

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 622
Tuesday, December 8, 1992, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bolzle, Chairman	Chappelle	Gardner	Jackere, Legal
Doverspike		Jones	Department
S. White		Moore	Hubbard, Public
T. White		Stump	Works

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, December 4, 1992, at 2:17 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Bolzle called the meeting to order at 1:00 p.m.

MINUTES:

On **MOTION** of **S. WHITE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** the Minutes of October 13, 1992.

UNFINISHED BUSINESS

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 sq ft ground sign - **Section 1221.C.6.** - Use Unit 14, located 3501 East 31st Street.

Presentation:

The applicant, **Jack Easley**, 5588 South Garnett, stated that the application was continued to permit the Board to site check the ground sign location.

Comments and Questions:

Mr. Doverspike stated that he viewed the site and it appeared that a sign installed at the southernmost edge of the paved parking area would align with other signs in the block. He added that the sign installed at the requested setback would not interfere with traffic flow at this location.

Mr. Gardner pointed out that the applicant's ownership begins 35' from the centerline of 31st Street; however, the sign would still be located in the planned right-of-way, therefore the need for relief.

Case No. 16178 (continued)

Protestants:

None.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the setback from the center of East 31st Street from 50' to 35' to allow one 18.9 sq ft ground sign - **Section 1221.C.6.** - Use Unit 14; per plan submitted; subject to the execution of a removal contract; and subject to City Council approval if any portion of the sign is within City right-of-way; finding that the location of the sign 35' from the centerline of the street would be consistent with other signs in the immediate area; on the following described property:

Lots 13 and 14, Block 8, Bellaire Heights Addition,
City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 16222

Action Requested:

Minor Variance of the required side yard from 10' to 8.5' to permit an existing dwelling - **Section 403.** - Use Unit 6, located east of the southeast corner of East 24th Street and South Lewis Avenue.

Presentation:

The applicant, **Lynn Burrow**, 1400 South Boston, was represented by **Bob Silver**, who requested permission to build an addition to an existing dwelling (Exhibit B-1). He informed that the new construction will be 8' from the east property line, instead of the required 10' setback.

Comments and Questions:

Mr. Jones informed that the plot plan submitted to Staff indicates the setback to be 8.5'.

Mr. Bolzle stated that the house is to have a 10' setback on one side and 5' on the other, therefore, the applicant would comply with the 5' setback on the east and could request a variance from 10' to 9' on the west.

Protestants:

None.

Case No. 16222 (continued)

Board Action:

On MOTION of DOVERSPIKE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a Minor Variance of the required side yard from 10' to 9' on the west boundary to permit an existing dwelling and proposed expansion - **Section 403. - Use Unit 6**; per plot plan submitted; finding that approval of the request will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

East 52' of Lot 3 and west 48' of Lot 4, Block 2, Megee Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16206

Action Requested:

Variance to exceed the maximum display surface area of 150 sq ft and exceed the two-tenths square feet of display surface area per linear foot of street frontage - **Section 602.B.4.a. - Use Unit 11**, located 7060 South Yale Avenue.

Presentation:

The applicant, **Bruce Anderson**, 9520 East 55th Place, was not present.

Comments and Questions:

Mr. Jones explained that the applicant submitted the wrong legal description for the property and it will be necessary to continue the application to allow sufficient time for readvertising. He stated that Mr. Anderson has been informed of the delay.

Protestants:

None.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 16206 to December 22, 1992.

Case No. 16211

Action Requested:

Special Exception to allow an emergency and protective shelter in an IM District, a variance of the 1320' spacing requirement between protective shelters and for a variance of the building setback to permit the north and west walls of the new day center to be constructed on the right-of-way lines for Brady Street and Frisco Avenue - **Section 901. and Section 1205.C.4. - Use Unit 5**, located east of Frisco between Brady and Archer.

