

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 598
Tuesday, November 12, 1991, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bolzle, Chairman Doverspike Fuller White	Chappelle	Gardner Jones Moore	Linker, 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, November 8, 1991, at 8:41 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 **WHITE**, the Board voted 3-0-1 (Bolzle, Doverspike, White, "aye"; no "nays"; Fuller, "abstaining"; Chappelle, "absent") to **APPROVE** the Minutes of October 22, 1991.

UNFINISHED BUSINESS

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.

Comments and Questions:

Mr. Bolzle clarified that this case was continued from the previous meeting to permit Staff sufficient time to review the case and allow the applicant to compile a list of Intended uses for the property.

Presentation:

The applicant, **E. A. Luke**, 1645 South Cheyenne, Tulsa, Oklahoma, submitted a list of requested uses (Exhibit A-1) for the building, and a drawing (Exhibit A-2) depicting available parking in the immediate area. He explained that parking lots surrounding the property are virtually empty on the weekends and during the evening hours.

Additional Comments:

Mr. Bolzle asked the applicant if he has a parking agreement with any of the adjacent property owners, and Mr. Luke replied that he has a verbal agreement with American Parking. He explained that there is no charge for parking after 5:00 p.m., and he is only charged during the day if the parking lot is used for an event.

Case No. 15858 (continued)

Mr. Bolzle stated that the parking lot may not be available in the future, and voiced a concern that the location of such a facility in the area, without adequate parking, could create a problem for the neighborhood. He noted that when he viewed the property a large bus was unloading passengers on the street, and Mr. Luke stated that the bus was permitted to park there by American Parking and it was not connected with his business in any way.

In response to Mr. Bolzle, Ms. Hubbard informed that Use Unit 19 uses are not permitted in an OM zoned district.

Mr. Gardner pointed out that the minutes from the previous meeting state that weddings, receptions, seminars, and other uses are proposed for the building. He stated that the applicant should be specific as to the uses, because some activities which benefit the general public, such as weddings, receptions, and seminars, could be compatible with the area; however, late evening, noisy functions could be detrimental to the neighborhood and should be conducted in commercial areas.

Mr. Luke stated that the type of business he is operating is not specifically classified in the current Zoning Code, but suggested that rental of his facility would be more like an extension of a family residence which would provide additional space for a large gathering. He pointed out that the old mansion is an elegant place for a special event.

In response to Mr. Bolzle, the applicant stated that there have been four functions held in the mansion in the last 30 days, and he anticipates a yearly average of no more than six per month. Mr. Luke pointed out that business will escalate during the Christmas season, but will be lighter during other months. He stated that approximately one activity per month will be held during regular business hours.

Mr. Bolzle asked Mr. Luke if it would create a hardship if the hours of operation were restricted to regular business hours, and he replied that this would not be a problem.

Mr. Luke stated that people would not come to events in the mansion if there is not sufficient parking.

Ms. White stated that, although there is a need for this type of facility, she does not agree that the mansion will not be leased if there is not adequate parking for the guests.

In reply to Mr. Fuller, Ms. Hubbard stated that she made the determination that the use is more like those listed in Use Unit 19, based on the information supplied by the applicant. She pointed out that these were functions that would typically be held in hotels or motels. Ms. Hubbard stated that she cannot recall a permit ever being issued to allow recreational use as an accessory to business offices.

Case No. 15858 (continued)

Mr. Gardner reiterated that it is possible that some of the requested uses, such as weddings, anniversaries, receptions and seminars, may be compatible with the area; however, banquets, parties and similar activities could continue until late at night and create a noise and traffic problem for the residents of the area.

Mr. Fuller stated that the uses in Use Unit 19 appear to be more commercial in nature.

Ms. White pointed out that the mansion is leased out for a profit, and finding the submitted activities to be Use Unit 5 uses could set a precedent for the future.

Mr. Luke pointed out that the rental of property in residential areas, and the rental of offices on the subject property is not considered to be a commercial activity. He added that a commercial activity is one where things are sold, and this is not being done on the subject property.

Ms. Hubbard stated that there appears to be two principal use units on one property.

Mr. Luke asked if the Board would approve the uses classified in Use Unit 5, which are cultural, educational and community services.

Ms. White stated that she finds Mr. Luke's request to be too broad, since there are different opinions as to the definition of these three categories. She pointed out that the only request before the Board is the appeal of the zoning officer's decision.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Boizie, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **UPHOLD** the **Decision** of the zoning officer, and to **DENY** an **Appeal** of the decision of the zoning officer that the proposed use is Use Unit 19 - **Section 1605.A. Appeals from an Administrative Official** - Use Unit 11; finding that Use Unit 19 uses are not permitted in an OM zoned district; on the following described property:

Lots 11 and 12, Block 9, Stonebraker Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

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.

Comments and Questions:

In a letter to Incog Staff, dated November 19, 1991, Ms. Kritzberg stated that the previous minutes (October 22) concerning this case made reference to TransVoc's "sales to the public". Her letter informed that TransVoc does not make direct sales to the public, but does sub-contract work with business and industry. Also, Ms. Kritzberg pointed out that the two TransVoc students she introduced had nothing to do with mowing the yard.

