

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 612
Tuesday, July 14, 1992, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Clerk on Thursday, July 9, 1992, at 8:26 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 **S. WHITE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the Minutes of June 23, 1992.

MINOR VARIANCES AND EXCEPTIONS

Case No. 16075

Action Requested:

Minor Variance of the required rear yard from 25' to 22.8' to permit an addition to an existing residence - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2210 East 34th Street South.

Presentation:

The applicant, **Roger Schollmier**, 2210 East 34th Street South, Tulsa, Oklahoma, was represented by **Bill Powers**, 6910 South Lewis, who submitted a plot plan (Exhibit 1-A) for an addition to an existing dwelling. He explained that the house is located on a corner lot and must comply with street setback requirements on two sides. Mr. Powers stated that a portion of the addition will encroach into the required rear yard.

Protestants:

None.

Case No. 16075 (continued)

Board Action:

On MOTION of S. WHITE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Minor Variance** of the required rear yard from 25' to 22.8' to permit an addition to an existing residence - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding a hardship imposed on the applicant by the corner lot location and street setbacks on two sides; finding that approval of the minor variance request will not be detrimental to the neighborhood or impair the spirit, purposes or intent of the Code; on the following described property:

Lot 3, Block 9, Oaknoll Addition, City of Tulsa,
Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16071

Action Requested:

Variance of the maximum square footage permitted for a detached accessory building from 750 sq ft to 2400 sq ft - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6, located 1126 South 157th East Avenue.

Presentation:

The applicant, **Jerry Palmour**, 1126 South 157th East Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit B-1), and explained that he is proposing to construct a detached accessory building to be used for storage purposes. Mr. Palmour stated that he has boats, 4-wheelers and other personal items that are currently stored outside. He pointed out that the existing small building is in bad repair and will be removed when the new facility is constructed.

Comments and Questions:

Ms. White noted that one frame barn and a shed are shown on the plot plan, and the applicant stated that the frame building was removed by the previous owners, and the barn will be removed when the accessory building is completed.

Ms. White asked Mr. Palmour if the storage facility will be used only for his personal storage, and he answered in the affirmative. A layout of the facility (Exhibit B-2), which depicted items to be stored, was submitted.

Case No. 16071 (continued)

Ms. Hubbard noted that the case report states that the size of the proposed building will be 2400 sq ft; however, the plans submitted to her office reflect that a 2400 sq ft building and an existing 192 sq ft building will be located on the property, not a 2000 sq ft building.

Mr. Palmour stated that the 192 sq ft building has been removed, and the size of the new building has been reduced by 10', which will prevent extension into the front yard. He stated that the revised plan depicts a 40' by 50' building, or 2000 sq ft.

Ms. Hubbard stated that she has now seen three different sets of plan for the building, and Mr. Palmour explained that he has experienced some difficulty with the plans, but the final copy indicates the correct size (40' by 50').

Mr. Doverspike asked if the storage building could be moved to the rear of the lot, and the applicant stated that his septic system is located in this area.

Mr. Gardner advised that large accessory buildings of this type have a potential of becoming businesses in the future, therefore, if approved, it is important that a statement of use be filed of record to prevent commercial use by the applicant or future owners of the property.

Mr. Palmour stated that he is amenable to filing the agreement, because he intends to use the building for personal storage.

Protestants:

Mr. Bolzle informed that the Board has received one letter of protest (Exhibit B-3) to the application.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the maximum square footage permitted for a detached accessory building from 750 sq ft to 2000 sq ft - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6; per revised plot plan; subject to a covenant prohibiting commercial or nonresidential use of the accessory building being filed of record at the County Clerk's office; subject to no advertising or graphics being placed on the structure; and subject to the removal of all other detached accessory structures; finding that the tract is large enough to support an accessory

Case No. 16071 (continued)

building larger than the maximum permitted 750'; and finding that approval of the request, with conditions, will not be detrimental to the area; on the following described property:

North 250' of Lot 8, Block 1, Radio Heights, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16072

Action Requested:

Variance of the maximum 2 sq ft per lineal foot of building wall of aggregate display surface area to permit a backlit awning sign - **SECTION 1103.B.C.1 Signs** - Use Unit 15; located 6746 South Memorial Drive.

