

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 584
Tuesday, April 9, 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		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 Monday, April 8, 1991, at 11:25 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 **CHAPPELLE**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the Minutes of March 26, 1991.

UNFINISHED BUSINESS

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, requested that Case No. 15638 be continued to May 14, 1991 (Exhibit A-1). He explained that the City Legal Department has made the determination that restrictions on the McBirney mansion can be amended with the approval of the City Council, the Oklahoma Historical Society and the Tulsa Preservation Commission. Mr. Norman informed that the City Council will hear the request on April 18, 1991, and it has been requested that a previous approval by the Oklahoma Historical Society, which meets on April 12, 1991, be reconsidered.

Protestants:

Mary Jo Gandy, 1324 South Galveston, Tulsa, Oklahoma, stated that she lives across the street from the subject property, and is concerned with the amount of continuances.

Case No. 15638 (continued)

Ms. White explained that the case is very complicated and must be heard by other groups before it is heard by the Board of Adjustment.

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. 15638 to May 14, 1991, as requested by the applicant.

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.**

Comments and Questions:

Mr. Jones stated that the applicant, **Larry Waid**, has requested by letter (Exhibit B-1), received on April 8, that Case No. 15664 be continued to May 14, 1991.

Ms. White informed that the letter requesting a continuance states that, due to numerous people being on vacation during spring break, it was not convenient for the school representatives and neighborhood protestants to meet.

Protestants:

Lloyd Hobbs, 5846 South Hudson Place, Tulsa, Oklahoma, stated that the neighbors have not met with representatives from the school; however, Larry Waid did attempt to reach him, but contact was never made. He pointed out that the old Memorial High School sign has been repaired, and that the Board should either hear the case or dismiss it. In response to Ms. White, Mr. Hobbs stated that he would not be opposed to continuing the case to May 18, 1991.

Ms. Bradley asked if there have been neighborhood meetings to discuss the sign issue, and Mr. Hobbs stated that the neighbors met and decided that they would not support a special exception.

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 **CONTINUE** Case No. 15664 to May 14, 1991, subject to the case being heard or withdrawn at that time.

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, stated that this case was continued from the last Board of Adjustment meeting to allow him to determine the feasibility of rezoning the property. Mr. Metzger advised that he has determined to pursue a home occupation to allow the operation of a barber shop in his home.

Comments and Questions:

Mr. Gardner informed that a home occupation would cause the property to retain its residential character, as the barber shop is located to the rear of the residence and fronts on Sheridan.

Ms. Bradley asked the applicant if he obtained a permit for the curb cut on Sheridan, and he answered in the affirmative.

Ms. Hubbard pointed out that the parking area in the back yard must be covered with a hard surface material, which could result in a shortage of livability space. She also voiced a possible concern that a parking lot in the rear yard could change the residential character of the structure.

Mr. Jackere stated that altering the property to accommodate the parking of a few automobiles would not be considered as altering the structure.

Mr. Metzger submitted letters of support (Exhibit C-1) from residents in the area.

Mr. Gardner pointed out that paving is not prohibited in residential neighborhoods, however, the livability space requirement must be met.

Mr. Bolzle stated that the use appears to be appropriate for the area.

Ms. White advised the applicant that the existing gravel parking lot does not comply with Code requirements, and a citation from Code Enforcement could be issued if it is not brought into compliance.

In response to Ms. Bradley, the applicant stated that he and his father work from 9:00 a.m. to 5:00 p.m., Tuesday through Saturday, and have approximately five customers each day.

Ms. White pointed out that the house is on the fringe of the residential neighborhood surrounded by commercial zoning, and the parking lot is on Sheridan Road.

Protestants: None.

Case No. 15672 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-1-0 (Bolzle, Chappelle, Fuller, White, "aye"; Bradley, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a home occupation (barber shop) - **Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; subject to days and hours of operation being limited to Tuesday through Saturday, 9:00 a.m. to 5:00 p.m.; per Home Occupation Guidelines; subject to the installation of a solid screening fence along the north and east boundary lines of the parking area (the rear of the home only); finding that there are existing businesses along Sheridan Road and the parking area will be accessed from that street only; and finding the use to be compatible with the neighborhood, as the existing dwelling will remain residential in character, with no exterior alterations; on the following described property:

Lot 12, Block 5, Sheridan Hills Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15688

Action Requested:

Minor Variance of the required front yard, as measured from the centerline of South Erie Avenue, from 55' to 50', to permit construction of a new dwelling - **Section 403, Table 3 - BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6. located west of the intersection of 106th Street South and South Erie Avenue.

