

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 582
Tuesday, March 12, 1991, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, March 11, 1991, at 11:17 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 4-0-1 (Bolzle, Bradley, Fuller, White, "aye"; no "nays"; Chappelle, "abstaining"; none "absent") to **APPROVE** the Minutes of February 26, 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.**

Variance of the required setback, as measured from the centerline of 127th East Avenue, from 50' to 25' - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS - Use Unit 17.**

Variance of the required setback, as measured from the centerline of 40th Street South, from 50' to 25' - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS - Use Unit 17.**

Variance to permit open air storage or display of merchandise offered for sale within 300' of an adjoining R District - **Section 1217.C.2 Use Unit 17 Use Conditions, located SE/c 127th East Avenue and East 40th Street South.**

Case No. 15631 (continued)

Presentation:

The applicant, **Jim Schwerts**, 3032 South 136th East Avenue, Tulsa, Oklahoma, submitted a revised site plan (Exhibit A-1) for a proposed mini-storage facility. He informed that the building was repositioned and moved closer to the street to allow the building wall to serve as screening for the business. Mr. Schwerts stated that all outside storage will be on the interior portion of the lot.

Comments and Questions:

Mr. Jones informed that, although the applicant is proposing that the building wall provide adequate screening for the mini-storage, there are two small open areas that will require a screening fence. He further noted that a screening fence will also be required along the residential boundary if all buildings along that lot line are not constructed during the first phase of development.

Mr. Schwerts stated that the entire facility may be constructed at one time; however, if the buildings are constructed in phases, a screening fence will be installed along the residential lot line.

It was the consensus of the Board that either a building wall or screening fence should be in place to screen the abutting residential property.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bradley, Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **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; to APPROVE a 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; to DENY a 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; to APPROVE a Variance** of the required setback, as measured from the centerline of 127th East Avenue, from 50' to 25' - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS - Use Unit 17; to APPROVE a Variance** of the required setback, as measured from the centerline of 40th Street South, from 50' to 25' - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS - Use Unit 17; and to APPROVE a Variance** to permit open air storage or display of merchandise offered for sale within 300' of an adjoining R District - **Section 1217.C.2 Use Unit 17 Use Conditions**; per plot plan submitted; subject to a solid screening fence being installed at all breaks in the building wall, and at all locations where buildings are not constructed along the residential lot line; finding that the building wall will serve as a screening, and a screening fence will be installed if the facility is not completed during the first phase of development; and finding that all outside storage will be confined to the interior portion of the lot and will not be visible from the residential area; on the following described property:

Case No. 15631 (continued)

Lots 5, 6, 7, 8 and 9, Block 1, Park Plaza Square Addition to the City of Tulsa; and, commencing at the POB 16.71' north of the southwest corner of Lot 10, Block 1, Park Plaza Square Addition; thence east 150'; thence north 187.45'; thence westerly 161.44'; thence south 104.15' to POB, all located in said Lot 10, Block 1, Park Plaza Square Addition; and, commencing at the POB 166.71' north of the southwest corner of Lot 1, Block 1, Park Plaza Square Addition; thence east 121.03'; thence north 235.06'; thence westerly 129.79'; thence south 187.45' to POB, all located in said Lot 1, Block 1, Park Plaza Square Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15657

Action Requested:

Special Exception to permit Use Unit 5 and Use Unit 11 uses, as per list submitted, in an RM-1 District - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Units 5 and 11.

Special Exception to waive the screening requirement along the property lines abutting R Districts - **Section 1211.C. USE UNIT 11. OFFICES AND STUDIOS, Use Conditions** - Use Unit 11, located 4225 West 5th Street.

Comments and Questions:

Mr. Jones informed that Staff has received a verbal request for withdrawal of the application, and a formal letter of withdrawal is forthcoming.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bradley, Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **WITHDRAW** Case No. 15657 as requested by the applicant.

NEW APPLICATIONS

Case No. 15656

Action Requested:

Variance of the structure setback, as measured from the centerline of Yale Avenue, from 60' to 50' to permit a ground sign - **Section 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 5, located 5120 East 36th Street South.

