

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 597
Tuesday, October 22, 1991, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bolzle, Chairman Chappelle Doverspike White	Fuller	Jones Moore	Jackere, Legal Department Hubbard, Protective Inspections Parnell, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, October 18, 1991, at 3:07 p.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 **WHITE**, the Board voted 2-0-2 (Bolzle, Doverspike, "aye"; no "nays"; Chappelle, White, "abstaining"; Fuller, "absent") to **APPROVE** the Minutes of October 8, 1991.

UNFINISHED BUSINESS

Case No. 15843

Action Requested:

Variance to allow parking in the designated right-of-way -
Section 215. STRUCTURE SETBACK FROM ABUTTING STREETS - Use Unit 11,
located 1768 South Utica.

Presentation:

The applicant, **Becky Hinkle**, 1768 South Utica, Tulsa, Oklahoma, was represented by **Kenneth Hird**, 427 South Boston, Tulsa, Oklahoma, who submitted a packet (Exhibit A-1) containing a parking plan, photographs of the area and a location map. Mr. Hird informed that the property in question is a part of a Planned Unit Development (PUD); however, an application to abandon the PUD is pending. He explained that this request consists of a drive through and two parking spaces in front of the existing building. The applicant stated that numerous buildings along Utica Avenue have hard surface parking along the street. Mr. Hird stated that the added driveway and parking will improve circulation at this location. He pointed out that there will be no new curb cuts and no added access points on the lot.

Comments and Questions:

Mr. Bolzle asked Mr. Hird if a mutual access agreement will be signed by his client and the abutting property owner, and he answered in the affirmative. He added that a removal contract will also be executed, which will state that the driveway will be removed by the applicant if Utica Avenue is widened in the future.

Case No. 15843 (continued)

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzie, Chappelle, Doverspike, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** to allow parking in the designated right-of-way - **Section 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 11; per plan submitted; subject to the execution of a removal contract and a mutual access agreement with the abutting property owner to the north; finding that parking is prevalent in front of the buildings along Utica Avenue; and the granting of the request will not be detrimental to the area, or violate the spirit and intent of the Zoning Code; on the following described property:

South 24' of Lot 4, and north 40' of Lot 5, Block 2, Swan Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15848

Action Requested:

Variance of the maximum permitted 20% rear yard coverage to 26% - **Section 210.B.5. - Permitted Yard Obstructions** - Use Unit 6.

Variance of the maximum permitted 750 sq ft for a detached accessory building to 1008 sq ft - **Section 402.B.1.d. - Accessory Use Conditions** - Use Unit 6, located 1938 South Evanston.

Presentation:

The applicant, **Charles Goble**, 1938 South Evanston, Tulsa, Oklahoma, submitted a plat of survey (Exhibit B-3), and requested permission to construct a three-car garage, with storage. He explained that his family currently has five cars, and the houses in the area were constructed many years ago, and have inadequate garage and storage space. The applicant stated that the existing structure will be removed, and the new accessory building will be architecturally consistent with the homes in the area and will add to the value of his residence. Mr. Goble stated that his garage will not be used for rental purposes or any type of business. A petition of support (Exhibit B-2) and photographs (Exhibit B-1) were submitted.

Comments and Questions:

Ms. White asked if plumbing and heating will be installed in the new facility, and the applicant replied that his home only has one bathroom, and a second bath may be installed for his family's convenience.

In response to Mr. Doverspike, the applicant stated that the exterior of the proposed building will be Masonite, and the same material will be used for the gables on the dwelling.

Protestants: None.

Case No. 15848 (continued)

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzie, Chappelle, Doverspike, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** of the maximum permitted 20% rear yard coverage to 26% - **Section 210.B.5. - Permitted Yard Obstructions** - Use Unit 6; and to **APPROVE** a **Variance** of the maximum permitted 750 sq ft for a detached accessory building to 1008 sq ft - **Section 402.B.1.d. - Accessory Use Conditions** - Use Unit 6; subject to the use of the building being restricted to storage of vehicles and family items only; and subject to a covenant being filed of record that prohibits the rental of the building, or its use for business activities; finding that there are numerous detached garages in the older area, and that the granting of the requests will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lot 8 and the north 10' of vacated alley, Block 7, Hickory Manor Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15853

Action Requested:

Minor variance of the required 5' and 10' side yards to permit 5' and 8'6" for an addition to an existing dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 5642 South Indianapolis.

Presentation:

The applicant, **Linda Eaves**, 9712 East 55th Place, Tulsa, Oklahoma, stated that she is representing the owners of the property at the above stated location. She stated that her client is proposing to add a room to the rear portion of an existing home. Ms. Eaves explained that the new addition will be used for an art studio, and will not encroach further into the side yard than the existing dwelling. A plot plan (Exhibit C-1) and letters of support (Exhibit C-2) were submitted.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzie, Chappelle, Doverspike, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Minor variance** of the required 5' and 10' side yards to permit 5' and 8'6" for an addition to an existing dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding that the new addition will align with the existing building wall and will not encroach further into the required side yard; on the following described property:

Lot 6, Block 5, Lou North's Woodland Acres 5th, City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Special exception to amend site plan to permit relocation of drive -
Use Unit 5, located SE/c 61st Street and Lewis Avenue.