Presentation:

The applicant, **Oklahoma Neon**, 6550 East Independence, Tulsa, Oklahoma, was represented by **Walter Finnegan**, 3608 Cedar Lane, Dallas, Texas. He explained that the sign request was previously passed from TMAPC to the City Council for a determination concerning the Sign Ordinance, and asked that the Board approve the illuminated awning for a video store. It was noted that the building currently has awning systems in place, which will merely be replaced with Blockbuster Video awnings without increasing signage.

Comments and Questions:

Mr. Gardner advised that TMAPC sent the request to the City Council with the recommendation that they act on the proposed revisions of the Sign Ordinance. He stated that the revisions have been sent to a Council subcommittee for a hearing this month. Mr. Gardner stated that the Council is supportive of the change in the Ordinance that would permit the applicant to install the requested awning by right.

Mr. Doverspike stated that this application is no different than previous requests for backlit awning signs, and the issue should be addressed by the City Council.

Mr. Doverspike asked if the existing awnings are lit, and Mr. Finnegan stated that they are not lit.

Mr. Doverspike stated that he will not support the request, because the Board does not have the authority to amend the law, and the applicant failed to present a hardship for the variance. He suggested that the case could be continued to permit the City Council to complete their review and adoption of the proposed revisions.

Case No. 16072 (continued)

Mr. Bolzle pointed out that this will be a moot issue if the proposed revisions are adopted.

Mr. Finnegar stated that any further development of Blockbuster Video is being held up by the delay, and inquired as to the length of time anticipated for Council review and approval of the revisions.

Mr. Gardner stated that approval of the changes could take place at the first or second meeting in August.

Mr. Finnegar requested that the Board render a decision on the case as presented.

Protestants:

None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-1-0 (Chappelle, Doverspike, S. White, T. White, "aye"; Bolzle, "nay"; no "abstentions"; none "absent") to **DENY** a **Variance** of the maximum 2 sq ft per lineal foot of building wall of aggregate display surface area to permit a backlit awning sign - **SECTION 1103.B.C.1 Signs** - Use Unit 15; finding that the applicant failed to present a hardship that would warrant the granting of a variance; on the following described property.

Lot 4, Block 2, the Village at Woodland Hills, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16073

Action Requested:

Variance of the parking requirement from 10 spaces to 2 spaces - **SECTION 1214.D. Off-Street Parking and Loading Requirements** - Use Unit 14, located SW/c East 15th Street and S. Trenton Avenue.

Presentation:

The applicant, **Bailey-Forestill**, 4425 East 31st Street, Suite N, Tulsa, Oklahoma, was represented by **Jim Thomas**, 4425 East 31st Street. He informed that the property is family owned and the buildings were constructed in the 1920s, with only 10 parking spaces. Mr. Thomas stated that structures have been renovated and an attempt was made to lease to those that would have a low traffic count. He stated that the last space is leased to Domestic Violence Intervention Service (DVIS) if this application is approved. He explained that one tenant has been at this location for many years, and does not

Case No. 16073 (continued)

open until 5:00 p.m., one recent tenant has been allotted 6 parking spaces and is open Monday through Friday during regular business hours, and DVIS is proposing to open a boutique for their residents. Mr. Thomas pointed out that DVIS has ample employee parking at their administrative office, which is approximately one block away. He further noted that the shop will only be open Thursday and Friday from 10:00 a.m. to 2:00 p.m., Saturday, 10:00 a.m. to 5:30 p.m. and Sunday, 1:00 p.m. to 5:00 p.m. He stated that there are two parking spaces available to DVIS at this location.

There was discussion concerning the availability of parking for the intended uses on the property, and Ms. Hubbard informed that she was not supplied with a site plan and cannot speak to the applicant's parking capabilities.

Mr. Thomas stated that the entire amount of available parking for the uses consists of 10 spaces behind the building.

Protestants:

Paul Adkins IV, 1638 East 17th Place, Tulsa, Oklahoma, stated that he is the property manager for the owner of property at 1531 South Trenton and 1538 East 16th Street. Mr. Adkins stated that he is not opposed to the development of businesses on 15th Street, but voiced a concern with customers parking in the neighborhood.