Presentation:

The applicant, **Hammond Engineering Company**, was represented by **Adrian Smith**, 5157 East 51st Street, Tulsa, Oklahoma, who submitted a site plan (Exhibit D-1) for a proposed dwelling. He pointed out that the lot has several large trees that would prevent moving the house further to the rear of the lot. Mr. Smith informed that, due to the curvature of the street, a portion of the structure encroaches into the required front yard.

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 **Minor Variance** of the required front yard, as measured from the centerline of South Erie Avenue, from 55' to 50', to permit construction of a new dwelling - **Section 403, Table 3 - BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per site plan submitted; finding that moving the house further to the rear of the lot would necessitate the removal of several large trees; and finding a hardship imposed on the applicant by the irregular shape of the lot, due to the curvature of the street and the cul-de-sac location; on the following described property:

Lot 4, Block 1, Southern Oaks Estates II Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15680

Action Requested:

An appeal of the decision of a Code Enforcement officer in determining the existing use is Use Unit 2, not a Use Unit 5 Transitional Living Center and/or Residential Treatment Center - **Section 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL - Use Unit 5.**

Special Exception to conduct operations utilizing 243-245 West 12th Street and additional properties as a halfway house for the rehabilitation of individuals with an alcoholic and/or chemical dependency criminal history - irrespective of the Use Unit classification determined by the Code Enforcement officer or the Board of Adjustment - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS and Section 1606. INTERPRETATION.**

Variance of the one-fourth mile (1,320') spacing requirement between residential treatment centers, transitional living centers, emergency or protective shelters - **Section 1205.C.4. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES - Use Conditions - Use Unit 5,** located 243-245 West 12th Street and 250-260 West 11th Street.

Presentation:

The applicant, **John O'Connor**, PO 4163, Tulsa, Oklahoma, informed that a second parcel of land was added to the initial application, which requires additional advertising and notification of surrounding property owners. He requested (Exhibit E-1) that Case No. 15680 be continued to April 23, 1991.

Interested Parties:

Brian Huddleston, 6 East 5th Street, Tulsa, Oklahoma, who represented interested property owners, stated that he is not opposed to a two-week continuance.

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. 15680 to April 23, 1991, as requested by the applicant.

Case No. 15684

Action Requested:

Appeal of a decision of a Code Enforcement officer in determining the present activities to constitute a winecraft business - **Section 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL - Use Unit 6.**

Special Exception to permit a home occupation, winecraft business - **Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS - Use Unit 6,** located 1711 South Yorktown Avenue.

Presentation:

The applicant, **Brian Cole**, 1711 South Yorktown Avenue, Tulsa, Oklahoma, stated that he is the owner of a winecraft business that is conducted primarily by mail. He explained that the business involves the sale of supplies for making beer and wine in the home.

Comments and Questions:

Mr. Fuller asked the applicant if he advertises his product in newspapers and magazines, and he replied that all of his business advertising is done by direct mail.

In response to Ms. White's question, Mr. Cole replied that customers occasionally visit his home.

Ms. Bradley asked where supplies are stored and the applicant stated that all business items are stored in the front room of his home.

In response to Mr. Fuller, Mr. Cole stated that approximately 10 customers visit his home each week, most of which are personal friends.

In reply to Ms. Bradley's question concerning deliveries, the applicant stated that he receives about one delivery from UPS every three weeks.

Mr. Jackere inquired as to the type of supplies a customer would buy to make wine or beer, and Mr. Cole stated that a fermenting vessel, approximately 2' in diameter and 3' tall is required, and a few other smaller items would be needed to initially begin the process. He informed that approximately 30 fermenting vessels are stored in his home at the present time. Mr. Cole stated that he has been in the winecraft business for approximately one year. Mr. Jackere asked how many start-up winecraft kits have been sold during the one-year period, and the applicant stated that he has sold approximately 50 kits.

Mr. Jackere asked if the delivery pickup has a sign, and the applicant stated that there is no sign on the truck.

