

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 591
Tuesday, July 23, 1991, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bolzle, Chairman Bradley Chappelle White	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, July 22, 1991, at 10:06 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **BRADLEY**, the Board voted 2-0-2 (Bolzle, Bradley, "aye"; no "nays"; Chappelle, White, "abstaining"; Fuller, "absent") to **APPROVE** the Minutes of July 9, 1991.

UNFINISHED BUSINESS

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.

Variance of the required 50' setback from the centerline of East 13th Street and Carson Avenue to 30' to permit a parking lot - **Section 1302. SETBACKS** - Use Unit 10.

Variance of the screening requirements along the south and west property lines for a parking lot - **Section 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 10, located 214 West 13th Street.

Comments and Questions:

Mr. Bolzle advised that he will abstain from hearing Case No. 15728.

Presentation:

The applicant, **Bryan Kinney**, PO 700424, Tulsa, Oklahoma, informed that he is proposing to construct a 22-unit parking lot on the subject property. He stated that there is currently a dilapidated single-family structure on the lot.

Case No. 15728 (continued)

Comments and Questions:

Ms. White asked the applicant to explain why he is requesting a variance of the screening requirements, and Mr. Kinney informed that the fact that the abutting parking lot does not have screening is the reason for this request.

Ms. Bradley asked if there is a house on the abutting property to the south, and the applicant answered in the affirmative.

Ms. White stated that she is supportive of a waiver of the screening requirement on the west property line along Carson Avenue, but not on the south boundary abutting the residential area.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-1 (Bradley, Chappelle, White, "aye"; no "nays"; Bolzle, "abstaining"; Fuller, "absent") to **APPROVE** a **Special Exception** to permit parking in an RM-2 District - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 10; to **APPROVE** a **Variance** of the required 50' setback from the centerline of East 13th Street and Carson Avenue to 30' to permit a parking lot - **Section 1302. SETBACKS** - Use Unit 10; to **APPROVE** a **Variance** of the screening requirements along the west property lines; and to **DENY** a **Variance** of the screening requirements along the south property line - **Section 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 10; finding that the parking lot to the east of the proposed lot does not have screening, and the west property line abuts Carson Avenue; and finding that a waiver of the screening requirement along the south property line would be detrimental to the residential area, and violate the spirit, purposes and intent of the Code; on the following described property:

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

MINOR VARIANCES AND EXCEPTIONS

Case No. 15792

Action Requested:

Minor Exception to permit a residential accessory use (swimming pool) on a separate, abutting lot which is under common ownership - **Section 1608.A.12. SPECIAL EXCEPTION** - Use Unit 6, located 3726 South Troost.

Presentation:

The applicant, **Sue McKee**, was represented by **Tom McKee**, 3726 South Troost, Tulsa, Oklahoma, who requested permission to install a pool on a lot adjoining the lot containing his residence.

Case No. 15792 (continued)

Comments and Questions:

Ms. Bradley asked Mr. McKee if he is the owner of both lots, and he answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Bolzle, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Minor Exception** to permit a residential accessory use (swimming pool) on a separate, abutting lot which is under common ownership - **Section 1608.A.12. SPECIAL EXCEPTION** - Use Unit 6; subject to the execution of a tie contract; finding that the use is compatible with the residential neighborhood; on the following described property:

Lots 5 and 6, Block 5, Woodland Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15777

Action Requested:

Appeal from the decision of the Code Enforcement Official in determining the subject location is within 500' of a residentially zoned district and that the existing use is a sexually-oriented business - **Section 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 12.

Variance of the required spacing from a sexually-oriented business and a residential zoned district, church, private or public park and/or other sexually-oriented business - **Section 705. LOCATION OF SEXUALLY-ORIENTED BUSINESSES** - Use Unit 12, located 12925 East 21st Street South.

Comments and Questions:

After a brief discussion, it was the consensus of the Board that the appeal and the variance request should be heard separately.

Presentation:

The applicant, **Robert E. Kittrell**, 1528 South College, Tulsa, Oklahoma, was represented by **Everett Bennett**, 1700 Southwest Boulevard, Tulsa, Oklahoma. He explained that the business in question is not located within 500' of residential housing or a church, but is located within 500' of a doctor's office and an insurance office, currently zoned residential. A photograph (Exhibit B-2) was submitted.

Comments and Questions:

Ms. Bradley asked Mr. Bennett if he is appealing the decision of the Code Enforcement officer in determining the use to be sexually oriented, and he answered in the affirmative.

Case No. 15777 (continued)

Mr. Bennett stated that the name of the club in question is Lacy Ladies, which is 390' from residentially zoned property used for offices.

In response to Ms. Bradley, **Ken McCreary**, 16 East 16th Street, Tulsa, Oklahoma, informed that the Lacy Ladies is 390' from the solid wall of the shopping center.

Mr. Bolzle asked Mr. Bennett to explain the portion of the application stating that the business in question is not within 500' of a residential district, and he replied that the business is within 500' of residentially zoned property, but not residences.

Mr. Gardner informed that Mr. Bennett has agreed that the business is within 500' of residentially zoned property; however, the issue before the Board seems to be the hardship for the variance request.

Ms. Bradley asked Mr. Bennett if he is appealing the decision of the Code Enforcement officer, and he answered in the affirmative.