Presentation:

The applicant, **TransVoc, Inc.**, was represented by **Wayne Sullivan**, 123 East Main Street, Jenks, Oklahoma, who submitted a rendering (Exhibit B-2) of a proposed parking lot on property adjacent to the existing building. He stated that representatives from TransVoc have meet with the neighborhood, and they are not opposed to the use at this location, but were not in agreement with the parking plan. In regard to the construction of a privacy fence, the abutting land owner was opposed to a solid fence between the two properties. He pointed out that TransVoc has been operating at this location since 1974, and requested that they be permitted to continue to use the existing building as they have in the past. Photographs (Exhibit B-1) were submitted.

Comments and Questions:

Ms. White asked if the submitted drawing of the parking lot is the same one submitted to the neighbors for their review, and Mr. Sullivan replied that it is similar.

Mr. Bolzle pointed out that one plan depicts 21 spaces, while the other shows only 12 parking spaces, and Mr. Sullivan stated that a lot can be constructed using either of the two plans.

Mr. Gardner inquired as to the total number of employees who work and park cars at this location, and Mr. Sullivan replied that there are 29 full-time employees and two part time employees. He added that the full capacity of the structure is approximately 80 individuals. Mr. Sullivan stated that the employee/patient ratio is approximately 4 to 1.

Protestants:

Sherry Hoort, 123 North Atlanta Place, Tulsa, Oklahoma, stated that she is representing the neighborhood surrounding the subject property, and submitted a packet (Exhibit B-3) containing a neighborhood statement and photographs. Ms. Hoort informed that TransVoc was compatible with the area for many years, but has grown to the extent that the use has become a problem for the residents living near the facility. She pointed out that the use of the abutting residential lot for parking would be an encroachment into the residential neighborhood, and the amount of traffic generated by TransVoc is also a problem. Ms. Hoort noted that the Kendall-Whittier area is in transition, and the property owners are attempting to upgrade their property.

Comments and Questions:

In response to Ms. White's question concerning the parking lot, Ms. Hoort stated that TransVoc, at its current level of operation, would be a problem with or without the parking lot. She added that other uses in the building, as well as TransVoc, have not been a problem to the neighborhood in the past. Ms. Hoort stated that the growth of the organization has caused the problem.

Mr. Fuller asked Ms. Hoort if she is opposed to the operation of TransVoc at this location, and she replied that the use is not the problem, but the use, as it exists at this time, is definitely detrimental to the neighborhood. She emphasized that TransVoc has simply outgrown the facility.

Applicant's Rebuttal:

Mr. Sullivan stated that TransVoc is going to request that the City install a bus stop loading zone on the street.

In response to Mr. Bolzie, the applicant stated that there is not a designated parking area around the building.

Ms. Hubbard stated that, if a parking lot is installed, a screening fence could be required around the entire lot.

Lewis Hoort, 123 North Atlanta Place, Tulsa, Oklahoma, stated that Grover Cleveland School generates a lot of traffic in the area, and the school buses have already altered their departures because the street is blocked near the property in question. He further noted that mail and trash service are also hampered by the congestion. Mr. Hoort stated that a large truck and other commercial vehicles, which are owned by TransVoc, will be parked on the proposed lot. He pointed out that seminars have been conducted on the premises, causing a major parking problem in the neighborhood, and freight trucks are sometimes unloaded by a fork lift on Easton Street. Mr. Hoort stated that 114 vehicles have visited TransVoc in one day.

Mr. Sullivan stated that a dock is provided at the rear of the building for loading and unloading, and the side entrance is used for small vehicles that cannot be unloaded on the dock.

Mr. Fuller asked Mr. Sullivan if 114 cars have visited TransVoc in one day, and he replied that this could be possible at peak times.

Connie Kritzberg, a TransVoc representative, stated that they assisted in the training of 20 Vo Tech students last year, but they no longer offer that training.

Mr. Bolzie stated that the Board previously determined that TransVoc should be classified under Use Unit 5 in the Zoning Code, and the issue today is whether or not a use of this intensity is appropriate for this residential neighborhood. He added that the school already generates a lot of traffic in the area, and the construction of a parking lot would expand the current operation into the established neighborhood.

Case No. 15859 (continued)

In response to Ms. White, Mr. Gardner advised that TransVoc requested rezoning, which was denied by the Planning Commission, and improvements cannot be made to the existing building without Board approval.

Ms. Hubbard stated that the only lawful nonconforming use that can be operated at this location is a warehouse. She informed that TransVoc apparently occupied the building without a proper zoning clearance permit, and the present use is not nonconforming.

