

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 609
Tuesday, May 12, 1992, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, May 8, 1992, at 12:47 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 **CHAPPELLE**, the Board voted 3-0-0 (Bolzle, Chappelle, Doverspike, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **APPROVE** the Minutes of April 28, 1992.

UNFINISHED BUSINESS

Case No. 15960

Action Requested:

Special Exception to permit more than one dwelling per lot of record - **Section 207. ONE DWELLING UNIT PER LOT OF RECORD** - Use Unit 6.

Variance of the maximum permitted 20% required rear yard coverage for a detached accessory building to 45.5% - **Section 210.B.5 YARDS** - Use Unit 6.

Variance of the maximum 750 sq ft for a detached accessory building to 2288 sq ft - **Section 402.B.1.d. Accessory Use Conditions** - Use Unit 6.

Variance of the required 8400 sq ft land area per dwelling unit (16,800 total) to 8212.50 sq ft (16,425 total) - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6.

Case No. 15960 (continued)

Variance of the 45' setback from the centerline of Jamestown to 23' - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 3504 East Easton Street.

Presentation:

The applicant, **Rockney Bates**, 3504 East Easton Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit E-1) and stated that he was previously before the Board in regard to a request for a carport; however, after site checking the property, Staff determined that additional relief is needed. He informed that there is an existing apartment and storage building on the property.

Comments and Questions:

In response to Mr. Bolzle, Ms. Hubbard informed that she has review the plot plan and the application is properly before the Board at this time.

Mr. Gardner stated that the existing chain link fence is probably on the property line, and if the carport is constructed beyond this point, it will be on the City right-of-way. He noted that the house would be permitted within 5' of the property line, and pointed out that the Board concluded at the previous meeting that this would also be an appropriate setback for the carport.

Ms. Hubbard agreed that the carport, as proposed, would extend into the right-of-way.

Mr. Gardner pointed out that the applicant could construct a 15' carport if allowed to build to the property line.

In response to Mr. Bolzle, Ms. Hubbard stated that there is a 60' street right-of-way at this location, instead of 30' as was indicated at the previous meeting.

Mr. Gardner advised that any construction on the City right-of-way would require City Council approval.

Mr. Bolzle asked how long the garage apartment has been on the property, and Mr. Bates stated that it has been there approximately eight years and is rented.

Ms. Hubbard stated that the construction of the carport will slightly increase the violations on the property.

Protestants:

None.

Case No. 15960 (continued)

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Bolzle, Chappelle, Doverspike, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **APPROVE** a **Special Exception** to permit more than one dwelling per lot of record - **Section 207. ONE DWELLING UNIT PER LOT OF RECORD** - Use Unit 6; to **APPROVE** a **Variance** of the maximum permitted 20% required rear yard coverage for a detached accessory building to 45.5% - **Section 210.B.5 YARDS** - Use Unit 6; to **APPROVE** a **Variance** of the maximum 750 sq ft for a detached accessory building to 2288 sq ft - **Section 402.B.1.d. Accessory Use Conditions** - Use Unit 6; to **APPROVE** a **Variance** of the required 8400 sq ft land area per dwelling unit (16,800 total) to 8212.50 sq ft (16,425 total) - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; to **APPROVE** a **Variance** of the 45' setback from the centerline of Jamestown to 30' - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted, with the modification of the carport, which will be 15' long and extend no closer to the street than the lot line; finding that there are other carports in the area, and approval of the application will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

West 25' of Lot 8 and all of Lot 9, Block 15,
Harvard Hills, City of Tulsa, Tulsa County,
Oklahoma.

Case No. 16012

Action Requested:

Variance of the aggregate display surface area permitted for more than one sign from 195 sq ft to 408 sq ft - **Section 1221.D.3. - CS District Use Conditions for Business Signs** - Use Unit 21, located 7030 South Lewis.

Presentation:

The applicant, **Masigns**, 4363-B South 93rd East Avenue, Tulsa, Oklahoma, was represented by **Russell Mason**, 5222 South Marion, Tulsa, Oklahoma, who stated that his client is proposing to install a 4' by 12' double-face externally illuminated pole sign. He informed that there is no space on the existing sign for additional tenants. A sign plan (Exhibit A-1) was submitted.