Comments and Questions:

In response to Mr. Bolzle's inquiry, eight protestants indicated a desire to address the Board concerning the proposed location of the day center. Mr. Bolzle asked if three minutes per individual would be sufficient time to present each protest, and there was no objection.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, represented the Tulsa Metropolitan Ministries. He explained that a day center for the homeless was approved by the Board and began operation at the current location in 1985, with an extension of the hours of service being approved in 1990. Mr. Norman submitted a booklet (Exhibit C-1) containing a site plan and information concerning the center. He informed that the proposal is to construct a new facility for the homeless approximately 300' to the southwest of the existing center. The applicant submitted photographs (Exhibit C-4) and pointed out that the new building will contain approximately 22,000 sq ft of floor space, and will contain a larger day area and more rest rooms and showers than the present building. Mr. Norman stated that the new facility will provide sufficient space for counseling offices and other agencies (Exhibit C-9) that work with the homeless. He informed that the building site was donated to the Tulsa Metropolitan Ministries by a prominent Tulsa family, and includes the entire block, except the east 65', which is being offered to the Salvation Army. He advised that the property across Elwood to the east is also used by the Salvation Army. Mr. Norman pointed out that the proximity of the two uses is one of the issues before the Board at this time. He submitted a copy of the District One Comprehensive Plan (Exhibit C-7), and pointed out that Section 4.5.4 states that industrially zoned land no longer being used for industrial purposes should be considered for rezoning to the CBD zoning category. He further noted that, if rezoned, this use would be permitted by right on the property and the variance of the setback would not be required. Mr. Norman stated that the existing day center is nonconforming as to spacing, and approval of the

Case No. 16211 (continued)

application will not increase the nonconformity. The applicant advised that it is the intent of his client to address the concerns of the residents living in the area, and noted that the building wall will serve as a barrier to the north properties. He pointed out that the entrance, as well as the driveway and parking lot, will be located on the southeast side of the building. Mr. Norman stated that the larger day area will accommodate more people and eliminate the need for loitering outside the center. He added that it is imperative that the shelter be located near available transportation, since many of the homeless do not have automobiles. In conclusion, Mr. Norman pointed out that the population now served will not be substantially increased by the construction of the proposed facility, and the relocation of the center approximately 300' to the west and south will not increase the nonconformity or conflict with the use of adjacent properties.

Additional Comments:

Mr. Doverspike asked if the entrance to the facility could be relocated to Archer, and Mr. Norman stated that the lot frontage on Archer is approximately 4' higher than the street. He informed that an alternate plan (Exhibit C-8) has been prepared, which depicts a steep driveway on Archer.

Mr. Doverspike inquired as to fencing on the north boundary, and the applicant replied that fencing is not proposed, since the building wall will serve as a barrier.

In response to Mr. Doverspike's question concerning security, Mr. Norman stated that approximately 15% of the cash budget for the center is spent to provide internal police security, except from 9:30 p.m. to 7 a.m.

Mr. Doverspike inquired as to the hours of operation, and the applicant stated that the facility is open from 8 a.m. to 4 p.m. and from 5:30 p.m. to 7 a.m. He noted that the facility is cleaned during the closed periods. Mr. Norman stated that the present center has been providing sleeping arrangements for 50 homeless people, unless it is extremely cold; however, that number could increase slightly when the new facility is constructed.

Ms. White asked Mr. Norman if his client would be amenable to fencing the property, and he replied that the fence could be installed if it proved to be of great importance to the neighborhood.

Case No. 16211 (continued)

Mr. White asked if the majority of the visitors walk to the center, and the applicant stated that most of the people walk or use public transportation; however, some do have cars.

In reply to Mr. Bolzle, Mr. Norman informed that the entrance to the west is for deliveries only.

Protestants:

Monty Hutchinson, 206 North Frisco, stated that the Code is to protect the general welfare of the neighborhood. She pointed out that clustering of centers serving the homeless is detrimental to the area, and there are numerous similar establishments already in existence.

T. J. Plummer, 650 Morningside Drive, Seminole, Oklahoma, stated that he owns industrial property across from the proposed site, and is concerned that the use could interfere with the industrial businesses in the area.