Ms. Bradley inquired as to the number of employees, and the applicant replied that his two roommates help in the business.

Interested Parties:

Candy Parnell, Code Enforcement, advised that she received a complaint regarding the subject property on January 24, 1991, and left a door notice after visiting the location. She stated that there was no response to the notice. Ms. Parnell stated that the yellow pages of the telephone directory state the days and hours of operation to be Tuesday through Friday, 2:00 p.m. to 8:00 p.m. and Saturday from 10:00 a.m. to 6:00 p.m. She informed that, after mailing a second notice to Mr. Cole, another inspection of the property was made on February 14, 1991, at which time she found the business to be closed until 2:12 p.m. After finding the doors locked, Ms. Parnell stated that she parked nearby and observed three people attempt to enter the house between 1:45 p.m. and 2:15 p.m. After the business was open, she found that the living room of the

Case No. 15684 (continued)

home had the appearance of a small grocery store, with many items for making beer and wine sacked, displayed and priced for sale. Ms. Parnell stated that the business does not comply with the Home Occupation Guidelines.

Protestants:

John Carwile, 1708 South Yorktown, Tulsa, Oklahoma, stated that he lives across the street from the property in question, and is opposed to the traffic that is generated by the business. A petition of opposition (Exhibit F-1) was submitted.

Glenn and Mary Ramsay, 1725 South Yorktown, **Mary Sidebottom**, 1562 South Yorktown and **Daniel Vasicek**, 1871 East 17th Street, were present but did not speak.

Comments and Questions:

Mr. Fuller stated that the operation of a business of this intensity is not appropriate for the interior of a residential neighborhood.

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 **UPHOLD** the decision of a Code Enforcement officer in determining the present activities to constitute a winecraft business - **Section 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 6, and to **DENY** a **Special Exception** to permit a winecraft business as a home occupation - **Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; finding the use does not meet the Zoning Code requirements, and is too intense for the interior of a residential neighborhood; and finding that the granting of the requests will violate the spirit and intent of the Code, and will be detrimental to the area; on the following described property.

South 10' of Lot 20, and the north 52' of Lot 21, Block 5, Maywood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15685

Action Requested:

Variance of the front yard requirement from 55' to 48', and variance of the side yard requirement from 10' to 6' to permit an addition to an existing dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located Lot 21, Block 6, Lou North Acres Addition.

Presentation:

The applicant, **H. E. Elliott**, 3824 East 53rd Street, Tulsa, Oklahoma, was represented by **Ward Elliott**, who submitted a plot plan (Exhibit G-1) for a proposed addition to the front portion of an existing dwelling. He informed that the new construction will not extend further toward the street than the existing front wall of the garage.

Case No. 15685 (continued)

Comments and Questions:

Ms. Bradley asked if the house is located in the floodplain, and the applicant replied that it was once in the floodplain, but has been removed since Little Joe Creek Improvements were made.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bradley, Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the front yard requirement from 55' to 48', and variance of the side yard requirement from 10' to 6' to permit an addition to an existing dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the existing house encroaches into the required front yard, and the proposed construction will not extend further toward the street than the existing building wall; on the following described property:

Lot 21, Block 6, Lou North Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15686

Action Requested:

Variance of the required setback, as measured from the centerline of South Baltimore, from 25' to 15' to permit the addition of a canopy to an existing building - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 11, located SW/c East 18th Street and South Baltimore Avenue.

Presentation:

The applicant, **Charles M. Sublett**, 320 South Boston, Tulsa, Oklahoma, submitted renderings (Exhibit H-2) and a plot plan (Exhibit H-1) for a proposed canopy on the existing Mapco building. Mr. Sublett explained that the canvas awning will be supported by metal framework, and will be installed along the front of the building to provide protection from the elements. He pointed out that a hardship is imposed by the long narrow shape of the lot, and the fact that portions of the existing building were previously constructed over the lot line. The applicant stated that the surrounding property owners are supportive of the proposed awning and, since it will extend into the City right-of-way, a license agreement with the City is required.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bradley, Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback, as measured from the centerline of South Baltimore, from 25' to 15' to permit the addition of a canopy to an existing building - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 11; per plot plan and City approval; finding a hardship imposed by the long narrow shape of the lot and the placement of the building; and finding that

Case No 15686 (continued)

the building has been at this location for many years, and the installation of an awning will not be detrimental to the surrounding neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lots 1 - 7, and the north 25' of Lot 8, Block 2, Giddings Resubdivision of Sieg and Boston Additions, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15687

Action Requested:

Special Exception to permit Use Unit 17 uses in a CS zoned district - Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 17.