Applicant's Rebuttal:

Mr. Thomas stated that he is aware of the parking problem in the area, and they have attempted to find businesses that will have a low volume of traffic.

Additional Comments:

Ms. Hubbard stated that the previous occupant operated a cleaning business, and the owner could have continued to lease the space for any Use Unit 15 uses without seeking a variance or coming into compliance with the Code in regards to parking. She pointed out that a boutique requires more parking spaces than the cleaners, or other Use Unit uses.

Ms. White noted that the cleaners generated a lot of traffic and the boutique could actually have fewer customers.

Mr. Bolzle stated that this use seems to be more like a resale shop, and Ms. Hubbard stated that a resale shop is a Use Unit 14 use.

Case No. 16073 (continued)

Amy Fuller, president of the DVIS Guild, stated that they are proposing to open a thrift shop to provide a place for ladies in the shelter, as well as the public, to shop for clothing.

Board Action:

On MOTION of **CHAPPELLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the parking requirement for the proposed business from 10 spaces to 2 spaces - **SECTION 1214.D. Off-Street Parking and Loading Requirements** - Use Unit 14; subject to the property being used for a thrift shop only; and subject to the days and hours of operation being Thursday and Friday from 10:00 a.m. to 2:00 p.m., Saturday, 10:00 a.m. to 5:30 p.m. and Sunday, 1:00 p.m. to 5:00 p.m.; finding that the resale shop will not generate more traffic than the cleaners that previously occupied the building; and finding a hardship imposed on the applicant by the fact that the older area was developed prior to the adoption of the current Code and has limited parking; and finding that the proposed business will be compatible with the surrounding uses; on the following described property:

Lots 1 and 2, Block 4, Orcutt Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16074

Action Requested:

Variance of the required 50' setback from the centerline of East 21st Street to 41' to permit a sign - **SECTION 1221.C.6. General Conditions for Business Signs** - Use Unit 11, located 2119 East 21st Street South.

Presentation:

The applicant, **Joe Manduano**, 2434 East 35th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit C-3), and stated that the setback for the signage was measured from the center of the right-of-way, and apparently the measurement should have been made from the center of the center island of the street. He stated that the sign in question is aligned with the signage to the west, and if the sign is moved back 9' it will displace two existing spaces in the parking area.

Comments and Questions:

In response to Ms. White, the applicant reiterated that the sign in question does align with signage to the west. Photographs (Exhibit C-1) were submitted.

Case No. 16074 (continued)

Mr. Bolzle asked the applicant if the sign can be moved to the west, and Mr. Manduano pointed out that the exposure will be greatly reduced if the sign is moved back in the yard and under the tree.

Mr. Gardner inquired as to the location of the sign under previous ownership, and he replied that the doctor that previously occupied the building had a small sign in the yard.

Mr. Gardner advised that many of the signs in this area were in place when the ordinance was revised in 1970. He pointed out that the setback on 21st Street was made more restrictive after that time, and the Board must determine if the sign in question would be inappropriate for the area, based on existing conditions.

Mr. Jackere pointed out that a variance should be granted because of unique and unusual characteristics of a property, and the reasons for granting variances on surrounding properties should not be considered.

Interested Parties:

Steve Turner, 1 Williams Center, Tulsa, Oklahoma, stated that he assisted Mr. Manduano with this project, and the sign company that installed the sign is familiar with the Code. He suggested that there seems to be some question as to the location of the center of the right-of-way. It was noted that the left turn lane causes the street to widen at this location.

Additional Comments:

Mr. Gardner stated that all properties to the west must comply with the setback, because a sign must be installed on the owners property; however, the subject property and those to the east have 30' of right-of-way and extend closer to the street.

Protestants:

Mr. Bolzle noted that the Board has received letters of protest (Exhibit C-2) from Councilor Dewey Bartlett and Pam Deatherage, a member of the Sign Advisory Committee and Planning District 6 chairperson.

Additional Comments:

Ms. White and Mr. Bolzle were in agreement that the applicant failed to present a hardship that would warrant granting the variance request.