Boss Einstein submitted a newspaper clipping (Exhibit C-3) and suggested that an empty hotel could be used to house the homeless. He stated that he is opposed to the plan submitted by the applicant.

Catherine Council, 217 North Frisco, stated that the neighborhood rights are being stripped away by the street people living along Brady. She stated that the homeless roam the neighborhood, drink alcohol and the children are verbally accosted by these people daily. Ms. Council stated that a larger facility will bring more homeless into the neighborhood. She suggested that the Board adhere to the required spacing, because the area is saturated with centers of this nature.

Linda Taylor, 419 West Cameron, informed that her four children are afraid of the homeless people roaming the streets. She asked the Board to deny the application.

Andrew Smalley, 512 West Cameron, stated that he is opposed to the application, because the homeless roam the area, drink alcoholic beverages and leave hypodermic needles cluttering the neighborhood. Mr. Smalley stated that he feels that the welfare of his children is at risk.

Ms. White stated that she is familiar with the neighborhood, and asked Mr. Smalley if the opening of the existing center removed some homeless from the street, or if its opening caused the number of homeless in the area to increase. Mr. Smalley stated that he has only been in the neighborhood for two years, and cannot adequately assess the matter.

Case No. 16211 (continued)

Rick Council, 217 North Frisco, stated that he has lived in the area for 10 years, and the opening of the existing center caused an increase in the number of homeless in the neighborhood.

Tom Smalley, 209 North Frisco, informed that he lives approximately 300' from the existing center for the homeless, and the proposed center will be 100' from his residence. He pointed out that he has been plagued by actions of the visitors staying at the existing center, and is opposed to the new location. Mr. Smalley stated that this area is saturated with this type of use, and asked the Board to deny the request.

Councilor Darla Hall stated that the new facility will make it very attractive to stay homeless, and could cause a substantial increase in the number of homeless people in Tulsa. She pointed out that the residential area around the proposed site will be detrimentally affected by the construction of the center. Ms. Hall suggested that the residents of Tulsa be protected first, and the homeless second. In conclusion, Ms. Hall stated that another day center in the area would be an injustice to the surrounding homeowners, and the free food, lodging, etc., would encourage the homeless to remain homeless.

Rebecca Council informed that she has owned property in the neighborhood for 20 years and her son lives in the area. She pointed out that it is impossible to drive down Brady because of the drunks that loiter in the street behind the present center.

Photographs (Exhibit C-5), letters of opposition (Exhibit C-6) and a petition (Exhibit C-2) signed by area residents were submitted.

Interested Parties:

Sharon Bell stated that she is co-chair of the building fund drive for the new day care center for the homeless. She stated that the goal for the organization is to create a building that will comply with the Code. She pointed out that the current building has four rest rooms to serve 350 people, and the building is not large enough to effectively deliver needed services. Ms. Bell pointed out that hours of operation for the new facility will be compatible with those of the Salvation Army, which serves meals to the homeless while their center is closed.

Ms. White asked if the dumpsters for the center will be placed away from the residential neighborhood, and Ms. Bell stated that the dumpsters will be screened.

Case No. 16211 (continued)

Pat Woodrum, 2300 Riverside Drive, executive director of the Tulsa City/County Library, stated that she is supportive of the proposed center for the homeless. She added that the library has always been a haven for the homeless, which became a great problem in the 1980s. Ms. Woodrum stated that a task force was formed to address the problem, and the existing center was established in 1986. Ms. Woodrum pointed out that there is a need for the center to be located where the homeless people congregate.

Scott Sanditen, chairman of the building committee for the day center, stated that he is sensitive to the issues brought up by the residents living near the site. He pointed out that the new facility will alleviate some of the problems, because the added space can accommodate more people and prevent an overflow into the streets and surrounding neighborhood. Mr. Sanditen noted that 6% of those receiving service at the center are children and many of the homeless are mentally ill. He stated that a well managed day center will be compatible with the surrounding uses. Mr. Sanditen stated that unruly individuals are not permitted to stay in the center, and many of the concerns of the neighborhood seem to be problems in the area that should be taken care of by the police.

