

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 586
Tuesday, May 14, 1991, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, May 13, 1991, at 9:01 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 3-0-0 (Bolzle, Bradley, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller "absent") to **APPROVE** the Minutes of April 23, 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**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma, requested by letter (Exhibit A-1) that Case No. 15638 be withdrawn. He explained that the Oklahoma Historical Society reversed their prior approval of the project, which prevented the easement from being amended to permit the use of the property for a private club.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bradley, Bolzle, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller, "absent") to **WITHDRAW** Case No. 15638, 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.

05.14.91:586(1)

Case No. 15664 (continued)

Comments and Questions:

Mr. Jones informed that the applicant, **Claude Neon Federal**, 533 South Rockford, Tulsa, Oklahoma, has requested by letter (Exhibit B-1) that Case No. 15664 be withdrawn, due to Memorial High School's other financial obligations and the calendar year coming to a close.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Bolzle, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller, "absent") to **WITHDRAW** Case No. 15664, as requested by the applicant.

Case No. 15697

Comments and Questions:

Mr. Jones informed that the applicant, **David Gibson**, PO Box 701115, Tulsa, Oklahoma, requested that Case No. 15697 be withdrawn. He explained that the withdrawal request was made prior to processing, and suggested that all filing fees be refunded.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bradley, Bolzle, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller, "absent") to **WITHDRAW** Case No. 15697, as requested by the applicant, and refund filing fees in the amount of \$175.00.

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.

Comments and Questions:

Mr. Gardner informed that the neighbor to the east has requested by letter (Exhibit C-1) that the Board waive the previously imposed requirement that a screening fence be installed between her property and that of the applicant.

Mr. Jackere advised that a parking lot with six or more parking spaces is required by Code to install a screening fence along residential boundaries, and waiver of this requirement would require the applicant to file an application for the waiver.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bradley, Bolzle, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller, "absent") to **CONTINUE** Case No. 15672 to June 11, 1991, to allow the applicant, D. R. Metzger, sufficient time to determine if a waiver of the screening fence requirement will be filed.

Case No. 15708

Action Requested:

Variance of the rear yard coverage from 20% to approximately 38.4% - **Section 210.B.5. YARDS, Permitted Yard Obstructions** - Use Unit 6.

Variance of the livability space per dwelling unit from 4000 sq ft to 1526 sq ft to permit the construction of a new detached garage - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1643 South Florence.

Presentation:

The applicant, **William John Patterson**, 1643 South Florence, Tulsa, Oklahoma, who submitted a plot plan (Exhibit D-2) and photographs (Exhibit D-1), explained that he purchased the subject property in 1989 and refurbished the existing dwelling. Mr. Patterson stated that he has added a living area to the rear portion of the house, and is now proposing to replace the old garage. He pointed out that there are only two houses between 16th and 17th Streets that have a small single-car garage, and some are large enough to store three vehicles.

Comments and Questions:

Ms. Bradley asked Mr. Patterson if he lives in the residence, and he answered in the affirmative.

Mr. Bolzie asked the applicant if the new garage can be moved forward, and he replied that relocating the garage would cover the windows in the house.

Ms. Bradley informed that she has viewed the property, and the proposed construction will be compatible with the surrounding neighborhood.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Bolzie, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller "absent") to **APPROVE** a **Variance** of the rear yard coverage from 20% to approximately 38.4% - **Section 210.B.5. YARDS, Permitted Yard Obstructions** - Use Unit 6; and to **APPROVE** a **Variance** of the livability space per dwelling unit from 4000 sq ft to 1526 sq ft to permit the construction of a new detached garage - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding a hardship imposed on the applicant by the narrow shape of the lot in the older neighborhood; and finding that there are numerous two-car detached garages in the area; on the following described property:

Lot 14, Block 5, Exposition Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15709

Action Requested:

Special Exception to permit a parking lot as a principal use in an R zoned district - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 10.

Variance of the structure (parking space) setback requirement, as measured from the centerline of Harvard Avenue, from 50' to 40' - **Section 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 10.

Variance of the minimum parking space dimensions from 9' by 20' to 9' by 18' - **Section 1303.A. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 10.

Variance of the requirement that unenclosed off-street parking areas be surfaced with an all-weather material - **Section 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 10.

Variance of the screening requirement along lot lines in common with an R District (west property line) - **Section 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 10, located 516 North Harvard Avenue.

Presentation:

The applicant, **Sequoyah Hills Baptist Church**, was represented by **Jay Eddington**, 714 North Harvard, Tulsa, Oklahoma. He submitted a parking layout (Exhibit E-1), and requested permission to remove the house from the subject property and use the lot for church parking.

Comments and Questions:

Ms. Bradley asked how many lots are owned by the church on the block to the south, and the applicant stated that the church only owns one lot at this time, but is negotiating for some of the other properties.

Ms. White inquired as to the reason for the variance of screening requirements and all weather parking, and Mr. Eddington stated that the church is not opposed to screening the parking lot; however, Stormwater Management found the property to be in the regulatory floodplain, which requires that water run-off from a hard surface be directed to an approved point of discharge.

In response to Mr. Bolzie, the applicant stated that the lot cannot drain to Harvard because the property is lower than the street. He pointed out that the church would like to utilize the unpaved lot for parking until such time as it can be paved.

Mr. Gardner pointed out that the lot in question is in the center of the block and, although it is the intention of the church to own the entire block at some point in the future, this is not the case at the present time. He advised that, if approved for parking, the land use would be established and the surrounding houses would not be as desirable for residential use. Mr. Gardner stated that an unpaved lot would also create a dust problem for the residents in the neighborhood.

Case No. 15709 (continued)

Ms. Bradley stated that she is opposed to acquiring the lots one by one, as it may take many years to purchase the entire block.

Mr. Jackere inquired as to the number of parking spaces the lot in question will provide, and Mr. Eddington replied that it will provide approximately 22 spaces.

Ms. Hubbard noted that the property drains to the west, and asked if the Department of Stormwater Management approved a drainage plan, and the applicant informed that he is seeking Board of Adjustment approval before going to that agency.

Mr. Jackere advised that the Board should consider land use and determine if the approval of the request would be beneficial or detrimental to the neighborhood.

