

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 620
Tuesday, November 10, 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 T. White	S. White	Gardner Jones Wiles	Jackere, Legal Department Parnell, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on November 6, 1992, at 9:15 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:

There were no minutes ready to be approved.

UNFINISHED BUSINESS

Case No. 16148

Action Requested:

Variance to permit two dwelling units per one lot of record - **SECTION 207. ONE SINGLE-FAMILY RESIDENCE PER LOT OF RECORD** - Use Unit 6.

Variance of the required 5 feet side yard to 2 feet, a variance of the required rear yard, a variance of the required 4000 square feet livability space per dwelling unit and a variance of the required 8400 square feet land area per dwelling unit.- **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL ZONED DISTRICTS** - Use Unit 6, located 1714 S. Madison.

Presentation:

The applicant, **Bryan Williams**, 1714 South Madison, informed they have a two-story house with a detached garage and living quarters unit. They would like to rebuild the garage and add a second floor to it. The second story will be built from the same building materials as the house on the property. They have been informed that the plans they have appear acceptable from the historic preservation zoning point of view. He informed the building plans originally submitted were

Case 16148 (continued)

approved by the city building inspector with an addendum that they use a 3-foot setback instead of a 2-foot setback from the property line to the south with a one-hour fire wall on the south wall. There would be no windows overlooking the neighbors property. Mr. Williams stated that nearly all the homes in the neighborhood have detached garages with quarters, and they do not feel their home would be historically appropriate without one. The garages in the neighborhood range from one-car to three-car garages and are one to two-story structures. Many of the garage apartments in the neighborhood are rented out, including several within a 300-foot radius of the subject property. The neighbors they have spoken to are supportive of what they are proposing. They do not intend to rent their refurbished quarters--it will be used as a guest house for relatives, storage, and a workshop.

Comments and Questions:

Mr. Bolzle asked how large the second floor space will be, and Mr. Williams informed it will be the same as the first floor which is the same as a standard two-car garage. The second floor would add no more than seven feet to the height of the structure.

Mr. Bolzle asked if there would be cooking facilities in the structure, and Mr. Williams informed they would like to have a kitchenette in it. It will also have a full bath. Mr. Williams stated that when the structure was new it did have a bathroom and a kitchen.

Protestants:

Laurie Connors, 1716 South Detroit, informed she is a member of the board of the Maple Ridge Homeowners Association, and is a resident directly affected by the Williams' plans. She commended the fact that the Williams wish to keep the architecture of the garage in keeping with the historic character of the neighborhood. They object to the second story addition. Most of the lots in the area are very narrow, and they are concerned about increased density, the aesthetics, and the natural light which will be taken away by the second story addition. She is also concerned about having adequate off-street parking in the area.

Linda Walker, 1720 South Madison, informed she lives directly to the south of the subject property. They object to the addition of the second story. She submitted photographs (Exhibit A-1), and informed there are at least seven properties on the west side of Madison Avenue, and they all have one-story garages which consist of a two-car garage and very small quarters. She is concerned that a second story on the subject property

Case No. 16148 (continued)

would restrict light into her backyard, reduce privacy in the area, increase the noise level in the area, increase the density of the area, and have an adverse affect on the neighborhood by the need for parking on the street.

Interested Parties:

Joseph Boyle, 1704 South Madison, informed the existing structure on the subject property is an eyesore. He stated that there are three structures across the street from him which are similar to what Mr. Williams is proposing. He has no objection to the application.

Applicant's Rebuttal:

Mr. Williams informed there are several garages with second story apartments already in the neighborhood on lots the same size as the subject tract. They will not increase the parking problems in the neighborhood because they will not be renting their apartment out. They are interested in historic preservation and have been told that their project falls within what is appropriate. He stated that the windows on the second story of the structure will face into their yard. He does not anticipate any real problem with noise. He also does not feel their project would have any affect on lighting on Ms. Connors' property. They would like to make their property more useful to them within what is legally and historically acceptable.

Additional Comments:

Mr. Doverspike asked Ms. Connors if she is aware of any other houses on this street which have two-story detached structures. She informed she is not aware of any on that street, but there is one on Detroit Avenue, which is on a double-sized lot.

There was discussion as to how the proposed Historic Preservation Zoning would affect this case.

Mr. Bolzle informed letters requesting denial were received from Sabra Martin, 1621 South Detroit, (Exhibit A-2) and Robert B. Hardy, 1702 South Madison (Exhibit A-3).

Mr. Doverspike informed he would like to view the subject tract due to the contradictions as to the character of the neighborhood.