Case No. 16074 (continued)

Board Action:

On MOTION of S. WHITE, the Board voted 5-0-0 (Bolzle, Chappellé, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a Variance of the required 50' setback from the centerline of East 21st Street to 41' to permit a sign - **SECTION 1221.C.6. General conditions for Business Signs** - Use Unit 11; due to the lack of a hardship for the variance request; on the following described property:

Lots 14 and 15 and the west 10' of Lot 16, Block 11, Woodward Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16076

Action Requested:

Special exception to permit Use Unit 14 (shopping goods and services) in an IL zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICT** - Use Unit 14, or in the alternative, a Special exception to permit a sexually oriented business in an Industrial District - **SECTION 705. LOCATION OF SEXUALLY-ORIENTED BUSINESSES** - Use Unit 14, located 7925 East 41st Street South.

Presentation:

The applicant, **Robert P. Floyd**, was represented by **Gae Widdows**, 2021 South Lewis, Suite 470, Tulsa, Oklahoma, who requested permission for her client to operate a sexually oriented business at the above stated location. She pointed out that Mr. Floyd will not sell articles that cannot be purchased in other retail businesses in Tulsa. Ms. Widdows stated that her client is requesting the special exception because the ordinance defines a sexually oriented business as one that has a significant portion of its stock and trade in that kind of material, and he wants to comply with all pertinent laws and ordinances. She pointed out that her clients business would be permitted by right on adjacent property zoned CS.

Robert Floyd, 6117 Sudbury Drive, Oklahoma City, Oklahoma, stated that there are currently five Christie Toy Box stores operating in Oklahoma City, and he is proposing to locate one in Tulsa. He submitted a floor plan (Exhibit D-2) and photographs (Exhibit D-1), and informed that the hours of operation for the store will be Monday through Saturday, 9:00 a.m. to midnight, and 10:00 a.m to 10:00 p.m. on Sunday. Mr. Floyd noted that individuals under 18 years of age will not be permitted inside the store.

Case No. 16076 (continued)

Comments and Questions:

Mr. Doverspike asked the applicant if the videos are classified as X-rated, and he replied that he will sell the same videos that can be seen on HBO or Showtime.

In response to Mr. Doverspike, the applicant stated that the establishment will be an adult gift shop only, with no entertainment provided.

Protestants:

Eric Boluski, 15 East 5th Street, Tulsa, Oklahoma, chairman of Planning District 18, submitted a portion of the Zoning Code (Exhibit D-3), and pointed out that the Code states that special exception uses must conform to the bulk and area requirements of the use district in which located. Mr. Boluski informed that the property in question does not comply with the 150' frontage requirement, and is not properly advertised.

John Moody, 550 Oneok, Tulsa, Oklahoma, stated that there has not been a lot split filed for the existing 100' lot, and voiced a protest based on the lack of required frontage.

Comments and Questions:

Mr. Jones pointed out that the applicant could request a continuance of the case to allow sufficient time to apply for a variance of the required frontage.

Ms. Widdows requested that Case No. 16076 be continued to August 11, 1992.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to CONTINUE Case No. 16076 to August 11, 1992, as requested by the applicant.

Case No. 16077

Action Requested:

Variance to permit outdoor storage or display of merchandise offered for sale within 300' of an "R" district for the entire shopping center - **SECTION 1214.C. Use Conditions - Use Unit 14**, and for a special exception to permit motorcycle sales in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS - Use Unit 17**, located 2-20 South 91st East Avenue.

Presentation:

The applicant, **Joe McGraw**, 4564 South Harvard, Tulsa, Oklahoma, stated that he has owned the shopping center where the uses in question are located for approximately 23 years, and the flood-prone area has experienced a lot of change during the last 10 years. He stated that there are various types of businesses in the area and numerous flea markets in operation, especially on the weekends. He stated that CDF Precision has been a tenant for 14 years, with no complaints. He informed that the business is considered a machine shop; however, it is not the typical machine shop, because it does not have heavy equipment.

Comments and Questions:

Ms. Parnell informed that this application is directed toward the outdoor storage and display of merchandise at the thrift store and the display of motorcycles in front of the motorcycle shop.

There was discussion concerning the uses, and whether or not the applicant needs additional relief.

Mr. Jones suggested that the Board can make a determination on the request appearing on the case report, and grant a continuance to allow the applicant to file for additional relief, if needed.