Mr. Doverspike remarked that Mr. Sullivan has not submitted evidence that the use, as it exists today, is not injurious to the neighborhood.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Boizie, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Special Exception** to permit a Use Unit 5 in an RM-1 District - **Section 401. PERMITTED USES IN RESIDENTIAL DISTRICTS** - Use Unit 5; finding that the use has become more intense over the years, and is no longer compatible with the residential area; and finding that granting the request would be injurious to the neighborhood, and violate the spirit, purposes and intent of the Code; on the following described property:

The south 100' of Block 1, Cherokee Heights Second Addition, 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**, was represented by **Joe Aisenhoff**, 4215 Newburg Road, Rockford, Illinois, who submitted an amended site plan (Exhibit C-1), and explained that the Wal-Mart store is proposing to expand the existing 82,000 sq ft building to approximately 107,800 sq ft. He stated that the purpose of the expansion is to provide wider aisles and increase stock room area to the rear of the store. A grading and utility plan (Exhibit C-2) was submitted.

Comments and Questions:

Mr. Boizie inquired as to the use of the property abutting Wal-Mart to the west, and he replied that industrial zoned property is located to the west.

Mr. Jones informed that the use was approved in 1985, per plot plan, and an amended plot plan, which includes the new construction, has been supplied by the applicant.

Protestants: None.

Case No. 15868 (continued)

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to amend a previously approved plot plan - Use Unit 14; per plans submitted; finding that the new construction will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 1, Block 2, Industrial Equipment Center, City of Tulsa,
Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15864

Action Requested:

Appeal of the decision of the sign inspector in requiring the removal of a balloon from a billboard - **Section 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 15, located 510 North Sheridan.

Presentation:

The applicant, **Tom Quinn**, 7419 South Jackson, Tulsa, Oklahoma, submitted photographs (Exhibit D-1) of a billboard with an attached balloon, which is used to advertise the Robertson Tire Store. He stated that advertising is periodically changed on the balloon to call attention to special sales in the store. Mr. Quinn stated that the sign inspector has requested that the balloon be removed from the billboard. He asked that the application be approved.

Interested Parties:

Ed Rice, Chief Building Inspector, stated that the promotional balloon has been added to the existing sign. Mr. Rice explained that billboards are permitted to have an extension, but in this case the balloon has been installed on a platform behind the sign. He explained that promotional advertising is permitted at business locations, but the structure in question is an off-premise sign.

Comments and Questions:

Mr. Gardner asked if the outdoor advertising sign contains more than 773 sq ft of display surface area, (672 plus an additional 15%), and Mr. Rice stated that the total signage is much larger than that figure, as well as being higher than 50'.

Applicant's Rebuttal:

Mr. Quinn stated that, although the platform does support the balloon, it was initially constructed for the purpose of working on the sign. He stated that this type of advertising is merely a creative way of selling products.

Ms. White clarified that the action requested is only for an appeal of the decision of the sign inspector, and not a request for a variance.

Case No. 15864 (continued)

In response to Mr. Fuller, Mr. Gardner stated that a cutout extension to a billboard sign is permitted if it does not exceed 15%. The total square footage allowed is 672 sq ft, plus the 15% extension, or a total of 773 sq ft.

Mr. Quinn stated that there are many billboards in Tulsa that are much larger than 672 sq ft.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzie, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** the **Appeal**, and **UPHOLD** the **Decision** of the sign inspector in requiring the removal of a balloon from a billboard - **Section 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL - Use Unit 15**; finding that the total display surface area on the sign structure exceeds the maximum permitted square footage; and finding that promotional advertising is limited to 4 times per year for 10 days, and is not permitted as off-premise signage; on the following described property:

Lot 4, Block 14, Fairland Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15871

Action Requested:

Variance of the required number of parking spaces from 404 to 289 - **Section 1215.D. Off-Street Parking and Loading Requirements - Use Unit 15.**

Variance to permit required parking on a lot other than the lot containing the principal use - **Section 1301.D. General Requirements - Use Unit 15**, located west side of Peoria at East 39th Street North.

Presentation:

The applicant, **Tulsa County Vo Tech**, was represented by **Ed Bates**, 6600 South Yale, Tulsa, Oklahoma, who submitted a plot plan (Exhibit T-1), and explained that the school has previously converted an old shopping center into a productive facility, and is now proposing an expansion. He stated that 289 parking spaces have been striped and another 33 spaces are available if needed. Mr. Bates pointed out that the Code classifies Vo Tech under Use Unit 15; however, the use is actually more like a high school, required to have 202 spaces, or a college, which would require 270 spaces. He stated that, although the use in question is required to have 404 spaces, the 322 that are provided are more than adequate, since 40% of the students arrive by bus.

Comments and Questions:

In response to Mr. Bolzie, Ms. Hubbard stated that all Vo Tech schools have been considered trade schools, which are classified under Use Unit 15.

Protestants: None.

Case No. 15871 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzie, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required number of parking spaces from 404 to 322 - **Section 1215.D. Off-Street Parking and Loading Requirements** - Use Unit 15; and to **STRIKE** a **Variance** to permit required parking on a lot other than the lot containing the principal use - **Section 1301.D. General Requirements** - Use Unit 15; per plan submitted; finding that 322 parking spaces will be adequate for the use, since 40% of the students at Vo Tech are transported to the facility by bus, and that the granting of the variance request will not be detrimental to the area, or violate the spirit, purposes and intent of the Code; on the following described property:

Block 1, Adwon Center, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15872

Action Requested:

Variance of the required 10' setback from the north property line to 5' to allow an addition (8' x 11') to the existing dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 833 North Gary Place.

