

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 621
Tuesday, November 24, 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		Wiles	Parnell, Code
T. White			Enforcement
S. White			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, November 20, 1992, at 9:30 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 DOVERSPIKE, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** the minutes from the October 27, 1992, meeting (No. 619).

UNFINISHED BUSINESS

Case No. 16171

Action Requested:

Special exception to permit mobile home sales in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located NE/c E. Admiral and N. Garnett Rd.

Comments and Questions:

Mr. Jones informed the applicant has submitted a letter (Exhibit A-1) requesting continuance of this case to December 22, 1992, as he has a companion zoning case which had to be continued and readvertised.

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 **CONTINUE** Case No. 16171 to the December 22, 1992, meeting, as requested.

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 represented by Ken Tracey, manager of Charring Cross Book shop. They would like to move their sign closer to the street and in the center part of their property so that it will be more visible to potential customers. He submitted a picture of the sign and similar signs in the area (Exhibit B-1). He informed that the sign currently is 50 feet from the street.

Comments and Questions:

Mr. Gardner informed, if their map is correct, the City owns 35 feet from the centerline. They cannot put the sign in the city right-of-way.

Mr. Bolzle informed he is hesitant to make a decision on this without seeing a plan showing where the sign is in relation to the right-of-way and curb.

Mr. Doverspike informed he is having a hard time finding a hardship on which to grant the variance.

The Board felt having a plan would help them to make a decision, and Mr. Doverspike suggested that the applicant put a stake in the ground where they would like the sign to be located on the property. He felt if it does not impact traffic flow, and if it appears to be consistent with other signs in the area, he would not have a problem with it.

Protestants: None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-1 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; S. White, "abstaining"; none, "absent") to **CONTINUE** Case No. 16178 to the December 8, 1992, meeting, to allow the applicant to provide a plan to the Board showing where the sign will be located in relationship to the curb, to the parking, and to its existing location.

NEW APPLICATIONS

Case No. 16183

Action Requested:

Special Exception to permit office use in an RM-2 zoned district and a variance to permit required off-street parking on a lot other than the lot containing the principal use - **SECTION 401.** and **SECTION 1301.D.**, located West side of S. St. Louis Ave. and south of E. 11th St.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, informed he represents Hillcrest Medical Center. He submitted exhibits which included a site plan (Exhibit C-1) and a site plan study (Exhibit C-2) and informed this request is to allow construction of the Hillcrest Medical Center Renal Clinic. He described the uses of the building, the location of the subject tract, and the surrounding property. The building will be two stories in height and will have 50 on-site parking spaces. He informed they would like approval to locate the additional four required parking spaces and eight additional parking spaces on the westernmost row of the parking lot directly across the street from the subject tract. The twelve spaces would be designated for employees. He informed all the parking spaces on the subject tract are nine feet wide to allow for easy access for the patients. None of the on-site spaces are compact-size spaces. He informed if they had provided compact-size spaces, they probably could have met the requirement for on-site parking spaces. He informed the patients who come to this facility will be at the site for several hours at a time, and they will not have the patient turnover as would ordinarily be found in a medical clinic.

Comments and Questions:

Mr. Doverspike asked about the lighting on the tract, and he was informed it will be on the front and will face St. Louis. Mr. Norman stated an acceptable condition would be that the lighting be directed downward and away from the property to the west and south.

Mr. Doverspike asked what would separate the back of the structure from the residential area which would face it, and Mr. Norman informed there is an open alley, four lots to the west, three of which are older houses with detached garages in the rear on the alley. These garages form an effective barrier to the west side. The fourth lot is occupied by apartment units. There are also some existing trees and some shrubbery.

Case No. 16183 (continued)

Mr. Chappelle asked what the height of the building will be, and Mr. Norman informed it will be about 24 feet high. The building conforms to the requirements of the RM-2 district for setbacks.

Mr. Bolzle asked how the patients come to the clinic, and Mr. Norman informed some come by ambulance or van, but most come by personal automobile.

Mr. Bolzle asked if there are windows on the west wall, and Mr. Norman informed there are office windows along the west on both floors.

Interested Parties:

Dan Marrs, owner of 1144 S. St. Louis, B & D, informed he owns condos in the area. He feels the proposed building would be an improvement in the area, both visually and from a security standpoint.

Protestants:

Boss Einstein-Burns, 1119 S. Rockford, informed he lives directly west of the subject tract. He is opposed to the intention of the Hillcrest Corporation to take over this entire half block. He would like security and screening from the subject tract.

Additional Comments:

Mr. Doverspike informed he does not see a problem with this building, and finds it to be consistent with the uses in this area. The other members of the Board concurred with Mr. Doverspike.

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 **Special Exception** to permit office use in an RM-2 zoned district and to **APPROVE** a **Variance** to permit required off-street parking on a lot other than the lot containing the principal use - **SECTION 401.** and **SECTION 1301.D.**; subject to the site plan submitted; finding the use to be consistent and compatible with the area; and finding that adequate parking is provided on the lot across St. Louis, which is owned by the hospital; on the following described property:

Lots 6, 7, 15, 16, 17 and 18, Block 4, and the W25' of Lots 18, 35 and 36, Block 3, Re-Amended Plat of Forest Park Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

Case No. 16187

Action Requested:

Variance to permit four signs on one street frontage, located 13201 E. 31st.