Ms. Parnell stated that she has not received a complaint concerning the motorcycle shop; however, when she visited the center to investigate the complaint regarding outside storage at the thrift store, she observed the motorcycles displayed in front of the shop. Photographs (Exhibit E-1) were submitted.

Mr. Jackere advised the applicant that a machine shop is an industrial use classified under Use Unit 25.

Mr. McGraw stated that he has attempted to upgrade the area, and has made an effort to lease to desirable tenants.

Protestants:

Dixie Marler, 102 South 91st East Avenue, Tulsa, Oklahoma, stated that she lives next door to the shopping center. She submitted a petition (Exhibit E-4) signed by property owners in the area that are opposed to the outside storage of merchandise at this location. Ms. Marler stated that she is not opposed to any other business in the center, except the resale shop that is storing merchandise outside. She further noted that the parking spaces allotted to the thrift store are used for a display area.

Ms. Starr, 8934 East 16th Place, Tulsa, Oklahoma, stated that she owns property near the thrift store and is opposed to the outside storage and display of merchandise at this location.

Mr. Bolzle asked Ms. Starr if she is opposed to the motorcycle repair business, and she replied that she is not opposed to the use if it is conducted inside the building and is not noisy.

Peggy Duval, 109 South 91st East Avenue, Tulsa, Oklahoma, stated that she is opposed to the display of merchandise on the parking lot.

Interested Parties:

Paul Bray, 8 South 91st East Avenue, Tulsa, Oklahoma, stated that he operates the motorcycle shop, and only street motorcycles are repaired at this location. He submitted a petition of support (Exhibit E-3) signed by residents of the neighborhood. Photographs (Exhibit E-2) of the motorcycle shop were submitted.

In response to Mr. Bolzle, Mr. Bray stated that he has been in operation at this location for 4 years.

Mr. Bolzle asked if motorcycles have always been displayed in front of the building, and he answered in the affirmative.

In reply to Mr. Bolzle's question concerning available storage space to the rear of the shop, Mr. Bray stated that there is limited storage room in this area, approximately 200 sq ft.

Mr. Doverspike inquired as to the hours of operation for the cycle shop, and Mr. Bray replied that the business is open to the public from 9:00 a.m. to 6:00 p.m., Monday through Saturday.

Case No. 16077 (continued)

Pamela Osmund, 14 South 91st East Avenue, Tulsa, Oklahoma, owner of the thrift store, stated that she will discontinue overnight outside storage. She pointed out that her business is not visible from Admiral and does not have a sign on the street, so it has limited exposure to the public unless some merchandise is displayed outside the building. Ms. Osmund stated that the motorcycle shop displays their merchandise, and she should be afforded the same privilege.

Ron Osmund, 14 South 91st East Avenue, Tulsa, Oklahoma, stated that he feels his business is being singled out for the violation, because there are numerous retailers in Tulsa that have sidewalk sales. Mr. Osmund announced that his small business will fail if he is not permitted to display his merchandise outside.

Additional Comments:

Mr. Doverspike asked Ms. Osmund if there is available signage space on Admiral for her business, she replied that the shop is not allotted space for a sign.

Ms. White informed that she site checked the location after business hours and found a limited amount of storage outside the resale shop. She pointed out that all other businesses with outside storage face Admiral, while the business in question faces a residential street. She stated that the display of any type of merchandise, whether thrift shop items or motorcycles, is inappropriate at this location.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Variance** to permit outdoor storage or display of merchandise offered for sale within 300' of an "R" district for the entire shopping center - **SECTION 1214.C. Use Conditions - Use Unit 14**; and to **APPROVE** a **Special Exception** to permit motorcycle sales in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS - Use Unit 17**; and to **CONTINUE** the balance of the application to August 11, 1992, to allow the applicant sufficient time to advertise for additional relief; subject to no outside storage or display of merchandise, except for the storage of motorcycles to the rear (west) of the shop; finding that the property in question fronts on a residential street and outside display or storage of merchandise would be detrimental to the neighborhood, and would violate the spirit and intent of the Code; on the following described property:

Case No. 16077 (continued)

Lots 1, 2, 3 and 4, Block 7, Meadowood Addition,
City of Tulsa, Tulsa County, Oklahoma.

Case No. 16078

Action Requested:

Variance of the frontage requirements for RS-2 zoning to permit a lot split - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2553 and 2561 East 22nd Street.