Ms. Bradley and Ms. White agreed that the land use as a parking lot is not appropriate at this time.

In response to the applicant, Ms. White stated that the Board might favorably consider an application for parking that contained several abutting lots. She pointed out that a parking lot in the middle of the block would destroy the residential character of the neighborhood.

Mr. Jackere suggested that the church could attempt to negotiate a contract for purchase on the surrounding lots, contingent upon Board approval.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Bolzie, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller "absent") to **DENY** a **Special Exception** to permit a parking lot as a principal use in an R zoned district - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 10; to **DENY** a **Variance** of the structure (parking space) setback requirement, as measured from the centerline of Harvard Avenue, from 50' to 40' - **Section 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 10; to **DENY** a **Variance** of the minimum parking space dimensions from 9' by 20' to 9' by 18' - **Section 1303.A. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 10; to **DENY** a **Variance** of the requirement that unenclosed off-street parking areas be surfaced with an all-weather material - **Section 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 10; and to **WITHDRAW** a **Variance** of the screening requirement along lot lines in common with an R District (west property line) - **Section 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 10; finding that the applicant failed to present a hardship that would warrant the granting of the variance requests; and finding the use to be inappropriate for the interior of a residential neighborhood; on the following described property:

Lot 3, Block 2, Lindell Park Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15724

Action Requested:

Minor Variance of the required front yard, as measured from the centerline of Atlanta Avenue, from 60' to 55' to permit an addition to an existing dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 4144 South Atlanta Avenue.

Presentation:

The applicant, **Roberts Construction Co.**, was represented by **Floyd Roberts**, 1316 East 36th Place, Tulsa, Oklahoma, who submitted photographs (Exhibit F-1) and a plot plan (Exhibit F-2) for the proposed construction. He informed that only one corner of the addition will encroach into the required setback, and that large trees and a septic system reduce the amount of building space on the lot.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bradley, Bolzle, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller "absent") to **APPROVE** a **Minor Variance** of the required front yard, as measured from the centerline of Atlanta Avenue, from 60' to 55' to permit an addition to an existing dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding a hardship demonstrated by the placement of the house on the lot; and finding that the granting of the request will not have a negative impact on the neighborhood; on the following described property:

S/2, SE/4, NW/4, NW/4, Section 29, T-19-N, R-13-E, and Lot 8, Block 1, Forth First Street and Lewis Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15710

Action Requested:

Special Exception to permit a home occupation (speech pathology/therapy for developmentally disabled) in a residential district - **Section 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 6, located at 3144 South 74th East Avenue.

Presentation:

The applicant, **Tammi Miller**, 3144 South 74th East Avenue, Tulsa, Oklahoma, explained that she mailed a letter (Exhibit G-3) to Staff requesting a continuance of this application to May 28, 1991, to allow sufficient time to confer with her attorney; however, she has met with him and is prepared to present the case at this time. Ms. Miller submitted a summary (Exhibit G-1) of her proposed home occupation, and explained that she is a speech pathologist conducting weekly individual therapy sessions for patients ranging in age from

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Case No. 15710 (continued)

three months to 47 years. She informed that most of her clients are developmentally delayed and none of them have criminal records. Ms. Miller stated that she is also qualified to work with children that have speech problems, and individuals that speak other languages and are attempting to improve their American English accent. The applicant stated that she feels her home occupation will be classified as a use by right when Code revisions are completed on the home occupation guidelines. Ms. Miller informed that she has contacted many of the homeowners in the neighborhood and has encountered no opposition to her home occupation. The applicant stated that she does not have group therapy, but only conducts individual therapy sessions.

Comments and Questions:

In response to Mr. Bolzle, the applicant stated that her clients arrive by car only.

Ms. White informed that numerous letters of support (Exhibit G-2) were received by Staff, including a letter from Terry Wilson, District 5 chairman.

Protestants:

Ray McCollum, 3135 South 76th East Avenue, Tulsa, Oklahoma, president of the Whitney Homeowners Association, stated that a group meeting of interested neighbors and members of the association was conducted. After discussion, 12 members of the the association voted against the location of the home occupation and five members were in agreement with the use. Mr. McCollum requested that, if approved by the Board, the operation be limited to this applicant only and three days each week. He pointed out that the clients visiting the residence are on various types of medication, which could present a problem for area residents. He asked the Board to deny the application.

Additional Comments:

Mr. Bolzle asked if there have been specific problems caused by Ms. Miller's clients, and Mr. McCollum stated that the business has operated fairly smoothly up to this point; however, a taxi bringing a client has blocked the street and some of the therapy sessions have been conducted outside the residence. He pointed out that the neighborhood is divided on the issue.

Cynthia Potter, 3139 South 74th East Avenue, Tulsa, Oklahoma, stated that she has worked with the developmentally disabled, and feels these individuals visiting Ms. Miller's home could learn to function more independently in society if therapy sessions were held in a professional office. Ms. Potter stated that, by catering to the convenience of the instructor, these students are being deprived of this learning experience.

Jerry and Ellen Potter, 3139 South 74th East Avenue, Tulsa, Oklahoma, stated that the addition has limited access, and the clients could be better served in an office complex.

Applicant's Rebuttal:

Ms. Miller submitted a copy of the letter (Exhibit G-4) informing area residents of the neighborhood meeting, and pointed out that her household did not receive the letter. She stated that her clients are not undesirable people, and the medication prescribed for them is no different from that given to anyone in society.

Comments and Questions:

Mr. Bolzie asked Mr. Jackere if the use can be limited to the present owner only, and he advised that case law indicates that the Board makes land use decisions which run with the land, regardless of the owner or operator.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Bolzie, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller "absent") to **APPROVE** a **Special Exception** to permit a home occupation (speech pathology/therapy for developmentally disabled) in a residential district - **Section 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 6; subject to proposed Home Occupation Guidelines as follows:

1. Only members of the family residing in the dwelling shall participate in the home occupation.
2. Signs or displays, including signs on a vehicle, advertising the home occupation on the premises, which are visible from outside the lot are prohibited.
3. The home occupation shall be conducted entirely within an enclosed principal residential structure.
4. Mechanical equipment which creates a noise, dust, odor or electrical disturbance is prohibited.
5. Exterior alterations of the structure which would detract from the residential character of the structure are prohibited.
6. Outside storage or display of materials or items associated with the home occupation is prohibited.
7. A maximum of 500 square feet of floor area shall be used in the home occupation.
8. Vehicles used in conjunction with the home occupation shall be parked off the street, on the lot containing the home occupation, and shall be of a type customarily found in a residential area.
9. The sale of merchandise on the premises is prohibited.
10. The pick up of home craft or food items at the home occupation is prohibited.