Ms. White asked if the business in question is sexually-oriented, and Mr. Bennett stated that it is not sexually-oriented because of the way it is operated. He stated that the business is a bar and has women that take off most of their clothes, but to be within the law they have to always be clad in such a way as not to be completely exposed. Mr. Bennett stated that the girls in the establishment are like private contractors and are not paid by the bar, but merely work for tips. He commented that the day care center is blocked by the shopping center and is not visible from the club.

Ms. Bradley requested that Candy Parnell, Code Enforcement officer, advise the Board as to her findings. Ms. Parnell stated that she has measured the distance from the business in question to the residentially zoned district and found the distance to be less than 500'. She informed that Major Cochran, Tulsa Police Department, assigned two officers to make an inspection of the business on May 20, 1991, and they determined it to be sexually-oriented. Ms. Parnell stated that she notified the owners and the manager of the violation of the Zoning Code.

Mr. Jackere asked Ms. Parnell if the business in question is 390' from the residential boundary line, and she replied that the measurement from the southeast corner of the building east to the residential single-family area was found to be 355.9'.

In response to Ms. Bradley, Ms. Parnell stated that the zoning clearance permit for the club was issued in May of 1990.

Ms. Hubbard submitted a packet (Exhibit B-1) containing copies of the occupancy and zoning clearance permits, police reports, etc., and explained that she mailed a letter to the applicant on May 1, 1990, requesting that they expound on the use of the club. She stated that the applicant came to her office and changed the original application to read that all dancers would conform to the Zoning Code, and she added this statement to the zoning clearance permit.

Case No. 15777 (continued)

After reading the police report, Mr. Bennett stated that he cannot find that the report defines the use to be sexually-oriented. He stated that the female dancers wear pasties and pointed out that the police did not make arrests when they visited the club.

Mr. Jackere asked if the portion of the female breast below the areola is exposed, and Mr. Bennett answered in the affirmative. Mr. Jackere pointed out that the ordinance states that exposing any portion of the female breast below the top of the areola is sexually-oriented, therefore, the business in question was found to be sexually oriented. Mr. Bennett stated that he would take issue with the constitutionality of that ordinance. Mr. Jackere asked Mr. Bennett to describe the bottom portion of the dancer's costume, and he stated that they usually wear a G-string. Mr. Jackere pointed out that the ordinance also prohibits revealing the buttocks, and Mr. Bennett agreed that this would occur with the use of a G-string.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Bolzie, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **UPHOLD** the **decision** of the Code Enforcement Official in determining the subject location is within 500' of a residentially zoned district and that the existing use is a sexually-oriented business, and to **DENY** the **appeal - Section 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL - Use Unit 12; finding that the business is within 500' of residentially zoned property, one lot of which is utilized as a day care facility, and one lot is vacant, but zoned for residential use; and finding that the fact that the dancers wear only pasties and G-strings causes the business to be classified as sexually oriented.**

Presentation:

Mr. Bennett stated that the club in question has been at the present location for approximately one year and has had relatively few problems in comparison with other clubs of this type. He stated that the nearby day care center has been in operation only four months. Mr. Bennett pointed out that drugs or illegal substances are not permitted in the club.

Comments and Questions:

Ms. Bradley asked Mr. Bennett to state the hardship for the variance request, and he replied that the hardship is financial. Ms. Bradley stated that the Board cannot consider an economic hardship.

Ms. Bradley asked Mr. Bennett if his client was not aware that the building was within 500' of a residentially zoned area when he leased the property, and he replied that he looked over the area and could see no church, school or residences near the proposed site.

Mr. Jackere pointed out that the operator of Lacy Ladies was informed prior to opening that the dancers must be clothed in conformance with Code requirements.

Case No. 15777 (continued)

Ms. Hubbard remarked that Mr. Bennett's client filled out the application, which stated that the dancers would be clothed in a manner to conform to the Zoning Code.

Ms. Bradley stated that the child care facility is zoned residential, and could have been occupied as a residence at any time.

Mr. Gardner informed that the child care business could have new owners, but has been operating in the building for many years.

Protestants:

Mr. Bolzle informed that a letter of protest (Exhibit B-3) was received from The Sanditen Companies, property owners in the area.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Bolzle, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **DENY** a **Variance** of the required spacing from a sexually-oriented business and a residential zoned district, church, private or public park and/or other sexually-oriented business - **Section 705. LOCATION OF SEXUALLY-ORIENTED BUSINESSES** - Use Unit 12; finding that the applicant failed to present a hardship that would warrant the granting of the requested variance; finding the sexually-oriented business to be within 500' of residentially zoned property, one lot of which is utilized as a day care center, and one lot is vacant and developed as residential; and finding that the granting of the variance request would be detrimental to the area, and violate the spirit and intent of the Code; on the following described property:

Lot 5, Block 1, Plaza Hills Center Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15778

Action Requested:

Appeal from the decision of the Code Enforcement Official in determining the subject location is within 500' of a residentially zoned district and that the existing use is a sexually-oriented business - **Section 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 12.

Variance of the required spacing from a sexually-oriented business and a residential zoned district, church, private or public park and/or other sexually-oriented business - **Section 705. LOCATION OF SEXUALLY-ORIENTED BUSINESSES** - Use Unit 12, located 3119 West 61st Street.