Presentation:

The applicant, **Frank Kerr**, 833 North Gary Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit E-1), and requested permission to construct an addition to the rear portion of his home. He stated that the addition will align with the building wall of the existing house.

Comments and Questions:

Mr. Bolzie asked the applicant if the addition will extend closer to the north property line than the existing house, and he replied that it will align with the north wall of the house.

Mr. Gardner advised that, although zoned multi-family, the property is developed as single-family, which would require only a 5' side yard setback if zoned single-family.

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required 10' setback from the north property line to 5' to allow an addition (8' x 11') to the existing dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; subject to Stormwater Management approval; finding a hardship imposed on the applicant by the fact that the area is zoned multi-family, but has developed single-family, which only requires a 5' side yard setback; and finding that the addition will align with the building wall of the existing dwelling, with no additional encroachment; on the following described property:

Lot 8 of Amended Plat of Brookland, City of Tulsa, Tulsa County, Oklahoma.

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Case No. 15873

Action Requested:

Special Exception to permit Use Unit 17 uses, automobile tire sales and services - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 3545 East 51st Street.

Presentation:

The applicant, **John Moody**, was represented by **Vince Butler**, 3519 South Wheeling, Tulsa, Oklahoma, who submitted a plot plan (Exhibit F-1), and stated that a General Tire Store is proposed for the lot. He explained that the property is bounded on the north by I-44, to the south by 51st Street and Country Club Plaza, on the east by shopping centers and a gas station and to the west by office buildings. Mr. Butler stated that the tire store will sell tires, do oil and lube jobs and have brake service, and will generate less traffic than the use next door. He remarked that there is a similar tire store currently in operation across the street from the subject property. Photographs (Exhibit F-2) and an architectural perspective (Exhibit F-3) were submitted.

Comments and Questions:

Mr. Gardner asked the applicant if it would be possible for east bound traffic to turn left into the property if a fence was installed on the west boundary, and he replied that the cut would need to be expanded from 20' to 40'.

In response to Mr. Gardner, Mr. Butler stated that all new and discarded tires will be kept inside the building, and there will be no outside storage of materials.

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit Use Unit 17, retail automobile tire sales and services only - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; subject to no work being performed outside and no outside storage of materials; finding the use to be compatible with those in the area, and in harmony with the spirit and intent of the Code; on the following described property:

East 165.67' of Lot 1, Morland Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15874

Action Requested:

Special Exception to permit a Use Unit 5, emergency shelter for a homeless families, and to house a security guard in the church building - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5.

Case No. 15874 (continued)

Variance of the residential facility requirement for an emergency and protective shelter to allow use in church building, and a variance of the thirty day time limitation for an emergency and protective shelter - **Section 1800. DEFINITIONS** - Use Unit 5, located 1245 North Canton.

Presentation:

The applicant, **F. J. Gabler**, 1245 North Canton Avenue, Tulsa, Oklahoma, informed that he is the minister for Rose Hill Community Church, and explained that the building (Exhibit G-2) at this location consists of a sanctuary, classrooms, a kitchen, rest rooms and a fellowship room, along with a guest bedroom and a private bath. He pointed out that there have been numerous incidents of vandalism on the property, and the insurance company has suggested that a full time resident might deter such crimes. Mr. Gabler informed that all individuals selected to take advantage of the temporary housing are well known to the church. A letter and petition of support (Exhibit G-1) were submitted.

Comments and Questions:

In response to Ms. White, the applicant stated that there is only enough space in the building for one family.

Ms. White asked if the people living in the church serve as the security guard, and Mr. Gabler answered in the affirmative.

In reply to Mr. Fuller, the applicant stated that single people often stay in the building.

Mr. Gardner pointed out that the Zoning Code defines a family as 6 related or unrelated individuals living together.

Ms. White inquired as to the maximum number of individuals who would be living in the building at any given time, and the applicant stated that, in an emergency situation, approximately 10 people could be housed in the church.

Mr. Bolzie asked Ms. Parnell how she was informed of the shelter, and she replied that several neighbors contacted her office about the situation. Ms. Parnell stated that she visited the property on August 8, 1991, and determined that Mr. Gabler should seek Board of Adjustment approval for this type of use.

Mr. Gabler pointed out that the church attempts to exist in harmony with the neighborhood, but some of the residents continually abuse the church property.

Mr. Gardner advised that there is only one dwelling unit in the church, and this type of shelter is drastically different from one that houses a large number of individuals. He stated that, if inclined to approve the application, the Board should limit the number of individuals who can live in the building.

Protestants: None.