Subject to days and hours of operation being limited to Monday through Friday, 11:30 a.m. to 5:30 p.m.; subject to no more than one therapy patient receiving treatment at any given time; finding that the use is compatible with the residential neighborhood and will not violate the spirit and intent of the Code; on the following described property:

Lot 11, Block 3, Magnolia Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15711

Action Requested:

Special Exception to permit a home occupation (messenger/courier service) in a residential district - **Section 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 6, located 816 South Jamestown.

Presentation:

The applicant, **Anne Chilcoat**, 816 South Jamestown, Tulsa, Oklahoma, stated that she and her husband own Tulsa Delivery, which receives phone calls from clients and dispatch drivers to the desired location. She informed that they handle small packages only.

Comments and Questions:

Ms. Bradley asked what portion of the business is in the home, and the applicant stated that only the radio dispatching is conducted from the home.

Mr. Jackere asked Ms. Chilcoat if the drivers pick up their pay checks at the residence, and she replied that her husband personally delivers the checks to the three drivers.

Ms. Jackere asked if radio dispatching is the only activity that takes place in the home, and the applicant replied that they have a computer for bookkeeping, but conduct no other activity there.

In response to Ms. Bradley, the applicant stated that the delivery drivers use their personal vehicles, which do not have signs.

Interested Parties:

Ms. White informed that Staff received one letter of support (Exhibit H-1) for the home occupation.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bradley, Bolzle, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller "absent") to **APPROVE** a **Special Exception** to permit a radio dispatch service **only** as a home occupation in a residential district - **Section 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 6; finding that a radio dispatching service will not be detrimental to the residential neighborhood, and will be in harmony with the spirit and intent of the Code; on the following described property:

Lot 27, Block 7, Braden Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15712

Action Requested:

Special Exception to permit a museum (Use Unit 5) in a residential district - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, located at 628 North Country Club Drive.

Presentation:

The applicant, **Ida D. Willis**, 2031 North Peoria, Tulsa, Oklahoma, submitted a plot plan (Exhibit J-2) and explained that the Board previously approved a museum in a building at another location but, due to the cost for refurbishing, she is proposing to move the museum to the subject property. Ms. Willis stated that the new location has sufficient parking, and the neighbors are supportive of the use (Exhibit J-1). She informed that dolls, toys, etc. will be displayed in the museum. Photographs (Exhibit J-2) and a location map (Exhibit J-3) were submitted.

Interested Parties:

Kathryn Hinkle, 1730 West Virgin, Tulsa, Oklahoma, District 11 Planning District chairman, stated that she is supportive of the museum, but is concerned with future uses.

Ms. White informed Ms. Hinkle that a future property owner could use the residence for a museum, but any change in use would require Board approval.

Mr. Jackere advised that, if approved, the museum use should be restricted to the existing building, with no outside storage or display.

In response to Mr. Bolzie, Ms. Willis pointed out that limiting the hours of operation to daytime hours would prevent special events, such as fund raising, from being held in the evening.

Kathryn Hinkle stated that any evening activities would be welcomed in the neighborhood.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Bolzie, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller "absent") to **APPROVE** a **Special Exception** to permit a museum (Use Unit 5) in a residential district - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5; subject to no outside storage or display; finding that the use is compatible with the surrounding neighborhood, and in harmony with the spirit and intent of the Code; on the following described property:

Lots 2, 3 and 4, Block 6, South Osage Hills Addition, City of Tulsa, Osage County, Oklahoma.

Case No. 15713

Action Requested:

Variance of setback requirement, as measured from the centerline of 15th Street, from 100' to 85' - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 13.

Variance of the screening requirements along property lines abutting R Districts to allow the substitution of Bradford pear trees in lieu of a screening wall or fence - **Section 1213. USE UNIT 13. CONVENIENCE GOODS AND SERVICES** - Use Unit 13.

Variance of the lot frontage requirement parallel to Denver Avenue from 150' to 70', and variances of the lot frontage requirements parallel to 15th Street from 150' to 100', to permit construction of a new building - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 13, located NE/c 15th Street and South Denver Avenue.

Presentation:

The applicant, **QuikTrip Corporation**, was represented by **Joe Westervelt**, PO Box 3475, Tulsa, Oklahoma, who submitted a plot plan (Exhibit K-1) for the proposed convenience store. He explained that the canopy at the QuikTrip store across the street is very near Denver Avenue, but the new store will be moved further back on the lot. Mr. Westervelt pointed out that there will be no access points on Carthage Avenue or 14th Street, and the residents of the area have requested (Exhibit K-2) that Bradford pear trees be substituted for the required solid screening fence because of safety concerns.

Comments and Questions:

Ms. Bradley asked if the residents of the area are aware that the Bradford pear is a deciduous tree, which will provide screening only during the summer months.

Mr. Westervelt informed that the construction of a fence, or planting evergreen trees, is not a problem for QuikTrip, but the neighbors have requested pear trees. He stated that they were concerned that the solid fencing would provide too much screening and create a security problem for the area.

Mr. Bolzle inquired as to the uses that might be appropriate for the 70' frontage that will remain on Denver, and Mr. Gardner advised that Staff would predict that development would occur toward the northeast corner, with parking and access being to the west and south. He stated that a narrow building, such as a Burger Street Restaurant, could be constructed on the remainder of the Denver frontage.

Ms. Bradley asked Mr. Westervelt to state the hardship for the variance requests, and he replied that other structures in the area are closer to the street than the proposed building.

In response to Ms. Bradley, Mr. Westervelt pointed out that a storage facility was constructed behind a QuikTrip at another location, which proved to be a good use for the land.