Mr. White informed there are very small lots along the street of the subject tract.

Case No. 16148 (continued)

Mr. Chappelle informed he is concerned about the future use of the living quarters. He does not have a problem with replacing the structure with another one-story building.

Mr. Doverspike asked what variances would be required to allow the structure to be rebuilt as it is.

Mr. Jackere stated he feels the board could approve the application subject to the building being one story and no larger than the existing footprint.

There was discussion about whether a condition of approval limiting the applicant's ability to rent out the unit would be appropriate.

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Variance** to permit two dwelling units, existing residence and detached garage with living quarters, per one lot of record - **SECTION 207. ONE SINGLE-FAMILY RESIDENCE PER LOT OF RECORD - Use Unit 6**, to **APPROVE** a **Variance** of the required 5 feet side yard to 3 feet, to **APPROVE** a **Variance** of the required rear yard to 3 feet, to **APPROVE** a **Variance** of the required 4000 square feet livability space per dwelling unit and to **APPROVE** a **Variance** of the required 8400 square feet land area per dwelling unit.- **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL ZONED DISTRICTS - Use Unit 6**; subject to the detached building (garage and living quarters) being only one story in height and of no greater size than the existing footprint of the original garage and quarters: finding that the applicant did not prove a hardship as required by law for a two-story second dwelling; on the following described property:

Lot 4, Block 6, Maple Park.

Case No. 16158

Action Requested:

Variance of the setback from the centerline of S. Harvard from 70' to 50' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6** and a variance of the maximum square footage permitted for an accessory building from 750 SF to 2,436 SF to permit an existing building - **SECTION 402.B.1.d. ACCESSORY USE CONDITIONS - Use Unit 6**, located 6751 S. Gary.

Presentation:

Citicorp Mortgage was represented by Steve Nodin of Prudential Properties, 6600 South Yale. He informed they are requesting these variances to get clear title insurance.

Comments and Questions:

Mr. Gardner informed a building permit was issued for the structure on the subject tract without proper BOA approval. He described the building which the board had viewed since the last meeting. He informed Staff would be concerned about a few items if the Board is inclined to approve this application. One is that the detached structure lends itself to a business or additional residential usage on the property. He feels the Board would want to prohibit these types of land use, and would want some type of document filed of record in the County Clerk's office so that anybody buying the property would know the property is devoted to single-family use only. The second thing Staff is concerned about is what damage could occur to this structure if Harvard is improved to four-lane standards. He does not want the City to be held liable should there be any damage to the property when the street is lowered and improved to four lanes, per the Major Street Plan.

Mr. Bolzle asked what the right-of-way is on Harvard, and Mr. Gardner informed it is 100 feet (50' from the centerline).

Mr. Jackere informed that the building permit was issued in error, but the error falls on the applicant's shoulders, not the City. He feels the Board should view this case as if the building were not existing and should consider the grounds for the variance and whether the applicant meets those grounds.

There was discussion as to how the City might be shielded from liability from their construction effort at the site.

Protestants:

Norma Kraft, 3301 E. 68th Pl., informed she feels that granting this variance would cause substantial detriment to the public good. She requested that the Board deny the application.

Bill Schmidt, 3314 E. 68th St., informed he does not object to the building remaining on the property, but he does feel a building which was knowingly built in violation of the City Ordinance should not be condoned. He is concerned about the City being held liable should the structure be damaged when Harvard is widened.

Case No. 16158 (continued)

Applicant's Rebuttal:

Mr. Nodin had no further comments.

Additional Comments:

Mr. Bolzle informed he is concerned about the future potential widening of Harvard, and the fact that it would be difficult to protect the City adequately. Approval would require too many conditions which would be difficult to enforce.

Mr. Doverspike stated it appears that any hardship which exists was self-imposed by whoever built the structure. He is also concerned about problems which could arise with the widening of Harvard in the future.

Photographs of the subject property were submitted (Exhibit B-1).

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 **DENY** a **Variance** of the setback from the centerline of S. Harvard from 70' (Code actually requires 85') to 50' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6 and to **DENY** a **Variance** of the maximum square footage permitted for an accessory building from 750 SF to 2,436 SF to permit an existing building - **SECTION 402.B.1.d. ACCESSORY USE CONDITIONS** - Use Unit 6; finding the building permit was issued in error and the applicant did not prove a hardship, as required by law; on the following described property:

Lot 5 and the S33.5' of Lot 4, Block 1, Braniff Hills Annex.