Presentation:

The applicant, **Little Light House, Inc.**, was represented by **Mike Brady**, 4503 West 89th Street, Tulsa, Oklahoma, who submitted a sign plan (Exhibit B-1) for Little Light House, Inc.

Comments and Questions:

Ms. Bradley asked if the sign in question will be as close to Yale Avenue as the St. Andrew's sign, and the applicant replied that the St. Andrew's sign is closer to the street.

Case No. 15656 (continued)

Mr. Bolzle Inquired as to the reason for placing the sign closer to the street than the Code allows, and Mr. Brady explained that strict adherence to the Code would place the sign beyond the detention pond wall or in the existing detention pond.

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 5-0-0 (Bradley, Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the structure setback, as measured from the centerline of Yale Avenue, from 60' to 50' to permit a ground sign - **Section 215. STRUCTURE SETBACK FROM ABUTTING STREETS - Use Unit 5**; per sign plan submitted; finding that the sign would be located in the detention pond, or behind the existing detention pond wall, if installed at the required setback; and finding that other signs in the area are closer to the street than the one in question; on the following described property:

A tract of land containing 5.8403 acres in the NW/4 of the NW/4 of the SW/4, Section 22, T-19-N, R-13-E, City and County of Tulsa, Oklahoma, being more particularly described as follows, to-wit:

Beginning at a point at the southeast corner of said NW/4 NW/4 SW/4; thence north 89°57'56" west along the southerly line of said NW/4 NW/4 SW/4 for 608.74'; thence due north along a line parallel to and 50.00' easterly of the westerly line of said NW/4 NW/4 SW/4 for 375.73'; thence south 89°57'56" east for 503.84'; thence north 00°00'55" east for 244.39'; thence 89°57'58" east along a line parallel to and 40.00' southerly of the northerly line of said NW/4 NW/4 SW/4 for 105.00'; thence south 00°00'55" west along the easterly line thereof for 620.12' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15669

Action Requested:

Variance of the side yard requirement, as measured from the centerline of Second Street, from 45' to 37' to permit construction of a new carport - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6**, located 47 South Kingston.

Presentation:

The applicant, **Bruce Masters**, 3840 South 121st East Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit C-1) for a proposed carport. He explained that he is the contractor for the project and his client is requesting permission to construct a carport at the primary entrance to her home. He pointed out that the front entrance to the home only has street parking. Photographs (Exhibit C-2) were submitted. Mr. Masters stated that the carport will align with the existing house, which does not comply with current setback requirements.

Case No. 15669 (continued)

Comments and Questions:

In response to Mr. Bolzle, the applicant stated that the carport will extend no farther south than the existing house.

Ms. Bradley asked if the overhang will extend beyond the wall of the house, and Mr. Masters answered in the affirmative.

Mr. Fuller asked if the carport will align with the house to the east, and the applicant stated that the house to the east is a considerable distance away, but it appears that the two houses align.

Mr. Jones commented that the house to the east of the subject property fronts on Lakewood, and side yards for both residences are on 2nd Street.

In response to Mr. Bolzle question concerning the overhang, Mr. Jackere advised that architectural details are considered permitted yard obstructions; however, the Board can require that the overhang extend no farther than that of the existing house.

Ms. Hubbard stated that this variance request is as measured from the centerline of the street to the face of the overhang.

Mr. Masters noted that the structural support for the carport will be 40' from the centerline of the street.

Ms. Hubbard pointed out that the current Code would permit construction at the 15' building setback line; however, any garage or carport having access to the street must be set back 20'.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bradley, Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the side yard requirement, as measured from the centerline of Second Street, from 45' to 37' to permit construction of a new carport - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding that the existing house does not comply with the current setback requirement, and that the carport will not extend closer to the street than the house; and finding that the granting of the request will not be detrimental to the residential neighborhood, or violate the spirit, purposes and intent of the Code; on the following described property:

Lot 5, Block 1, Tol Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15670

Action Requested:

Special Exception to allow a Use Unit 13 (convenience store) to remain in an industrial district - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 13, located 765 North Mingo Road.