Comments and Questions:

After a brief discussion, it was the consensus of the Board that the appeal and the variance request should be heard individually.

Case No. 15778 (continued)

Mr. Bolzle informed that a letter of protest (Exhibit C-4) from **Judy Calvert**, 2901 West 61st Place, Tulsa, Oklahoma, chairman of Page Belcher area residents association, stated that she received a report that the costume of a dancer seen outside the club would indicate that a sexually-oriented business is being conducted at this location.

A copy of the zoning violation notice and a police report (Exhibit C-2) were submitted.

Presentation:

The applicant, **Robert E. Kittrell**, was represented by **Everett Bennett**, 1700 South Southwest Boulevard, Tulsa, Oklahoma, stated that there is RS zoned property within 500' of the Bunny Club, but the property surrounding the business is vacant.

Comments and Questions:

Mr. Bolzle asked the applicant if the dancers at the Bunny Club wear pasties and G-strings and he answered in the affirmative.

Mr. Jackere asked Mr. Bennett if he is stating that the Bunny Club is within 500' of a residentially zoned district, and he replied that the map indicates that this is true. Mr. Jackere asked if the appeal is being withdrawn, and he replied that he is not withdrawing the appeal.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Bolzle, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **DENY** the appeal and **UPHOLD** the **decision** of the Code Enforcement Official in determining the subject location is within 500' of a residentially zoned district and that the existing use is a sexually-oriented business - **Section 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 12; finding that council for the applicant has stated that the business is within 500' of a residentially zoned district; and finding that the attire of the dancers (pasties and G-strings) causes the business in question to be classified by the Code as sexually oriented.

Presentation:

In reference to the variance request, **Ken McCreary**, 16 East 16th Street, Tulsa, Oklahoma, stated that the lot containing the Bunny Club abuts vacant residentially zoned property, with a shopping center being located across the street. He informed that the club is approximately 1200' from the residence to the north. A photograph (Exhibit C-1) was submitted.

Comments and Questions:

Ms. Bradley commented that the vacant property could develop residential, and Mr. McCreary stated that it is more likely to develop commercial.

Mr. Bolzle pointed out that the dwellings to the east and northeast are less than 400' from the business in question.

Protestants:

John Boyd, 111 West 5th Street, Tulsa, Oklahoma, represented West Highlands Development Company, housing developers in the area. He stated that there are new homes in the general area, as well as older additions, and pointed out that the club is within 50' of residentially zoned property, and within 150' of a dwelling.

Judy Calvert, 2901 West 61st Place, Tulsa, Oklahoma, stated that a bar has been at this location for many years; however, a new private school is located within one-half mile of the business, and a city park is proposed for the area. She pointed out that the school and park will generate a great deal of pedestrian traffic, both children and adults, and a sexually-oriented business is not appropriate at this location.

Gary Phillips, 2935 West 61st Place, Tulsa, Oklahoma, stated that he lives in the area, and is opposed to the variance request. He asked the Board to consider the welfare of the children in the neighborhood and deny the application.

Lois Ridgeway, chairman of the Summit Park Neighborhood Association, stated that she lives within 400' of the club, and is opposed to the application.

Interested Parties:

Elva London Jenkins, 3119 West 61st Street, Tulsa, Oklahoma, stated that she has owned the property in question since 1971 and rezoned it from the original residential classification. She stated that there has been a bar at this location since the 1960's and the rental fee is a portion of her livelihood. She pointed out that the surrounding area was pasture land when she purchased the subject property.

Mr. Jackere informed Ms. Jenkins that a bar can operate at this location by right, and she stated that she is aware of that fact.

Applicant's Rebuttal:

In response to Ms. Bradley's request, Mr. Bennett stated that the hardship for this case is the fact this is Mr. Kittrell's only livelihood. He informed that a bar has been in operation at this location since the 1960's and a bar is what his client is operating now. Mr. Bennett stated that the building is designed to be a bar and could not be effectively used for any other type of business.

Ms. White pointed out that that a bar can operate on the property by right.

Interested Parties:

Candy Parnell, Code Enforcement officer, stated that the measurement from the northeast corner of the building wall to the residential boundary line is approximately 57.9'. A memo (Exhibit C-3) regarding the results of the field investigation was submitted.

Case No. 15778 (continued)

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Bolzie, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **DENY** a **Variance** of the required spacing from a sexually-oriented business, and from a residentially zoned district, church, private or public park and/or other sexually-oriented business - **Section 705. LOCATION OF SEXUALLY-ORIENTED BUSINESSES - Use Unit 12**; finding that a hardship was not demonstrated that would warrant the granting of the variance request; and finding that there are numerous residences within a 500' radius of the business in question, and the use would be detrimental to the neighborhood and violate the spirit, purpose and intent of the Code; on the following described property:

Lot 16, Block 2, Summit Parks Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15781

Action Requested:

Special Exception to permit church use and day care use in RM-1 and RS-3 zoned districts - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5.**

Variance of the required front yard, as measured from the centerline of North Peoria Avenue, from 85' to 63', and a variance of the required yard from the centerline of East Virgin Street from 55' to 34' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 5, located 2101 North Peoria.**

Presentation:

The applicant, **Corinth Baptist Church**, was represented by **A. L. Conley**, 852 North Vancouver, Tulsa, Oklahoma, who stated that the church is in need of a study, and requested permission to construct a small addition to the existing church building. A plot plan (Exhibit D-1) and photographs (Exhibit D-2) were submitted.