Case No. 15874 (continued)

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit a Use Unit 5, emergency shelter for one homeless family, and to house a security guard in the church building - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5; and to **APPROVE** a **Variance** of the residential facility requirement for an emergency and protective shelter to allow use in church building, and a variance of the thirty day time limitation for an emergency and protective shelter - **Section 1800. DEFINITIONS** - Use Unit 5; per plot plan submitted; subject to the maximum number of 6 individuals (per Code requirements) living in the structure at any given time; finding that the temporary use is compatible with the residential area; and the granting of the requests will not be injurious to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lots 1 - 7, Block 4, Yale Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15875

Action Requested:

Variance of the setback requirement from the center of 15th Street from 50' to 35' to permit one pole sign - **Section 1221.C.6. General Use Conditions for Business Signs** - Use Unit 5, located 1442 South Quaker.

Presentation:

The applicant, **Larry Waid**, 533 South Rockford, Tulsa, Oklahoma, stated that St. Paul Methodist Church is proposing to replace an existing sign (Exhibit H-1) on the church property. He pointed out that commercial buildings to the east and west have been constructed up to the sidewalk. Photographs (Exhibit H-2) were submitted.

Comments and Questions:

Mr. Bolzie asked if the sign will be located as close to the street as the building to the west, and Mr. Waid replied that the new sign will not be as close to the street as buildings located to the east or west. He informed that the sign will be ground lighted.

In response to Mr. Bolzie's concern as to a potential traffic hazard from the ground lighting, the applicant stated that shrubbery will be installed to shield the lights, and they can be positioned to shine away from the street.

Protestants: None.

Case No. 15875 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzie, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the setback requirement from the center of 15th Street from 50' to 35' to permit one pole sign - **Section 1221.C.6. General Use Conditions for Business Signs** - Use Unit 5; per plan submitted; subject to the execution of a removal contract; and subject to all lighting being shielded from oncoming traffic on 15th Street; finding that the sign will not extend as close to the street as adjacent buildings on the east and west, and the installation of the sign, per conditions, will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 4, less the west 3', and Lot 5, Block 1, Broadmoor Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15876

Action Requested:

Minor Special Exception to permit residential accessory use and structure on an abutting residentially zoned lot under common ownership - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 6, located North 73rd East Avenue and Easton Street.

Presentation:

The applicant, **Bill Darling**, 7142 East Easton Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit J-1), and stated that he has purchased vacant property behind his home and is proposing to construct a garage for his personal use.

Comments and Questions:

Mr. Gardner asked the applicant how the property will be accessed, and Mr. Darling stated that there is a curb access on 73rd East Avenue.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzie, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Minor Special Exception** to permit residential accessory use and structure on an abutting residentially zoned lot under common ownership - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan; subject to the execution of a tie contract between the lots containing the garage and the existing dwelling; finding that the construction of an accessory building for personal use only, no business, will not be detrimental to the neighborhood; on the following described property:

Lot 19, Block 8, Maplewood 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Special Exception to permit a heliport in an IM zoned district -
Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS - Use
Unit 2, located 1402 South 69th East Avenue.

Presentation:

The applicant, **Doug Drury**, 1402 South 69th East Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit K-1), and requested permission for Helicomb International to land a helicopter on their property. He explained that the company is engaged in repairing, reconstructing and remanufacturing high technology composite parts for aircraft. Mr. Drury stated that there are situations that arise when operators bring helicopters to this location for repair, and it would be advantageous if the aircraft could land on the premises. He pointed out that landing at the airport would require that the craft be disassembled and transported by truck to the repair facility. He further noted that there are only two industries in the United States that complete these specialized repairs, and prospective clients can be flown directly to the plant if a landing space is available. Photographs (Exhibit K-2) were submitted.

Comments and Questions:

Mr. Doverspike inquired as to the number of flights contemplated per week, and Mr. Drury stated that he anticipates no more than two or three flights per month. He added that as many as 10 landings might be made in the future, but at that time a new location will be sought for the industry.

In response to Mr. Doverspike's question concerning flight capability of the aircraft that will be flown to this location, the applicant stated that FAA regulations require that all flying aircraft must be air worthy. He informed that only structure repairs are provided at this facility.

Mr. Doverspike asked if the flight path would be over the residential neighborhood, and Mr. Drury replied that all flights will approach and depart over the industrial area.

Ms. White asked if the landings will be during regular business hours, and Mr. Drury answered in the affirmative.

In reply to Mr. Bolzie, the applicant stated that the aircraft will land on the employee parking lot, and they will be assigned to a different location during the scheduled landings.

Mr. Bolzie inquired as to the size of the helicopters that will land on the subject property, and Mr. Drury informed that only single rotor helicopters will be landing at this location.

Protestants:

Rick West stated that he operates Harden's Hamburgers, which is located to the south of the proposed heliport. He submitted photographs (Exhibit K-2), and pointed out that the noise and dust could cause a problem for his business. A petition of opposition (Exhibit K-3) was submitted.

Case No. 15877 (continued)

Mr. Hudson, 1530 South 68th East Avenue, Tulsa, Oklahoma, informed the residential area is opposed to the heliport, and suggested that the helicopters land at the airport.

