Chappelle "absent") to **APPROVE** a **Variance** of the number of required off-street parking spaces from 100 spaces to 84 spaces - **Section 1208.D. Off-Street Parking and Loading Requirements** - Use Unit 8; and to **APPROVE** a **Special Exception** to approve an amended site plan in order to clear title to the property - **Section 1608. SPECIAL EXCEPTION** - Use Unit 8; per plot plan submitted; subject to the complex being utilized as elderly housing only; finding that the average age of the occupants is in the upper 70's, and few residents own their own vehicle; and there are approximately 27 vacant spaces on the lot during the peak parking hours; and finding that the granting of the requests will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 2, Block 1, Lewis Center East Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15666

Action Requested:

Special Exception to permit off-street parking in a Residential District - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 10.

Variance to permit required off-street parking on a lot not containing the principal use - **Section 1301.D. Off-Street Parking and Off-Street Loading, General Requirements** - Use Unit 10.

Variance to waive the screening requirement along property line in common with a Residential District - **Section 1303. DESIGN STANDARDS FOR OFF - STREET PARKING AREAS** - Use Unit 10, located 14 North Utica.

Presentation:

The applicant, **George Logan**, was represented by **Joe Westervelt**, 901 North Mingo Road, Tulsa, Oklahoma, who submitted a plot plan (Exhibit K-1) and stated that the property in question will be used to supply additional parking for the QuikTrip store at this location. He informed that the subject property will be leased from the owner of the adjacent house, and screening will be installed along the residential boundary.

Comments and Questions:

In response to Mr. Jackere, Mr. Westervelt stated that the parking on the lot will not be required parking, but only additional parking.

Case No. 15666 (continued)

Mr. Gardner asked the applicant if there will be construction on the lot containing the store that will eliminate parking spaces, and Mr. Westervelt replied that there will be no construction on the lot.

Mr. Gardner informed that only the special exception to permit off-street parking in a Residential District is required, as the applicant has stated that screening will be installed along the residential boundary.

Protestants: None.

Board Action:

On **MOTION** of FULLER, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzie, Chappelle "absent") to **APPROVE** a **Special Exception** to permit off-street parking in a Residential District - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 10; to **WITHDRAW** a **Variance** to permit required off-street parking on a lot not containing the principal use - **Section 1301.D. Off-Street Parking and Off-Street Loading, General Requirements** - Use Unit 10; and to **WITHDRAW** a **Variance** to waive the screening requirement along property line in common with a Residential District - **Section 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 10; per plot plan submitted; finding that the proposed parking lot will provide the QuikTrip store with additional parking, not required parking; and finding that the use will be compatible with the surrounding area; on the following described property:

South 42' of Lot 1 and 2, Block 8, Lynch and Forsythe's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15667

Action Requested:

Variance of the required setback, as measured from the centerline of Cincinnati Avenue, from 85' to 33' to permit erection of a canopy - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 5, located 1124 North Cincinnati.

Presentation:

The applicant, **Shiloh Baptist Church**, was represented by **M. L. Bailey**, 2535 North Frankfort, Tulsa, Oklahoma, who submitted a plot plan (Exhibit L-1) for a proposed canopy. He explained that the church is planning to construct a canopy from the church building to the parking lot to the south, which will not extend closer to Cincinnati Avenue than the existing structure.

Protestants: None.

Case No. 15667 (continued)

Board Action:

On **MOTION** of **FULLER**, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzie, Chappelle "absent") to **APPROVE** a **Variance** of the required setback, as measured from the centerline of Cincinnati Avenue, from 85' to 33' to permit erection of a canopy - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 5; per plot plan submitted; finding that the canopy will cover the walkway from the existing church building to the south parking lot, and will not extend closer to the street than the existing building; on the following described property:

Lots 1 - 3, and Lots 22 - 24, Block 1, Kirkpatrick Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15668

Action Requested:

Special Exception to permit a mobile home in an AG District - **Section 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 9.

Variance to permit two dwelling units on a single lot of record - **Section 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9/6, located 5520 North 34th Street North.

Presentation:

The applicant, **Don Stender**, 5378 East 30th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit M-1), and requested permission to install a mobile home on the subject property. Mr. Stender explained that he is in poor health and friends of the family have suggested that they place a mobile home on a portion of their property.

Comments and Questions:

In response to Mr. Fuller, the applicant stated that one mobile home is in place across the street from the subject property, and two other mobile units are located to the west.

Mr. Gardner asked if a separate septic tank will be installed for the mobile home, and the applicant answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzie, Chappelle "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an AG District - **Section 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 9; and to **APPROVE** a **Variance** to permit two dwelling units on a single lot of record - **Section 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9/6; per plot plan submitted; and subject to Health Department approval; finding that there are other mobile homes in the neighborhood, and the use will be compatible with the surrounding area; on the following described property:

Case No. 15668 (continued)

W/2, SE/4, NE/4, NW/4, Section 22, T-20-N, R-13-E, City of
Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 4:10 p.m.

Date Approved Mar. 12, 1991

Harry A. White
Chairman