Comments and Questions:

Mr. Gardner explained that Staff could find no previous approval of the existing structure, therefore, the applicant is requesting approval of the existing building and the small proposed addition. He pointed out that the addition will not be as close to the street as the existing building.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Bolzie, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** to permit church use and day care use in RM-1 and RS-3 zoned districts - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5**; and to **APPROVE** a **Variance** of the required front yard, as measured from the centerline of North Peoria Avenue, from 85' to 63', and a variance of the required yard from the centerline of East Virgin Street from

Case No. 15781 (continued)

55' to 34' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 5; per plot plan submitted; finding that the building in question was constructed many years ago, and the proposed addition will not extend closer to the street than the existing building; on the following described property:

Lots 3, 4 and 5, Block 1, Abilene Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15783

Action Requested:

Special Exception to permit a children's nursery in an RS-3 zoned district - **Section 401 - PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, located 4603 North Rockford.

Presentation:

The applicant, **Richard Martin**, was represented by **Lloyd Jackson**, 1534 North Cheyenne, Tulsa, Oklahoma. He explained that the property in question has been renovated and the Martins are proposing to begin operation of a child care center at the above stated location.

Comments and Questions:

In response to Mr. Bolzle, Mr. Jackson submitted a plot plan (Exhibit E-1) for the proposed day care center.

Ms. White asked if a drop-off area will be provided, and Mr. Jackson replied that the drop-off will be located on 46th Street.

Mr. Bolzle inquired as to the days and hours of operation, and Mr. Jackson stated that the center will be open Monday through Saturday noon, with weekday hours being from 7:00 a.m. to 6:30 p.m.

Mr. Gardner recommended that all permitted signage for the nursery be located on 46th Street (east portion of the property), along with the drop-off and play area. He suggested that there be no exterior changes to the house, to preserve the residential character of the neighborhood.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Bolzle, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** to permit a children's nursery in an RS-3 zoned district - **Section 401 - PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5; per plot plan submitted; subject to no exterior changes to the structure; subject all signage, ingress and egress and the play area being located on 46th Street (east side of property); subject to days and hours of operation being Monday through Saturday, 7:00 a.m. to 6:30 p.m.; finding the use to be compatible with the surrounding neighborhood, and in harmony with the spirit and intent of the Code; on the following described property:

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

Case No. 15784

Action Requested:

Special Exception to relocate the Kendall-Whittier United States Post Office pursuant to the Kendall-Whittier Redevelopment Plan - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, located east side of South Lewis between 1st and 2nd Streets.

Presentation:

The applicant, **Sam Daniel III**, 1924 South Utica, Suite 700, Tulsa, Oklahoma, owner of the subject property, requested permission to move the Kendall-Whittier station across the street from the current location. He informed that the originally submitted site plan has been revised to place all access points on Lewis Avenue. Mr. Daniel explained that the post office is designed to fit in with the proposed Kendall-Whittier town square, and will have an immediate and direct impact on stabilizing the neighborhood. A site plan (Exhibit F-1) was submitted.

Comments and Questions:

Mr. Gardner informed that the Kendall-Whittier Plan was several months in the making and this is the first key step to revitalizing the area. He stated that there was some concern about the finalization of the plan, and suggested that an approval should contain a condition stating that the application is approved per site plan, with any minor modifications being provided on a revised plan. He pointed out that this would eliminate the need for the applicant to file a new request and repeat the hearing process.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Bolzle, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** to relocate the Kendall-Whittier United States Post Office pursuant to the Kendall-Whittier Redevelopment Plan - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2; per site plan submitted, with a revised plan being submitted for all minor modifications; subject to ingress and egress being only on Lewis Avenue; finding the use to be in compliance with the Kendall-Whittier Plan (Comprehensive Plan); on the following described property:

Lots 9 through 12 and west 25' of Lot 8 and the north 50' of Lots 13 and 16 and the north 50' of the west 25' of Lot 17, Less part of Lots 8 through 13 beginning 6' north of the northwest corner of Lot 14; thence on a curve to the right to a point; thence east 225'; thence south 12', west 169' to a point; thence on a curve to the left to a point; thence south 162' to the POB; and Lots 14, 15 and the south 6' of Lot 13 and the south 106' of Lot 16 and the south 106' of the west 25' of Lot 17, Less part of Lots 13 through 17, beginning 6' north of the northwest corner of Lot 14; thence east 20', south 84'; thence on a curve to the left to a point; thence east 178', south 12', west 220' north 118' to the POB, all in Block 2 in R.T. Daniel Addition to the City and County of Tulsa, Oklahoma, according to the recorded Plat thereof, containing 1.51 acres or 65,850 sq ft, more or less; City of Tulsa, Tulsa County, Oklahoma.

Case No. 15785

Action Requested:

Special Exception to permit a Salvation Army recreation center in an RM-1 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, located south of SE/c West 21st Street and South Olympia Avenue.

Comments and Questions:

Mr. Chappelle stated that he will abstain from hearing Case No. 15785.