Presentation:

The applicant, **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma, submitted an amended site plan (Exhibit D-1) for Southern Hills Country Club. In summary, Mr. Johnsen informed that the Board previously approved an addition to the existing golf course, and the road location on the submitted site plan was in error. He pointed out that Ms. Basta, a nearby resident, attended the previous meeting and the plot plan that she reviewed, which depicted the location of the road, was incorrect. Mr. Jones explained that the previous location would put vehicles in danger of being hit by golf balls and, although a few trees will be lost (Exhibit D-2) by moving the road, there is still a substantial tree cover between it and the Basta residence. He informed that Mr. and Mrs. Basta have been notified of the proposed road.

Comments and Questions:

In reply to Mr. Doverspike, the applicant stated that the present location of the road and the new location would be visible from the Basta residence without the summer foliage.

Protestants: None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** to amend a site plan to permit relocation of a drive, Use Unit 5; per amended site plan submitted; 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

Case No. 15869 (continued)

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.

NEW APPLICATIONS

Case No. 15851

Action Requested:

Variance of the required 50' setback from the centerline of South Peoria to 40' to permit a sign - **Section 1221.C.6. General Use Conditions For Business Signs** - Use Unit 13, located SW/c 36th Street and Peoria Avenue.

Presentation:

The applicant, **QuikTrip**, was represented by **David Grooms**, 901 North Mingo Road, Tulsa, Oklahoma, who submitted a plot plan (Exhibit E-1), and informed that the store is proposing to remove one flashing sign and replace it with a monument sign.

Comments and Questions:

Mr. Bolzie asked if the new sign will be installed at the same location as the existing sign, and Mr. Grooms answered in the affirmative.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzie, Chappelle, Doverspike, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** of the required 50' setback from the centerline of South Peoria to 40' to permit a sign - **Section 1221.C.6. General Use Conditions For Business Signs** - Use Unit 13; per plot plan submitted, and subject to a removal contract; finding that the new monument sign will replace an existing pricing sign, which will be installed at the same location; finding the setback of the existing sign to be consistent with that of other signs in the area, and on the following described property:

Lots 5 and 6, Block 5, Peoria Gardens, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15852

Action Requested:

Special Exception to permit a dry cleaning establishment in a CS District - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 15, located SW/c Yale and 21st Street.

Comments and Questions:

Mr. Bolzle asked the applicant if the dry cleaning process is completed on the subject property, and Mr. Rothrock replied that the business is currently a pickup station, but a dry cleaning plant is proposed in the future.

Presentation:

The applicant, **Bill Rothrock**, 5953 East 15th Street, Tulsa, Oklahoma, informed that he purchased the business in 1959 and have continued to operate until the present time. Mr. Rothrock informed that new tenants are moving into the shopping center, and the area is in need of a cleaners. He explained that he owns similar businesses in Tulsa and is proposing to move one of them to this location, which has 2100 sq ft of floor space. Mr. Rothrock stated that an 800 sq ft addition will be constructed on the rear portion of the building. Photographs (Exhibit F-1) and a plot plan (Exhibit F-2) were submitted.

Additional Comments:

Ms. White asked the applicant if he is aware of Health Department the Environmental Protection Agency (EPA) requirements regarding cleaning plants, and he replied that he operates nine cleaning establishments in the City and is aware of all regulations. He explained that he operates a closed system, which requires approximately one 55-gallon drum of solvent per year, and has never had an odor complaint from the neighborhood. Mr. Rothrock pointed out that a cleaning establishment is serving the immediate area and it is imperative that they be a good neighbor.

Mr. Doverspike asked if the cleaning plant will create additional traffic, and he replied that from eight to ten deliveries are currently made each day, which would be eliminated. He pointed out that only customers will visit the cleaners, which would be no different from other businesses in the shopping center.

Ms. White inquired as to the hours of operation for the plant, and the applicant replied that it will operate Monday through Saturday.

Protestants:

Mr. Bolzle stated that the Board has received one letter of opposition (Exhibit F-3) from a resident in the area.

Case No. 15852 (continued)

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzie, Chappelle, Doverspike, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** to permit a dry cleaning establishment in a CS District - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 15; per plot plan submitted; and subject to Health Department approval; finding the use to be consistent with those currently located in the shopping center; on the following described property:

Part of the N/2 of the NE/4 of Section 16, T-19-N, R-13-E, of the IBM, Tulsa County, Oklahoma, said tract being more particularly described as beginning at the NW/c of said NE/4 of said Section 16; thence east along the north line of said Section 16 a distance of 1286' to a point; thence due south a distance of 249.07' to a point; thence due west a distance of 62' to a point; thence due south a distance of 156' to a point of curve; thence around a 9°01'48" curve to the left having a radius of 634.26' a distance of 188.56' to a point of tangency; thence south 17°02' east a distance of 220.97' to a point of curve; thence around a 4°42' curve to the right having a radius of 1218.14' a distance of 338.23' to a point; thence due east a distance of 70.24' to a point; thence due south a distance of 182.81' to a point on the north line of the SE/4 of the NE/4 of said Section 16; thence west along said north line of said SE/4 of the NE/4 of said Section 16 a distance of 120' to an intersection with the east line of Ridge View Addition to the City of Tulsa, Oklahoma according to the recorded plat thereof; thence north along the east line of said addition a distance of 2.57' to the NE/c thereof; thence west along the north line of said addition to an intersection with the north and south centerline of said Section 16; thence north along said north and south centerline of said Section 16 a distance of 1318' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15854

Action Requested:

Variance to permit the expansion of a previously approved plot plan (BOA 11152) by adding an addition for safe-deposit boxes; and a Variance of the required 95' setback from the centerline of South Yale Avenue to 80' to permit an addition to an existing bank - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 11; located at NW/c 36th Street and Yale Avenue.

Presentation:

The applicant, **State Bank**, was represented by **Larry Choate**, 502 South Main Mall, Tulsa, Oklahoma, who submitted a plot plan (Exhibit G-1), and explained that the bank is proposing to construct a 600 sq ft addition to the existing structure to permit the installation of a vault and safe-deposit boxes. He stated that the architectural designed of the new construction will be the same as the remainder of the building, and the new service will not generate additional traffic in the area.

Case No. 15854 (continued)

Comments and Questions:

Mr. Doverspike asked if the new service will change the hours of operation for the bank, and Mr. Choate stated that banking hours will remain the same, and there will be no additional entrances or curb cuts.

Ms. White remarked that the residence to the north appears to be closer to Yale Avenue than the bank building.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzie, Chappelle, Doverspike, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** to permit the expansion of a previously approved plot plan (BOA 11152) by adding an addition for safe-deposit boxes; and to **APPROVE** a **Variance** of the required 95' setback from the centerline of South Yale Avenue to 80' to permit an addition to an existing bank - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 11; per plot plan submitted; finding that the new construction will not encroach further into the required setback on Yale Avenue than the residence to the north; and finding that the installation of a vault and safe-deposit boxes will not alter banking hours or generate additional traffic in the area; and finding that the approval of the variance request will not be detrimental to the neighborhood, or violate the spirit and intent of the Code: on the following described property:

Part of the S/2 of the S/2 of the SE/4 of the NE/4 of Section 21, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, more particularly described as follows, to-wit: Beginning at a point 40' north and 24.75' west of the southeast corner of said S/2 S/2 SE/4 NE/4; thence north and parallel to the east section line of said Section a distance of 140' to a point; thence N89°50'40"W a distance of 177.25' to a point; thence south a distance of 140' to a point; thence S89°50'40"E a distance of 177.25' to the POB; City of Tulsa, Tulsa County, Oklahoma.

Case No. 15855

Action Requested:

Special exception to permit a home occupation (auto repair) in a residential area - **Section 404.B. - Special Exception Uses In Residential Districts** - Use Unit 6, located 2125 South 103rd East Avenue.

Presentation:

The applicant, **Jon Wallis**, was represented by **Bill Moss**, 16 East 16th Street, Suite 401, Tulsa, Oklahoma. Mr. Moss stated that approximately 3 1/2 years ago his client, **Orville Plummer**, was granted permission to operate an auto repair business as a home occupation. He informed that Mr. Plummer was to have no more than three vehicles on the property at any given time, and was instructed to comply with all Home Occupation Guidelines. Letters of support (Exhibit H-1) and photographs (Exhibit H-3) were submitted. Mr. Moss stated that his client has always operated in harmony with the neighborhood, and all oil, spare parts, etc., are picked up by a licensed waste disposal company.

Protestants:

Mr. Jones submitted a protest letter (Exhibit H-2) from a neighbor that lives across the street from Mr. Plummer. He noted that the City Council has approved an ordinance that removes Use Unit 17 uses from permitted home occupations. In review, Mr. Jones informed that the home occupation in question was approved for three years and, after the approval time had lapsed, Mr. Plummer was advised of the new ordinance.

Mr. Jackere stated that the City Ordinance would prohibit the initiation of the garage as a new use, since this would be a principal use variance. He pointed out that, although technically the permission may have expired, the use was previously authorized by this Board. He pointed out that it is not a principal use variance, but an authorization to the terms, conditions or criteria of an allowed use category, home occupation. Mr. Jackere stated that the applicant is actually requesting an extension of the three years that were previously permitted.

Ms. White commented that she was not present when the Board approved the home occupation, but has since checked the property several times during the day, and there is no doubt as to whether or not a business is operating at this location. She stated that cars line the street in various stages of repair, and this is a prime example of the reason for deleting this type of home occupation from permitted uses in neighborhoods.

Mr. Bolzle stated that the letter of protest, earlier referred to by Mr. Jones, is from a neighbor, Ms. White, who lives across the street from the auto repair business. He informed that Ms. White complained of street parking, noisy repairs, truck deliveries and more than one mechanic working on automobiles parked outside the garage.