Kim Jones represented the Petrolite Corporation, 6910 East 14th Street, Tulsa, Oklahoma, which is located to the east of the proposed landing area. She stated that a heliport at this location would be injurious to the neighborhood and detrimental to the public welfare.

Bert Hunsecker, 6918 East 17th Street, Tulsa, Oklahoma, stated that the proposed heliport location is in the flight path of planes landing at the Tulsa International Airport. He pointed out that the heliport would have a negative impact on the surrounding residential and commercial establishments.

Janet Wilson, who represented the owner of Leisure Manor Apartments, 6951 East 15th Street, Tulsa, Oklahoma, stated that the residents of the complex are opposed to the noise that would be created by the landing of helicopters in the area.

A representative of **Color Photography, Inc.**, 6902 East 14th Place, Tulsa, Oklahoma, stated that the landing pad for the helicopter is approximately 30' from the customer parking lot, and that the approval of the request will be detrimental to the business at this location.

Al Kolpek, 6913 East 17th Street, Tulsa, Oklahoma, stated that the adjoining residential subdivision should be considered, and asked the Board to deny the request.

J. A. Smith stated that he is concerned with the noise produced by the landing of helicopters in the area.

Applicant's Rebuttal:

Mr. Drury stated that he is concerned with the rights and safety of the citizens in the area; however, the industrial zoning has been in place for a number of years. He pointed out that the heliport will only be used on a limited basis, and any landings and departures will be monitored by air traffic control. Mr. Drury stated that the heliport will be operated in a safe manner.

Bob Austin, president of Helicomb International, stated that the business has been operating at the current location for approximately three years. He stated that the helicopters have previously landed on 14th Street, and they have had no complaints.

Mr. Gardner stated that the Federal Aviation Authority deals with safety concerns, and the Board must determine land use, and if the use is appropriate for the area.

After a lengthy discussion, it was the consensus of the Board that a heliport would not be compatible with the surrounding residential and commercial uses.

Case No. 15877 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzie, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Special Exception** to permit a heliport in an IM zoned district - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 2; finding that a heliport would be too close to, and not compatible with, the surrounding uses; and finding that the granting of the request would violate the spirit and intent of the Code; on the following described property:

Lots 1, 2 and 3, Less the south 120' of Lots 2 and 3, Block 12, Sheridan Industrial District, Blocks 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13, City and County of Tulsa, Oklahoma.

Case No. 15878

Action Requested:

Special Exception to allow off-street parking in an RM-2 District - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 10, located west side of Memorial Drive at 13th Street.

Presentation:

The applicant, **William P. Sawyer**, 1404 South Utica, Tulsa, Oklahoma, informed that he owns a 105-unit apartment building, which was constructed approximately 20 years ago, and is located to the north of the subject property. He stated that the existing 124 parking spaces complied with the Code requirement at the time of construction; however, the number of cars per family has increased, and the existing lot does not provide adequate parking for the tenants. Mr. Sawyer stated that he is requesting permission to construct additional parking on the RM-2 portion of the property.

Mr. Bolzie asked how much of the RM-2 portion of the lot will be used for parking, and the applicant stated that the proposed 48 spaces will require approximately the north one-half of the RM-2 area.

Mr. Gardner advised that the applicant will not be required to construct a screening fence on the south if the parking is 50' north of the southern boundary line.

Ms. White asked if the proposed parking lot will be restricted to tenant use only, and the applicant answered in the affirmative.

In response to Mr. Bolzie, Mr. Sawyer stated that there will be no access on 79th East Avenue.

Protestants:

Ms. Bagwell informed that her lot borders the property in question, and stated that she is opposed to the parking lot having ingress and egress on 79th East Avenue. She requested that a privacy fence be installed along the 150' from her property to the south border of Mr. Sawyer's property. Ms. Bagwell stated that she has seen children under 12 years of age riding motorcycles on the property, and feels a fence would alleviate the problem.

Case No. 15878 (continued)

Mr. Sawyer stated that he is amenable to constructing a privacy fence to screen the parking lot (60') and installing a chain link fence along the remaining 90' of the western border.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to allow off-street parking in an RM-2 District - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 10; per plot plan submitted; subject to the parking lot being installed on the north half of the RM-2 portion of the property; subject to the execution of a tie contract between the lot containing the apartment complex and the parking lot; subject to no ingress or egress from 79th East Avenue, with all vehicles entering the parking lot through the apartment complex; subject to a privacy screening fence being installed on the west boundary of the parking lot; and subject to Stormwater Management approval; finding that the use is compatible with the surrounding area; on the following described property:

North 50' of the N/2, N/2, NE/4, SE/4, NE/4, Section 11, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15879

Action Requested:

Variance of the minimum required front yard setback from the centerline of South Quebec Avenue from 55' to 47.1' to permit an existing dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 6435 South Quebec.

Presentation:

The applicant, **Thomas Bingham**, 2431 East 61st Street, Tulsa, Oklahoma, submitted a plat of survey (Exhibit M-1), and stated that he is representing the owner of the existing dwelling, who is attempting to acquire a clear title to the property.