Presentation:

The applicant, **Case & Associates**, was represented by Bob Meyer, 4200 E. Skelly Drive, who described the signs on the property and informed there are two signs at each entry of the apartment complex. He submitted photographs of the subject tract (Exhibit D-1) as well as an elevation plan (Exhibit D-2) and informed that Case and Associates have just renovated the apartment complex. The signs they are requesting approval for have been existing on the subject tract for three or four months. There are two single-sided signs which flank each entrance. Mr. Meyer informed the signs do not pose a traffic hindrance and are well-maintained.

Comments and Questions:

Mr. Bolzle informed that although the Board has seen applications such as this, he cannot recall that they have approved this many signs. They have allowed more than one sign face at times.

Mr. Gardner informed the Ordinance permits a double-faced sign. He described that the Board has permitted, on previous cases, each permitted sign face to be placed on an entrance wall.

Mr. Bolzle suggested allowing the applicant to have two signs (sign face) at whatever locations they desired.

Mr. Jackere informed the applicant is permitted to have a 1' X 3' sign at the entrance giving directions to the property.

Mr. Gardner asked how much display surface area there is for each sign, and it was determined there is a total of 200 feet. There was discussion about how much display surface area would be allowed on a double-sided sign.

Mr. Doverspike informed he has a problem with allowing four signs; however, he does not have a problem with two one-sided sign faces. He does not see a hardship in this case for more than the permitted sign area.

Case No. 16187 (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 **APPROVE** a Variance to permit two single-sided signs only on the street frontage, at any of the four sites which currently exist as reflected by the photographs submitted; per the plan submitted; finding that using the single face signs would not increase the amount of signage permitted, but any more signage could not meet the hardship finding; on the following described property:

A part of Lot 1, Block 1, and a part of Lot 1, Block 2, BRIARGLEN PLAZA, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded Plat thereof, more particularly described as follows:

BEGINNING at the Northeast Corner of said Lot 1, Block 2; thence S 00°09'08" E along the East Line thereof, a distance of 492.17 feet; thence S 54°20'00" W along the Southeasterly line thereof a distance of 699.45 feet; thence N 00°11'41" W a distance of 900.00 feet to a point on the North Line of said Lot 1, Block 1; thence due East along the North Line of Blocks 1 and 2, a distance of 570.00 feet to the Point of Beginning, containing 9.1047 acres, more or less.

Case No. 16190

Action Requested:

Variance of the all weather surface requirement for off-street parking to permit gravel parking - **SECTION 1303.D.**
- Use Unit 6, located 7525 S. Elwood.

Presentation:

The applicant, **Richard Davis**, was represented by William Hunt, who informed he is appearing on behalf of the owners of the subject tract, Bill and Patricia Loghry. He submitted photographs of the subject tract (Exhibit E-1) and described the property. He informed the owners of the tract have made their home available to the young adults of their church to provide a place to gather and have recreational activities. He stated the subject tract is on Elwood Street just west of the river. The street has no on-street parking as there are ditches on both sides of the road. He stated the property is zoned AG, and 23 of the 27 driveways between 71st and 81st are gravel--only 4 are paved. He informed there is a gravel parking area on the subject tract in addition to the gravel driveway. The gravel is approximately 9 inches

Case No. 16190 (continued)

thick on the parking area. He informed the parking area is 20 to 25 feet off of Elwood. Mr. Hunt stated that there is no commercial activity on this property--it is strictly residential. He stated most of the activities occur on Friday nights in the summer.

Comments and Questions:

Mr. Bolzle asked how often the group meets, and Mr. Hunt informed that in addition to the summer activities, there are also activities on Friday nights in the fall. Some of the participants do come back on Saturdays for recreational activities, and they also have some socials after church.

Mr. Bolzle asked how many people attend the activities on the subject tract, and Mr. Hunt informed the average attendance in the summer is 30 to 35 people.

Protestants:

Bill Newberry, 7602 S. Elwood Ave., informed he lives across the street from the subject tract. He does not object to a gravel driveway, but he does object to gravel off-street parking.

Interested Parties:

David Drake, 7515 South Elwood, informed he lives directly behind the subject tract. He stated he has no problem with this request at all. There is no dust or noise from the cars which park on the tract.

Additional Comments:

Ms. White informed she drives by this property several times a week, and she has never seen any activity going on which indicated that there was a problem. She asked Ms. Parnell how this came before the Board.

Ms. Parnell informed a complaint was made about the number of people coming to the lot and the times the activities take place. She informed the gravel parking was also mentioned in the complaint. She stated the complainant mentioned there were large numbers of people (at times in excess of 100 people) at the location on Wednesday nights, Friday nights, Saturday nights, and Sunday afternoons. She stated this is a large tract and could handle a large number of people. She wondered if the activities would require a special exception (church) from the Board. The application was not properly advertised for another use, and they need to come back for additional relief for the activities.

Ms. White questioned whether the Board should rule on this action or wait for advertisement for additional relief.