Presentation:

The applicant, **Chesapeake Building Company, Inc.**, 7307 South Yale, Suite 110, Tulsa, Oklahoma, was represented by **Rick Ellison**, who explained that he is proposing to construct two single-family homes on two lots that were platted when the underlying zoning was RS-3. He stated that the zoning has since been changed to RS-2 and the lots, which have 64½' frontages, do not comply with the current zoning requirements in regard to frontage. Mr. Ellison informed that the lots comply with all other Code requirements.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the frontage requirements for RS-2 zoning to permit a lot split - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; subject to TMAPC approval of the lot split; finding a hardship imposed by the fact that lots were platted several years ago and the zoning classification and the Code have been changed since that time; and finding that the lots in question will be consistent with existing lots in the area; on the following described property:

Lots 5 and 6, Block 1, and the east 4' of the south 140' of Lot 20, Block 1, Harter's ^{5th} Second Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16079

Action Requested:

Variance of the required livability space from 4000 sq ft to 3860 sq ft , and a Variance of the front yard setback from 85' to 63.6' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1017 East 21st Street.

Presentation:

The applicant, **Michael Swinyard**, 2121 South Yorktown, Suite 601, Tulsa, Oklahoma, was represented by **Steve Turner**, 1 Williams Center, Tulsa, Oklahoma. Mr. Turner submitted a plot plan (Exhibit F-1) and explained that a dwelling is proposed for the 50' lot, which is located in an older neighborhood and does not comply with the current Code requirements. He stated that the setback was calculated by averaging the setbacks of houses on either side of the property.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required livability space from 4000 sq ft to 3860 sq ft , and a **Variance** of the front yard setback from 85' to 63.6' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding a hardship demonstrated by the fact that the 50' lots were platted prior to adoption of the current zoning requirements, and that the proposed construction will be compatible with the development in the area; on the following described property:

Lot 13, Block 7, Mapleridge Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16080

Action Requested:

Special exception to permit Use Unit 20 (Commercial Recreation) including outdoor miniature golf, batting cages, bumper boats, go-cart and kiddie rides - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS - Use Unit 20**, and a variance of the required frontage in a CS District from 150' to 0' to permit a lot split - **BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS - Use Unit 20**, located west of the SW/c of South Yale and I-44.

Comments and Questions:

Mr. Jones advised that Staff has received two letters (Exhibit G-1) from interested parties, who have requested that the case be continued to permit time for additional research.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma, informed that, due to a measurement error, the case was not properly advertised, and requested that Case No. 16080 be continued to August 11, 1992.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 16080 to August 11, 1992.

Case No. 16081

Action Requested:

Special Exception to permit an existing beauty shop in an OL District - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS - Use Unit 15**, located 1601 South Utica.

Presentation:

The applicant, **Sharron Crandell**, 1601 South Utica Avenue, Tulsa, Oklahoma, was represented by **John Moody**, 550 Oneok, Tulsa, Oklahoma, who requested that Case No. 16081 be continued to July, 28, 1992.

Protestants:

None.

Case No. 16081 (continued)

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 16081 to July 28, 1992, as requested.

Case No. 16082

Action Requested:

Variance of the maximum permitted square footage for a detached accessory building from 750 sq ft to 1200 sq ft to permit a three car garage - **SECTION 402.B.1.d. Accessory Use Conditions - Use Unit 6**, located 8505 East 16th Street.

Presentation:

The applicant, **Darrell Whiteside**, 8505 East 16th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit H-1) for a proposed accessory building, and pointed out that he chose this location for his residence because of the large lots. Mr. Whiteside stated that there is a high theft rate in the neighborhood, and he would like to have sufficient storage space to protect his cars, boat and other personal items. The applicant noted that there are other buildings in the area that are comparable in size to the one he is proposing to construct. Photographs (Exhibit H-3) were submitted.

Comments and Questions:

In response to Mr. Doverspike, the applicant stated that the building has not been constructed, and that the proposed entrance to the accessory building will be on the west side of the property.

Protestants:

Bob Day, 8191 East 16th Street, Tulsa, Oklahoma, stated that the applicant has a two car garage and that a larger one would be unsightly and detrimental to the area.