Case No. 15713 (continued)

Mr. Gardner advised that the Code requires 300' of frontage for a lot split, and the entire frontage on Denver is less than 300'. He pointed out that the 150' frontage requirement is to control access, and the applicant only has one access point on Denver; therefore, the hardship for this request is the shape of the property.

Protestants: None.

Interested Parties:

Brian Kinney, PO Box 700424, Tulsa, Oklahoma, pointed out that transients congregate at the QuikTrip stores downtown, and suggested that a chain link fence be installed in addition to the Bradford pear trees. He stated that he owns property in the neighborhood, and pointed out that a fence would prevent the transients from filtering into the neighborhood. Mr. Kinney stated that he is not only concerned with vehicular traffic in the area, but the people on foot as well.

Mr. Westervelt stated that he is not sure how to solve the transient traffic in the area.

Mr. Bolzle remarked that improvement of the overall neighborhood will help to solve some of the existing problems.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bradley, Bolzle, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller "absent") to **APPROVE** a **Variance** of setback requirement, as measured from the centerline of 15th Street, from 100' to 85' - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 13; to **APPROVE** a **Variance** of the screening requirements along property lines abutting R Districts to allow the substitution of Bradford pear trees in lieu of a screening wall or fence - **Section 1213. USE UNIT 13. CONVENIENCE GOODS AND SERVICES** - Use Unit 13; and to **APPROVE** a **Variance** of the lot frontage requirement parallel to Denver Avenue from 150' to 70', and variances of the lot frontage requirements parallel to 15th Street from 150' to 100', to permit construction of a new building - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 13; per plot plan submitted; finding a hardship imposed on the applicant by the shape of the property, resulting in less street frontage than the Code requires for a lot split; finding that the access to Denver will be controlled, since there will be only one access point on that street; finding that the building will not extend as close to the street as other structures in the area; and finding that the surrounding residential property owners requested Bradford pear trees be substituted for the required solid screening fence; on the following described property:

Drew's amended Subdivision of Block 4 of the Campbell Addition,
City of Tulsa, Tulsa County, Oklahoma.

Case No. 15714

Action Requested:

Variance of the required front yard, as measured from the front property line, from 25' to 14', a variance of the required side yard, as measured from the north lot line from 5' to 0', and a variance of the livability space per dwelling unit requirement to permit less than 4000 sq ft of livability space - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1502 South 125th East Avenue.

Presentation:

The applicant, **Robert A. Mathey**, 1502 South 125th East Avenue, Tulsa, Oklahoma, was not present, but requested by letter (Exhibit L-1) that Case No. 15714 be continued.

Comments and Questions:

Mr. Jones informed that he was not aware of the reason for the continuance, and there was Board discussion concerning the timeliness of the request.

Protestants:

Tom Bingham, 2431 East 61st Street, Tulsa, Oklahoma, informed that he is representing an adjacent property owner, and his client states that a portion of Mr. Mathey's home has been constructed over the property line. Mr. Bingham stated that he has spoken with the applicant's attorney, but has had no direct contact with Mr. Mathey.

Edwinna Norris, 1515 South 124th East Avenue, Tulsa, Oklahoma, stated that the applicant's accessory buildings have been constructed on the property line and are leaning on her fence. She further noted that Mr. Mathey's hot tub drains into a corner of her yard.

Comments and Questions:

Mr. Jackere advised that the Board could continue, deny or dismiss the case, as the applicant has failed to appear and give a reason for the continuance request. He suggested that Mr. Mathey be permitted to refile the application if necessary.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Bolzle, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller "absent") to **DISMISS** Case No. 15714, finding the continuance request was not timely, and the applicant failed to submit a reason for continuing the case.

Case No. 15716

Action Requested:

Special Exception to permit Use Unit 25 uses in a commercial district - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 25, located 13003 East Admiral Place.

Presentation:

The applicant, **John Timmons**, 13003 East Admiral Place, Tulsa, Oklahoma, stated that he is president of Timmons Oil Company. He informed that his company does not manufacture or sell equipment, but only does repair and installation of oil tanks and gasoline pumps. Mr. Timmons explained that old tanks cannot be installed underground, so these are repaired and used for the storage of motor oil, which is dispensed to customers in varied amounts.

Comments and Questions:

Ms. White asked if repairs are completed outside, and Mr. Timmons stated that they are repaired outside and used for storage at this location, or returned to the customer for which the repairs were done. He stated that, at one time, salvage tanks had accumulated on the lot faster than he could dispose of them, but they have been removed and only 12 repaired tanks remain. Mr. Timmons pointed out that he is in the oil business, and not the salvage business.

Mr. Gardner asked if all tanks located on the property will be refurbished tanks for oil storage, and the applicant answered in the affirmative.

In response to Mr. Gardner, Mr. Timmons stated that the tanks and pumps can be screened from Admiral Place, but cannot be screened from I-244, because the highway is at a higher elevation than his property.

Protestants: None.

Additional Comments:

Candy Parnell, Code Enforcement, stated that she received a complaint that equipment was being stored on the subject tract, and the site was initially visited in January of 1991. She stated that she found salvage gas pumps stored in the center of the property, and requested that these materials be moved to the rear of the building and screened. Ms. Parnell informed that she then received a complaint that underground gasoline tanks were stored on the boundary line around the property, and the applicant explained to her that the tanks were there for security purposes.