Case No. 16012 (continued)

Comments and Questions:

In response to Mr. Doverspike, Mr. Mason stated that the existing tenant sign is 12' by 30'.

Mr. Mason stated that the new tenant is leasing space for a restaurant, and was probably not aware that all signage was being utilized by other tenants.

Mr. Gardner advised that the restaurant is entitled to a wall sign (3 sq ft per lineal foot).

Mr. Bolzle inquired as to signage for the restaurant previously operating at this location, and Mr. Mason stated that they did not have a space on the common sign.

Mr. Doverspike stated that a hardship has not been presented by the applicant that would warrant granting the variance request.

Protestants:

Bob Robison, managing broker for Adventure Properties, stated that the firm owns property in the area, and is opposed to the placement of additional signage on the property.

Howard Alexander stated that he is the manager of the Spectrum Shopping Center, and voiced a concern that other tenants in the area will request similar relief. He asked the Board to deny the request to prevent setting a precedent in the area.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Bolzle, Chappelle, Doverspike, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **DENY** a **Variance** of the aggregate display surface area permitted for more than one sign from 195 sq ft to 408 sq ft - **Section 1221.D.3. - CS District Use Conditions for Business Signs** - Use Unit 21; finding that the applicant is permitted a wall sign by right; and finding that a hardship was not demonstrated by the applicant that would justify granting additional signage for the shopping center; on the following described property:

All of the south 195' of the north 390' of the SE/4, SE/4, SE/4, Section 6, T-28-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16014

Action Requested:

Special Exception to modify a previously approved site plan (Case No. 15738) by an increase of more than 15% of building floor area, located north of the northeast corner of I-244 and South 129th East Avenue.

Presentation:

The applicant, **Wayne Alberty**, 201 West 5th, Suite 120, Tulsa, Oklahoma, submitted a revised site plan (Exhibit B-1) and stated that he is representing the Willie George Ministries and Church on the Move. He informed that a master plan for a two-phase development was approved by the Board in 1991. Mr. Alberty explained that the church has experience substantial growth and the plan has been revised to include a third phase. He added that, although the buildings and square footages were depicted on the previously approved plan, the exact square footages have been changed in the revised plan. Mr. Alberty stated that the 39-acre tract has been platted and is known as Trinity Park. He explained that the first phase of development, which includes construction of a 55,000 sq ft church building, will begin in August 1992, and the educational building will be constructed during the second phase, beginning August 1993. Mr. Alberty stated that the three-phase project on Lot 1 will contain a total of 148,400 sq ft of floor area, with Lot 2 being reserved for future educational use or ministry headquarters. He informed that Lot 3 will be use for recreational purposes only. Mr. Alberty stated that the total square footage depicted on the 1991 master plan was 136,800 sq ft, and requested approval of the revised plan, which contains 222,400 sq ft. It was noted that the entire tract is comprised of approximately 39 acres and can easily support the proposed development. Mr. Alberty stated that each year the church projections have been exceeded and asked to reserve the right to appear before the Board in the future in regard to an increase in square footage.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Bolzle, Chappelle, Doverspike, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **APPROVE** a **Special Exception** to modify a previously approved site plan (Case No. 15738) by an increase of more than 15% of building floor area; per revised site plan submitted; finding that the property in question is located in an IL zoned district; and the size of the tract is large enough

Case No. 16014 (continued)

to support the increase in building floor area; on the following described property:

Lot 1, Block 1, Trinity Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16015

Action Requested:

Variance of the setback from the centerline of East 21st Street from 110' to 103' to permit a drive-thru window - Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS - Use Unit 12, located 1923 South Garnett Road.

Comments and Questions:

Mr. Jones informed that the applicant, Long John Silver's, was previously represented by Andrew Godsey, 8900 Indian Creek Parkway, Overland Park, Kansas, who requested that Case No. 16015 be continued to this meeting date. Mr. Jones explained that there was some question as to whether or not all property owners within 300' of the restaurant received proper notice of the previous hearing. He informed that Mr. Godsey presented his case at the earlier meeting, and Board action was continued to allow sufficient time for any interested parties to respond to the notice.