Al Nichols, 8525 East 16th Street, Tulsa, Oklahoma, informed that he lives next door to the applicant, and finds Mr. Whiteside to be a good neighbor; however, buildings of this size tend to attract buyers that are looking for a commercial site. Mr. Nichols stated that he is opposed to a business being operated on the property. He pointed out that numerous large buildings in the area were constructed without permission.

Case No. 16082 (continued)

Jay Faulkner, 8608 East 16th Street, Tulsa, Oklahoma, stated that he has lived in the neighborhood for approximately 14 years. He pointed out that approval of large building could set a precedent, and asked the Board to deny the request.

Henry Brandt, president of the homeowners association in the area, stated that he has received numerous calls from residents opposing the application. He pointed out that metal buildings have a commercial appearance and attract buyers that are contemplating the purchase of property for business use. Mr. Brandt stated that the building will have a separate driveway and would be a perfect business set up. He pointed out that businesses are already a problem in the area.

Kathy Walker, Prudential Properties, stated she is speaking in behalf of Mr. Whiteside, and explained that she has sold property in the area for over 20 years, and most clients that have large lots also have a facility to accommodate their boats, recreational vehicles, etc.

Additional Comments:

Mr. Doverspike inquired as to type of building materials to be used, and the applicant replied that the building will be of steel construction, with brick on the west and north, and will face toward the back of the existing dwelling.

Interested Parties:

Ray Cosby, District 5 Co-Chairman, asked the Board (Exhibit H-2) to consider the long-term impact of approving large accessory buildings in the residential area.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, , T. White, "aye"; no "nays"; no "abstentions"; S. White "absent") to **APPROVE** a **Variance** of the maximum permitted square footage for a detached accessory building from 750 sq ft to 1200 sq ft to permit a three car garage - **SECTION 402.B.1.d. Accessory Use Conditions - Use Unit 6**; per plan submitted; subject to the filing of a covenant prohibiting nonresidential use at this location; subject to the west and north sides of the accessory building being brick; finding that the size of the lot is large enough to accommodate the proposed building, and that approval of the application, per conditions, will not be detrimental to the area; on the following described property:

W/2, S/2, Lot 4, Block 2, O'Connor Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16083

Action Requested:

Special Exception to permit off-street parking in an RM-2 District - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 10.

Variance of the required setback from an abutting R District to permit off-street parking - **SECTION 1302. SETBACKS** - Use Unit 10, located 1505 South Carson.

Presentation:

The applicant, **Kevin Coutant**, 320 South Boston, Suite 500, Tulsa, Oklahoma, stated that the application concerns a vacant lot, which is abutted by RM-2 properties on the west and south, with OM zoning on the north and east. He informed that there is office use across the street, a rent house to the south and the property to the north is utilized as a parking lot for Texaco, with screening in place. It was noted by the applicant, that United Way has contracted to purchase the lot for future parking needs. He requested that parking be permitted up to the front property line. Mr. Coutant asked the Board to consider the fact that this area of the City is in transition, with mixed uses, and it is doubtful that this lot will be used for residential purposes.

Comments and Questions:

Mr. Doverspike asked if screening will be installed on the south and west boundaries, and the applicant answered in the affirmative.

In response to Mr. Jackere, the applicant stated that the driveway for the house to the south is located on the south boundary. He pointed the fence or the automobiles on the parking lot will not block the line of sight for individuals backing out of that driveway.

Protestants:

Robert Holland, 1315 South Carson Avenue, Tulsa, Oklahoma, District 7 Planning Chairman, stated that he does not object to the use of the subject property as a parking lot, but does object to the fact that a site plan has not been filed. He voiced a concern with access to the parking lot from Carson Avenue and the possible loss of large trees along the street. Mr. Holland suggested that the alley be used to access the lot.

Mr. Jackere asked if the parking lot to the north extends to the sidewalk, and Mr. Holland answered in the affirmative.

Case No. 16083 (continued)

Robin Johnson, 1522 South Carson, Tulsa, Oklahoma, stated that she lives in the neighborhood and owns the rental property to the south. She informed that residents of the area are opposed to the parking lot and, although it is a transitional area, the encroachment into the neighborhood must cease. Photographs (Exhibit J-1) were submitted. She pointed out that the existing parking lots in the area are virtually empty, and the Texaco fence is not in good repair, and is often littered with broken bottles. Ms. Johnson stated that additional paving at this location could result in a drainage problem for the neighborhood, as well as creating a hazardous situation for the children.