In response to Mr. Doverspike, Mr. Jackere replied that the applicant would not be permitted to file a new application for an auto repair business as a home occupation, because a recently adopted ordinance prohibits Use Unit 17 uses as home occupations in residential neighborhoods.

Mr. Chappelle pointed out that the applicant stated at the previous meeting that all repairs would be conducted inside the garage.

Case No. 15855 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzie, Chappelle, Doverspike, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **DENY** a **Special exception** to permit a home occupation (auto repair) in a residential area - **Section 404.B. - Special Exception Uses In Residential Districts** - Use Unit 6; finding that the use is not in compliance with the Home Occupation Guidelines and is detrimental to the residential neighborhood; and finding that it is evident a business is being conducted on the premises, since numerous cars are parked along the street and repairs are being conducted outside the garage; on the following described property:

Lot 1, Block 3, Charyl Lynn Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15856

Action Requested:

Variance of the required 24 off-street parking spaces to 16 - **Section 1212.D. Off-Street Parking and Loading Requirements** - Use Unit 12, located 1204 South Peoria.

Presentation:

The applicant, **Margie Carmons**, 1204 South Peoria, Tulsa, Oklahoma, was represented by **Jim Hodges**, 2727 East 21st Street, Tulsa, Oklahoma, who stated that his client is proposing to renovate an existing building for use as a barbecue restaurant. He explained that the application reflects a reduction of the number of required parking spaces from 24 spaces to 16 spaces; however, the Health Department has determined that the smoke pit must be placed outside the building, which added 80 sq ft to the interior. He stated that the revised site plan (Exhibit J-3) reflects the change from 24 to 25 spaces. Mr. Hodges stated that 8 parking spaces will be located in the designated right-of-way, one space will be less than the size requirement and one of the employee spaces will be accessed through another parking space.

Comments and Questions:

Mr. Bolzie asked if the parking lot will encroach into the 12th Street required setback, and Mr. Hodges replied that the only encroachment is on Peoria Avenue. He stated that the hardship for the request is the location of the building on the rear half of the lot, and there is no way to acquire 25 parking spaces without Board relief. The applicant submitted photographs (Exhibit J-1), and pointed out that other businesses in the immediate vicinity are parking in the required setback area.

In response to Mr. Bolzie, the applicant stated that the curb cut along Peoria Avenue will be closed.

In regard to employee parking, Mr. Bolzie asked how the employee parked in space 10 could get out of his space, and Mr. Hodges replied that the two employees would have to coordinate their departure.

Case No. 15856 (continued)

Mr. Hodges commented that a large portion of the business will be carryout, and the usual amount of spaces will not be needed for this type of restaurant.

Mr. Jones pointed out the fact that the applicant is requesting one additional parking space above that which was advertised, and that he has not requested a variance to permit parking in the designated right-of-way.

In response to Mr. Bolzle, Mr. Jackere stated that the notice is broad enough to consider the additional parking space, but the applicant will be required to advertise for parking in the designated right-of-way.

Mr. Hodges pointed out that, according to existing parking lots in the area, there is not a recognizable parking setback line.

Mr. Jones advised that parking spaces that must be entered through another space cannot be included in the total number of required spaces.

Protestants:

Mr. Bolzle stated that Staff has received a phone call from **Kell Scholrood**, a nearby resident, who is concerned with neighborhood parking and the possibility that alcoholic beverages will be served in the restaurant.

Carla Lund, 1220 South Owasso, Tulsa, Oklahoma, submitted a petition of opposition (Exhibit J-2), and advised that she is representing residents of the Tracy Park neighborhood. She pointed out that there are two dwelling units on many of the lots in the area, and the restaurant would negatively impact the neighborhood by adding to an existing parking problem. Ms. Lund stated that ingress and egress on 12th Street will cause traffic congestion in the area, and parking in the right-of-way will create a visual obstruction for motorists entering Peoria Avenue from 12th Street.

Mr. Bolzle asked if the restaurant will be licensed for the sale of alcoholic beverages, and the applicant replied that an application has been filed to permit the sale of 3.2 beer.

Mr. Jackere advised that the Board can act on the request for a variance of the required parking spaces from 25 to 16, or continue the case to permit the applicant sufficient time to advertise for an additional variance to permit parking in the required right-of-way.

Mr. Bolzle stated that he is concerned that customers would not have sufficient space to back out and exit the parking lot, and that restaurant parking could overflow into the residential neighborhood.

Ms. White pointed out that there is no OL zoning to serve as a buffer for the residential area, and that she is not inclined to support the request.