Case No. 16190 (continued)

Mr. Bolzle informed the Board has received multiple letters of support which appear to be from people utilizing the subject tract (Exhibit E-2). A letter of concern over this application was also received (Exhibit E-3).

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 **Variance** of the all weather surface requirement for off-street parking to permit gravel parking - **SECTION 1303.D.** - Use Unit 6, per plan submitted, considering the zoning, the size of the tract, and the residential use; finding that the proposed size of the tract; and the residential use; finding that the proposed use of the gravel parking will not be injurious to the area since the principal use is residential, but the Board did not make any determination as to other uses that may be occurring; on the following described property:

S280 W390.5 S/2 S/2 SW NW, Section 12, T-18-N, R-12-E.

Case No. 16191

Action Requested:

Special Exception to permit off-street parking in an RM-2 zoned district, variance of the screening requirement and a variance of the setback requirement from the centerline of E. Trenton - **SECTIONS 1302., 1303, and 401.** - Use Unit 10, located 1230 S. Trenton.

Presentation:

Kevin Coutant, 320 South Boston, informed he represents Tulsa Psychiatric Center which is associated with Parkside Hospital. He described the location of the subject property and the surrounding area. Mr. Coutant submitted a landscape plan (Exhibit F-1) and described it. He informed the setback variance they are requesting would be to allow a setback of 35 feet rather than the required 50 feet.

Protestants: None.

Comments and Questions:

Mr. Bolzle asked if the lot is to be lit, and Mr. Coutant informed that is not currently planned, but if it is, it will comply with the Code and will be directed away from the residential area. He informed the lot will be used primarily for daytime surface parking for staff and those utilizing the services of the center.

Case No. 16191 (continued)

There was discussion about the property to the south of the subject tract.

Mr. Doverspike asked if Mr. Coutant would object to screening the south property line, and Mr. Coutant informed he does not think screening would be necessary since there is already some screening by an existing fence and garage apartment.

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 **Special Exception** to permit off-street parking in an RM-2 zoned district, to **APPROVE** a **Variance** of the screening requirement and to **APPROVE** a **Variance** of the setback requirement from the centerline of E. Trenton from 50 feet to 35 feet - **SECTIONS 1302., 1303, and 401.** - Use Unit 10, subject to the plan submitted; finding the use appropriate and consistent with other uses in the area; and finding that the screening is not necessary as the property to the south has screening and a garage along that property line; on the following described property:

Lot 33, 34 and the N15' of Lot 35, Block 6, Re-Amended Plat of Forest Park Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 16192

Action Requested:

Special Exception to permit car sales in a CS zoned district - **SECTION 701.** - Use Unit 17, located 6105 E. 21st St.

Presentation:

The applicant, **Lynn Clifton**, was represented by Kelly Clifton, 3704 E. 5th Pl., who informed he would like to obtain a motor vehicle sales license and needs this approval in order to do so. He operates an automotive repair shop on the tract, and occasionally he has a car which he would like to sell. He does not want an actual used car lot. He submitted photographs of the subject tract (Exhibit G-1).

Comments and Questions:

Mr. Doverspike asked the applicant about his days and hours of operation, and Mr. Clifton informed they are open five days a week and occasionally on Saturday from approximately 7:30 a.m. to 6 p.m.

Case No. 16192 (continued)

Mr. Doverspike asked about the average number of cars which would be offered for sale at this site, and Mr. Clifton informed there would be four or five at the most at any one time. Ms. White asked the applicant if he would be comfortable with a maximum of six cars for sale at one time, and Mr. Clifton informed he would have no problem with that limitation.

There was discussion about where the cars which are for sale would be parked.

Mr. Gardner asked where the cars the applicant is working on are parked, and Mr. Clifton informed they are parked inside as a general rule.

Protestants:

Floyd Maxwell, 5841 E. 21st St., informed he lives next to the subject tract. He informed the property is kept neat and clean. He wanted to know if there would be any restriction on the number of cars which could be put on the lot for sale if approval is given for this application. He described what had previously occurred on the tract with other owners. He is concerned about vandalism on the subject tract and that property values will go down in the area. He is also concerned about what might happen on the lot in the future should there be another owner. He submitted a petition in opposition to this application which included 26 names of people in the neighborhood (Exhibit G-2).

Rick Williams, 6128 E. 21st St., informed he lives across from the subject tract. He does not want to see used car sales on this tract.

Additional Comments:

Ms. White informed she does not feel approval of this application with restrictions would be injurious to the area.

Mr. Bolzle informed a letter of protest was received from Ray Crosby, District 5 Co-Chair (Exhibit G-3).

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 **Special Exception** to permit car sales in a CS zoned district - **SECTION 701**. - Use Unit 17; subject to a maximum of six cars offered for sale on the lot at any one time, no outside storage of any equipment or any cars except those in working condition, all cars being parked no closer than 30 feet from the curb line on 21st, no signage indicating the operation of the business is for

Case No. 16192 (continued)

the sale of cars, hours of operation 7:00 a.m. to 6 p.m. Monday through Saturday, and all repairs to be done inside existing structures; finding that the use as restricted will improve the situation because of the permitted auto repair business; on the following described property:

Beg. 30E and 50N SE/c SW SE SE thence E150 N125 W150 S125 to POB, Section 10-19-13, Unplatted.