Presentation:

The applicant, **Dana M. Hutson**, 806 South New Haven, Tulsa, Oklahoma, stated that he is a building contractor, and explained that the structure in question will be located on property abutting the existing Salvation Army facility. He stated that the property is owned by the City and will be leased to the Salvation Army for a period of 50 years. A site plan (Exhibit G-1) was submitted.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-1 (Bradley, Bolzle, White, "aye"; no "nays"; Chappelle, "abstaining"; Fuller, "absent") to **APPROVE** a **Special Exception** to permit a Salvation Army recreation center in an RM-1 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5; per plot plan submitted; finding the use to be compatible with the surrounding neighborhood, and in harmony with the spirit and intent of the Code; on the following described property:

All of Lots 7 through 15, Inclusive and Lots 34 through 42, Inclusive, Block 33, Amended Plat of West Tulsa Addition and that part of alley lying in Block 33 described as: Beginning at the northwest corner of Lot 7; thence south to the southwest corner of Lot 15, west 20' to the southeast corner of Lot 34, north north the northeast corner of Lot 42; thence east 20' to the POB, City and County of Tulsa, Oklahoma.

Case No. 15786

Action Requested:

Variance of the required all-weather material for an off-street parking area to permit gravel - **Section 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREA** - Use Unit 10.

Variance of the screening requirement between an abutting R District and the off-street parking area - **Section 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREA** - Use Unit 10, located 1534 -1538 East 3rd Street.

Presentation:

The applicant, **Curtis Barrett**, 1529 East 3rd Street, Tulsa, Oklahoma, stated that the only residential property near the lot in question is across the alley to the south, with industrial and commercial zoned lots on the remaining three sides. He pointed out that his property is located in an area that has a high theft rate, and the screening fence would provide protection for this type of activity. Mr. Barrett informed that his large equipment with metal cleats will be damaged if driven on concrete or blacktop.

Comments and Questions:

Mr. Jackere inquired as to the actual use of the property, and the applicant stated that the lot is used for equipment storage. He informed that there is not a building on the property.

In response to Mr. Jackere, Mr. Barrett stated that the number of vehicles on the property could range from very few to a large number.

Ms. Bradley asked Mr. Barrett where the entrance to the lot is located and he replied that the access point is on 3rd Street. He stated there is a gate located on the alley, but it has not been used. The applicant stated that the large equipment is transported to the job site by truck.

Mr. Bolzle asked if lighting has been installed on the property, and the applicant stated that there is not an electric meter on the lot.

Interested Parties:

Candy Parnell, Code Enforcement, stated that she received a complaint concerning Mr. Barrett's property on February 2, 1991. She informed that during investigation of the complaint she found that the lot is not screened from the residential property across the alley to the south, and that vehicles are being parked on gravel surface.

In response to Mr. Bolzle, Ms. Hubbard stated that the use is permitted by right in a CH District.

Protestants:

Steve Ripley, 304 South Trenton, Tulsa, Oklahoma, submitted photographs (Exhibit H-1) and stated that he is the property owner to the east of the lot in question. Mr. Ripley explained that he was the previous owner of the property and sold it to the applicant to build a parking lot for his trucks, but was unaware that he intended to park bulldozers and other large equipment on the lot. He stated that the neighborhood is opposed to the industrial use of the lot, such as welding and the storage of gravel and pipe. Mr. Ripley stated that the large vehicles create a dust and noise problem for the surrounding property owners.

Ms. Hubbard stated that she was not aware that gravel and pipe were being stored on the property.

Case No. 15786 (continued)

Applicant's Rebuttal:

Mr. Barrett stated that during a slack work period he instructed the welder to make a cooker for his personal use and that no other welding has been done on the property.

Mr. Jackere asked if welding will be done in the future, and Mr. Barrett replied that there will be no welding done on the lot.

Ms. Bradley Inquired as to the use of the property to the west of the subject property, and the applicant replied that he owns the houses to the west, which are used for rental purposes.

In response to Ms. White, Mr. Gardner informed that the Comprehensive Plan calls for Industrial uses in the area, and much of the property has been rezoned for Industry. He stated that screening is not required if all the property is zoned Industrial, but an all-weather surface would be required for any type of business.

In response to Mr. Jackere, the applicant informed that all heavy equipment sales lots are covered with gravel to prevent damage by the metal cleats. He stated that some of his equipment has rubber tires and could be parked on a hard surface. Mr. Jackere pointed out that the use is unique in that some of the equipment cannot be parked on a hard surface.

There was discussion concerning the feasibility of paving a portion of the lot, and the applicant questioned whether or not there would be sufficient space to maneuver the cleated equipment on the lot and avoid driving on the hard surface.

In response to Mr. Bolzle, Mr. Gardner explained that many of the gravel parking lots in the older area are non-conforming.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Bolzle, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** of the required all-weather material for an off-street parking area to permit gravel - **Section 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREA** - Use Unit 10; and **DENY** a **Variance** of the screening requirement between an abutting R District and the off-street parking area - **Section 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREA** - Use Unit 10; subject to the variance of the all-weather surface being approved only so long as the lot is used for the parking of metal cleated equipment; finding a hardship demonstrated by the fact that the heavy cleated equipment cannot be parked on the hard surface material required by the Code; and finding that a variance of the screening requirement would be detrimental to the residential area to the south; on the following described property:

Lots 3 and 4, Block 5, Midway Addition, City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Special Exception to permit the extension of country club use, including the addition of a nine-hole golf course - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, located SE/c 61st Street and Lewis Avenue.