Case No. 15856 (continued)

In response to Mr. Chappelle, Mr. Hodges informed that the proposed restaurant will seat 40 patrons.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzie, Chappelle, Doverspike, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **DENY** a **Variance** of the required 24 off-street parking spaces to 16 - **Section 1212.D. Off-Street Parking and Loading Requirements** - Use Unit 12; finding that the applicant failed to demonstrate a hardship that would warrant the granting of the variance request; and finding that insufficient parking and all curb cuts on 12th Street would create a traffic problem for the abutting residential neighborhood; on the following described property:

Lot 1, Block 5, Ridgewood, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15857

Action Requested:

Variance to permit required parking on a lot other than the lot containing the principal use - **Section 1301.D. General Requirements** - Use Unit 12, located east of the southeast corner 27th Street and South Memorial Drive.

Presentation:

The applicant, **Frank's Country Inn**, was represented by **Frank Edwards**, 1958 East 27th Street, Tulsa, Oklahoma, who explained that he has operated a restaurant at the current location for approximately 18 years, and is in need of additional parking. He stated that the existing facility is being expanded and additional parking is being provided on the abutting lot.

Comments and Questions:

Mr. Doverspike asked if the area to the east of the subject property is zoned CS, and Mr. Jones answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzie, Chappelle, Doverspike, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** to permit required parking on a lot other than the lot containing the principal use - **Section 1301.D. General Requirements** - Use Unit 12; subject to the execution of a tie contract between the lot containing the principal use and the proposed parking lot; finding that there is a large parking lot to the north of the subject tract; and the use will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

Lot 3, Block 2 and the north 150' of the east 50' of Lot 1, Block 2 and all of Lot 2, Block 2, Tri-Center Addition to the City and County of Tulsa, Oklahoma.

Case No. 15858

Action Requested:

Appeal of the decision of the zoning officer that proposed use is Use Unit 19 - **Section 1605.A. Appeals From An Administrative Official** - Use Unit 11, located 1645 South Cheyenne.

Presentation:

The applicant, **E. A. Luke**, 1645 South Cheyenne, Tulsa, Oklahoma, submitted photographs (Exhibit K-1), and stated that he and his partner operate an office building at the above stated address. He explained that the offices are located in an older home located in a historical area of the City, and the downstairs portion is frequently used for receptions, seminars, weddings, and other special events. Mr. Luke stated that these uses would be more accurately classified under Use Unit 5, community services and similar uses, and Use Unit 11, office use.

Comments and Questions:

Ms. White asked where the offices are located, and the applicant stated that they are in the upstairs portion of the building. Mr. Luke explained that the building is rented for numerous types of events, but there are no commercial services provided.

Ms. White commented that she has attended a function in the building and there was no parking available except in the neighborhood, approximately two blocks away. She questioned how Mr. Luke provides parking for the various events, and he replied that there is adequate parking at all times. He commented that the lot on the south side of the building can be used to provide parking for approximately 113 vehicles.

Ms. White asked if most of the residents in the area are occupied, and Mr. Luke answered in the affirmative.

In response to Ms. White, the applicant stated that he does not own the parking lot to the south of the building, but the owner has agreed to permit their clients to utilize it for parking. Mr. Luke stated that there other parking lots available in the area, but they have never had a need for additional space.

Mr. Luke informed that office use is the primary use of the mansion, and rental fees collected from the various functions downstairs are used for building maintenance.

Mr. Doverspike inquired as to the number of times the mansion is rented each month and the hours of operation, and the applicant replied that the building is rented four or five times each month. He explained that evening events are completed by 12 midnight, Saturday events are from 9:00 a.m. to 4:00 p.m. and 5:30 p.m. to 12 midnight, with only one event being scheduled for Sunday.

Mr. Jackere advised that, if the Board finds the use to be classified under Use Unit 5, it is allowed by right and no restrictions can be imposed.

Interested Parties:

Candy Parnell, Code Enforcement, stated that a complaint from a resident of the condominiums across the street was received on June 4, 1991. She advised that the protestant complained that a noisy party had been conducted in the building on the Saturday before the complaint was filed, and cars were drag racing in the street. Ms. Parnell stated that she notified Mr. Luke of the complaint, and he informed her that the problem was caused by those attending a free party awarded to the individuals that had helped in renovating the building. She stated that no further complaints have not been received.

Mr. Bolzle asked Ms. Hubbard to give reasons for determining the use to be classified under Use Unit 19, and she replied that the uses described by the applicant are not typically found in office buildings. She pointed out that Harweldon, which does provide similar services, is operating under a Use Unit 11, office use. She added that Harweldon has not applied for and has not been issued a zoning clearance permit. Ms. Hubbard stated that she found this type of operation to be a Use Unit 19 use.

In response to Mr. Bolzle, Ms. Hubbard stated that this type of business does not seem to fall in the category of community services, Use Unit 5.

Mr. Luke stated that the 1914 mansion deserves preservation as a historical structure in the area.

Mr. Jackere suggested that the application could be continued to allow additional research by planning staff as to the potential impact of the proposed use.

Ms. White stated that she has some concerns with the location of this type of facility on a small tract.

In response to Mr. Doverspike, Mr. Jackere stated that if the use is found to be under Use Unit 11, office use, the functions held in the building should be incidental to that use.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **CONTINUE** Case No. 15858 to November 12, 1991, to permit additional research.