Case No. 16193

Action Requested:

Variance of the maximum fence height in a required front yard from 4' to 5'6" - **SECTION 210.B.3.** - Use Unit 6, located 3920 S. Lewis.

Presentation:

Steve Turner, One Williams Center, Suite 260, submitted a site plan (Exhibit H-1) and some photographs of the subject tract (Exhibit H-2) and described them. He informed he has reduced the fencing along Lewis Avenue from 82 feet to 20 feet. Mr. Turner informed the new fence will not obstruct any view, and will actually correct visibility.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-1 (Bolzle, Chappelle, S. White, T. White, "aye"; no "nays"; Doverspike, "abstaining"; none, "absent") to **APPROVE** a **Variance** of the maximum fence height in a required front yard from 4' to 5'6" - **SECTION 210.B.3.** - Use Unit 6; per plan submitted; finding the fence is adjacent to Lewis Avenue, a major street, and does not obstruct the view of traffic; on the following described property:

Lot 9, Block 9, Lewis Roads Estates.

Case No. 16194

Action Requested:

Special Exception to permit a mobile home in an IM district - **SECTION 901.** - Use Unit 9, located 14 N. 31st W. Ave.

Presentation:

Thomas Holland, 402 West Beaver, Jenks, informed he would like to leave a mobile home on the subject tract. He submitted a map (Exhibit I-1) and informed there are other mobile homes in this area. He described the properties immediately surrounding his tract. He feels the mobile home is an asset to the City because of the taxes paid. Mr. Holland informed the mobile home is set on blocks, and it is skirted.

Protestants:

Shirley Morgan, 3111 W. Admiral Blvd., informed she owns two lots which abut the subject tract. She is concerned about the renters which occupy the mobile home. She is also concerned about sewage from the subject tract which has come across her yard. This area is on septic tanks.

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 **Special Exception** to permit a mobile home in an IM district - **SECTION 901.** - Use Unit 9; subject to the mobile home remaining skirted and per City-County Health Department approval; finding the use is in harmony with the area; on the following described property:

Lot 10, Block 2, Tower View Subdivision.

Case No. 16195

Action Requested:

Special Exception to permit the expansion of the existing Adult Detention Center - **SECTION 401.** - Use Unit 2, located 1727 Charles Page Boulevard.

Presentation:

The **City of Tulsa** was represented by Ray Green, Deputy Director, Public Works Department, 200 Civic center, who explained the purpose of this request.

Protestants: None.

Case No. 16195 (continued)

Comments and Questions:

Mr. Bolzle asked what is west of the facility, and Mr. Green informed that is where the purchasing department has surplus vehicles. Immediately west of that is the juvenile detention center.

Board Action:

On **MOTION** of **T. WHITE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no, "abstentions"; none, "absent") to **APPROVE** a **Special Exception** to permit the expansion of the existing Adult Detention Center - **SECTION 401**. - Use Unit 2; per plan submitted; finding the use appropriate for the area and consistent with the Comprehensive Plan; on the following described property:

A parcel of land lying in the SE/4 of Section 3, T-19-N, R-12-E, Tulsa County, Oklahoma, being more particularly described as follows to-wit: All of that land lying in Lot 9 of Said Section 3, lying north of Charles Page Boulevard, together with the land lying in the NE/4 of the SE/4 of Said Section 3 lying south of Parkview Drainage Ditch and north of Charles Page Boulevard.

Case No. 16196

Action Requested:

Minor Variance of the required setback from the centerline of S. 137th E. Ave. from 50' to 49.2' to permit an existing residence - **SECTION 402.B.7**. - Use Unit 6, located 3391 S. 137th E. Ave.

Presentation:

The applicant, **Coy Montgomery**, 3164 E. 33rd Street, informed this request is being made to clear title.

Protestants: None.

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 setback from the centerline of S. 137th E. Ave. from 50' to 49.2' to permit an existing residence - **SECTION 402.B.7**. - Use Unit 6; per plan submitted; finding the use exists and the purpose of the request is to clear the title; on the following described property:

Lot 15, Block 10, Summerfield Addition.

Case No. 16197

Action Requested:

Variance of the side yard setback from 15' to 10' -
SECTION 403. - Use Unit 6, located 16621 E. 4th St.

Presentation:

The applicant, **W. K. Plunket**, 4357 E. 74th Place, informed he represents the owner of the subject tract. He informed this lot is peculiar in several ways.

Protestants: None.

Comments and Questions:

There was discussion about how much relief the applicant actually needs.

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 side yard setback from 15' to 10' - **SECTION 403.** - Use Unit 6; finding that the lot is a corner lot; per plan submitted, on the following described property:

Lot 11, Block 24, Rose Dew III.

Case No. 16198

Action Requested:

Variance of the setback from the centerline of Main Street from 40' to 34' and from the centerline of E. 16th St. from 30' to 18' - **SECTION 703.** - Use Unit 11, located 1602 S. Main.