Interested Parties:

Mitch Nally, 4821 South Sheridan, Suite 201, Tulsa, Oklahoma, stated that he is representing the property managers of the Cherokee Shopping Center, which is adjacent to the restaurant in question. He voiced a concern with the removal of parking barricades, and the fact that arrows are painted on the restaurant lot indicating access to the shopping center parking lot.

Comments and Questions:

Mr. Bolzle asked Mr. Nally if he is opposed to the installation of a drive-in window, and he replied that he is not opposed to the construction of the window, but would like the barricades replaced and the plot plan to reflect that there is no ingress and egress on the side of the property abutting the Cherokee Shopping Center parking lot.

Case No. 16015 (continued)

Board Action:

On MOTION of CHAPPELLE, the Board voted 3-0-0 (Bolzle, Chappelle, Doverspike, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **APPROVE** a **Variance** of the setback from the centerline of East 21st Street from 110' to 103' to permit a drive-thru window - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 12; per plot plan submitted, except for the access points as shown on the plot plan on the side of the property abutting the Cherokee Shopping Center; finding that there are similar building encroachments in the area, and the construction of the drive-in window will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

East 220' of south 220', SE/4, SE/4, SE/4, SE/4, less the east 50' and north 50' Section 7, T-9-N, R-4-E, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 16042

Action Requested:

Minor Variance of the required front yard setback from 35' to 34.6' to permit an existing residence - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 3307 South 67th Place South.

Presentation:

The applicant, Phyllis Reel, 3307 East 67th Place South, Tulsa, Oklahoma, submitted a plat of survey (Exhibit S-1), and explained that the house in question was constructed 6" over the setback line approximately 20 years ago. She stated that the house has been sold and the requested minor variance is required to clear the title.

Protestants:

None.

Board Action:

On MOTION of CHAPPELLE, the Board voted 3-0-0 (Bolzle, Chappelle, Doverspike, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **APPROVE** a **Minor Variance** of the required front yard setback from 35' to 34.6' to permit an existing residence - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plat of survey; finding that the house was constructed over the building

Case No. 16042 (continued)

setback line approximately 20 years ago and the requested relief is required to clear the title; on the following described property:

Lot 1, Block 1, Southern Hills South, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16045

Action Requested:

Special Exception to permit a recreational vehicle to be parked in the driveway - **Section 402.B.7. Accessory Use Conditions** - Use Unit 6, located 9225 East 58th Street.

Presentation:

The applicant, **Cheri Linetta**, 9225 East 58th Street, Tulsa, Oklahoma, stated that there is ample space from the curb to the recreational vehicle, and there is a clear view down the street in all directions. She stated that there is a shuffleboard court and a vegetable garden in the back yard, which prevents the storage of the RV in that area. Ms. Linetta stated that the surrounding neighbors are supportive of the application. A location map (Exhibit D-1) and photographs (Exhibit D-3) were submitted.

Comments and Questions:

In response to Mr. Bolzle, the applicant stated that there is 7½' between the 12' vegetable garden and the shuffleboard court.

Mr. Doverspike asked Ms. Linetta if there are other RVs parked in the neighborhood, and she replied that there is one across the street from time to time.

Mr. Gardner inquired as to the length of the vehicle, and the applicant replied that the vehicle currently parked on the property is 32' long.

Mr. Jackere asked if there are other vehicles parked on the lot, and the applicant stated they do not own other recreational vehicles.

Mr. Gardner advised that a resident on an interior lot is permitted to park a recreational vehicle in the front driveway if it is 12' from the curb, and the back yard is not accessible.

Mr. Doverspike inquired as to the distance from the RV to the curb, and the applicant stated that it is 25' from the curb.

Case No. 16045 (continued)

Candy Parnell, Code Enforcement, submitted a packet (Exhibit D-2) containing a history of Code violations on the subject property. She advised that the owner of the property was leasing motor homes at this location in 1989, and was parking the vehicles on City right-of-way. Ms. Parnell stated that she checked the property on April 8, 1992, and two large recreational vehicles were parked in the back yard. Photographs (Exhibit D-3) were submitted. Ms. Parnell stated that she visited the property on May 11, 1992 and there were no RVs on the lot; however, this was the first time in three years that she has not found at least two mobile units on the property.