Case No. 15859

Action Requested:

Special Exception to permit a Use Unit 5 in an RM-1 District -
Section 401. PERMITTED USES IN RESIDENTIAL DISTRICTS - Use Unit 5,
located 507 North Atlanta Place.

Presentation:

The applicant, **Trans Voc, Inc.**, was represented by **Steve Mendenhall**, 2164 East 61st Street, Tulsa, Oklahoma, who explained that Trans Voc is operating at two locations, and this application is a request to continue the same activities that have been conducted in the building since 1973, when they acquired the property. He pointed out that they are before the Board at this time because the neighborhood is no longer supportive of the use.

Connie Kritzberg, 4351 South Detroit, Tulsa, Oklahoma, introduced two students from Trans Voc, and explained that they moved out of the building about one month ago and the neighbors filed a complaint with the City because of their failure to maintain the yard. She pointed out that this was a one-time incident, which will not be repeated. Ms. Kritzberg informed that the organization has sold a limited amount of merchandise to the public, which is the only money garnered from the workshop. She requested permission to move Trans Voc back to the building at 507 North Atlanta Place. A brochure (Exhibit L-3) was submitted.

Georgia Hanks informed that a resident of the neighborhood stated that Trans Voc would never occupy the building again.

Mr. Bolzle asked Ms. Kritzberg if Trans Voc moved out of the building, and she replied that a portion of the building has continued to be used for office space.

Mr. Mendenhall stated that approximately 85% of the use has been moved to another location, however, they probably would not have moved if they had been aware of their option to ask for a special exception instead of rezoning. He informed that training sessions have always been held at this location. A packet (Exhibit L-1) containing documents explaining the use was submitted.

Ken Mettin, 5752 East 25th Place, Tulsa, Oklahoma, stated that he has been affiliated with Trans Voc for many years and the personality conflicts need to be worked out so the organization can move forward.

Mr. Bolzle asked Mr. Mettin why it is important for Trans Voc to move back to the original facility, and he replied that it is larger than the new location.

Protestants:

Sherry Hoort, 123 North Atlanta Place, Tulsa, Oklahoma, stated that the neighborhood has been unable to determine the proposed use for the building, since Trans Voc representatives have given different answers to questions regarding their operation. She explained that that Trans Voc was compatible with the residential area for approximately 15 years; however, in early 1989 the use began to escalate, and the number of employees has changed from five employees to 29 employees. Ms. Hoort stated that Trans Voc is no longer compatible with the residential neighborhood. She pointed out that equipment, trucks and automobiles surround the building and often block traffic in the neighborhood. Ms. Hoort further noted that Trans Voc did not divulge all types of equipment used at this location when they asked the Board of Adjustment to classify the use. A statement from the residents (Exhibit L-2) and a petition of opposition (Exhibit L-4) were submitted.

Additional Comments:

In regard to the mailing out of notices to property owners, Mr. Jones pointed out that notice of the previous hearing (interpretation) was not mailed to residents of the area, because it was held to determine the use unit classification for Trans Voc.

Applicant's Rebuttal:

Mr. Mendenhall stated that all information regarding the operation of Trans Voc was submitted at the previous Board of Adjustment meeting.

In response to Mr. Doverspike, Ms. Kritzberg replied that nothing has changed in the operation of Trans Voc since the determination regarding the use was made in August.

Ms. White asked if Trans Voc has ever attempted to settle the differences that exist between the organization and the neighborhood, and Ms. Kritzberg stated that they sponsored an open house in 1990 and residents of the area attended the event and made rude comments concerning the use. She stated that she has had no further contact with the neighborhood, but Mr. Mettin has met with them since that time.

Mr. Doverspike asked Mr. Mendenhall to address the parking issue, and he replied that there is an old driveway and a grassy area that could be converted to a parking lot.

Mr. Jones suggested that a plot plan be submitted by the applicant that depicts the location of the parking area, screening, etc. and, also, a list of specific hours of operation, uses and equipment. He pointed out that the use might have been appropriate in 1974 and could have changed since that time.

Mr. Mendenhall stated that a plot plan is available.

Case No. 15859 (continued)

Ms. Hoort pointed out that Trans Voc was denied commercial zoning and withdrew an application for a PUD. She stated that the neighbors were supportive of a PUD, since conditions could have been imposed on the applicant.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzie, Chappelle, Doverspike, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **CONTINUE** Case No. 15859 to November 12, 1991, to permit the applicant sufficient time to acquire a site plan and meet with the neighborhood concerning the use.