Variance to waive the screening requirement along the north property line - Section 1217.C. Use Conditions - Use Unit 17, and a Variance to allow open air storage or display of merchandise offered for sale within 300' of an adjoining R District - Section 1217.C. - Use Conditions - Use Unit 17, located 6415 North Sheridan.

Presentation:

The applicant, Billie L. Cox, 3109 South Lewis, Tulsa, Oklahoma, requested permission to operate a car rental business on the subject property.

Comments and Questions:

Ms. Bradley asked if the property in question will only be used for an automobile rental business, and the applicant answered in the affirmative.

In response to Mr. Fuller, Mr. Cox stated that the proposed business is across the street from Thrifty Rent-A-Car, and there are several similar uses in the area.

Ms. Bolzie asked the applicant if he would be opposed to restricting the use to automobile rental only, and Mr. Cox stated that this is the only intended use for the property.

In regard to screening, Mr. Gardner pointed out that the properties to the north are planned for industrial uses.

Protestants: None.

Case No. 15687 (continued)

Board Action:

On **MOTION** of **FULLER**, 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 car rental business in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; and to **APPROVE** a **Variance** to waive the screening requirement along the north property line - **Section 1217.C. Use Conditions** - Use Unit 17, and a Variance to allow open air storage or display of merchandise offered for sale within 300' of an adjoining R District - **Section 1217.C. - Use Conditions** - Use Unit 17; subject to the use being restricted to car rental only; finding that there are numerous car rental agencies surrounding the Tulsa International Airport, and the property to the north is planned for industrial uses; on the following described property:

Lot 12, less beginning at the NE/c, thence south 140', west 630', north 140.1', east 430', south 115.1', east 180', north 115.1', east 20' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15689

Action Requested:

Special Exception to permit a Use Unit 5 (existing union hall and related activities), and a Special Exception to approve an amended site plan in order to permit the construction of a proposed storage building - **Section 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 5, located 11929 East Pine Street.

Presentation:

The applicant, **Cannon Construction Company**, was represented by **David Cannon**, 10301 East 51st Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit J-1) for a proposed storage building. He informed that a union hall is currently located on the property and a new 35' by 55' steel storage facility, with a 30' by 35' canopy, is proposed for the site. Mr. Cannon stated that the new building will be located on the north portion of the tract, and the roof of the canopy will tie into the roof of the storage building.

Comments and Questions:

Ms. Bradley asked if the purpose of the new building is for storage purposes only, and Mr. Cannon answered in the affirmative.

Protestants: None.

Case No. 15689 (continued)

Board Action:

On **MOTION** of **FULLER**, 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 5 (existing union hall and related activities), and a Special Exception to approve an amended site plan in order to permit the construction of a proposed storage building - **Section 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 5; per plot plan submitted; finding that the union hall was a permitted use when approved, and the building will be used for storage purposes only; on the following described property:

Lot 1, Block 1, The Bill Redwine Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15690

Action Requested:

Variance of the minimum lot frontage from 150' to 130', and from 150' to 133.67' to permit a lot split - **Section 703, Table 2 - BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS** - Use Unit 14, located NW/c 71st Street and Trenton Avenue.

Presentation:

The applicant, **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma, submitted a plot plan (Exhibit K-1) and stated that he is representing the Fourth National Bank, record owner of the subject property. He explained that the tract has two different zoning classifications (commercial and office), and the bank has received the property due to a loan default. Mr. Johnsen stated that two restaurants are proposed for the property, which does not have sufficient street frontage for two 150' lots. He pointed out that the purpose of the street frontage requirement is to control access, and only one access point is proposed for the two restaurants.

Comments and Questions:

Ms. Bradley pointed out that the property is located in a Planned Unit Development (PUD). She asked the applicant if an amendment would be approved by the Planning Commission, and he replied that both the Board of Adjustment and the Planning Commission must hear the case.

Mr. Bolzie asked if the proposed Taco Bell will have a secondary access, and Mr. Johnsen pointed out that there is a drive north of the proposed restaurants that will serve as a secondary access. He added that the access points have been reviewed and approved by the Traffic Engineering Department.