MINOR VARIANCES AND EXCEPTIONS

Case No. 16182

Action Requested:

Minor special exception to allow the parking of a recreational vehicle in the front yard - **SECTION 402.B.7.**
- Use Unit 6, located 10916 East 3rd Street.

Presentation:

Richard Cleverdon, attorney, 111 W. 5th, Suite 400, represented the owners of the subject tract. He informed the ramp on which the recreational vehicle is parked has existed since about 1976. He submitted photographs of the subject property and the vehicle in question (Exhibit C-1) and explained them. He stated that the way the property is built would require major reconstruction to allow the vehicle to be located somewhere else on the property. The property is well-maintained and the owners do not feel the recreational vehicle adversely impacts the neighborhood. He stated there is another recreational vehicle in the same block as the subject property. He explained why the owners do not wish to park the vehicle at commercial parking facilities for recreational vehicles.

Protestants:

Joe Anthony, 10929 E. 3rd, informed he is opposed to the recreational vehicle as it is parked 3 or 4 feet from the curb. He stated that this is like having a 10-foot fence within three feet of the curb.

Interested Parties:

Ned Mayrath, 10909 E. 3rd, informed he is in favor of the granting of this variance. He stated that the subject tract is one of the best-kept properties along the block. He stated that the vehicle is removed from the property for weeks and months at a time, as the owners are on the road with the vehicle much of the time. He stated that a petition in favor of the application was signed by more than a majority of the residents along this block (Exhibit C-2).

Applicant's Rebuttal:

Mr. Cleverdon pointed out that this property is in the middle of the block, and the location of the vehicle would not interfere with ordinary traffic on the street.

Case No. 16182 (continued)

Comments:

Mr. Doverspike asked how long the recreational vehicle is, and he was informed that it is 32 feet long.

Mr. Doverspike asked how close the vehicle is parked to the actual curb line, and he was informed it is 3 1/2 feet from the curb.

There was discussion as to why this case is specifically before the Board, and it was determined it is because it extends into the twelve-foot street right-of-way between the curb and the property line, which is needed for site distance (safety issue).

Mr. Bolzle informed they would be allowed to park no longer than a 26' vehicle under the Code (26' front yard).

Mr. Doverspike informed he has a difficult time accepting the fact that the length of such a structure would not be detrimental to the neighborhood. He is concerned that a precedent would be set by approval of this special exception.

A letter of protest was received from Larry and Cindy Brumbaugh (Exhibit C-3).

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 **DENY** a **Minor Special Exception** to allow the parking of recreational vehicle in the front yard - **SECTION 402.B.7.** - Use Unit 6; finding that the unit encroaches into the right-of-way within 3½' of the curb (area required by Code for safety purposes); on the following described property:

Lot 20 less W1', Block 22, Wagon Wheel Addition a resub of PRT B22 and 24-25, Addition to the City of Tulsa.

NEW APPLICATIONS

Case No. 16173

Action Requested:

Variance of the required setback from the centerline of E. 21st St. from 50' to 41' to permit one ground sign on an existing base - **SECTION 1221.C.6.** - Use Unit 17, located 2102 S. Utica.

Presentation:

Oklahoma Neon was represented by Terry Howard, 1423 S. 128th E. Ave. He informed they would like to put a Citgo sign on an existing base which was originally used for a DX gas station. He informed that the proposed sign is 7' by 12'. The sign is existing on the property.

Protestants:

Jack Zanerhaft, 2235 S. St. Louis, informed he is an attorney and is president of the Terwilliger Heights Neighborhood Association which represents 253 households. They are opposed to this request for several reasons. One is that the sign was put up prior to requesting the variance. They are concerned that this might set a precedent in the area. He does not feel that approval of the variance would comply with the Comprehensive Plan for District 6. Mr. Zanerhaft feels the sign could be a potential traffic hazard, and feels it would be detrimental to the Utica Square area.

Comments and Questions:

Mr. Gardner informed the proposed sign is 96 sq. ft. in size and 19 feet tall. If the applicant were to move the sign back to 50 feet, he could have a sign 50 feet tall and 600 sq. ft. in size, under the Zoning Code.

Pam Detherage, Planning District 6 Chairman, informed she is on the sign advisory board and she disagrees with the allowance of the setback variance. Several people in the neighborhood have notified her of their objection to the granting of this variance.

Applicant's Rebuttal:

Mr. Howard informed the sign does not affect the traffic in the area. They would like to use the existing base on the property for their sign. If they cannot use the base, they will probably move back to the 50 feet and put up a two-pole structure with a rotating sign, their industry's standard sign.