Applicant's Rebuttal:

Ms. Linetta stated that the RV rental has been discontinued, and there is only one unit on the property at this time. She explained that the RVs that have been parked in the back yard belong to visitors.

Mr. Jackere asked why the RV cannot be parked on the concrete used for a shuffleboard court, and Ms. Linetta stated that oil leakage would destroy the court.

In response to Mr. Bolzle, the applicant stated that the shuffleboard court was constructed approximately 8 months ago. Mr. Bolzle asked if the RVs in the photographs submitted by Ms. Parnell were parked on the shuffleboard court, and Ms. Linetta answered in the affirmative.

Mr. Doverspike stated that it appears that the applicant has ample access to the back yard.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Bolzle, Chappelle, Doverspike, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **DENY** a **Special Exception** to permit a recreational vehicle to be parked in the driveway - **Section 402.B.7. Accessory Use Conditions** - Use Unit 6; finding that the corner lot location allows the applicant to access the back yard for RV storage; on the following described property:

Lot 16, Block 4, Woodland View Park East, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16046

Action Requested:

Minor Special Exception to permit an accessory building on a lot other than the lot containing the principal use, located 2007 South 93rd East Avenue.

Presentation:

The applicant, **John Boughton**, 9304 East 17th Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-1), and stated that he is proposing to construct a 10' by 24' utility building on a lot adjacent to the lot containing the principal structure. He explained that the building will be used for storage of garden and woodworking tools and other household items.

Comments and Questions:

Mr. Bolzle noted that the proposed location of the new building is at the extreme back portion of the 200' deep lot.

Mr. Gardner pointed out that the storage building would be permitted by right if the two lots were tied together.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Bolzle, Chappelle, Doverspike, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **APPROVE** a **Minor Special Exception** to permit an accessory building on a lot other than the lot containing the principal use; per plot plan submitted; subject to the execution of a tie contract connecting the lot in question and the lot containing the principal use; finding that the request is consistent with surrounding development, and approval of the special exception will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

All that part of the E/2, SW/4, SE/4 of Section 12, Township 19 North, Range 13 East of the Indian Base and Meridian, more particularly described as follows, to-wit: Beginning at the southwest corner of Lot 4, Block 4, Windsor Park Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, thence East along the South line of said Lot 4, a distance of 207' to a point; thence South, a distance of 100' to a point; thence West, parallel with the South line of said

Case No. 16046 (continued)

Lot 4, a distance of 207' to a point; thence North a distance of 100' to the point of beginning, in the City of Tulsa, Tulsa County, State of Oklahoma.

NEW APPLICATIONS

Case No. 16031

Action Requested:

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

Variance of the 110' setback from the centerline of South Yale to 100' to permit the construction of a car wash - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located 5022 South Yale.

Presentation:

The applicant, **Spot Not Car Wash**, was represented by **Bob Compton**, 11357 East 60th Place South, Tulsa, Oklahoma, who stated that he is proposing to construct a car wash at the above stated location, per site plan (Exhibit G-1) submitted. He informed that the lot in question is the only lot along the street that is not developed, and the proposed construction will align with existing buildings.

Comments and Questions:

Mr. Bolzle asked if the required setback is exceeded only on the south half of the property, and Mr. Compton answered in the affirmative. The applicant stated that he is attempting to move as much self-service traffic as possible to the rear of the lot, which should prevent traffic from stacking on Yale Avenue.

Mr. Chappelle asked where clients using the automatic will exit, and Mr. Compton stated that they can exit the property to either 51st Street or Yale Avenue.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Bolzle, Chappelle, Doverspike, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **APPROVE** a **Special Exception** to permit a car wash in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17; and to **APPROVE** a **Variance** of the 110' setback from the centerline of South Yale to 100' to permit the construction of a car wash -

Case No. 16031 (continued)

Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS - Use Unit 17; per plan submitted; finding the use to be compatible with the area, and that the proposed building will align with other structures along the street; on the following described property:

Lot 10, Interstate Central Extended, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16032

Action Requested:

Special Exception to permit a private club in an RM-1 zoned district - **Section 401. PRINCIPAL USES IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 723 South Garnett Road.