Mr. Gardner advised that the 40' driveway, which will run north and south between the two restaurants, will function like a street.

Mr. Jackere stated that, if inclined to approved the application, the Board should limit the access points on 71st Street to one access, as presented by the applicant.

Case No. 15690 (continued)

Mr. Johnsen requested that Board action be limited to Tracts A and B, which are located on the south portion of the tract along 71st Street.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bradley, Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the minimum lot frontage from 150' to 130', and from 150' to 133.67' to permit a lot split - **Section 703, Table 2 - BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS** - Use Unit 14; subject to approval being applicable to Tract A and B only, as depicted on the submitted site plan; subject to one access point on 71st Street serving Tracts A and B; finding a hardship demonstrated by the irregular shape of the tract; on the following described property:

A tract of land that is part of the SW/4, SE/4, SW/4, Section 6, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, said tract being described as follows, to-wit: Starting at the SE/c of the SW/4 SE/4 SW/4 of said Section 6; thence S 89°51'35" W along the southerly line of Section 6 for 25.00'; thence N 0°00'42" E and parallel with the easterly line of the SW/4 SE/4 SW/4 for 80.00' to the POB of said tract of land; thence continuing N 0°00'42" E for 581.77' to a point on the northerly line of the SW/4 SE/4 SW/4, said point being 25.00' westerly of the NE/c thereof; thence S 89°52'03" W along said northerly line for 635.14' to the NW/c of the SW/4 SE/4 SW/4; thence S 0°00'50" W along the westerly line of the SW/4 SE/4 SW/4 for 300.35' to a point that is 361.50' northerly of the SW/c of the SW/4 SE/4 SW/4; thence N 89°51'35" E and parallel with the southerly line of Section 6 for 361.50'; thence S 0°00'50" W and parallel with the westerly line of the SW/4 of the SE/4 SW/4 for 301.50'; thence N 89°51'35" E, parallel with and 60.00' northerly of the southerly line of Section 6 for 263.67'; thence N 26°32'46" E for 22.38' to the POB; City of Tulsa, Tulsa County, Oklahoma.

Case No. 15691

Action Requested:

Special Exception to permit Use Unit 5 uses (church use and related community, education and recreational facilities) in accordance with an approved developmental master plan - **Section 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 5, located 8621 South Memorial Drive.

Presentation:

The applicant, **Higher Dimensions Evangelistic Center, Inc.**, 8621 South Memorial Drive, Tulsa, Oklahoma, was represented by **Don Alaback**, 2642 East 21st Street, Tulsa, Oklahoma, who submitted a master plan (Exhibit L-1) for the proposed development. He explained that the existing church sanctuary and educational buildings are located on a ten-acre tract, and the church has recently purchased an additional 30 acres to the south. He informed that an existing dwelling has been converted to a counseling center, and the trail system and soft ball fields will also be located on the newly acquired tract.

Comments and Questions:

In response to Mr. Bolzle, Mr. Alaback stated that the existing storage shed and the mobile classrooms will be removed in the future.

Jim Gadberry, 8733 South 80th East Avenue, Tulsa, Oklahoma, stated that the mobile units will be removed when the new educational building is constructed.

Mr. Jones explained that the master plan for the entire project has been submitted for approval at this time; however, the property may be developed in several phases.

Mr. Gardner asked if there is a large outdoor advertising sign located on the property, and Mr. Alaback stated that one tier of the sign to the south of the property was removed and is now a sign for the church. Mr. Gardner advised that all outdoor advertising signs must be removed by January 1, 1995; however, if the existing sign is for the church, a variance of the size of the sign will be required, as the sign exceeds the maximum permitted amount of display surface area.

Mr. Bolzle informed that Staff has recommended that outside activities be limited to daytime hours, and that lighting be restricted to security lights near the residential neighborhood.

Mr. Jones clarified that Staff could support the installation of security lighting along the trail, but would not be supportive of the installation of stadium type lighting on the north east portion of the tract near the residences.