Presentation:

The applicant, **Wayne M. Copeland**, 2163 S. 77th E. Ave., informed he owns a small law firm located at the corner of 16th and Main. They would like to place a wooden ground sign in front of their building. He showed some pictures and described why they need the sign. Their clients have a difficult time locating their law firm because trees and foliage obscure the building address. The proposed sign is a 3' X 5' one-sided wooden ground sign with no outside illumination. The sign will sit inside the sidewalk and will not interfere with pedestrian traffic or vehicular traffic at all.

Protestants: None.

Case No. 16198 (continued)

Comments and Questions:

There was discussion as to the exact location of the proposed sign and whether it will be in the City right-of way.

Mr. Doverspike asked if there are any other signs outside the building, and Mr. Copeland informed there are not.

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 setback from the centerline of Main Street from and from the centerline of E. 16th St. from - **SECTION 703.** - Use Unit 11, subject to the north edge of the sign being no closer to 16th street than the north edge of the building and also that the north corner of the sign be no greater than one foot from the existing shrubbery, and that the sign be in accordance with the drawings submitted (3' X 5"); finding that the buildings in the area set near the street, which is the hardship for moving the sign nearer to the street; on the following described property:

Lot 1, Block 5, Stansbery Addition.

Case No. 16200

Action Requested:

Special exception to allow parking on property zoned RM-2 as an accessory use, special exception to permit church/school use in an RM-2 district, variance of the setback from Quincy St. from 40' to 30' and variance to waive the screening requirement from an abutting R district - **SECTION 401., 403.** - Use Unit 5, located 1528 S. Quincy.

Presentation:

The applicant, **Catholic Diocese**, was represented by J. R. Bradley, 1941 East 33rd Place. He described the subject tract and the lots on which they need the specific relief requested. They need the relief for parking on Lots 4, 5, 6, 9, 10, and 11. The setback from Quincy is related to the parking only. He informed that the church/school use is for the entire site. Mr. Bradley informed that on the west boundary of the subject tract is a house which is screened by a garage apartment, a fence, and another small building. North of that property is a three-story apartment building which is currently screened by a six-foot black chain-link fence. The property to the north of the subject tract is commercial, part of which is protected by a board fence.

Case No. 16200 (continued)

Protestants: None.

Comments and Questions:

Mr. Doverspike asked if there will be any lighting in the parking lot, and Mr. Bradley informed there will be two light poles approximately 20 - 25 feet high which will be placed so that they do not interfere with anybody to the west or the north. He showed on a plan where the lights will be located.

Mr. Bolzle informed the Board feels it would be better if the lighting were against the property line and pointed away from the residences.

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 **Special Exception** to allow parking on property zoned RM-2 as an accessory use, to **APPROVE** a **Special Exception** to permit church/school use in an RM-2 district, to **APPROVE** a **Variance** of the setback from Quincy St. from 40' to 30' and to **APPROVE** a **Variance** to waive the screening requirement from an abutting R district - **SECTION 401., 403.** - Use Unit 5, subject to the plan submitted, and provided that the lighting on the parking be shielded at least as to the pole which will exist on the western boundary line of the parking lot to avoid exposure to the properties to the west; finding the use to be harmonious with the area and an extension of the church use and school east of Quincy Avenue; on the following described property:

Lots 4-11, Block 7, Orcutt Addition.

Case No. 16201

Action Requested:

Special Exception to permit a Use Unit 12 Use in an IM zoned district - **SECTION 901.** - Use Unit 12, located 6326 E. 13th St.

Presentation:

The applicant, **Robert Peters**, 1710 One Williams Center, informed he is representing a group of businessmen who would like to put a dance club targeted at young adults (14 to 18 years of age) on the subject tract. There will be no alcoholic beverages served or tolerated inside or outside the premises. They will have sufficient security inside and outside the facility. They have sufficient parking, and they propose to be open three evenings a

Case No. 16201 (continued)

week--Thursday (7 p.m. - 12 a.m.), Friday (7 p.m. - 2 a.m.), and Saturday. They feel this use is compatible with the zoning in the area because most of the businesses are finished with business around 5 or 6 in the evening.

Comments and Questions:

Mr. Gardner asked how big the building is, and Mr. Peters informed it is 4800 sq. ft.

Mr. Jones informed the applicant has a plan which does show adequate off-street parking (Exhibit J-1).

Ms. White asked how many security officers they will have inside and out, and Mr. Peters informed he does not know the exact number. He stated there would be no less than two outside and no less than two or three inside.

Mr. Doverspike asked if all the activities will be conducted inside the structure, and Mr. informed they would be.

Protestants:

Harry Potts, 6336 E. 13th Street, submitted a petition signed by 12 businessmen in the area who strongly oppose this application (Exhibit J-2). He questioned the applicant's motive for selecting this site for this type of business. He is concerned about parking in the area, security, and the precedent this could set in the area.

Tom Schick, 6130 East 13th, feels this is a bad location for this type of business. He informed the streets are narrow and become very treacherous when there is ice. There are several businesses in the area which are open 24 hours a day.

Bruce Johnson, 1220 S. Norwood, informed there is a great deal of truck traffic in the area at all times. He informed this area is totally industrial in nature. He is concerned about potential problems which a business such as that which is proposed will bring to the area.

Millard Kizzee, 6307 E. 13th, is concerned about how the business will affect the truck traffic which exists in the area. He is concerned about parking and congestion.