Presentation:

The applicant, **QuikTrip Corporation**, was represented by **Joe Westervelt**, 901 North Mingo Road, Tulsa, Oklahoma, who submitted a plot plan (Exhibit D-1) and explained that, when making application for a building permit, it was discovered that the existing QuikTrip store is not properly zoned for the use. He informed that the building was constructed in 1982, and a storage area and an additional canopy are proposed.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bradley, Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to allow a Use Unit 13 (convenience store) to remain in an industrial district - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 13; per plan submitted; finding that the store has been operating at the current location since 1982, and has proved to be compatible with the area; on the following described property:

Lot 1, and the north 35' of Lot 2, Block 2, Expressway Village Center Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15671

Action Requested:

Variance of the rear yard requirements from 20' to 11' to permit an existing residential covered patio - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 9528 East 98th Street South.

Comments and Questions:

In response to Mr. Gilbert's statement that the patio cover has been constructed, Ms. Hubbard pointed out that the building permit states that the patio is not to be covered unless approved by the Board of Adjustment.

Presentation:

The applicant, **Hollywood Homes Construction, Inc.**, was represented by **Jack Gilbert**, 4107 East 46th Street, Tulsa, Oklahoma, who submitted photographs (Exhibit E-1) of the covered patio in question. Mr. Gilbert stated that he builds approximately 100 homes each year and has never read the building permits, as he has never been required to comply with a condition on the permit. He asked the Board to allow the patio cover to remain.

Case No. 15671 (continued)

Comments and Questions:

In response to Mr. Fuller, Mr. Gilbert stated that the house was completed approximately 60 days ago, and is now occupied.

In answer to Mr. Fuller's question, Mr. Gilbert reiterated that he has made application for hundreds of building permits and has never read them.

Ms. Hubbard asked Mr. Gilbert how he determines the placement of the building if he does not read the permit, and he replied that, if there has previously been any kind of instructions placed on the permits, he has not read them.

Mr. Fuller asked Mr. Gilbert the reason for being before the Board, and he stated that a building inspector found the construction error while making the final inspection.

Mr. Jones commented that the house could have been rearranged on the lot and relief from this Board would not be necessary.

Mr. Bolzle asked Ms. Hubbard if the conditions of the building inspector appear on the building plans, and she stated that the plans should be red-lined, initialed and dated.

In response to Ms. Bradley's request that the hardship be addressed, Mr. Gilbert stated that the patio cover is an integral part of the design.

After hearing Mr. Jones' definition of a hardship, the applicant stated that there is no hardship for the case, as he could have constructed the house to comply with the Code if he had known about the imposed condition.

It was the consensus of the Board that the application would have denied if the applicant had requested a variance before construction had begun.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bradley, Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Variance** of the rear yard requirements from 20' to 11' to permit an existing residential covered patio - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the applicant failed to demonstrate a hardship that would warrant approval of the variance request; on the following described property:

Lot 9, Block 1, Cedar Ridge Village Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15672

Action Requested:

Special Exception to permit a home occupation (barber shop) -
Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS - Use Unit 6,
located 6503 East 5th Place.

Presentation:

The applicant, **D. R. Metzger**, 6503 East 5th Street, Tulsa, Oklahoma,
was represented by his son, **Jack Metzger**, who resides at the same
address. He asked permission to operate a barber shop in his
residence.

Comments and Questions:

Ms. Bolzle asked if the barber shop is currently in operation, and
Mr. Metzger answered in the affirmative. He stated that the property
was acquired in January, and the shop has been open approximately one
month.

Ms. Bradley asked if the curb cut on Sheridan was made before the
purchase of the property, and Mr. Metzger replied that he made the
curb cut and graveled a parking area on Sheridan after he acquired
the property.

In response to Ms. White, the applicant stated that he did not apply
for a curb cut permit personally, but assumed the contractor applied
for the proper permits.

There was discussion as to the required amount of livability space,
and if that requirement could be met if the gravel parking lot was
covered with a hard surface material.