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 5 uses (church use and related community, education and recreational facilities) in accordance with an approved developmental master plan - **Section 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 5; per master plan submitted; subject to City zoning ordinances; subject to the outdoor advertising sign used by the church being brought into compliance with the Zoning Code; and subject to the following conditions:

Case No. 15691 (continued)

- 1) The existing portable building used as classrooms/meeting rooms be removed upon the completion of the new educational building.
- 2) The existing maintenance/repair shop building is to be removed from the site when the new construction is complete.
- 3) All outdoor activities associated with the softball field and other recreational uses be limited to the daylight hours only.
- 4) No large outdoor lighting facilities for play fields be allowed from the east boundary of the paved parking areas to the east property line. Only security lighting to be allowed in this area along nature trails, park shelter and rest room areas.
- 5) Compliance with the City of Tulsa Subdivision ordinance be required.
- 6) Compliance with the Department of Public Works Flood Hazard Regulations as portions of the subject tract are located within the floodway, floodplain and flood fringe areas of Halkey Creek.
- 7) All landscaping be installed as detailed on the submitted site plan.

The N/2 of the N/2 of the NW/4 of the SW/4 and the S/2 of the N/2 of the NW/4 of the SW/4 and the N/2 of the S/2 of the NW/4 of the SW/4, all in Section 13, T-18-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma, less highway right-of-way and being more particularly described as follows, to-wit: Commencing at the northwest corner of the SW/4 of Section 13, T-18-N, R-13-E, Tulsa County, Oklahoma; thence N 89°59'47" E along the north line of the SW/4 a distance of 120.00' to the east right-of-way line of South Memorial Drive and the POB; thence continuing N 89°59'47" E a distance of 1,197.84' to the northeast corner of the NW/4 SW/4 Section 13; thence S 0°15'29" W along the east line of said NW/4 SW/4 a distance of 990.08' to a point; thence S 89°59'52" W a distance of 1,198.32' to the east right-of-way line of South Memorial Drive; thence N 0°17'09" E parallel with and 120.00' perpendicularly distant from the west line of the SW/4 a distance of 990.06' to the POB, and containing 27.231 acres, more or less, and being located in an AG zoned district, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15692

Action Requested:

Variance of the minimum lot frontage requirement from 150' to 130.30' to permit a lot-split - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Units 11 and 12.

Variance of the number of required off-street parking spaces to be provided from 71 spaces to 58 spaces - **Section 1212.D. Use Unit 12 - ENTERTAINMENT ESTABLISHMENTS AND EATING ESTABLISHMENTS OTHER THAN DRIVE-INS, Off-Street Parking and Loading Requirements** - Use Unit 12, located 1426 East 71st Street.

Presentation:

The applicant, **American Bank and Trust Co.**, 6100 South Yale, Tulsa, Oklahoma, was represented by **Tom Messick**, who stated that three of the four buildings in the shopping center are under contract for sale. He informed that the buyer and the bank are executing a mutual access parking and use agreement which will remain in effect for all subsequent property owners. He pointed out that both properties will have an access point on 71st Street, and there will be no change in the property except in ownership.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bradley, Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the minimum lot frontage requirement from 150' to 130.30' to permit a lot split - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Units 11 and 12; and to **APPROVE** a **Variance** of the number of required off-street parking spaces to be provided from 71 spaces to 58 spaces - **Section 1212.D. Use Unit 12 - ENTERTAINMENT ESTABLISHMENTS AND EATING ESTABLISHMENTS OTHER THAN DRIVE -INS**, Off-Street Parking and Loading Requirements - Use Unit 12; per plot plan submitted; subject to the owners of the entire shopping center executing a perpetual mutual access and parking agreement; finding that a portion of the center has been sold to a new owner, and there will be no change in the buildings, except for ownership; on the following described property:

All of Lot 1, Block 1, Valley Bend Park Addition to the City and County of Tulsa, Oklahoma, **less and except** the following described tract: Beginning at the NE/c of Said Lot 1; thence S 00°11'40" W along the east line of said Lot 1 a distance of 255.00'; thence N 89°54'43" E along the lot line of said Lot 1 a distance of 35.70'; thence S 00°11'40" W along the lot line of said Lot 1 a distance of 10.00'; thence S 89°54'43" W a distance of 45.70'; thence N 00°11'40" E a distance of 10.00'; thence S 89°54'43" W a distance of 142.00'; thence N 00°11'40" E a distance of 255.00' to the north line of said Lot 1; thence N 89°54'43" E along said north line a distance of 152.00' to the POB, containing 39,217 sq ft;