Additional Comments:

Mr. Bolzle asked the applicant if there are other signs on the tract, and Mr. Howard informed there are no other pole signs.

Case No. 16173 (continued)

There was discussion about the number, size, and type of signs which are allowed by right on the tract under the Zoning Code.

Mr. Bolzle asked if they would object to having only this one sign, and Mr. Howard informed they would not.

Mr. Bolzle informed he feels it would be a betterment to the neighborhood if they can limit the applicant to only one pole sign of the requested size.

Mr. Doverspike informed his problem with the application is that there is no physical hardship associated with the property, and the applicant has stated they could put a sign up in a legal location.

Mr. Gardner described the sign requirements in the Ordinance and their relationship to street improvements. He suggested having a removal contract if they do approve the application.

Mr. Jackere informed he believes setback requirements are imposed to maintain an open space--a meaningful space between traffic and structures.

Mr. Bolzle asked Mr. Howard how far the face of the sign is from the curb, and Mr. Howard informed there is at least 10 feet from the curb.

Mr. Bolzle informed the building to the west sits very close to the street. This is a CH district where buildings were built right to the property line.

Board Action:

On MOTION of CHAPPELLE, the Board voted 3-1-0 (Bolzle, Chappelle, T. White, "aye"; Doverspike, "nay"; no "abstentions"; S. White, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of E. 21st St. from 50' to 41' to permit one ground sign on an existing base - **SECTION 1221.C.6.** - Use Unit 17, per plan submitted, subject to the execution of a removal contract, and subject to no other pole signs being erected on the property; finding that prior to 1970 buildings and signs were permitted at the street right-of-way: on the following described property:

Lots 1, 2, and 3 and the E 29.32' of Lot 4, Terwilliger Terrace, a resub of Lots 1, 2, 3, 18, 19, 20, and 21, Block 1, Terwilliger Heights Addition.

Case No. 16174

Action Requested:

Special exception to permit sales as a home occupation in an R district - **SECTION 402.B.6.** - Use Unit 11, located 2638 S. Sandusky Ave.

Comments and Questions:

Mr. Jones informed a letter had been received asking that this case be withdrawn (Exhibit D-1).

Interested Parties:

There were interested parties present.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no, "nays"; no "abstentions"; S. White, "absent") to **WITHDRAW** Case No. 16174 as requested.

Case No. 16175

Action Requested:

Variance of the required 2 acre minimum for a church and a variance of the required rear yard setback from 40' to 24' - **SECTION 304.B.** - Use Unit 5, located 6901 E. 91st.

Presentation:

Heatherridge Baptist Church was represented by **Bill Carter**, 6901 East 91st Street. He requested that they be able to operate as a church even though they may not own two acres for church use prior to possible dedication of right-of-ways. They do own over two acres, but after the dedication, they will not have two usable acres. He described the history of the church. The subject tract is zoned AG which has a 40 foot setback from the property line. They would like to build within 24 feet from the line. He submitted a site plan (Exhibit E-1). If the variances are granted, they will be glad to dedicate the 50 foot right-of-way on 91st Street to the City. Mr. Carter informed that to the north of the property is a retention pond, so there are no neighbors for quite a distance.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, 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 required 2 acre minimum for a church and a variance of the required rear yard setback from 40' to 24' - **SECTION 304.B.** - Use Unit 5, per plan submitted;

Case No. 16175 (continued)

finding that churches need only one acre minimum, except when located in an AG District, which requires a minimum two-acre tract; and finding that the 40' setback is adjacent to a detention pond; on the following described property:

S310' of the E310' of the SE/4 of the SW/4 of the SW/4 of Section 14, T-18-N, R-13-E of the Indian Base and Meridian.

Case No. 16176

Action Requested:

Special exception to operate a heating and air conditioning sales and service business in a CS zoned district - **SECTION 701.** - Use Unit 15, located 1206 East 41st St. S.

Presentation:

The applicant, **Robert Getchell**, attorney, informed he is the attorney for the owners of the subject tract. He informed his clients have operated a sales and administrative office for their heating and air conditioning business on the subject tract since July 1984 without any complaints that they are aware of from the neighbors. He described the zoning history of the property. Mr. Getchell stated they have a 21' by 21' office on the property. There will be no change involved in the present use at this time. He submitted a petition of neighbors who have no objection to this application (Exhibit F-1).

Comments and Questions:

Mr. Gardner described the property which the applicants own and the zoning pattern on that property. He informed the board only has authority to approve this use on the portion of the subject property which is zone CS (21' by 21' tract).

Mr. Getchell submitted a revised legal description which describes only the portion of the subject tract which is zoned CS (Exhibit F-2).