Presentation:

The applicant, **Moose Lodge**, 724 South Garnett Road, Tulsa, Oklahoma, was represented by **Terry Walls**, 11106 East 7th Street, Tulsa, Oklahoma, who informed that the lodge has purchased 2½ acres to the south of their property and removed the existing houses. He stated that the lodge is proposing to construct a picnic shelter and use the property for recreational purposes only.

Comments and Questions:

Mr. Bolzle asked if the newly acquired tract will be added to the property currently owned by the lodge, and Mr. Walls answered in the affirmative.

Mr. Jones stated that the property will be subject to a plat, or a waiver of the platting requirement, if the lodge is expanded to the newly acquired tract.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Bolzle, Chappelle, Doverspike, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **APPROVE** a **Special Exception** to permit a private club in an RM-1 zoned district - **Section 401. PRINCIPAL USES IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; subject to the property being limited to passive recreation use for the Moose Lodge, including a picnic shelter, but no expansion of the lodge building; on the following described property:

Lot 3, Block 2, East Eleventh Park Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16033

Action Requested:

Variance of the required 5' side yard to 3.6' to permit an addition to an existing encroachment - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2625 East 28th Street.

Presentation:

The applicant, **John Laur**, 1513 South Boston, Tulsa, Oklahoma, stated that the residential structure in question is encroaching into the required setback approximately 1'4". He submitted a plot plan (Exhibit H-1) and informed that the existing garage is being extended to the south.

Comments and Questions:

Mr. Doverspike asked if there is an apartment attached to the rear of the dwelling; and Mr. Laur stated that the mother-in-law room will be made into a bedroom during the remodeling process.

Mr. Jones asked if the room has a separate kitchen, and the applicant replied that there is currently a kitchen in the mother-in-law quarters, but it will be removed.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Bolzle, Chappelle, Doverspike, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **APPROVE** a **Variance** of the required 5' side yard to 3.6' to permit an addition to an existing encroachment - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; subject to the kitchen being removed from the apartment located in the rear portion of the dwelling; finding that the extension of the garage wall to the south will be not cause the structure to encroach any further into the required side yard setback than the present construction; on the following described property:

Beginning at a point, said point being the Southwest corner of Lot 5, also the Southeast corner of Lot 6, thence in a Northeasterly direction and along the boundary line between Lots 5 and 6, a distance of 185' to a point; thence South 84°30' East a distance of 125' to a point; thence in a Southerly direction to a point in the South boundary line of said Lot 5; thence in a Westerly direction along the South boundary line of said Lot 5, a distance of 125' to the point of beginning, and a part of Lot 6, Block 4, Woody-Crest Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 16034

Action Requested:

Variance of the maximum number of signs permitted per lot from 4 to 5 - **Section 1221.C.9.a. General Use Conditions for Business Signs** - Use Unit 17.

Variance of the setback from an R District from 200' to 50' to permit a flashing sign - **Section 1221.C.2.c. General Use Conditions for Business Signs** - Use Unit 17, located 745 West 51st Street South.

Presentation:

The applicant, **Duane Gooding**, was represented by **Terry Howard**, 1423 South 128th East Avenue, Tulsa, Oklahoma, who submitted a sign plan (Exhibit J-1), and informed that Turnpike Ford is proposing to move the signs from the previous location to the new one. He informed that the R District referred to in the application is the property located along I-244, and not an area that has developed residential. A letter (Exhibit J-2) from the sign inspector was submitted.

Comments and Questions:

In response to Mr. Bolzle, Mr. Howard informed that the business is permitted to have four signs by right, and the flashing sign near the R District on I-244 is the fifth sign, and the one under application.

Mr. Doverspike stated that there is nothing unique about this property that would warrant granting additional signage.

Mr. Tucker, a representative of Oklahoma Neon, stated that the used car sign, along with the used cars, are at one end of the lot and the truck sign and sales are at the other end. He informed that the other two signs denote the types of cars sold on the lot, and are small, more like directional signs.

Mr. Doverspike stated that he does not have a problem with the flashing sign being installed 50' from the residentially zoned area along I-244, but can find no hardship that would justify the installation of additional signs on the property.

Protestants:

None.