Mr. Fuller asked how many barbers will be working in the shop, and
Mr. Metzger stated that he and his father will operate the shop, but
his father only works four hours each day. He stated that the
parking lot was installed as a courtesy to the neighborhood, as his
customers would be parking along the street and in the driveway.

Mr. Bolzle pointed out that all of the property in this area along
Sheridan is zoned CS, except for a portion of the small residential
area containing the subject property.

In regard to paving the yard for parking, Ms. Hubbard noted that one
of the conditions for the operation of a home occupation states that
no exterior alterations to the structure shall be made that will
detract from the residential character of the structure. She pointed
out that a structure can be something other than a building.

Case No. 15672 (continued)

Protestants:

Don Harrington, 2202 South Madison, Tulsa, Oklahoma, stated that he owns a barber shop across the street from the property in question, and the operator of the shop is opposed to another barber shop in the immediate vicinity.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bradley, Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 15672 to April 9, 1991, to allow the applicant sufficient time to confer with Staff and determine if rezoning of the property would be more feasible than pursuing a special exception for a home occupation.

Case No. 15673

Action Requested:

Variance of the required setback, as measured from the centerline of 31st Street, from 50' to 30', to permit an addition to an existing sign; variance of the maximum permitted sign display surface area from 32 sq ft to 55 sq ft - **Section 1221.C.6. General Use Conditions For Business Signs** - Use Unit 21, located 3223 East 31st Street South.

Presentation:

The applicant, **Tulsa Neon**, was represented by **Dan Reer**, 4363-B South 93rd East Avenue, Tulsa, Oklahoma, who submitted a sign plan (Exhibit F-2) and explained that his client is a dentist and is proposing to add an extension to an existing sign. He informed that a variance was previously granted to allow the sign that is currently on the property. Mr. Reer stated that the proposed 1' by 8' addition will cause the sign to encroach approximately 1' further into the required setback.

Comments and Questions:

Ms. White asked if there is sufficient space on the existing sign to add additional names, and Mr. Reer stated that there are small tenant panels available, but his client would like more visibility.

Ms. Bradley stated that she has viewed the subject property, and found the names of other dentists listed on the tenant panels. She added that the applicant has failed to state a hardship which would warrant the approval of a larger sign for his client.

Protestants:

Ms. Gordon Skinner, 3111 South Gary Court, Tulsa, Oklahoma, was present to protest the application and photographs were submitted (Exhibit F-1).

A letter of opposition was received from **George E. Brewer**, 2879 South Gary Avenue, Tulsa, Oklahoma.

Case No. 15673 (continued)

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bradley, Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Variance** of the required setback, as measured from the centerline of 31st Street, from 50' to 30', to permit an addition to an existing sign; variance of the maximum permitted sign display surface area from 32 sq ft to 55 sq ft - **Section 1221.C.6. General Use Conditions For Business Signs** - Use Unit 21; finding that a hardship was not demonstrated that would warrant approval of the variance request; and finding that a tenant panel is provided for all occupants of the building, and additional signage would be detrimental to the area; on the following described property:

All that part of the SE/4 of the SE/4 of Section 17, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, more particularly described as follows, to-wit: Beginning at a point 540' west of the SE/c of said Section 17; thence north 208'; thence west to the east boundary of the SW/4 of the SE/4 of the SE/4 of Section 17; thence south 208'; thence east to the POB, and

All that part of the SE/4 of the SE/4 of Section 17, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, more particularly described as follows, to-wit: Beginning at a point 540' west of the SE/c of said Section 17; thence north 208' to a POB; thence north 122'; thence west 120'; thence south 122'; thence east 120' to POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15674

Action Requested:

Special Exception to permit Use Unit 2 (off-site construction facility - concrete batch plant) in a Commercial District - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, located 13003 East Admiral Place.

Presentation:

The applicant, **Koss Construction**, was represented by **Dave Howard**, 4090 West Town Parkway, West Des Moines, Iowa, who submitted a plot plan (Exhibit G-1), and stated that his company has a contract with the Oklahoma Department of Transportation for a reconstruction project on I-44. He requested that a mobile concrete plant be allowed to located on the site, as work will begin on the project in June of this year and be completed in approximately 13 months.