Case No. 15860

Action Requested:

Special Exception to permit Use Unit 17 (auto service center) in a CS District - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 5609 East 41st Street.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma, submitted photographs (Exhibit M-1) and stated that he is representing the Goodyear Tire and Rubber Company auto service center. Mr. Norman explained that the store has been operating at this location since 1965, which was prior to the adoption of the current Zoning Code. He pointed out that the use was permitted by right in a commercial area at that time, but a special exception is required under the new ordinance. Mr. Norman stated that the store is proposing additional service bays, and Board of Adjustment approval is needed in order to acquire a building permit to expand the lawful nonconforming use and to continue operating at this location. Mr. Norman stated that all changes will be made inside the building and the building walls will not be expanded. He informed that the surrounding property owners have been notified and there have been no objections to the application.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzie, Chappelle, Doverspike, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** to permit Use Unit 17 (auto service center) in a CS District - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; finding that the store was operating at this location prior to the adoption of the current Zoning Code; and finding that the existing building will not be expanded, and the granting of the request will not violate the spirit and intent of the Code or be injurious to the area; on the following described property:

Case No. 15860 (continued)

A tract of land that is part of the SE/4 SE/4 SW/4 and a part of the SW/4 SW/4 SE/4 of Section 22, T-19-N, R-13-E, Tulsa County, Oklahoma, said tract being described as follows to-wit: Starting at the SE/c of the SW/4 of Section 22; thence N0°01'50"E along the east line thereof for 50' to the POB; thence N89°59'40"W on a line parallel to and 50' north of the south line of the SW/4 of said Section 22 for 266.44'; thence due north 260'; thence S89°59'40"E for 291.58' to a point that is 25' east of the east line of the SW/4 of said Section 22; thence S0°01'50"W for 260'; thence N89°59'40"W for 25' to the POB; and Beginning 310' N and 55'W of the SE/c of the SW/4; thence north 2', west 66.50', south 2', east 66.50' to the POB, all in Section 22, T-19-N, R-13-E of the IBM, in the City and County of Tulsa, Oklahoma.

Case No. 15861

Action Requested:

Variance to permit two dwelling units per lot of record (main residence and cabana) - **Section 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6, located 1505 East 29th Street.

Presentation:

The applicant, **Jack Arnold**, 7318 South Yale, Tulsa, Oklahoma, submitted a plot plan (Exhibit N-1) and stated that his client is requesting permission to construct a cabana near the pool area in his yard.

Comments and Questions:

Mr. Bolzle asked if the structure will be used as a guest house, and Mr. Arnold replied that it will be used as a guest house and for entertaining.

Mr. Jones suggested that, if approved, the Board require a restrictive covenant stating that the building will not be used as a dwelling.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-1 (Bolzle, Chappelle, White, "aye"; no "nays"; Doverspike, "abstaining"; Fuller, "absent") to **APPROVE** a **Variance** to permit two dwelling units per lot of record (main residence and cabana) - **Section 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6; per plot plan submitted; subject to the execution of a covenant prohibiting the use of the cabana as a dwelling or for rental purposes; finding that the lot is large enough to support the two structures, and that a cabana used for entertainment or as a guest house will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lot 11, Rockbridge Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15862

Action Requested:

Variance of the required minimum lot frontage from 150' to 125' - **Section 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS** - Use Unit 18, located south and east of the southwest corner of 71st Street and South 92nd East Avenue.

Comments and Questions:

Mr. Jones informed that the Board has previously approved a similar request on the developed portion of the Planned Unit Development (PUD).

Presentation:

The applicant, **Wayne Alberty**, 201 West 5th Street, Suite 120, Tulsa, Oklahoma, stated that he is representing the owners of the subject property. He submitted a site plan (Exhibit P-1) and informed that three different development areas are being created within the PUD, one of which is a Sonic drive-in restaurant. Mr. Alberty pointed out that there will be no new curb cuts, since the drive-in will share an existing access point with the QuikTrip store, and an internal drive will provide access to the various uses.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Chappelle, Doverspike, White, "aye"; no "nays"; no "abstentions"; Bolzie, Fuller, "absent") to **APPROVE** a **Variance** of the required minimum lot frontage from 150' to 125' - **Section 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS** - Use Unit 18; per site plan submitted; finding that the proposed drive-in will share an existing access, with no additional curb cuts being made to accommodate the business; and finding that a service drive will provide internal access to the various uses; on the following described property:

Lot 2, Block 1, Howerton Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15863

Action Requested:

Variance of the required minimum 45' setback from the centerline of Norfolk Avenue to 30' to permit a garage - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1044 East 36th Place.

Presentation:

The applicant, **Adam Vanderburg**, 1044 East 36th Place, Tulsa, Oklahoma, submitted a plat of survey (Exhibit X-1), and requested permission to construct a detached garage on his property. He stated that the former garage was destroyed by a storm, and the new structure will be built on the existing concrete slab. Mr. Vanderburg informed that the new garage will be 20' by 30', and will be approximately 15' tall, with Masonite siding and no windows. A plot plan (Exhibit X-2) was submitted.

Case No. 15863 (continued)

Comments and Questions:

Mr. Jones advised that the setback shown on the plot plan for the garage does not allow sufficient space to park a car in the driveway without the vehicle extending into City right-of-way. He pointed out that the current Zoning Code requires the garage to be located 40' from the centerline of the street.

Mr. Vanderburg stated that the existing house is not 40' from the centerline of the street.

In response to Mr. Jones, the applicant stated that the plot plan designates the front of the proposed garage as being closer to Norfolk than the front of the existing metal building; however, the garage could be set back to align with the building wall of the house.