Presentation:

The applicant, **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma, submitted a plot plan (Exhibit J-1), and stated that he is representing Southern Hills Country Club. He explained that Southern Hills is proposing to convert an existing skeet range and polo field to a nine-hole golf course. Mr. Johnsen informed that the proposed golf course is in compliance with the plans prepared in 1935, which included 27 holes of golf. He pointed out that the nine-hole course proposed at this time will complete the 27 hole course.

Comments and Questions:

Ms. Bradley asked if the access point will be on 65th Street, and Mr. Johnsen stated that access to the country club will remain the same, and no buildings are proposed, except for customary shelters. He informed that the exact locations for these shelters have not been determined and requested that he not be required to return to the Board with these locations. He stated that the existing concession stand, located on the skeet range, will remain for use as a shelter.

Protestants:

Laila Basta, 6517 Timberlane Road, Tulsa, Oklahoma, stated that her property is south of the Southern Hill Country Club, and near the proposed golf course. Ms. Basta voiced a concern that her privacy may be invaded by the proposal, and Mr. Bolzie stated that the tee box will be approximately 400' from her home.

Mr. Gardner asked Ms. Basta if she would be supportive of the application if the golf course does not extend the facilities south of the existing road, and she answered in the affirmative.

John Schuller, 2630 East 65th Place, Tulsa, Oklahoma, stated that the country club is a good neighbor, and that his only concern is that more of the property is not used for the golf course. He asked if the property in question could be used for something other than a golf course if the special exception is approved.

Mr. Jackere stated that any change would require Board approval.

Mr. Jackere advised that there is sufficient space for the proposed golf course without changing the street.

Mr. Gardner informed that the current zoning on the subject property would only permit the construction of residences, and all other uses would require Board approval.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Bolzle, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** to permit the extension of country club use, including the addition of a nine-hole golf course - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5**; per plot plan submitted, with the addition of two customary accessory shelters, the location of which to be determined at a later date; finding that the use will be compatible with the surrounding area, and will be in harmony with the spirit and intent of the Code; on the following described property:

A tract of land that is part of the N/2 of Section 5, T-18-N, R-13-E, City and County of Tulsa, Oklahoma, said tract of land being described as follows, to-wit: Beginning at a point that is the northwest corner of said Section 5; thence easterly along the northerly line of Section 5 for 919.7'± to the centerline of the Southern Hills Country Club entrance road; thence southerly along said centerline for 155.9'± to a point of curve; thence southerly and southeasterly along said centerline on a curve to the left with a radius of 1226' for 904.6'± to a point of tangency; thence southeasterly along said tangency and along the centerline of the Southern Hills Country Club entrance road for 804.4'± to a point of curve; thence southeasterly along said centerline on a curve to the left with a radius of 1103' for 705.7'± to a point of tangency; thence easterly along said tangency and along the centerline of the Southern Hills Country Club entrance road for 105.2'±; thence south for 429.1'± to a point on the southerly line of Southern Hills Country Club; thence westerly along said southerly line for 920'± to a point for corner of Southern Hills Country Club said point being the northwest corner of "Timberlane Road Estates", an addition to the City and County of Tulsa, Oklahoma; thence southerly along the westerly line of "Timberlane Road Estates" and along a line of Southern Hills Country Club for 330.5' to a point on the southerly line of the N/2 of Section 5; thence westerly along the southerly line of Southern Hills Country Club for 1444.5'±; thence northerly and parallel with the westerly line of Section 5 for 208.7'; thence westerly and parallel with the southerly line of the N/2 of Section 5 for 208.7' to a point on the westerly line of Section 5; thence northerly along said westerly line for 2414.8' to POB; City of Tulsa, Tulsa County, Oklahoma.

Case No. 15788

Action Requested:

Variance to permit an outdoor advertising sign (off premise) in an IM zoned district that is not within a freeway sign corridor - **Section 1221.G.1. Use Conditions For Outdoor Advertising Signs - Use Units 21 and 17.**

Case No. 15788 (continued)

Variance of the maximum permitted signage (number and square footage) in an IM zoned district - **Section 1221.E.1. Use Conditions For Business Signs** - Use Unit 21 and 17.

Variance to permit an outdoor advertising sign within 150' of an R zoned district - **Section 1221.G.4 Use Conditions for Outdoor Advertising Signs** - Use Units 21 and 17.

Variance to permit an outdoor advertising sign to be supported by more than one post or column - **Section 1221.G.10. - Use Conditions for Outdoor Advertising Signs** - Use Units 21 and 17, located SW/c East 21st Street and South 69th East Avenue.

Comments and Questions:

Mr. Gardner explained that the sign in question is located on property other than that containing the business, and the applicant is proposing to move signs, and not construct additional signs. He pointed out that relief from this Board would not be required if the property was platted into one lot and block,

Presentation:

The applicant, **Terry Howard**, 1423 South 128th East Avenue, Tulsa, Oklahoma, who submitted a site plan (Exhibit K-1), explained that the business has acquired an adjoining lot to construct a car wash, and relocation of the existing sign will result in two signs being on one lot.