and

A **part** of Lot 1, Block 1, Valley Bend Park, an addition to the City of Tulsa, Oklahoma, more particularly described as follows: Beginning at the NE/c of Said Lot 1; thence S 00°11'40" W along the east line of said Lot 1 a distance of 255.00'; thence N 89°54'43" E along the lot line of said Lot 1 a distance of 35.70'; thence S 00°11'40" W along the lot line of said Lot 1 a distance of 10.00'; thence S 89°54'43" W a distance of 45.70'; thence N 00°11'40" E a distance of 10.00'; thence S 89°54'43" W a distance of 142.00'; thence N 00°11'40" E a distance of 255.00' to the north line of said Lot 1; thence N 89°54'43" E along said north line a distance of 152.00' to the POB, containing 39,217 sq ft; City of Tulsa, Tulsa County, Oklahoma.

Case No. 15693

Action Requested:

Variance of the required setback from an abutting R District from 75' to 17.5' to permit an addition to an existing building - **Section 903. BULK AND AREA REQUIREMENTS IN INDUSTRIAL DISTRICTS** - Use Unit 23, located east of 105th East Avenue and Admiral Place.

Comments and Questions:

Ms. Hubbard informed that it has recently been discovered that the relief requested has previously been granted on the subject property. She stated that the applicant would not have been advised to seek Board relief for a setback variance if this information had been available when he applied for a building permit. Ms. Hubbard pointed out that Board approval of the revised site plan is required.

Presentation:

The applicant, **Warren G. Morris**, 5109 South Wheeling, Suite B, Tulsa, Oklahoma, was represented by **Marcus Wright**, who submitted photographs (Exhibit N-1) and informed that the owner, Mr. Powers, is proposing to construct a warehouse behind the existing building. A site plan (Exhibit N-2) was submitted.

Comments and Questions:

Mr. Bolzle asked if the proposed building will extend closer to the street than the existing building, and Mr. Wright stated that the two buildings will align.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bradley, Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required setback from an abutting R District from 75' to 17.5' to permit an addition to an existing building - **Section 903. BULK AND AREA REQUIREMENTS IN INDUSTRIAL DISTRICTS** - Use Unit 23; per plan submitted; finding that the new construction will not extend closer to the street than the existing building; and approval of the variance request will not be injurious to the area, or violate the spirit, purposes or intent of the Code; on the following described property:

The east one-half of Lot 1, Block 1, Bright Industrial Park Addition to the City and County of Tulsa, Oklahoma.

Case No. 15694

Action Requested:

Variance of the required livability space requirement from 7000 sq ft to approximately 6500 sq ft to permit construction of a new residence on a nonconforming lot of record - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located at 1615 East 30th Place.

Presentation:

The applicant, **Gary L. Bracken**, 6772 South Atlanta Place, Tulsa, Oklahoma, was represented by **Doug Bracken**, who submitted a plot plan (Exhibit P-1) for proposed construction at the above stated location. He informed that a setback variance was recently approved on the property, but he was unaware of the livability space requirement at that time.

Comments and Questions:

In response to Mr. Fuller, Mr. Gardner explained that the lot is smaller than the Code requirement, however, the applicant is providing a greater percent of open space than would be required for a lot complying with the Code.

Mr. Wright stated that he is being asked to meet a livability space requirement for a 100' lot frontage, when the frontage is actually 75'.

Mr. Gardner stated that the RS-1 zoning classification on the subject property is a hardship, as the lot has never met RS-1 standards.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bradley, Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required livability space requirement from 7000 sq ft to approximately 6500 sq ft to permit construction of a new residence on a nonconforming lot of record - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding a hardship demonstrated by the RS-1 zoning classification, and the fact that the lot has never meet those standards; finding that the applicant is providing a greater percent of open space than would be required for a lot complying with the Code; on the following described property:

Lot 6, Block 5, Avalon Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15695

Action Requested:

Variance of the livability space requirement from 4000 sq ft to 2600 sq ft - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6.

Variance of the square footage allowed for detached accessory buildings within the rear yard from 750 sq ft to 950 sq ft - **Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6.

Variance of the rear yard lot coverage allowed from 20% to 45.5%, and a variance of the accessory building height limitation from one story to two story - **Section 210. YARDS** - Use Unit 6, located 1511 South Newport.