Mr. Timmons stated that he has cleaned up the lot, and complied with Ms. Parnell's request to the best of his ability. He pointed out that all tanks that are not restored for his immediate use will be removed from the property.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Bolzie, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller "absent") to **APPROVE** a **Special Exception** to permit outside storage of gasoline tanks and pumps in a commercial district - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 25; per plot plan; subject to gasoline pumps being stored next to the gasoline tanks; and subject to all storage being enclosed with a 6' solid screening fence; finding that the use, per conditions, will not be detrimental to the area, and approval of the request will not violate the spirit and intent of the Code; on the following described property:

Case No. 15716 (continued)

A tract of land located in Lots 3 and 4, Section 4, T-19-N, R-14-E of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at a point 75' north and 572.41' east of the southwest corner of said Lot 4; thence east and parallel to the south line of said Lot 4, a distance of 250' to the northwesterly right of way line of U.S. 66 Bypass, thence north $69^{\circ}37'42''$ east along said right of way line a distance of 334.13'; thence northeasterly along said right of way line and along a curve to the right with a radius of 1969.83' a distance of 499.95'; thence north $74^{\circ}24'53''$ east along said right of way line a distance of 81.23'; thence north $53^{\circ}09'23''$ west a distance of 486.07' to a point on the north line of said Section 4; said point being 1364' west of the northeast corner of said Lot 3; thence west along the north line of said Section 4 a distance of 529.50' more or less to a point that is 772.41' east of the NW/c of said Section 4; thence south a distance of 200'; thence south a distance of 411.7' to the POB and that parcel of land beginning at a point 672.41' east of the NW/c of Lot 4, Section 4, T-19-N, R-14-E, thence south 200' to a point; thence east 100' to a point; thence north 200' to a point; thence west 100' to the POB, less and except the west 143.69'; of the south 411.7' of said tract and less and except the west 43.69' of the north 200' of said tract; City of Tulsa, Tulsa County, Oklahoma.

Case No. 15717

Action Requested:

Variance of the square footage allowed for detached accessory buildings from 750' to 1628 sq ft to permit an additional accessory building (pole barn) - **Section 402.B. ACCESSORY USES IN RESIDENTIAL DISTRICTS - Accessory Use Conditions** - Use Unit 6, located 5144 West 10th Street.

Presentation:

The applicant, **Weldon Brewer**, 5144 West 10th Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit M-2) for a proposed pole barn, stated that he restores antique automobiles as a hobby, and is in need of a storage facility. The applicant stated that he does not paint at this location, and his automobiles are not for sale. He pointed out that there are large lots in the neighborhood, and there are other buildings in the area that are similar in size to the proposed structure. Letters of support (Exhibit M-1) and photographs (Exhibit M-3) were submitted.

Interested Parties:

Scott Weir, 5108 West 10th Street, Tulsa, Oklahoma, stated that he lives next door to the applicant, and is supportive of the application.

Comments and Questions:

Ms. Bradley inquired as to the size of the garage, and Mr. Brewer stated that it will accommodate approximately 4 vehicles.

Case No. 15717 (continued)

In response to Ms. Bradley, Ms. Hubbard informed that all building permit applications are reviewed by the Department of Stormwater Management.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bradley, Bolzle, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller "absent") to **APPROVE** a **Variance** of the square footage allowed for detached accessory buildings from 750' to 1628 sq ft to permit an additional accessory building (pole barn) - **Section 402.B. ACCESSORY USES IN RESIDENTIAL DISTRICTS - Accessory Use Conditions** - Use Unit 6; per plot plan submitted; finding that there are other storage buildings in the older neighborhood that are similar in size, and the granting of the request will not be detrimental to the area; on the following described property:

West 18.77' of north 187.5', Lot 4, and the north 187.5' of Lot 5, Block 8, Vern Subdivision Amended, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15718

Action Requested:

Special Exception to amend a previously approved site plan to allow an addition to an existing church - **Section 1608. SPECIAL EXCEPTION** - Use Unit 5, located 13610 East 24th Street.

Presentation:

The applicant, **Paul T. Ozbun**, 4325 East 51st Street, Suite 101-B, Tulsa, Oklahoma, architect for the project, stated that the church is proposing to add a 4000 sq ft addition to an existing building (Exhibit N-1). He informed that the previously approved site plan has been revised, and all parking will comply with Code requirements.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Bolzle, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller "absent") to **APPROVE** a **Special Exception** to amend a previously approved site plan to allow an addition to an existing church - **Section 1608. SPECIAL EXCEPTION** - Use Unit 5; per amended plot plan submitted; finding that expansion of the existing facility will not be detrimental to the area; on the following described property:

E/2, SE/4, SE/4, NW/4, Section 16, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15719

Action Requested:

Variance of the setback requirement, as measured from the centerline of 11th Street, from 50' to 43', to permit a new pole sign, and a variance of the setback requirement, as measured from the centerline of 11th Street, from 50' to 25' to permit 4 signs to be placed on existing light poles - **Section 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING - General Use Conditions for Business Signs - Use Unit 21.**

Variance of the number of signs allowed per 100 lineal feet of arterial street frontage from 1 to 5 - **Section 1221.C.9.b. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING - General Use Conditions for Business Signs - Use Unit 21.**

Variance of the minimum sign separation from 30' to approximately 15' - **Section 1221.C.10. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING - General Use Conditions for Business Signs - Use Unit 21, located 2501 East 11th Street.**

Presentation:

The applicant, **Oil Capital Neon**, was represented by **Barry Moydell**, 1221 Charles Page Boulevard, Tulsa, Oklahoma, who submitted a plot plan (Exhibit P-1) and photographs (Exhibit P-2). He explained that the pole sign for the business would be inside the building if the owner of the property complied with Code requirements. Mr. Moydell pointed out that the sign is also required to be a specified distance from existing electrical wires. He stated that the sign in question will not be as close to the street as existing signs along 11th Street. The applicant stated that the Sign Inspector has determined that the four 30" by 30" lights, which display the letters OK, will be included in the total signage for the property. He pointed out that they have been moved from the property across the street, and are merely identification lights.

Brad Noe, Brad Noe Chevrolet, stated that the identification lights were moved from the car sales lot across the street, and the same type of sales operation will be conducted at the new location. He pointed out that the small OK signs have been in place across the street since 1958, and requested permission to install them on the newly acquired lot.

Comments and Questions:

Ms. Bradley asked why this issue is before the Board, and Mr. Noe stated that he was cited by the Sign Inspector.

In response to Ms. Bradley's statement that the signs overhang the sidewalk, Mr. Noe stated that they have been installed exactly like they were across the street.

In reply to Mr. Bolzie, the remaining Board members stated that they probably would have denied an application for the installation of the small signs along the street if a request had been filed prior to installation.