Mr. Doverspike asked if sales take place in the building on the subject tract, and Mr. Getchell informed there are occasionally customers who come in to discuss the installation of a air-conditioning unit. The building is used mainly for the administrative end of their business.

Mr. Doverspike asked what the office hours are, and Mr. Getchell informed they are typically open from 8:00 a.m. to 6:00 p.m.

Case No. 16176 (continued)

Mr. Doverspike asked where parking for those utilizing the building is located, and Mr. Getchell informed there is parking in front of the building. His clients have also entered into a parking agreement with the owners of the Goodyear Tire Store which is approximately 40 feet to the east of the subject property.

Mr. Chappelle asked if there is any storage of equipment at this location, and Mr. Getchell informed there is storage of inventory inside the office building. There is also a storage shed to the rear of the CS zoning which has historically been used for storage. His clients do store tools in the building which are used personally and for the business. They are presently involved in litigation with the adjacent property owner over the right to use the drive-way that straddles the property line.

Protestants:

Pam Detherage, Planning District 6 Chairman, informed she is opposed to the granting of this special exception. She submitted some photographs of the subject tract (Exhibit F-3), and informed the entire tract is used for the business. She stated that the signage on the subject tract is in excess of what is allowed. She informed there are no similar businesses in this area, and the site is too small to conduct the business which is conducted there. She informed the applicant parks his trucks on the residential zoned part of the property. She does not believe the business should be allowed to continue to operate at this location.

Dorothy Watson, 4108 S. St. Louis Ave., informed she is the president of the Brookside Neighborhood Association. She is speaking for 11 to 13 of their board of directors who have asked her to speak for the organization. They are opposed to the continuation of this business. The building has been deteriorating. She is concerned that the applicants will use the driveway to Owasso for business purposes. They are trying to maintain their neighborhood, and she feels this building is a detriment to the maintenance of the neighborhood.

Applicant's Rebuttal:

Mr. Getchel informed the applicants do not use the driveway to Owasso for business purposes. He described the intersection and businesses at 41st and Peoria. He informed they have worked out the agreement with Goodyear for parking of their vehicles in order to accommodate their neighbor to the east. He does not think this business is a detriment to the neighborhood, and feels it is one of the better maintained homes along that portion of 41st Street.

Case No. 16176 (continued)

Additional Comments:

Mr. Gardner informed the applicant could have an office on the property by right, but there are some additional uses of the building which do require this relief (storage, sales, etc.).

There was discussion about the amount of parking on the subject tract and whether additional relief would be required for the parking.

Mr. Doverspike informed he thinks this use of the property is appropriate.

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 **Special Exception** to operate a heating and air conditioning sales and service business in a CS zoned district - **SECTION 701**. - Use Unit 15, as amended, to allow heating and air conditioning office, sales and limited storage use on the CS portion of the zoned tract, with all activities to occur within the confines of the existing 21' by 21' structure; finding the limited usage of the building to be compatible and not injurious to the neighborhood; on the following described property:

Part of the West 102' of Lots 1 and 2, Block 4, ALTA DENA PLACE, an addition to the City of Tulsa, Tulsa County, more particularly described as follows:

Beginning at a point twelve feet (12') south of the northeast corner of said tract, thence west twenty-one feet (21'); thence south twenty-one feet (21'); thence west twenty-one feet (21'); thence north twenty-one feet (21') to the point of beginning.

Case No. 16178

Action Requested:

Variance of the setback from the center of East 31st Street from 50' to 30' to allow one 18.9 SF ground sign - **SECTION 1221.C.6**. - Use Unit 14, located 3501 East 31st Street.

Presentation:

The applicant, **Jack Easley**, was not present.

Protestants: None.

Case No. 16178 (continued)

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no, "nays"; no "abstentions"; S. White, "absent") to **CONTINUE** Case No. 16178 to the November 24, 1992, meeting.

Case No. 16179

Action Requested:

Special exception to permit an animal shelter in an RS-3 zoned district - **SECTION 1202.** - Use Unit 2, located 3901 N. Harvard Ave.

Presentation:

The **City of Tulsa** was represented by **Mike Buchert**, 542 South 127th East Avenue, who submitted a fact sheet about the proposed shelter (Exhibit G-1). He described the location of the subject tract and the surrounding property. Mr. Buchert informed the animal shelter will be fully enclosed in a noise controlled area. The air will be filtered which will keep the odors down to a minimal amount. All the loading and unloading of the animals will be done in a fully enclosed area to minimize the chance of any animal ever getting loose in the neighborhood. The facility will have an entrance off of Harvard and will have visitor parking on the west side of the building. He informed that the facility will be a one-story structure. The facility will be on a new sanitary sewer system.