Comments and Questions:

Ms. Bradley asked if the mixing operation creates dust and noise, and Mr. Howard replied that equipment has been installed to alleviate these problems.

Ms. Bradley Inquired as to the use of the tanks located on the property, and Mr. Howard stated that the tanks belong to Timmons Oil.

Case No. 15674 (continued)

Ms. White asked if Timmons Oil has been cited by Code Enforcement, and Mr. Jones informed that they have not been cited, but it appears to be an illegal use.

In response to Ms. Bradley, Mr. Howard stated that the gas tanks are on the property leased by his company.

Mr. Linker asked the applicant if he is leasing the entire tract, and Mr. Howard stated that he is leasing a portion of the tract.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bradley, Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit Use Unit 2 (off-site construction facility - concrete batch plant) in a Commercial District for 15 months **only**, from June 1, 1991 to September 1, 1992 - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2; subject to Staff requesting that Code Enforcement investigate a possible illegal use of gasoline storage tanks existing on the site; finding the temporary batch plant to be compatible with the surrounding area; on the following described property:

Beginning 716.10' east of the NW/c of Government Lot 4; thence east 581.83', southeasterly 484.31', southwesterly 78.21', southwesterly on a curve to the left 499.95', southwesterly 334.31', west 106.31', north 611.23' to POB, Section 4, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15675

Action Requested:

Variance of the required front yard from 25' to 23', variance of the required livability space from 4000 sq ft to 3579 sq ft - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located east of the the NW/c East 28th Street South and South Cincinnati Avenue.

Comments and Questions:

Mr. Jones stated that Staff has received letters (Exhibit H-1) from a nearby property owner and the District 6 cochairman, requesting that Case No. 15675 be continued to March 26, 1991.

Presentation:

The applicant, **Jack Arnold**, 7318 South Yale Avenue, Tulsa, Oklahoma, stated that he is representing the buyer of the property, and pointed out that similar variances have been granted in the area. He asked the Board to hear the case.

Ms. White pointed out that the Board customarily approves one continuance from either the applicant or a protestant, if the request is timely.

Case No. 15675 (continued)

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bradley, Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 15675, as requested by the protestants.

Case No. 15678

Action Requested:

Variance of the one-story building height regulation to two-story construction to permit a partial second floor (approximately 1100 sq ft) to be used for storage purposes - **Section 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 5 and 8, located SW/c of East 61st Street and South Hudson Avenue.

Presentation:

The applicant, **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma, submitted a plot plan (Exhibit J-1) and informed that he is appearing on behalf of TLC, Inc., which is the sponsoring organization for the Ronald McDonald House. He stated that a special exception was approved by the Board in 1989, which permitted the construction of the facility in an OL District. Mr. Johnsen stated that the previously approved site plan will not change; however, a storage area for items donated to the organization is proposed for the attic portion of the building. He explained that the roof is pitched in the center portion of the building, and the attic will be decked to create the storage area. Mr. Johnsen stated that Ms. Hubbard, Building Inspection Department, determined that technically this would create a second floor, which is not permitted in an OL District. He informed that the 1200 sq ft area is not habitable space and does not have heat and air. The applicant pointed out that the Code is not clear concerning the use of floored attic space, and asked the Board to allow the storage in this portion of the building.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bradley, Bolzle, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the one-story building height regulation to two-story construction to permit a partial second floor (approximately 1100 sq ft) to be used for storage purposes only - **Section 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 5 and 8; finding that the partial second floor is actually decked attic space; finding a hardship imposed by the fact that the Zoning Code does not address floored attic space; and finding that the area is not habitable and will be used for storage purposes only; on the following described property:

Case No. 15678 (continued)

East 225' of Lot 1, Block 2, Amended Plat of Warren Center East
Addition to the City and County of Tulsa, Oklahoma.

There being no further business, the meeting was adjourned at 2:20 p.m.

Date Approved March 26, 1991

Shamey White
Chairman