Case No. 15719 (continued)

Ms. Bradley asked the applicant to state the hardship for the small signs, and he replied that the signs were in place before the car sales lot was moved across the street.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bradley, Bolzle, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller "absent") to **APPROVE** a **Variance** of the setback requirement, as measured from the centerline of 11th Street, from 50' to 43', to permit a new pole sign; to **DENY** a **Variance** of the setback requirement, as measured from the centerline of 11th Street, from 50' to 25' to permit 4 signs to be placed on existing light poles - **Section 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING - General Use Conditions for Business Signs - Use Unit 21**; to **DENY** a **Variance** of the number of signs allowed per 100 lineal feet of arterial street frontage from 1 to 5 - **Section 1221.C.9.b. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING - General Use Conditions for Business Signs - Use Unit 21**; and to **DENY** a **Variance** of the minimum sign separation from 30' to approximately 15' - **Section 1221.C.10. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING - General Use Conditions for Business Signs - Use Unit 21**; per plan submitted; subject to the execution of a removal contract; finding that there are numerous business signs along 11th Street that are closer to the street than the sign in question; finding that the applicant failed to demonstrate a hardship; and finding the five additional lights, inscribed with the letters OK, to be signs, which add to the sign clutter along 11th Street; on the following described property:

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

Case No. 15720

Action Requested:

Variance of the setback requirement, as measured from the centerline of Peoria Avenue, from 50' to 43', and a variance of the setback requirement, as measured from the centerline of 41st Street, from 50' to 43', to allow the alteration of 2 existing signs - **Section 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING - General Use Conditions for Business Signs - Use Unit 21**, located 4112 South Peoria Avenue.

Presentation:

The applicant, **Oll Capital Neon**, was represented by **Barry Moydell**, 1221 Charles Page Boulevard, Tulsa, Oklahoma, who submitted a plot plan (Exhibit R-2) and photographs (Exhibit R-1). He requested permission to replace to existing signs with new structures that will be 5' by 20' (1' taller than the existing signs).

Comments and Questions:

Mr. Bolzle asked if the front face of the signs will be in the same location as the existing signs, and Mr. Moydell answered in the affirmative.

Case No. 15720 (continued)

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bradley, Bolzle, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller "absent") to **APPROVE** a **Variance** of the setback requirement, as measured from the centerline of Peoria Avenue, from 50' to 43', and a variance of the setback requirement, as measured from the centerline of 41st Street, from 50' to 43', to allow the alteration of 2 existing signs - **Section 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING - General Use Conditions for Business Signs - Use Unit 21;** per site plan submitted; subject to the execution of a removal contract; finding that the approval of the application will not be detrimental to the area, since the new signs will replace two existing signs, and will be installed at the same location; on the following described property:

All of Lots 17 and 18, and the west 50' of Lots 19 and 20, Block 4, Alta Dena Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15721

Action Requested:

Variance of the setback requirement, as measured from the centerline of West Cameron Street, from 50' to 40', to permit an addition to an existing building - **Section 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS - Use Unit 23,** located 215 North Denver.

Presentation:

The applicant, **Meadow Gold Dairy**, was represented by **J. D. Smith**, 116 South 23rd West Avenue, Tulsa, Oklahoma, who submitted a plot plan (Exhibit S-1) and explained that the dairy is in the process of beginning to make buttermilk for the Bama Pie plant, which requires additional enclosed space.

Mr. Rogers, architect for the project, explained that numerous buildings in the area have been constructed up to the lot line, and asked that the variance be granted to permit the new addition.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Bolzle, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller "absent") to **APPROVE** a **Variance** of the setback requirement, as measured from the centerline of West Cameron Street, from 50' to 40', to permit an addition to an existing building - **Section 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS - Use Unit 23;** per plot plan submitted; finding that numerous buildings in the surrounding area have been constructed up to the lot lines, as is a portion of the Meadow Gold building; and that the granting of the request will not be detrimental to the area; on the following described property:

Lots 1 and 8, Block 31, Original Townsite Addition, City of Tulsa, Tulsa County, Oklahoma.

05.14.91:586(19)

Case No. 15722

Action Requested:

Special Exception to permit Use Unit 2 (temporary open-air activities, such as fruit/vegetable stand sales, firewood sales, Christmas tree sales and sales of other similar seasonal merchandise - **Section 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 2.

Variance of the 30-day time limit for temporary open-air activities to allow intermittent sales throughout the calendar year - **Section 1202. Use Unit 2 AREA-WIDE SPECIAL EXCEPTION USES** - Use Conditions - Use Unit 2.

Special Exception to permit one identification sign on the property - **Section 302.B ACCESSORY USES IN THE AGRICULTURE DISTRICT** Accessory Signs in the AG District - Use Unit 2, located 9220 South Delaware.

Presentation:

The applicant, **Mike McLearn**, Route 2, Box 59-M, Skiatook, Oklahoma, was represented by **Tom Birmingham**, 1323 East 71st Street, Suite 300, Tulsa, Oklahoma. Mr. Birmingham explained that the property in question is a 10-acre agricultural tract, which is under cultivation and leased by his client. He stated that Mr. McLearn is proposing to operate an open-air produce sales business at this location. Letters of support (Exhibit T-1) were submitted. Mr. Birmingham stated that similar sales operations have been conducted on the property in the past. In regard to signage, Mr. Birmingham stated that a 4' by 8' identification sign will be installed.

Comments and Questions:

Ms. Bradley asked if a building will be constructed at this location, and Mr. Birmingham replied that his client will conduct the business under a tent, and will use an existing rock building as an office.

Ms. White inquired as to the number of months the applicant is proposing to operate the business, and Mr. Birmingham replied that he will be open from March through December, with different items being sold during that period of time.

Ms. Bradley remarked that the business would be located in a developing area, and she would not be supportive of a long-term operation of this type.

Candy Parnell, Code Enforcement, stated that, after receiving a complaint, she site checked the location and found only a gravel parking area and light poles. She informed that a letter was mailed to the owner of the property, and Mr. McLearn called her office. Ms. Parnell stated that she explained to the applicant that Board of Adjustment approval would be required for a sales operation at this location. She stated that the small house has been vacant for years and the unattended property has been a popular dumping ground in the past.

Ms. Hubbard stated that numerous types of sales operations are conducted under tents, and Mr. McLearn's proposed sale items are classified under different use units.

Case No. 15722 (continued)

Mr. Bolzle remarked that the applicant seems to be requesting commercial use in a temporary structure on agricultural property.