Presentation:

The applicant, **Toma Construction Company**, 4653 South 83rd East Avenue, Tulsa, Oklahoma, was represented by **Tom Lettich**, who requested permission to construct a garage on the back portion of the lot. He submitted a plat of survey (Exhibit R-1) and explained that the garage will conform to the style of the existing dwelling, and will be compatible with the other structures in the neighborhood. Mr. Lettich stated that the old garage is in disrepair and is not suitable for storing an automobile.

Comments and Questions:

Ms. White inquired as to the use of the second story of the garage, and Mr. Lettich replied that the space above the garage will be used for storage purposes.

In response to Mr. Jackere, Mr. Lettich stated that the garage will not have plumbing.

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bradley, Bolzie, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the livability space requirement from 4000 sq ft to 2600 sq ft - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; to **APPROVE** a **Variance** of the square footage allowed for detached accessory buildings within the rear yard from 750 sq ft to 950 sq ft - **Section 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; and to **APPROVE** a **Variance** of the rear yard lot coverage allowed from 20% to 45.5%, and a **Variance** of the accessory building height limitation from one story to two story - **Section 210. YARDS** - Use Unit 6; per plat of survey submitted; subject to the second story of the garage being used for storage purposes only, with no plumbing being installed; finding that the garage will replace, and be slightly larger than, an existing garage; and finding that there are numerous two-story garages in the area; on the following described property:

Lots 9 and 10, less the north 3.5' of Lot 10, Block 2, Morningside Addition, City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Variance of the permitted display surface area per lineal foot of street frontage from 32 sq ft to 64 sq ft - **Section 602.B.4. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS. Accessory Use Conditions. Signs** - Use Unit 11, located at 6705 East 51st Street.

Presentation:

The applicant, **Oklahoma Sign Company**, was represented by **Bob Hale**, 9743 East 54th Street, Tulsa, Oklahoma, who submitted a sign plan (Exhibit S-1) for the Capron Veterinary Clinic. Mr. Hale explained that Dr. Capron has been at the present location for approximately 17 years, and during the past three years has expanded the business to include a dental clinic for animals. He stated that his client is proposing to install a new sign to assist customers in locating the business, as many of Mr. Capron's customers are from out of state. Mr. Hale submitted letters of support (Exhibit S-2) from surrounding property owners.

Dr. Kenneth Capron, 6804 East 60th Street, Tulsa, Oklahoma, stated that he is one of the 43 certified veterinary dentists in the world, and customers from out of town have difficulty locating his dental clinic. He asked the Board to allow him to add the dental sign to the veterinary sign in front of the building.

Comments and Questions:

In response to Ms. Hubbard, Mr. Gardner informed that a veterinary clinic was previously classified under Use Unit 11, but has been changed to Use Unit 14.

Mr. Jackere asked if the establishment of the dental clinic enlarged the use, and Mr. Capron stated that the entire operation is confined to the existing building.

Mr. Gardner advised that the applicant is permitted to have one 32 sq ft sign on 67th East Avenue, and one 32 sq ft sign on 51st Street. He pointed out that the applicant is requesting permission to place the two permitted signs on one pole on the 51st Street frontage.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bradley, Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a Variance of the permitted display surface area per lineal foot of street frontage from 32 sq ft to 64 sq ft - **Section 602.B.4. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS. Accessory Use Conditions. Signs** - Use Unit 11; per sign plan submitted; finding that the business is permitted to have 32 sq ft of signage on two street frontages, and combining the signage on one pole will not be detrimental to the area, or violate the spirit, purposes or intent of the Code; on the following described property:

Lot 10, Block 2, FDM Center Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 15676

Action Requested:

The applicant, **Mark Pickell**, 5230 South Marlon, Tulsa, Oklahoma, requested by letter (Exhibit T-1) that Case No. 15676 be withdrawn, and filing fees refunded.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bradley, Bolzle, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **WITHDRAW** Case No. 15676, as requested by the applicant; and to **REFUND** the public hearing portion of the filing fee in the amount of \$25.00, as the case had been processed prior to withdrawal.

There being no further business, the meeting was adjourned at 3:00 p.m.

Date Approved

April 23, 1991

Benny White
Chairman