Jean Lemon, 1524 South Cheyenne, stated that the area is saturated with vacant parking lots, and increased traffic would be injurious to the neighborhood.

Jim Crittenden, 1521 South Carson, Tulsa, Oklahoma, voiced a concern that a parking lot at this location would reduce property values in the neighborhood.

Applicant's Rebuttal:

Mr. Coutant stated that this lot will be used by United Way employees, and will not be a public parking lot. He stated that access can be restricted to an area that will not necessitate the removal of trees. Mr. Coutant stated that a plan was not submitted, because the lot is not large enough to arrange parking other than a drive down the middle, with spaces on either side.

Mr. Jackere asked where the current parking facility for United Way is located, and **Jim Cieslar**, Vice-President of United Way, informed that their parking lot is on Boulder. He informed that other lots in the area have been used when their organization has a large meeting.

In response to Mr. Doverspike, Mr. Coutant stated that limiting the access to the parking from the alley is not feasible, because the alley is one way and is not designed to be a primary access.

Mr. Bolzle stated that the continued commercial encroachment into the residential neighborhood is causing the value of the properties to deteriorate.

Mr. Doverspike agreed that the character of the neighborhood would be negatively impacted by a parking lot at this location.

Board Action:

Mr. Doverspike's motion for denial failed for lack of a second.

Case No. 16083 (continued)

Comments and Questions:

Mr. Chappelle stated that there is already a significant amount of encroachment into the residential neighborhoods in this area.

Mr. Jones pointed out that the Comprehensive Plan Designates the area as Medium Intensity Office, Special District C - Stonebraker Heights Office/Residential, and suggested that the Board should determine if there is a likelihood that this lot will be used for a single-family dwelling.

In response to Mr. Doverspike's question concerning the possibility of a continuance in order that a five-member Board could vote on the application, Mr. Coutant requested that the case be continued to July 28, 1992.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to CONTINUE Case No. 16083 to July 28, 1992, as requested by the applicant.

Case No. 16084

Action Requested:

Variance of the setback requirement from an abutting R District from 75' to 65' to permit a canopy -
SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICT - Use Unit 5, located 3420 South Memorial Drive.

Presentation:

The applicant, **Tulsa Vo-Tech**, 3420 South Memorial Drive, Tulsa, Oklahoma, was represented by Waymon Penner, who informed that the school owns two abutting tracts of land at this location, one zoned IL and the other RS-2. He explained that a covered parking garage is being constructed on the IL property, which will extend closer than 75' to the RS-2 tract. It was noted that the setback requirement would cause the school to be restricted from building close to their own property. A plot plan (Exhibit K-1) was submitted.

Protestants:

None.

Case No. 16084

Board Action:

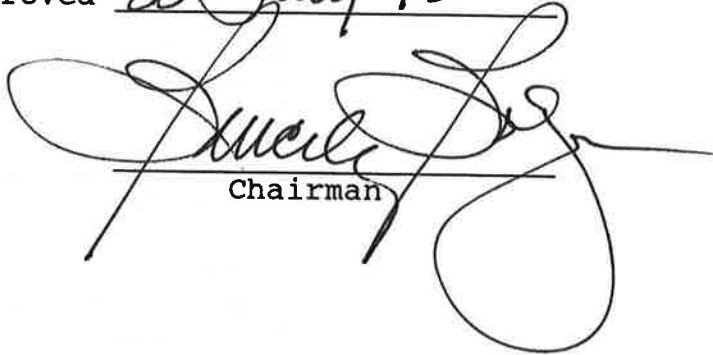
On MOTION of T. WHITE, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Variance** of the setback requirement from an abutting R District from 75' to 65' to permit a canopy - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICT** - Use Unit 5; finding that the applicant owns two abutting properties with different zoning classifications and strict adherence to the Code would require that any construction on one tract be set back 75' from the other, restricting full use of the property; and finding that approval of the variance request would not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

S/2, SE/4, NE/4, Section 23, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:51 p.m.

Date Approved

28 July 92


Chairman