Mr. Jackere advised that some farmers raise produce for sale on their property, and ship a portion of the crop to other locations. He stated that a use extending over a 10-month period, which is commercial in nature and located in a district that allows only a 30-day span, is perhaps an attempt to get a use variance.

Ms. White asked if the applicant will sell only the crops that are grown on the property, and Mr. Birmingham stated that his client grows produce on other tracts in the area that would be sold at this location. He suggested that the Board might permit the use for 2 years and review the application again at the end of that time period.

Mr. Gardner stated that the Zoning Code permits temporary activities for a period of 30 days, and the Board must make the judgment if a longer period would be appropriate for the use at this location.

After discussion, it was the consensus of the Board that approval of the application for 10 months out of the year would be circumventing the zoning process and would virtually result in rezoning the property.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bradley, Bolzle, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller "absent") to **APPROVE** a **Special Exception** to permit Use Unit 2 temporary open-air activities, which include fruit, vegetable, firewood and Christmas tree sales for one 30 day period **only** in 1991 - **Section 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 2; to **DENY** a **Variance** of the 30 day time limit for temporary open-air activities to allow intermittent sales throughout the calendar year - **Section 1202. Use Unit 2 AREA-WIDE SPECIAL EXCEPTION USES** - **Use Conditions** - Use Unit 2; and to **DENY** a **Special Exception** to permit one identification sign on the property - **Section 302.B ACCESSORY USES IN THE AGRICULTURE DISTRICT** Accessory Signs in the AG District - Use Unit 2; finding that the applicant is not in need of a special exception to permit a sign, since a sign is allowed by right in the AG District; finding that the property is located near an area of development, and the operation of an open-air sales business for 10 months during the year would circumvent the Zoning Code and would not be compatible with the area; finding that that a temporary open-air sale of fruit, vegetables, firewood or Christmas trees, not to exceed 30 days, would not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

S/2 of east 20 acres of Government Lot 1, less the east 50' by north 290', Section 20, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15723

Action Requested:

Variance of the required rear yard from 20' to 9'6" to permit an addition to an existing dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 3117 South 88th East Place.

Presentation:

The applicant, **Steve Goodchild**, 3117 South 88th East Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit V-1) and stated that he is proposing to enlarge an existing dwelling. He explained that the lot is irregular in shape and slopes approximately 12' to the south, which prevents construction on that portion of the lot. Mr. Goodchild informed that the garage is located on the north end of the home and the sewer lines are located to the north of the proposed addition.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Bolzle, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller "absent") to **APPROVE** a **Variance** of the required rear yard from 20' to 9'6" to permit an addition to an existing dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan; finding a hardship imposed on the applicant by the steep slope and irregular shape of the lot; on the following described property:

Lot 8, Block 1, Briarwood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15726

Action Requested:

Minor Variance of the required front yard from 50' to 40'6" to allow an enlargement of an existing dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1553 East 19th Street South.

Presentation:

The applicant, **Peter Combs**, 1553 East 19th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit W-2) and explained that he is proposing to construct a master bath suite above an existing porch which is encroaching into the required setback. He stated that the porch was constructed approximately 15 years ago, and the new addition will not extend closer to the street than the existing house. Elevations (Exhibit W-1) and photographs (Exhibit W-3) were submitted.

Protestants: None.

Case No. 15726 (continued)

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Bradley, Bolzle, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller "absent") to **APPROVE** a **Minor Variance** of the required front yard from 50' to 40'6" to allow an enlargement of an existing dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding that there are other dwellings in the older neighborhood that are as close to the street as the one in question; and finding that the new addition will be constructed above the front porch and will not extend closer to the street than the existing dwelling; on the following described property:

West 19' Lot 12, and east 52' Lot 13, Block 2, Swan Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15727

Action Requested:

Special Exception to allow Use Unit 17 (automobile sales and repair business) in a CS District - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17.

Variance of the screening requirements along the property lines in common with an R District (west property line) - **Section 1217 C. 1. - USE UNIT 17 AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions** - Use Unit 17.

Variance to permit open-air storage or display of merchandise offered for sale within 300' of an R District - **Section 1217 C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES** - Use Unit 17, located 2002 North Lewis Avenue.

Presentation:

The applicant, **Robert M. Harvey**, PO Box 618, Sperry, Oklahoma, submitted photographs (Exhibit X-1) and stated that he is proposing to lease the subject property for use as a car lot. He explained that a 10' by 50' portable is located on the lot and a dense growth of trees along the west property line provides adequate screening. Mr. Harvey stated that, since he filed the initial application, it has been brought to his attention that a hard surface parking area must be provided, and requested a continuance of that portion of the application. He informed that Griffin Trailer Sales and B and J Trailers occupied the lot for the past 8 years; however, City records did not reflect that a permits were issued for the businesses. The applicant stated that heavy mechanic work will not be offered at this location, but only tire repair and battery installation will be done on the property.

Comments and Questions:

Mr. Jackere asked how the old batteries will be disposed of, and the applicant stated that he will remove all used batteries and tires from the lot.

In response to Mr. Jackere, the applicant stated that he is planning to use the existing two bedroom house for the business office. He

Case No. 15727 (continued)

Informed that days and hours of operation will be Monday through Saturday, 10:00 a.m. to 6:00 p.m.

Ms. Bradley inquired as to the number of cars on the lot, and Mr. Harvey replied that he will display a maximum of 10 vehicles, all of which will be operable.

In response to Ms. White, Mr. Gardner informed that INCOG records do not reflect Board of Adjustment action on the subject property, however, a similar type use may have existed prior to 1970 when the use would have been permitted.