Protestants:

O. C. Hanley, 3850 N. Louisville Avenue, informed he lives just east of the subject tract. He is concerned that the noise will be similar to that which is at the current shelter which is very noisy. They have a lot of noise in the area already because of the Zoo and the Tulsa County Maintenance Garage. He is also concerned about the odor which could be caused by the disposal of the dead animals.

Willard B. Lewis, 3806 N. Louisville, informed they have a lot of noise in the area at the present time and they do not need any more. They do not want any more businesses in this area.

Marie Hanley, 3850 N. Louisville, informed they will be very much affected by the proposed shelter. She is concerned about the noise and odor they already have in the area. She would like to see the City choose one of the other proposed areas to locate the shelter.

Interested Parties:

Pinky Powell informed he owns 5 tracts in the area comprising 18 acres which are directly across the street from the subject tract. He feels this is a good opportunity for the City to have an animal shelter that can be easily found. He suggested that the sewer be done by gravity flow from the property to the manhole directly behind the SPCA on 38th Street North.

City Counselor Patrick informed finding a place to put the new animal shelter which would have the least impact on the neighborhood has been a very difficult task. The City owns the subject tract which has easy access and is adjacent to the new water treatment plant. They feel the shelter will have a low impact on this area (buffered by City property - water treatment plant) and will be easily accessible to the citizens of Tulsa.

Applicant's Rebuttal:

Mr. Buchert concurred that the present animal shelter is very noisy. It has many outside pens. The new facility will be completely enclosed with concrete walls. The noise will be very minimal. They do plan to landscape the subject tract which will help buffer the noise. They will not use noisy diesel operated equipment in the operation of the shelter. They will have an incinerator at the shelter which will be controlled by the City-County Health Department. He does not know of problems with odors with the incinerator at the current shelter. Mr. Buchert described other sites which had been considered for the new shelter and the criteria they used to select this site.

Comments and Questions:

Mr. Doverspike informed he would be more concerned about the impact on the neighborhood if any of the activity on the property was to be outside. He stated if the application is approved, he would like it to be subject to all the provisions stated in the applicant's submitted proposal.

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 **Special Exception** to permit an animal shelter in an RS-3 zoned district - **SECTION 1202**. - Use Unit 2, subject to all of the conditions contained in the applicant's application (Exhibit G-1), including specifically the provision that will restrict all animals to be kept within the building on site (no outside animal runs), and that the building be designed with sufficient sound-resisting materials to ensure practically no outside noise, and subject to the

Case No. 16179 (continued)

plot plan submitted; finding the use, as proposed , to be compatible with the area land uses; on the following described property:

SW/4 of the NW/4 of the SW/4 of Section 16, T-20-N, R-13-E.

Case No. 16180

Action Requested:

Variance of the required setback from the centerline of South 33rd West Avenue from 100' to 75' to permit an addition to an existing Braum's store and a variance to permit required off-street parking within the Major Street and Highway Plan - **SECTION 703**. - Use Unit 12, located NW/c 33rd W. Ave. and W. 51st St.

Presentation:

Joel Hersh with Braum's Ice Cream, 3000 N.E. 63rd Street, Oklahoma City, described what they would like to do on the subject tract. Their plans would allow them to make their facility compatible with the new federal handicap laws. They would like to improve this facility to meet the needs of the community.

Protestants: None.

Comments and Questions:

There was discussion about how a license agreement would affect this case.

Board Action:

On **MOTION** of **CHAPPELLE**, 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 required setback from the centerline of South 33rd West Avenue from 100' to 75' to permit an addition to an existing Braum's store and to **APPROVE** a **Variance** to permit required off-street parking within the Major Street and Highway Plan - **SECTION 703**. - Use Unit 12, per plan submitted and subject to the execution of a license agreement based on the shape of the lot and present building location; finding the use will not be injurious to the neighborhood; on the following described property:

Lots 9, 10, 11, and 12, Block 8, Carbondale Third.

Case No. 16181

Action Requested:

Special exception to allow church use in an R district -
SECTION 401 - Use Unit 5, located 1432 S. Indianapolis.