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the minimum required front yard setback from the centerline of South Quebec Avenue from 55' to 47.1' to permit an existing dwelling - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plat of survey; finding that the existing dwelling was previously constructed over the required setback line, and the variance was requested to clear the title to the property; on the following described property:

Lot 7, Block 3, Livingston Park South, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15880

Action Requested:

Minor Variance of the minimum required front yard from 30' to 29.6' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6.**

Minor Variance of the minimum required rear yard from 25' to 24.4' to permit an existing structure - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6, located SE/c East 25th Street and Columbia Avenue.**

Comments and Questions:

Mr. Bolzle advised that he will abstain from hearing Case No. 15880.

Presentation:

The applicant, **William Doyle**, was represented by **Hal Salisbury**, 550 Oneok Plaza, Tulsa, Oklahoma. Mr. Salisbury stated that State Federal Savings Association is proposing to sell a dwelling at the above stated location, and during a title search it was discovered that the structure encroaches slightly into the front and rear yard setbacks. He asked that the application be approved in order to clear the title.

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 3-0-1 (Fuller, Doverspike, White, "aye"; no "nays"; Bolzle, "abstaining"; Chappelle, "absent") to **APPROVE** a **Minor Variance** of the minimum required front yard from 30' to 29.6' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6;** and to **APPROVE** a **Minor Variance** of the minimum required rear yard from 25' to 24.4' to permit an existing structure - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6;** per plat submitted; finding that the existing house was initially constructed over the required setback lines, and the application was filed in order to clear the title and permit the sale of the dwelling; on the following described property:

Lot 1, Block 1, New Bedford, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15881

Action Requested:

Variance of the maximum 32 sq ft of display surface area to 82 sq ft, and of the 20' height limitation to 24' for a sign to replace an existing sign - **Section 402.B.4.b. Accessory Use Conditions - Use Unit 21, located 724 South Garnett Road.**

Presentation:

The applicant, **Moose Lodge**, was represented by **Terry Walls**, 724 South Garnett Road, Tulsa, Oklahoma, who requested permission to remove an old dilapidated sign and install a new one. It was noted that the existing ground sign has been abused by the school children across the street, and the new sign will be elevated to alleviate that problem. Mr. Walls informed that CS zoning is proposed for the property in the future. A sign plan (Exhibit R-1) was submitted.

Comments and Questions:

Mr. Doverspike asked if the new sign is larger than the existing one, and Mr. Walls replied that the top section of the proposed structure is 5' by 10', with a lower marquee section that is 4' by 8'. He explained that the new sign will replace an existing 4' by 8' sign and a portable 4' by 8' sign, which are currently located on the property.

Ms. White inquired as to the reason for increasing the size of the sign, and Mr. Walls stated that the lodge would like to remove the portable sign and display all information on the pole sign.

Mr. Jones advised that the property is permitted a 32 sq ft sign, and there is some question as to the legality of the portable sign. He pointed out that a large portion of the proposed sign is to be used for advertising bingo games, which could be considered as business advertising.

Mr. Walls stated that the lodge is proposing to rezone their property to CS, which would permit the proposed sign by right.

Mr. Jones pointed out that the subject property, as well as the property to the south, is designated as "low-intensity residential" on the Comprehensive Plan.

In response to Mr. Doverspike, Mr. Walls stated that the lodge has many visitors from out of town, and the 4' by 8' does not provide enough display area for their needs.

Mr. Gardner stated that one sign is permitted for each street frontage.

Ms. White asked Mr. Walls to state the hardship for the variance request, and he replied that the holiday season is approaching and the lodge would like to remove the dilapidated signs. He added that there are other signs in the area that are larger than the one proposed for the subject property.

Case No. 15881 (continued)

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Variance** of the maximum 32 sq ft of display surface area to 82 sq ft, and of the 20' height limitation to 24' for a sign to replace an existing sign - Section 402.B.4.b. Accessory Use Conditions - Use Unit 21; finding that a hardship was not demonstrated that would warrant the granting of the variance request; and finding that the 82 sq ft sign would not be compatible with the surrounding residential neighborhood; on the following described property:

Lots 1 and 2, East Eleventh Park Subdivision, less the east 15' of Lot 2 and the east 162' of Lot 1, Block 2, East Eleventh Park Addition to the City and County of Tulsa, Oklahoma.

Case No. 15882

Action Requested:

Special Exception to allow Use Units 5 and 8 to permit a special care center in an RM-2 and RS-3 zoned area - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5 and 8, located 3701 North Cincinnati Avenue.

Presentation:

The applicant, **Kevin Coutant**, 320 South Boston, Tulsa, Oklahoma, submitted a plot plan (Exhibit R-1) and stated that he is representing St. John Episcopal Home, which is operated by the Episcopal Church. He explained that the facility will provide care for individuals afflicted with Alzheimer's and related diseases, and will be constructed on property contiguous to the existing facility on North Cincinnati. Mr. Coutant asked that his application be amended to request a special exception to permit a special care center under Use Unit 5 only.