Mr. Jackere asked the applicant if he will be able to provide a hard surface parking area on the property, and he replied that he is not sure what type of material will be acceptable.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bradley, Bolzle, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller "absent") to **APPROVE** a **Special Exception** to allow Use Unit 17 (automobile sales and repair business) in a CS District - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; and to **APPROVE** a **Variance** of the screening requirements along the property lines in common with an R District (west property line) - **Section 1217 C. 1. - USE UNIT 17 AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions** - Use Unit 17; to **APPROVE** a **Variance** to permit open-air storage or display of merchandise offered for sale within 300' of an R District - **Section 1217 C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES** - Use Unit 17; and to **CONTINUE** the balance of the application to June 11, 1991 to allow the applicant sufficient time to file for a variance of all-weather surfacing for the parking; subject to a maximum of 10 operable vehicles with tags; subject to no outside storage of batteries, tires, or other similar automotive supplies; subject to only minor repairs be conducted on the premises; and subject to days and hours of operation being Monday through Saturday, 10:00 a.m. to 6:00 p.m.; finding that the boundary line between the proposed use and the residential area is heavily treed, which will sufficiently screen the property; and finding that the use will be compatible with the area, since similar businesses have previously operated at this location; on the following described property:

South 156' of Lot 1, Block 1, Conservation Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15728

Action Requested:

Special Exception to permit parking in an RM-2 District - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 10, located 214 West 13th Street.

Case No. 15728 (continued)

Comments and Questions:

Mr. Jones informed that Case No. 15728 will be continued to May 28, 1991, since one Board member must abstain from hearing the application, causing the Board to lose quorum.

OTHER BUSINESS

Case No. 15666 - George Logan - Consideration and discussion to present additional information.

Presentation:

George Logan, 14 North Utica, Tulsa, Oklahoma, was represented by Joe Westervelt, QuikTrip Corporation, who explained that he was unable to hear the initial presentation of Case No. 15666 which requested the use of two additional parking spaces. He informed that the request was denied, and asked permission to submit additional information concerning the case. Mr. Westervelt informed that the parking lot for the QuikTrip store was previously approved and this request is to add two additional spaces to that previously approved plan. He pointed out that the property is currently zoned RM-2, which allows a building to be 10' from the property line, and requires parking to be located 15' from the property line. Mr. Westervelt stated that the Traffic Engineering Department has informed him that, if the street is widened at this location, it will not extend into the parking lot. He pointed out that he is only requesting 5' of additional space for parking.

Comments and Questions:

Mr. Bolzle stated that the motion for denial was made at the previous meeting because it was determined that at least one car parked in the two spaces would block the sight line of motorists entering Utica. He pointed out that the spaces are not required parking, and the Board could not justify the removal of one obstruction and replacing it with another.

After Board discussion, it was determined that one space may be suitable for parking.

Mr. Jackere advised the Board that they should only determine if they will rehear the application at this time, and set the hearing date for the next scheduled meeting.

Board Action:

On MOTION of BOLZLE, the Board voted 3-0-0 (Bradley, Bolzle, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller "absent") to REHEAR Case No. 15666 on June 11, 1991, as requested by the applicant.

15725 - Chuck Sittler - Request for withdrawal and refund of \$175.00 filing fee.

Comments and Questions:

Mr. Jones informed that Case No. 15725 was withdrawn prior to processing and suggested that \$175.00 be refunded to the applicant.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bradley, Bolzle, White, "aye"; no "nays"; no "abstentions"; Chappelle, Fuller "absent") to **WITHDRAW** Case No. 15725 and **REFUND** filing fees in the amount of \$175.00.

15678 - Discussion of alleged noncompliance with BOA approval of the Ronald McDonald House, according to the Warrenton Neighbors, Inc.

Presentation:

Joe Farris, 1221 East 30th Place, Tulsa, Oklahoma, stated that he is representing Warrenton Neighbors, Inc., and informed that his clients are concerned about the construction of the Ronald McDonald House, since the structure is nearing completion. He stated that they were informed in 1989 that a one-story dwelling would be constructed on the lot, and did not protest at the initial hearing. Mr. Farris stated that another hearing was conducted in March concerning storage in the second level of the building. He pointed out that the initial drawings viewed by the residents of the area are misleading, since they only show the front of the building, which appears to be a one-story facility. Mr. Farris pointed out that the neighborhood was not shown the elevations and, when viewed from the side, the structure appears to be much taller. He stated that this structure is clearly a multiple level dwelling.

Comments and Questions:

In response to Ms. Bradley, Ms. Hubbard informed that she determined the flooring of the attic created a second floor according to the Zoning Code definition, and the case was referred to the Board in March of 1991. She informed that the elevations did not change.

Mr. Gardner stated that a single-family dwelling with storage space in the attic is not considered to be a two-story structure.

Mr. Farris stated that the neighborhood feels that they have been misled, and he feels the Board was misled when the application was initially presented.

Mr. Bolzle asked Ms. Hubbard if she received two sets of plans for the structure, and she replied that she only received one set of plans. Ms. Hubbard stated that Mr. Johnsen advised the Board that he did not agree with her determination that the structure would become a two-story building if the storage space was added.

Ms. White pointed out that the exterior plan has not changed, and it is the same plan that the neighborhood was shown.

Case No. 15678 (continued)

In response to Mr. Gardner, Ms. Hubbard replied that she would have issued a building permit if the attic area had been floored, but did not have an access.

Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, stated that Ms. Hubbard made the determination that the floored area, with an access, would constitute a second story according to the Code. He informed that this determination prompted him to seek Board approval. Mr. Johnsen pointed out that 30 property owners within a 300' radius were notified of the request for attic storage, one of which is the president of the Warrenton association. He stated that a complete disclosure was made to the neighborhood, since several meetings were held with them before the project began and the plans were reviewed. Mr. Johnsen stated that 1100 sq ft of storage space in the attic was later approved by the Board.

Mr. Farris stated that the building is not a one-story building, and the side view reveals how tall the building is in comparison to the surrounding area.

In answer to Mr. Farris, Ms. White and Ms. Bradley stated that they viewed the site plan when the application was initially approved, and have not heard additional information today that was not presented at that time.

Frank Locke, a Warrenton resident, inquired as to the amount of space that was approved for the storage area, and Mr. Gardner replied that 1100 sq ft of space was approved. Mr. Lock stated that the attic contains 2500 sq ft of floor space. Mr. Gardner pointed out that a letter (Exhibit AA) was received from Ray Greene, Customer Services Director, which stated that he and the Building Inspections Manager, Joe Anderson, visited the property in question and found the storage area to contain approximately 1100 sq ft of floor space.

There being no further business, the meeting was adjourned at 5:45 p.m.

Date Approved

May 28, 1991


Chairman