Presentation:

East Side Christian Church was represented by **Jim Cameron**, 3408 E. 62nd, who informed they would like to acquire the single-family residence which adjoins the church on the north. They would like to remove the buildings on the subject tract and create a playground and picnic area on a portion of the lot and handicap parking spaces on the west end. He submitted a letter they wrote to property owners in the area (Exhibit H-1), an area plan (Exhibit H-2), and a petition signed by those who have no objection to the application (Exhibit H-3). They are in the process of working out an easement agreement with Dehoney's Cleaners which would be mutually beneficial to both parties. The subject tract has been a rental property and has not been kept up to the neighborhood standards.

Comments and Questions:

There was discussion about where the handicapped parking would be located.

Mr. Bolzle asked if there would be a curb cut on Indianapolis, and Mr. Cameron informed there would not be. There would be no access to the residential street.

Mr. Cameron was asked if the parking would be used for commercial use by the cleaners, and he informed that it may be used for their employee parking when not in use by the church.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no, "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Special Exception** to allow church use in an R district - **SECTION 401** - Use Unit 5, per plan submitted, and subject to the execution of a tie contract with the church property to the south, subject to a screening fence along the north property line, and subject to there being no access to Indianapolis Avenue; finding the proposed use compatible with the surrounding land uses; on the following described property:

Lot 21, Block 3, Summit Heights.

Case No. 16184

Action Requested:

Special exception to allow a mobile home in an RM-2 District and for a variance of the one year time limitation to three years - **SECTION 401.** - Use Unit 9, located 910 S. 63rd W. Ave.

Presentation:

The applicant, **Dessa Stottlemire**, 910 S. 63rd W. Ave., informed she owns three lots (9, 10, and 11), and she would like to put a mobile home on lot 11. The mobile home is not currently on the subject tract.

Comments and Questions:

Mr. Doverspike asked the applicant if she was intending the mobile home to be a permanent structure, and she informed she does not intend it to be permanent. Her son is going to move into the mobile home for a while so he can help her out. She intends it to be a temporary arrangement.

Protestants: None.

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 **Special Exception** to allow a mobile home in an RM-2 District and to **APPROVE** a **Variance** of the one year time limitation to three years - **SECTION 401.** - Use Unit 9; finding the use, as proposed, to be compatible with the area; on the following described property:

Lot 11, Block 1, Trimble Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 16185

Action Requested:

Special exception to permit an existing school in an R zoned district - **SECTION 401** - Use Unit 5, located 3213 East 56th St.

Presentation:

Tulsa Public Schools was represented by **Jim Choate**, who informed they would like to install a portable classroom on the site to satisfy House Bill #1017 to lower the classroom sizes.

Case No. 16185 (continued)

Comments and Questions:

Mr. Bolzle informed this is similar to other requests the Board has been asked to rule on. They can put the portable buildings in by right if the property is approved for school use, and this is more of a housekeeping exception.

Protestants: None.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 3-0-1 (Bolzle, Doverspike, T. White, "aye"; no, "nays"; Chappelle, "abstaining"; S. White, "absent") to **APPROVE** a **Special Exception** to permit an existing school in an R zoned district - **SECTION 401** - Use Unit 5; finding the existing use to be compatible with the area; on the following described property:

Beginning at the SW/c of the SE/4 NE/4 of Section 32, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County Oklahoma. Thence N726', thence E600', thence S726', thence W600' to POB.

Case No. 16186

Action Requested:

Variance of the all-weather surface requirement for off-street parking to permit gravel parking - **SECTION 1303.D.**
- Use Unit 11, located 5656 S. Mingo road.

Presentation:

The applicant, **Marshall Kittleston**, was represented by **Dan Simon**, who submitted photographs (Exhibit I-1) and informed the applicant has moved his company headquarters, Merry Maids of Tulsa, into the building on the subject tract. This is a cleaning company which has about 40+ employees who come in the morning and then go off-site to their assignments until late in the afternoon. They have a gravel parking lot behind the hard-surfaced lot. The lot has been used in this manner since about 1965. They are having a problem with Code Enforcement concerning the use of the lot. They are concerned about paving the lot because a portion of the property is within the flood plain. They do not wish to alter the water run-off situation in the area.

Comments and Questions:

Mr. Gardner asked how much paved surface is on the tract, and Mr. Simon informed there are about 20 to 25 paved parking spaces in front of the 2,500 square foot facility.

Case No. 16186 (continued)

There was discussion about how much parking would be required on the lot and how that relates to the Zoning Code requirement of dust-free parking.

Mr. White asked the applicant if they feel paving the area would cause flooding to the house which is to the south and west of the subject tract, and Mr. Simon informed they are concerned about that issue. Mr. Simon informed that the building on the subject tract does have problems with flooding.