Protestants: None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Chappelle, Doverspike, White, "aye"; no "nays"; no "abstentions"; Bolzie, Fuller, "absent") to **APPROVE** a **Variance** of the required minimum 45' setback from the centerline of Norfolk Avenue to 37.2' to permit a garage - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; subject to the front of the 20' x 30' garage being aligned with the east wall of the existing house; finding that the garage will not encroach further into the required setback than the existing house; and finding that the granting of the variance request will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lot 1 and E/2 Lot 2, Block 4, Peoria Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15865

Action Requested:

Variance of the required 85' setback from the centerline of Pine Street to 69' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 516 East Pine Place.

Comments and Questions:

Mr. Jones informed that the tract is unique in that it has street setbacks on both the front and rear, and the patio cover would encroach less than one foot into a typical RS-3 required yard of 20'.

Case No. 15865 (continued)

Presentation:

The applicant, **Delano Radford**, 516 East Pine, Tulsa, Oklahoma, submitted photographs (Exhibit R-1), and requested permission to retain a patio cover that has been constructed over an existing slab at the rear of the residence. Mr. Radford stated that the slab was poured when the residence was constructed, and the builder did not inform him that a patio cover could not be added. He remarked that he has been unable to contact the builder, and they are apparently out of business. Mr. Radford pointed out that there are other structures in the area that appear to be closer to Pine Street than his patio cover. A plot plan (Exhibit R-2) and a petition of support (Exhibit R-1) were submitted.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Chappelle, Doverspike, White, "aye"; no "nays"; no "abstentions"; Bolzle, Fuller, "absent") to **APPROVE** a **Variance** of the required 85' setback from the centerline of Pine Street to 69' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding a hardship imposed on the applicant by street setbacks on the front and rear of the property; and finding that the granting of the variance request will not violate the spirit, purpose or intent of the Code, or be injurious to the neighborhood; on the following described property:

Lot 3, Block 3, Heritage Hills III Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 15866

Action Requested:

Variance to permit a detached accessory building which covers more than 20% of the area of the required rear yard - **Section 210.B.5. Permitted Yard Obstructions** - Use Unit 6, located 2565 East 26th Place.

Presentation:

The applicant, **Lou Reynolds**, 2727 East 21st Street, Tulsa, Oklahoma, was represented by **Don Detrich** of the same address. He submitted a plot plan (Exhibit S-1) and informed that the owner of the property is requesting a variance to allow the construction of a garage in the rear yard that covers more area than is permitted. Mr. Detrich explained that the hardship is the fact that the irregular shape of the lot significantly reduces the size of the rear yard. He informed that the front of the house will align with the other houses on the street.

Protestants: None.

Case No. 15866 (continued)

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzie, Chappelle, Doverspike, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** to permit a detached accessory building which covers more than 20% of the area of the required rear yard - **Section 210.B.5. Permitted Yard Obstructions** - Use Unit 6; per plot plan submitted; finding that the front of the house will align with the existing homes on the street, and the granting of the request will not be detrimental to the neighborhood; and finding a hardship demonstrated by the irregular shape of the lot, which significantly reduces the size of the back yard; on the following described property:

Part each of Lots 2 and 3, beginning at the southwest corner of Lot 3; thence easterly 102.1'; thence northerly to the north line of Lot 2; thence west 83.9'; thence southerly 175' to the POB, all in Block 3, Peragen Addition to the City and County of Tulsa, Oklahoma according to the recorded Plat thereof; City of Tulsa, Tulsa County, Oklahoma.

Case No. 15867

Action Requested:

Special Exception to permit a fire station on an RS-2 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 4.

Variance of the required 85' setback from the centerline of Lewis to 81.5' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 4, located 3602 South Lewis.

Presentation:

The applicant, **City of Tulsa**, was represented by **J. D. Turner**, 2317 South Jackson, Tulsa, Oklahoma, who submitted a plot plan (Exhibit T-1) for the renovation of a fire station at the above stated location. He informed that the existing building was constructed approximately 40 years ago, and does not comply with the current required setback on Lewis Avenue.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzie, Chappelle, Doverspike, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** to permit a fire station on an RS-2 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 4; and to **APPROVE** a **Variance** of the required 85' setback from the centerline of Lewis Avenue to 81.5' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 4; per plot plan submitted; finding that the existing fire station was constructed prior to the adoption of the current Zoning Code; on the following described property:

North 180' of East 185' of N/2, NE/4, NE/4, SE/4, Section 19, T-19-E, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15868

Action Requested:

Special Exception to amend a previously approved plot plan - Use Unit 14, located East 42nd Street and South Memorial Drive.

Presentation:

The applicant, ~~Wal-Mart~~, 4215 Newburg Road, Rockford, Illinois, was not represented.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzie, Chappelle, Doverspike, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **CONTINUE** Case No. 15868 to November 12, 1991.

There being no further business, the meeting was adjourned at 4:15 p.m.

Date Approved

November 12, 1991


Chairman