Ms. Matthews, director of the home, submitted photographs (Exhibit R-2), and informed that St. Simeon's supplies care for 115 residents. She explained it has been recently noted that the greatest need has shifted from physical to mental care, which requires a different type of facility. Ms. Matthews gave a summary of the care phases for individuals suffering from Alzheimer's, and stated that small living groups are proposed.

Protestants: None.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to allow Use Units 5 to permit a special care center in an RM-2 and RS-3 zoned area - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5; per plot plan submitted; finding that a similar facility is currently operating on abutting property, and the use will be compatible with the surrounding area; on the following described property:

Case No. 15882 (continued)

A tract of land that is part of the SW/4 of Section 13, T-20-N, R-12-E of the IBM, Tulsa County, Oklahoma according to the U.S. Government Survey thereof, said tract of land being described as follows, to-wit: Starting at the northwest corner of the SW/4 of the SW/4 of Said Section 13; thence southerly along the westerly line of said Section 13 for 545.98'; thence due east for 330.93'; thence due south for 175.00'; thence due east for 255.00'; thence S 35°23'47" E for 150.89'; thence due east for 648.76' to a point on the east line of the SW/4 SW/4 of said Section 13; thence northerly along said easterly line for 229' to the POB of said tract of land; thence continuing northerly along said easterly line to the SW/4 of the SW/4 of Section 13 for 225.00'; thence northwesterly along a deflection angle to the left at 36°00'00" or 280.00'; thence northeasterly at a right angle for 180.00'; thence southeasterly along a deflection angle to the right of 50°00'00" for 135.00'; thence southeasterly along a deflection angle to the right of 40°00'00" for 280.00'; thence southerly along as deflection angle to the right of 40°00'00" for 102.62'; thence southwesterly along a deflection angle to the right of 50°00'00" or 333.06' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15884

Action Requested:

Special Exception to allow a children's day care in an RS-3 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, located 514 East Pine Street.

Presentation:

The applicant, **Tulsa Development Authority (TDA)**, was represented by **Richard Hall**, 111 South Elgin, Tulsa, Oklahoma, who submitted a plot plan (Exhibit S-1), and explained that the TDA is proposing to sell the property, and the prospective buyer is proposing to operate a day care center at this location. He pointed out that the property fronts Pine Street, and a fire station is to the west of the tract. Mr. Hall stated that a library, health center, church and a middle school are located in the area. He pointed out that the property is shielded from the residential neighborhoods on the south and east by a solid masonry wall.

Comments and Questions:

In response to Ms. White's inquiry, Mr. Hall stated that the proposed operator of the day care center is not present, and he does not know the number of children or the proposed hours of operation. Mr. Hall stated that he can contact the prospective buyer by phone if this information is needed.

Protestants:

William Morrison, 548 Pine Place, Tulsa, Oklahoma, stated that he lives across the street from the property and is concerned what might happen to the property if the day care center is not successful. He asked if a feasibility study had been conducted to determine if a day care center is needed at this location.

Case No. 15884 (continued)

Mr. Bolzle pointed out to Mr. Morrison that the Board considers only land use and whether or not the day care center is an appropriate use at this location.

Mr. Morrison stated that he feels the use is inappropriate for the area, since it is surrounded by residential developments.

Ms. White asked Mr. Morrison if the back portion of his property faces Pine Street, and he answered in the affirmative.

Mr. Morrison stated that he is affiliated with the homeowners association in the area, and they have not been contacted concerning the proposed use. He pointed out that the property owners in his neighborhood are opposed to the application.

Applicant's Rebuttal:

Mr. Hall stated that he has contacted, Ms. Franks, the prospective buyer of the property, and she will comply with all conditions imposed by the Board. Mr. Hall stated that Ms. Franks has two child care operations at other locations that will be moved to the new facility, and the enrollment will be the maximum amount (approximately 80) approved by the State.

Mr. Jones advised that, due to the location, the property in question will probably never be used for residential purposes.

Additional Comments:

Ms. White stated that she would like to have additional information about the operation before making a determination on the use. She added that the number of children that will be cared for at the facility could make a difference in its compatibility with the neighborhood.

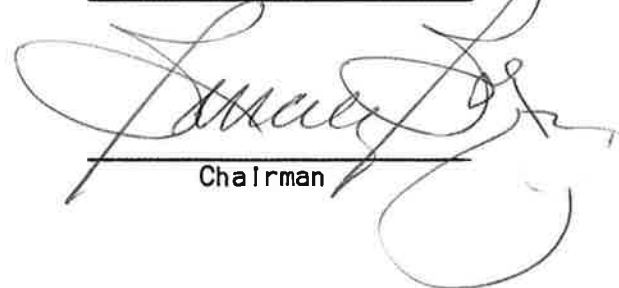
Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 15884 to November 26, 1991, to allow the Board additional time for research.

There being no further business, the meeting was adjourned at 5:07 p.m.

Date Approved

December 10, 1991


Chairman