Additional Comments:

Mr. Gardner remarked that the property in question is leased and the execution of a tie contract would not be possible in this case.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Bolzle, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** to permit an outdoor advertising sign (off premise) in an IM zoned district that is not within a freeway sign corridor - **Section 1221.G.1. Use Conditions For Outdoor Advertising Signs** - Use Units 21 and 17; to **APPROVE** a **Variance** of the maximum permitted signage (number and square footage) in an IM zoned district - **Section 1221.E.1. Use Conditions For Business Signs** - Use Unit 21 and 17; to **APPROVE** a **Variance** to permit an outdoor advertising sign within 150' of an R zoned district - **Section 1221.G.4 Use Conditions for Outdoor Advertising Signs** - Use Units 21 and 17; and to **APPROVE** a **Variance** to permit an outdoor advertising sign to be supported by more than one post or column - **Section 1221.G.10. - Use Conditions for Outdoor Advertising Signs** - Use Units 21 and 17; per plot plan submitted; and subject to the approval ceasing with the termination of the lease; finding that the relief would not be required if the property was platted into one lot of record; and finding that the approval of the variance requests will not cause substantial detriment to the area, or violate the spirit, purpose and intent of the Code; on the following described property:

Case No. 15788 (continued)

That part of the NE/4 NE/4 NW/4 NW/4 of Section 14, T-19-N, R-13-E of the IBM, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, more particularly described as follows, to-wit: Beginning at a point 50' south and 14' west of the NE/c of NE/4 NE/4 NW/4 NW/4 of said Section 14; thence west and parallel to the north line of said Section a distance of 116'; thence south and parallel to the west line of said Section a distance of 110'; thence east a distance of 116'; thence north a distance of 110' to the POB; and part of the NW/4 of Section 14, T-19-N, R-13-E of the IBM, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof being more particularly described as follows, to-wit: Beginning at a point 50' south and 130' west of the NE/c of the NE/4 NE/4 NW/4 NW/4 of said Section 14; thence west a distance of 200'; thence south a distance of 160'; thence east a distance of 316'; thence north a distance of 20'; thence west a distance of 116'; thence north a distance of 140' to the POB; and Beginning 210' south and 182' west of the NE/c of the NE/4 NE/4 NW/4 NW/4; thence west 148'; thence south 120'; thence east 148'; thence north 120' to POB; City of Tulsa, Tulsa County, Oklahoma.

Case No. 15789

Action Requested:

Variance of the maximum permitted floor area from 32,670 sq ft to 33,315 sq ft to permit an existing office building - **Section 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 11, located 7335 South Lewis Avenue.

Presentation:

The applicant, **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma, submitted a plat of survey (Exhibit L-1), and stated that the application concerns the Southern Oaks office building. Mr. Johnsen explained that the irregular shaped building was constructed in 1985, per building plans submitted, and a certificate of occupancy was issued upon completion of the structure. He stated that, during the course of selling the building, the survey revealed that the actual gross floor area was greater than that stated in the building permit. Mr. Johnsen explained that the approved PUD called for 31,200 sq ft of floor area, the building permit was issued for 32,568 sq ft and the actual amount is 32,312 sq ft. He pointed out that the building was constructed in accordance with the building plans that were submitted. Mr. Johnsen stated that the architect obviously derived his measurements from the middle of the exterior walls, rather than the outer edge of the walls. He informed that the Planning Commission has granted an amendment to the PUD, subject to the Board granting a variance of the floor area.

Protestants: None.

Case No. 15789 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Bolzle, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** of the maximum permitted floor area from 32,670 sq ft to 33,315 sq ft to permit an existing office building - **Section 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 11; finding that the building was constructed in accordance with the submitted plot plan approximately five years ago, but the square footage calculations were in error; on the following described property:

Lot 1, Block 1, South Lewis Plaza, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15790

Action Requested:

Special exception to permit a manufactured home dwelling in an RS-3 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9.

Variance of the one-year time limitation to permanent - **Section 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9, located 440 South 39th West Avenue.

Presentation:

The applicant, **Linda Taff**, 801 North Mingo, Tulsa, Oklahoma, informed that she has purchased a lot and is proposing to install a mobile home on the property.

Comments and Questions:

In response to Mr. Bolzle, Ms. Taff stated that she has not moved the mobile home on the property. She informed that the mobile home will be permanently installed, with a foundation, tie-downs and skirting.

Ms. Bradley noted that numerous mobile homes in the area have been granted permission to install permanent manufactured home units.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Bolzle, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** to permit a manufactured home dwelling in an RS-3 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; and to **APPROVE** a **Variance** of the one-year time limitation to permanent - **Section 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9; subject to Stormwater Management approval; finding that there are numerous mobile homes in the area, and approval of the requests would not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lot 12, Block 2, Parkview Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15791

Action Requested:

Special Exception to allow a heliport in an IM zoned district - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 2, located north of 4344 South Maybelle.

Presentation:

The applicant, **Larry Hill**, 4344 South Maybelle, Tulsa, Oklahoma, requested permission to locate a heliport on a portion of company property next door to the building. He explained that the helicopter will land on the turf and no lighting will be installed. He added that a large field next to the building will allow easy access to the landing area. Mr. Hill stated that the heliport will be used approximately twice each week, and all property owners within 300' have been notified, with no negative response. He informed that the heliport will be approximately 1200' from the nearest residence. An aerial photograph (Exhibit M-1) was submitted.