Mr. Bolzle asked how many employees are at the property at one time, and Mr. Marshall Kittleson informed there are approximately 40 employees who arrive at 8:00 a.m. of which half will drive away from the premises at 8:30 a.m. The remaining 20 cars will remain on-site.

Mr. Doverspike informed he does not believe that fear of more potential run-off of water is an adequate basis on which to grant this type of relief.

Mr. Doverspike informed he could see granting relief for a period of time to allow the applicant to come into compliance.

Mr. Bolzle informed he does not find a hardship on which to grant the relief.

Protestants: None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-1-0 (Bolzle, Chappelle, Doverspike, "aye"; T. White, "nay"; no "abstentions"; S. White, "absent") to **DENY** a **Variance** of the all-weather surface requirement for off-street parking to permit gravel parking - **SECTION 1303.D. - Use Unit 11**; finding the applicant did not prove a hardship under the Zoning Code; on the following described property:

Lot 6, Block 1, Anderson Addition.

Case No. 16188

Action Requested:

Variance of the required rear yard setback from 25' to .9' to permit an existing detached garage to be connected to an existing residence - **SECTION 403** - Use Unit 6, located 2105 E. 25th St.

Presentation:

The applicant, **Kathleen Page**, 2105 E. 25th St., informed the subject tract is a corner lot. She informed the structure to the north of the tract is an existing detached garage. There is a stockade fence on the north and east, and there is a brick fence on the west side. They would like to enclose the existing breezeway on the property and add 150 square feet of enclosed space which would technically attach the garage to the dwelling. She informed they have spoken to their neighbors and have heard no objection from the adjacent neighbors.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, 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 required rear yard setback from 25' to .9' to permit an existing detached garage to be connected to an existing residence - **SECTION 403** - Use Unit 6, per plan submitted; finding that the connection of the two existing buildings would not be injurious to the neighborhood; on the following described property:

Lot 12, Block 3, Wildwood Addition.

Case No. 16189

Action Requested:

Variance of the location and display surface area limitations to permit a 115 sf wall sign on the east building and a 144 sf ground sign at 54th and Yale - **SECTION 602.B.4.a.** - Use Unit 11, located SW/c of E. 54th St. and S. Yale.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, informed he is representing 21st Properties who has acquired the building which was previously known as Terra Vista building. He informed the property has 600 feet of frontage of 54th Street which forms its north boundary. It has 295 feet of frontage on Yale which forms its east boundary. Mr. Johnsen described the amount of signage the Code would allow on the property. They would like to

Case No. 16189 (continued)

compute the total amount of signage which would be allowed and put a substantial amount of it on the building. The building has six stories and is now known as Fox Plaza. Mr. Johnsen submitted photographs (Exhibit J-1) to give the Board some idea as to the appearance of the building. He also submitted a packet which included an artist rendering (Exhibit J-2) and sketches of the proposed sign on the building wall (Exhibit J-3). Mr. Johnsen described other buildings in this area which do have wall signs. They are proposing to put their sign on the east wall which would be visible from Yale but not from the nearest residential area to the south. He explained how they computed the amount of signage they are requesting for the wall sign. Mr. Johnsen informed they are proposing a double-faced monument sign at the corner of 54th and Yale. He described the size of the requested sign and also told what would be allowed by right. He feels the signage they are requesting is within the overall permitted display surface area permitted by the Code. He described why he feels this is an unusual property. Mr. Johnsen informed the wall sign will be illuminated, and the monument sign will have flood lighting. He described the materials of which the monument sign will be constructed.

Comments and Questions:

Mr. Jackere informed it is very difficult to write a sign ordinance that will have a good application 100% of the time. He feels this is a unique situation.

Protestants: None.

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 location and display surface area limitations to permit a 115 sf wall sign on the east building facade, and a 144 sf ground sign at 54th and Yale - **SECTION 602.B.4.a.** - Use Unit 11; per plan submitted; finding that the tract has multiple street frontages, which permits 2 signs, but both signs are more appropriate on Yale Avenue (1 building sign and 1 ground sign); on the following described property:

Lot 1, Block 2, LaFortune Park Plaza, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

OTHER BUSINESS

Case No. 16199

Action Requested:

Request refund of fees in the amount of \$150.

Comments and Questions:

Mr. Jones informed the applicant requested a refund shortly after her case was filed, so Staff would recommend refunding the entire \$150.

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no, "nays"; no "abstentions"; S. White, "absent") to **REFUND** \$150 to the applicant.

There being no further business, the meeting was adjourned at 3:52 p.m.

Date approved: December 22, 1992


Chairman