Applicant's Rebuttal:

Mr. Peters described the abutting properties. He explained why he feels the protestant's concerns about parking and traffic are not valid. They do not feel that this use would be injurious to the other business owners.

Case No. 16201 (continued)

Additional Comments:

Mr. Bolzle informed he is concerned about the congestion and the narrowness of 13th Street.

There was discussion about parking requirements for industrial warehouse use.

Mr. Jones informed Staff is concerned about the traffic; however, the proposed use has as much right to use the street as the other businesses because it is a public street.

Ms. White informed they have to consider that the other businesses are already located in the area, that this is a narrow street, and that bringing that many teenagers in would be a safety concern in her opinion.

Mr. Doverspike informed he does not feel that this use would be compatible with the area.

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 **Special Exception** to permit a Use Unit 12 Use in an IM zoned district - **SECTION 901.** - Use Unit 12; finding the use inappropriate on the interior of this industrial area; on the following described property:

A tract of land situated in the N/2 of the SE/4 of the NE/4 of Section 10-19-13, of the IBM, Tulsa County, Oklahoma, being more particularly described as follows to-wit: Beginning at a point on the north line of the N/2 SE/4 NE/4 391.60' west of the NE/c thereof, thence S 89°28'44" W and along the north line of said N/2 SE/4 NE/4 for 109.00 feet thence due south and parallel to the east line of said Section 10 for 292.61' to the centerline of the St. Louis and San Francisco spur railroad track, thence N 13° 29' 28" E and along the centerline of said spur railroad track for 0,00', thence along a curve to the right with a radius of 459.28' and along the centerline of said spur railroad track for 104.11', thence N 89°29'48" and along the centerline of said spur railroad track for 5.9', thence due north 280.83' to the point of beginning subject to railroad rights-of-way, sanitary sewer and street easements.

Case No. 16202

Action Requested:

Variance to permit an electronic board sign to be constructed within 20' of the driving surface of a street and within 50' of the driving surface of a signalized intersection, located 110 E. 2nd St.

Presentation:

The City of Tulsa was represented by John Scott, General Manager of the Performing Arts Center. Mr. Scott informed they need the marque to provide notification of events and to enhance the building identification. He showed a plot plan and informed the proposed location is virtually the only location on the property on which they can put a stand-alone marque. He described the appearance of the marque and showed a coloring rendering of it.

Protestants: None.

Comments and Questions:

There was discussion about where the sign will be located.

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** to permit an electronic message sign to be constructed within 20' of the driving surface of a street and within 50' of the driving surface of a signalized intersection; per plan submitted; finding the proposed sign will not present a safety problem for motorists; on the following described property:

A tract of land consisting of a part of Block 106, Original Town of Tulsa, including the alley, all located in the City of Tulsa, Tulsa County, State of Oklahoma, and described as follows: All of Lots 1, 2, 3 and 4, all of the alley lying between Second Street and Third Street and the easterly 26.3' of Lots 5, 6, 7 and 8, Block 106, Original Town of Tulsa, Tulsa County, Oklahoma.

Case No. 16203

Action Requested:

Variance of street frontage from 200' to 160.58' and 142.83' and a variance of land area from 2.2 ac to 2.01 to permit a lot split - **SECTION 303.** - Use Unit 6, located 5520 E. 34th St. N.

Presentation:

The applicant, **Wanda Reynolds**, was represented by Donald Stenderd, 5424 E. 34th Street N., who informed he will buy the east side of the subject tract if the lot split is approved. He informed there are lots west of the subject tract which have less than the required 200 feet of frontage. They have previously received approval to put a mobile home on the east side of the tract, and they have complied with all the health requirements and have their water and electrical permits. Mr. Stenderd submitted a plat of survey (Exhibit K-1).

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 street frontage from 200' to 160.58' and 142.83' and a variance of land area from 2.2 ac to 2.01 to permit a lot split - **SECTION 303.** - Use Unit 6; per plan submitted and subject to TMAPC approval of the lot split; finding the size of the lots consistent with other lots in the area; on the following described property:

W/2 SE NE NW, Section 22-20-13, less the north 50'.

Case No. 16204

Action Requested:

Special exception to modify the requirement for the construction of a screening fence along the west 1600' of the south and west boundaries of the property which abut an R district and approve the construction of a security fence 21' north of and parallel to the west 1600' of the south boundary and along the west boundary of the property with landscaping and to remove the screening requirement along the east 1050' of the south boundary until development occurs within the east 40 acres of the property - **SECTION 212.C.2-3** - Use Unit 25, located S & 1/4 mile west of E. Apache St. & N. Harvard Ave.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, informed he represents Oklahoma Fixture Company who is building a new major manufacturing facility and home offices on the subject tract. He described the zoning in the area. Mr. Norman submitted a site development plan (Exhibit L-1) and some photographs (Exhibit L-2) and described them. He informed there will be about 40 acres at the corner of Harvard and Apache which will remain vacant for the immediate future. He described the screening which the Code would require. They would like to eliminate the solid screening fence requirement, and would like to have a security fence 21 feet to the north of the south boundary. He informed the nearest wall of the building is about 450 feet to the north of the nearest residence. The south 150 feet is occupied by a detention facility. Mr. Norman informed they would like to have until the end of April to install the landscaping materials.