Comments and Questions:

Ms. White asked Mr. Hill if the proposed heliport will be located to the north of the current landing site, and he answered in the affirmative.

In response to Ms. White, the applicant stated that he made application to the Federal Aviation Administration (FAA) and a representative of that agency has indicated that an approval is forthcoming. He informed that a small three-passenger Bell 47 is used by the company for obtaining replacement equipment, and for transporting customers to their business location.

Mr. Bolzie asked if the helicopter will be used during regular business hours, and Mr. Hill replied that the landing site will be used during daylight hours only.

Ms. White stated that she would not be supportive of large helicopters landing on the site.

Mr. Gardner inquired as to the flight path, and the applicant stated that the approach will be from the north, and not over the houses in the area. He informed that ingress and egress is provided to FAA and they approve or deny the flight path.

Mr. Gardner asked the applicant if the use of the heliport is strictly an accessory use to the industrial business, and he answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Bolzie, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a Special Exception to allow a heliport in an IM zoned district - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 2; subject to the use being accessory to the

Case No. 15791 (continued)

Industrial business; subject to FAA approval and recommendations; subject to the use of the heliport being restricted to no more than 16 times in one month, during daylight hours only; and subject to the size of the helicopter being limited to four passengers only; finding that the flight path will be from north to south, and not over the residential district; and that the accessory use, as presented, will not be detrimental to the surrounding area; on the following described property:

A tract of land located within the SE/4 NW/4 of Section 26, T-19-N, R-12-E of the IBM, Tulsa County, Oklahoma, more particularly described as: Beginning at a point on the North-South Half Section Line a distance of 1321.88' south of the NE/c of the NW/4 of mentioned Section 26; thence south 0°01' east a distance of 207.04' to a point; thence south 89°59'00" west a distance of 488.71' to a point; thence north 38°43'01" west a distance of 149.68' to a point of curve; thence along a curve to the left having a radius of 971.45' a distance of 125.14' to a point; thence south 89°49' east a distance of 666.39' to the POB, less the east 50.00' for road R/W, containing 2.501 acres more or less; City of Tulsa, Tulsa County, Oklahoma.

Case No. 15798

Action Requested:

Variance of the requested 150' setback from an R zoned district to permit a sign - **Section 1103.B.b.2. - Uses Permitted In a Planned Unit Development** - Use Unit 12.

Variance of the minimum required spacing between ground signs from 100' - **Section 1103.B.b.3. - Uses Permitted In a Planned Unit Development** - Use Unit 12, located northwest corner 71st Street and Trenton Avenue.

Presentation:

The applicant, **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma, who submitted a sign plan (Exhibit N-1) and location map (Exhibit N-2), stated that he is representing the Fourth National Bank. He stated that the bank has repossessed the property, and the two front lots have been approved for restaurant use, with a Braum's Ice Cream and Dairy Store being proposed for the easternmost lot. Mr. Johnsen stated that they have requested that a sign be located at the southeast corner of the property. He informed that multi-family use is located across Trenton, and PUD provisions state that ground signs be located 150' from residential districts unless separated by an arterial street. The applicant pointed out that the Braum's sign complies with the sign separation requirements inside the PUD, and is 70' from the Lift Apartment sign. He further noted that a landscaped area and parking lot separate the multi-family use from the sign location, and the southernmost unit does not have windows on the west side facing the Braum's store.

Protestants: None.

Case No. 15798 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Bolzie, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** of the requested 150' setback from an R zoned district to permit a sign - **Section 1103.B.b.2. - Uses Permitted in a Planned Unit Development** - Use Unit 12; and to **APPROVE** a **Variance** of the minimum required spacing between ground signs from 100' - **Section 1103.B.b.3. - Uses Permitted in a Planned Unit Development** - Use Unit 12; per sign plan submitted; finding that the sign in question meets the sign spacing requirement within the PUD; and finding that the proposed sign is separated from the residential apartment sign by a collector street, and from the apartments by a parking lot; and finding that the apartments do not have windows on the side facing the sign; on the following described property:

Lot 1, Block 1, 71 Trenton, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 14434

Action Requested:

Amend site plan by permitting identification sign, located 7515 Riverside Parkway.

Presentation:

Major Bob Chance, commander of the Uniform Division Southwest, 75th and Riverside Parkway, submitted a site plan (Exhibit P-1), and explained that a three-sided wall with a sign is being proposed at the above stated location. He stated that ground lights will illuminate the sign.

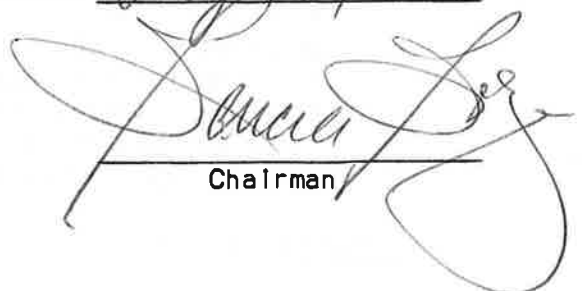
Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Bolzie, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** the amended site plan as submitted.

There being no further business, the meeting was adjourned at 3:47 p.m.

Date Approved

Aug 13, 1991


Chairman