Case No. 16034 (continued)

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Bolzle, Chappelle, Doverspike, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **DENY** a **Variance** of the maximum number of signs permitted per lot from 4 to 5 - **Section 1221.C.9.a. General Use Conditions for Business Signs** - Use Unit 17; and to **APPROVE** a **Variance** of the setback from an R District from 200' to 50' to permit a flashing sign - **Section 1221.C.2.c. General Use Conditions for Business Signs** - Use Unit 17; finding that the proposed location for the flashing sign is 50' from R zoned property along I-244 and not a residentially developed area; and finding that a hardship was not demonstrated that would warrant an increase in the number of signs from 4 to 5; on the following described property:

Lot 2, Block 2, and the south 518.32' of Lot 1, Block 2, Royal Manor South, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16035

Action Requested:

Variance of the setback from the centerline of South Main Street and East 5th Street from 40' to 35' to permit a projection sign - **Section 1221.C.6 General Use Conditions for Business Signs** - Use Unit 21, located 423 South Main.

Presentation:

The applicant, **A-Max Sign Company**, was represented by **Don Beatt**, 9520 East 55th Place, Tulsa, Oklahoma, who informed that his client is leasing space at the above stated location, and is proposing a double-face identification sign (Exhibit K-3) for the business. He pointed out that any type of projecting sign in this area would require a variance. A letter of support (Exhibit K-1) and a photograph (Exhibit K-2) were submitted.

Comments and Questions:

Mr. Doverspike asked the applicant why a projecting sign is being installed, and he replied that this type of sign provides better visibility and is more in keeping with other signs along the mall.

Protestants:

None.

Case No. 16035 (continued)

Board Action:

On MOTION of CHAPPELLE, the Board voted 3-0-0 (Bolzle, Chappelle, Doverspike, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **APPROVE** a Variance of the setback from the centerline of South Main Street and East 5th Street from 40' to 35' to permit a projection sign - **Section 1221.C.6 General Use Conditions for Business Signs** - Use Unit 21; per sign plan submitted; finding that there are other projecting signs along Main Street, and approval of the request will not be detrimental to the area, or violate the spirit, purpose or intent of the Code; on the following described property:

Lot 4, Block 136, Original Town of Tulsa, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16036

Action Requested:

Variance of the 150' setback requirement from an R District to permit an outdoor advertising sign - **Section 1221.G. Use Conditions for Outdoor Advertising Signs** - Use Unit 21, located 5770 East Skelly Drive.

Comments and Questions:

Mr. Jones informed that 21st Properties recently purchased property adjacent to the lot in question and did not receive a timely notice of this hearing. He stated that they have requested that Case No. 16036, **Stokely Outdoor Advertising**, be continued to the May 26th meeting.

Board Action:

On MOTION of CHAPPELLE, the Board voted 2-0-1 (Bolzle, Chappelle, "aye"; no "nays"; Doverspike, "abstaining"; Fuller, White, "absent") to **CONTINUE** Case No. 16036 to May 26, 1992, as requested by the adjacent property owner.

Case No. 16037

Action Requested:

Variance of the required screening between a trade school and an R District - **Section 1215.C. Use Conditions** - Use Unit 15, located 3638 South Memorial Drive.

Presentation:

The applicant, **Ed Bates**, 6600 South Yale, Suite 1400, Tulsa, Oklahoma, stated that he is representing Tulsa Vo Tech. He explained that the school campus is comprised of both R and IL zoned property, and the Code requires that a screening fence be erected between the two tracts. Mr. Bates pointed out that the fence would separate two pieces of property under the same ownership, and asked the Board to waive the screening requirement.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Bolzle, Chappelle, Doverspike, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **APPROVE a Variance** of the required screening between a trade school and an R District - **Section 1215.C. Use Conditions** - Use Unit 15; subject to screening being installed if the residential portion of the school property is ever sold for residential development; finding that the screening fence would merely screen one portion of the school campus from the other, and would serve no purpose; on the following described property:

A part of Lot 1, Block 1, Dotson Center, an addition to the City of Tulsa, Tulsa County, Oklahoma according to the recorded plat thereof being more particularly described as follows, to-wit: Beginning at the northeast corner of said Lot 1, thence S 0°03'00" W along the East line of said Lot 1 for 318.58' thence S 11°21'24" W and along the East line of said Lot 1 for 127.46'; thence S 0°03'00" W and along the East line of said Lot 1 for 63.67'; thence due West for 240.00'; thence S 0°03'00" W and parallel to the East line of said Lot 1 for 261.11' to a point on the South line of said Lot 1; thence N 64°40'07" W and along the South line of said Lot 1 for 132.91'; thence due North for 711.86' to a point on the North line of said Lot 1; thence S 89°65'45" E and along the North line of said Lot 1 for 385.78' to the point of beginning and containing 5.0509 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16038

Action Requested:

Variance of the required livability space from 5000 sq ft to 4594 sq ft - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 215 East 25th Street.

Presentation:

The applicant, **Hawkinson Properties**, was represented by **Jim Hawkinson**, 1903 East 37th Street, Tulsa, Oklahoma, who stated that the lot in question was split from the lot containing the dwelling many years ago. He pointed out that the lot is comparable in size to RS-3 lots, but it is zoned RS-2. Mr. Hawkinson stated that he is proposing to construct a driveway, which will reduce the required livability space approximately 400 sq ft. A site plan (Exhibit L-1) was submitted.

Comments and Questions:

Mr. Bolzle asked the applicant if all other Code requirements have been met, and he answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Bolzle, Chappelle, Doverspike, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **APPROVE** a **Variance** of the required livability space from 5000 sq ft to 4594 sq ft - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding a hardship imposed by the fact that the lot does not meet the minimum RS-2 bulk and area requirements; and finding that the dwelling is consistent with the surrounding development, and approval of the variance request will not be detrimental to the area; on the following described property:

Lot 10, Block 5, Sunset Terrace, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16039

Action Requested:

Variance of the requirement that braces and supports on screening fences be placed on the interior - **Section 212.A.3. SCREENING WALL OR FENCE - Specifications**, 6833 East Reading Place.

Presentation:

The applicant, **Jarboe Sales Co.**, was represented by **John Jarboe**, 1810 Mid-Continent Tower, Tulsa, Oklahoma, who submitted a site plan (Exhibit M-1), and stated that the company has completed the construction of a new warehouse and office facility on the subject property. He explained that the required screening fence on the south boundary will be placed in front of shrubs, which are either as tall as, or taller than, the fence. Mr. Jarboe requested that the support poles be placed on the outside next to the shrubs. Photographs (Exhibit M-2) were submitted.

Comments and Questions:

Mr. Gardner asked if the concrete retaining wall extends along the entire south boundary and if the support poles are mental poles extending out of the concrete, and the applicant answered in the affirmative. Mr. Jarboe informed that the screening fence will be constructed of cedar boards.

Protestants:

None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Bolzle, Chappelle, Doverspike, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **APPROVE** a **Variance** of the requirement that braces and supports on screening fences be placed on the interior - **Section 212.A.3. SCREENING WALL OR FENCE - Specifications**; per plan submitted; finding that the exterior portion of the fence will abut a living screen and will not be visible; and finding that approval of the variance request will not be detrimental to the area; on the following described property:

Commencing at the Southwest corner of Section 26, T-20-N, R-13-E, Tulsa County, State of Oklahoma; thence N 0°08'44" W along the West line of Section 26 a distance of 1178.12'; thence N 89°59'00" E a distance of 649.30' to the Point of Beginning; thence N 0°14'07" W a distance of 301.87' to a point on the Southerly right-of-way line of the St. Louis and San Francisco Railway right-of-way; thence N 84°32'06" E along said Southerly right-of-way line a

Case No. 16039 (continued)

distance of 672.27'; thence S 0°17'26" E a distance of 365.65'; thence S 89°00" W a distance of 669.83' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16040

Action Requested:

Appeal of the Administrative Official that the property is being used for commercial uses - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 6,**

or in the alternative,

Special Exception to permit an office as a home occupation - **Section 402.B.6. Home Occupations - Use Unit 11,** located 3514 South Yale Avenue.

Presentation:

The applicant, **G. D. Jonson**, 3514 South Yale, Tulsa, Oklahoma, informed that he has been ill and requested that Case No. 16040 be continued to allow sufficient time to acquire someone to represent him and present the case.