Interested Parties:

Anthony Moss, 2272 N. Evanston Pl., informed Mr. Norman has complied with all the requests they have made. They feel this would be a credit to the neighborhood. He requested approval of the application.

Protestants: None.

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 Special exception to modify the requirement for the construction of a screening fence along the west 1600' of the south and west boundaries of the property which abut an R district and approve the construction of a security fence 21' north of and parallel to the west 1600' of the south boundary and along the west boundary of the property with landscaping and to remove the screening requirement along the east 1050' of the south boundary until development occurs within the east 40 acres of the property - **SECTION 212.C.2-3** - Use Unit 25, pursuant to the actions requested by the applicant, subject to the site plan submitted, and with the provision that the installation of landscaping does not need to be completed until the end of April; finding the proposed landscape screening and physical separation of the buildings to be adequate to buffer the residential area; on the following described property:

N/2 NE/4 of Section 29-20-13 of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

Case No. 16205

Action Requested:

Variance to permit a business sign on a lot abutting the lot on which the business is located - **SECTION 1221.D. E. and G.** - Use Unit 21, located S of SE/c E. 31st St. and S. Garnett Rd.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th, informed he represents the developers who propose the construction of a Walgreens Drug Store on the subject tract. He showed a site plan and described where they would like to put the proposed sign. The developers have entered into contractual arrangements with the property to the south of the southeast corner which fronts Garnett for a mutual access drive that will extend from Garnett east into the back part of the property fronting 31st Street. They are proposing a modest 6' x 2' sign which designates that the pharmacy can be reached from Garnett.

Protestants: None.

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 **Variance** to permit a business sign on a lot abutting the lot on which the business is located - **SECTION 1221.D. E. and G.** - Use Unit 21, with the condition that it be subject to the continuation of the mutual access, and per plan submitted; finding the sign to be directional in nature, and appropriate for the area and the traffic movement to the drive-in facility; on the following described property:

Lot 1, Block 1 and Lot 16, Block 1, Amended Plat of a Resub of Blocks 2 and 3 of Briarglen Center Addition.

Case No. 16207

Action Requested:

Variance of the required 30' of street frontage to 0' to permit a lot split - **SECTION 206.** - Use Unit 6, located W of NW/c of E. 75th St. S. & S. Delaware Ave.

Presentation:

The applicant, **Bob Nichols**, 111 West 5th St., informed he is appearing on behalf of the Oral Roberts Ministries. He informed there are five separate residences within a compound, and this lot split would permit the sale of the large residence on the west side of the compound. He

Case No. 16207 (continued)

informed the Technical Advisory Committee has approved the lot split subject to the extension of a sewer line to the property and subject to the installation of a separate water meter. It will also involve entering into a mutual access agreement with any purchaser at the time of sale.

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 30' of street frontage to 0' to permit a lot split - **SECTION 206.** - Use Unit 6; per plan submitted; subject to the filing of a mutual access easement; finding the uses exist and the variance will allow separate ownership of the lot; on the following described property:

Lots 7 and 8, Block 2, Southern Hills Estates Addition and the S300' of the east 14 acres of the NE NW of Section 8-18-13.

Case No. 16208

Action Requested:

Variance of the setback from the centerline of E. 5th St. from 45' to 35' to allow the replacement of an existing detached accessory building - **SECTION 403.** - Use Unit 6, located 1925 E. 5th St.

Presentation:

The applicant, **Wayne Alberty**, 201 West 5th, Suite 120, informed he is representing the owner of the subject tract, Jim Bowers. He submitted a site plan (Exhibit M-1), an elevation drawing (Exhibit M-2) and some photographs (Exhibit M-3), and informed the owner had an existing garage on the property which has been removed because it was dilapidated. He would like to replace the garage with a new metal building which will be large enough to house his motor home. He would like to build the new building with the old setback of 35'. He described other buildings in the area which do not meet the setback requirement. He informed the building will be under the 750 sq. ft.

Protestants: None.

Case No. 16208 (continued)

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 setback from the centerline of E. 5th St. from 45' to 35' to allow the replacement of an existing detached accessory building - **SECTION 403**. - Use Unit 6, per plan submitted, finding the new garage will align with the house and other buildings in the area, on the following described property;

Lots 12 and 13, Block 6, Abdo's Addition.

Case No. 16209

Action Requested:

Special exception to permit Christmas tree sales in a CS/CH district and a variance to allow sales annually for three years - **SECTION 701**. - Use Unit 2, located 6925 E. Admiral Place.

Presentation:

Price Mart was represented by Buddy Carmichael, 9136 E. 31st, who informed they would like to erect a tent on the subject tract and sell Christmas trees and related items. They have done this for three years. The tent is set up in the parking lot and takes up about ten parking spaces. They would like to start immediately and will close the tent on December 20. The hours of operation of the tent are from approximately 9-10 a.m. to 8-9 p.m.