Comments and Questions:

Mr. Jackere asked Mr. Jonson when he was first advised of a Code violation on the property, and he replied that it was probably in February.

Ms. Parnell informed that Mr. Jonson had agreed to file a Board application, but failed to do so until this time.

Mr. Chappelle stated that he feels the applicant has had sufficient time since the first notice of violation to obtain counsel and file a Board application.

Mr. Jackere advised the applicant to cease any type of commercial activity that is being conducted on the premises until the case is heard.

Protestants:

Marcus Wright, 3531 South Winston, Tulsa, Oklahoma, stated that he lives on abutting property, and has no preference as to whether the case is heard or continued.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Bolzle, Chappelle, Doverspike, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **CONTINUE** Case No. 16040 to May 26, 1992, as requested by the applicant.

Case No. 16041

Action Requested:

Variance to permit four signs per street frontage -
Section 402.B.4.b. - Accessory Use Conditions - Use Unit
8, located 5150 South Yale Avenue.

Presentation:

The applicant, **Barcelona Partners**, 5160 South Yale Avenue, Tulsa, Oklahoma, were represented by **Clint Case**, who submitted photographs (Exhibit P-1), and requested permission to place a sign on the fence at the north and south entrances to the complex.

Comments and Questions:

Mr. Bolzle asked if the signs will be illuminated, and Mr. Case stated that the signs will not have lights.

Mr. Gardner stated that the property is permitted a sign on two street frontages since the southwest boundary touches 53rd Street.

Mr. Doverspike noted that the Board has not agreed to accumulate unused signage from other street frontage, and stated that he feels four signs on the property would be excessive.

Mr. Case pointed out that road construction in this area has reduced the right-of-way by approximately 20'.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Bolzle, Chappelle, Doverspike, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **APPROVE** a **Variance** to permit two signs per street frontage - **Section 402.B.4.b. - Accessory Use Conditions** - Use Unit 8; subject to the signs being single sided; finding that four signs on one street frontage would be excessive, and would violate the spirit and intent of the Code; on the following described property:

Lot 1, Block 1, Lincoln Estates, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 16044

Action Requested:

Special Exception to permit a produce stand (Use Unit 2) in a CH zoned district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2.

Variance of the thirty day time limitation - **Section 1202.C. Use Conditions** - Use Unit 2, located 7906 East 11th Street.

Comments and Questions:

Mr. Jones informed that Ms. Hubbard has determined that the sale of produce is a Use Unit 13, whether under a tent, or otherwise; however, Ms. Parnell, Code Enforcement, has recently issued a citation for this type of use. Mr. Jones stated that, based on Ms. Hubbard's interpretation, the applicant does not need the requested relief.

Presentation:

The applicant, **Ken McMahan**, 1715 South Peoria, Tulsa, Oklahoma, was present.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Bolzle, Chappelle, Doverspike, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **STRIKE** Case No. 16044; finding that the applicant is not in need of the relief requested.

Case No. 16050

Action Requested:

Variance of the required rear yard setback from 25' to 20' to permit an addition to an existing residence - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6.

Variance to permit an eaves which will project into the required yard to 4' - **Section 210.B. Permitted Obstructions in Required Yards** - Use Unit 6, located 1751 East 63rd Street South.

Presentation:

The applicant, **Paul Lavoie**, submitted a plot plan (Exhibit R-1) for a proposed addition to the rear of an existing dwelling. He informed that the surrounding property owners are supportive of the project. A petition of support (Exhibit R-2) and photographs (Exhibit R-3) were submitted.

Case No. 16050 (continued)

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Bolzle, Chappelle, Doverspike, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **APPROVE** a **Variance** of the required rear yard setback from 25' to 20' to permit an addition to an existing residence - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; and to **APPROVE** a **Variance** to permit an eaves which will project into the required yard to 4' - **Section 210.B. Permitted Obstructions in Required Yards** - Use Unit 6; finding a hardship demonstrated by the corner lot location, the irregular shape of the property and the placement of the house on the lot; on the following described property:

Lot 14, Block 2, Southern Hills View Addition, City of Tulsa, Tulsa, Oklahoma.

There being no further business, the meeting was adjourned at 3:08 p.m.

Date Approved

26 May 1992


Chairman