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 permit Christmas tree sales in a CS/CH district and to **DENY** a **Variance** to allow sales annually for three years - **SECTION 701**. - Use Unit 2, for a period of one year, provided the use is located within the parking lot premises of the existing business at this location, to occupy no greater than approximately ten parking spaces, with the permission being for November 24, 1992, to December 20, 1992, with the hours of operation being 9 a.m. to 9 p.m., on the following described property:

Case No. 16209 (continued)

A tract of land being a part of Block 1 of "Brown Addition" an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof and being a part of Lot 4 of the Amended Map of "Polston Addition" an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof being more particularly described as follows: commencing at the southeast corner of Block 1, "Brown Addition" an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the official plat thereof, thence S 88°53'10" W along the south line of said Block 1 a distance of 145' to the POB, thence continuing S 88°53'10" W along said south line of Block 1 a distance of 298.80' to a point on the south line of Block 4 of the amended map of "Polston Subdivision" an addition to the City of Tulsa, Tulsa County, Oklahoma according to the recorded plat thereof, thence N 1°05'08" W a distance of 125' to a point thence S 88°53'10" W a distance of 255' to a point on the east ROW line of N. 68th E. Ave., thence N 1°05'08" W along said east ROW line a distance of 44.20' to the northwest corner of said Block 1, of "Brown Addition" thence N 88°53'10" E along the north line of said Block 1, "Brown Addition" a distance of 45' to the northwest corner of Reserve A of said "Brown Addition", thence S 1°05'08" E along the west line of said Reserve A a distance of 4.58' to the southwest corner of said Reserve A thence S 76°51'03" E along the south line of said Reserve A a distance of 487.83' to a point thence S 76°25'39" E along the said south line of Reserve A a distance of 189.90' to the southeast corner of said Reserve A thence S 1°05'08" E along the east line of said Block 1, "Brown Addition" a distance of 216.75' to a point thence S 88°53'10" W a distance of 145' to a point thence S 1°05'08" a distance of 170.00' to a point of beginning containing 282,984.62 sf or 6.4964 ac more or less.

Case No. 16210

Action Requested:

Special Exception to permit Christmas tree sales in a CS zoned district and a variance to allow sales annually for three years - **SECTION 701.** - Use Unit 2, located 9140 E. 31st St.

Presentation:

Price Mart was represented by Buddy Carmichael, 9136 E. 31st, who informed the operation is maintained within the parking lot. They would like to start immediately and will close the tent on December 20. The hours of operation of the tent are from approximately 9-10 a.m. to 8-9 p.m.

Comments and Questions:

Mr. Jones submitted an aerial photograph (Exhibit N-1) and informed Staff wants to be sure the activity does not occur in the large area south of the main building which is next to residential. They have no problem with the use if it is north of the building on the existing parking lot.

Mr. Carmichael informed the tent is on the parking lot to the north of the store.

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 Christmas tree sales in a CS/CH district and to **DENY** a **Variance** to allow sales annually for three years - **SECTION 701.** - Use Unit 2, for a period of one year, subject to the area being confined to the parking lot north of the existing operation, to occupy no greater than approximately ten parking spaces, with the permission being for November 24, 1992, to December 20, 1992, with the hours of operation being 9 a.m. to 9 p.m., on the following described property:

A tract of land that is part of Lot 1, Block 1, Briar Village a resub of All of Briarwood Center Second Amended, an addition to the City of Tulsa, Tulsa County, Oklahoma, being described by metes and bounds as follows to-wit: beg at a point said point being the NW/c of Lot 1, Block 1, Briar Village, thence due east along the northerly line of Lot 1, Block 1, Briar Village, for 30', thence due south and parallel to the westerly line of said Lot 1, Block 1, for 93', thence due east a parallel to the northerly line of Lot 1, Block 1, for 150', thence due north and parallel to the westerly line of Lot

Case No. 16210 (continued)

1, Block 1 for 93' to a point said point being on the northerly line of Lot 1, Block 1, thence due east along the northerly line of Lot 1, Block 1, for 594.70' to a point said point being the NW/c of Lot 2, Block 1, Briar Village, thence due south along the westerly line of said Lot 2, Block 1, for 100' to the SW/c thereof, thence due east along the southerly line of Lot 2, Block 1, for 225' to a point, said point being on the SE/c of Lot 2, Block 1, and also the most easterly NE/c of Lot 1, Block 1, thence due south along the easterly line of Lot 1, Block 1, for 510' to a point, said point being the NE/c of Lot 1, Block 1, Briar Village Apartments, a resub of a part of Lot 1, Block 1 Briar Village an addition to the City of Tulsa, Tulsa County, Oklahoma thence due west along the northerly line of said Lot 1, Block 1, of Briar Village apartments for 566.18', thence due south along the westerly line of Lot 1, Block 1, Briar Village Apartments, for 135.75' to a point said point being on the northerly line of Briar Wood Second Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma, thence N 81°30'00" W along the northerly line of Briarwood Second Addition for 220.98' thence S 87°30'00" W along said northerly line of Briarwood Second Addition for 35', thence due north along the easterly line of said Briarwood Second Addition for 297.92', thence due west along the northerly line of Briarwood Second Addition for 180', thence due north along the westerly line of Lot 1, Block 1, Briar Village, for 416.70' to the POB of said tract of land.

There being no further business, the meeting was adjourned at 3:48 p.m.

Date approved: December 22, 1992


Chairman