Additional Comments:

Mr. Doverspike asked Mr. Sanditen if he is familiar with the previous Board action (1985 and 1990) regarding the center, and he replied that he was not involved in either of those Board hearings.

Mr. Bolzle asked if any portion of the center's clients use their services exclusively, and Mr. Sanditen replied that few clients use only the services of the day center in question.

In reply to Mr. Bolzle, Mr. Sanditen stated that it is his opinion that the day center does not bring additional people to the area.

In regard to security in the area, Mr. Sanditen stated that the police use their parking lot as a drop-off point for individuals that are not locked up, but have been picked up for loitering or being intoxicated. He added that the Master Plan does not include residential use, and much of the area has been targeted for social type services.

Case No. 16211 (continued)

Mr. White asked if the police actually drop off people at the center that are picked up, but are not candidates for jail entry, and Mr. Sanditen answered in the affirmative. He further noted that the City does not have a detoxification center.

Applicant's Rebuttal:

Mr. Norman stated that the neighborhood to the north is in transition to industrial uses, and the issue today is whether or not the construction of the proposed facility will be detrimental to the area. He pointed out that, if the application is denied, the day center will be forced to continue its operations in the inadequate facility currently being used.

Additional Comments:

Mr. Doverspike inquired as to the square footage of the proposed facility, and Mr. Norman stated that it will contain approximately 23,000 sq ft. In regard to the question concerning the current limitation of 400 people per day, Mr. Norman stated that his client does not object to the a limit of 400; however, individuals are not turned away during extremely cold or rainy weather.

Ms. White stated that, if the Board is inclined to approve the application, she would only support the alternate plan, which depicts the entrance on Archer. Ms. White pointed out that she is aware that the neighborhood should be protected, and asked that the Board consider security fencing the outside.

Mr. Norman stated that security can be provided by fencing or exterior lighting; however, the homeless are permitted by law to be on the streets and sidewalks. He pointed out internal security is currently provided, but hiring an additional police officer would present an extreme financial hardship. Mr. Norman stated that the larger building will remove more homeless from the street.

Mr. Doverspike stated that he is supportive of the alternate plan with the entrance on Archer and the installation of a security fence. He stated that he is in agreement with Councilor Hall that the facility will not solve the homeless problem in Tulsa. Mr. Doverspike advised that he will not be supportive of the expansion of these types of centers, and suggested that the number of people receiving services remain at 400 during the day and 65 at night.

Mr. Bolzle stated that it appears that placing the center close to the existing one would lessen the impact on the residential neighborhood.

Case No. 16211 (continued)

Mr. Jones informed that the variance of the setback requirement was not properly advertised and will be heard on December 22, 1992.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to allow an emergency and protective shelter in an IM District, and to **APPROVE** a **Variance** of the 1320' spacing requirement between protective shelters; and to **CONTINUE** the remainder of the application to December 22, 1992 **Section 901. and Section 1205.C.4.** - Use Unit 5; per amended site plan depicting the entrance on Archer; subject to the applicant returning to the Board for approval of the location of chain link fencing; subject to the number of occupants remaining at 400 during the day and 65 at night; subject to internal security being provided except from 9:00 p.m. to 7:00 a.m.; finding that the shelter is currently in operation approximately 300' from the proposed site, and that the approval of the new facility will improve the situation, and will not cause substantial detriment to the public good or impair the spirit, purposes and intent of the Code, or the Comprehensive Plan; on the following described property:

Block 36, and the 20' alley therein (subject to closing and vacation by the City of Tulsa), less and except the easterly 65' of Block 36, all in the Original Town of Tulsa, Tulsa County, Oklahoma.

Case No. 16212

Action Requested:

Special Exception to permit a church in an AG zoned district - **Section 301.** - Use Unit 5, located 8801 East 91st Street.

Presentation:

The applicant, **Carbondale Bible Church**, was represented by **Bruce Masters**, 3840 South 121st East Avenue, who submitted a tract layout (Exhibit D-1) of the property in question. He explained that a site plan has not been prepared at this time, and the purchase of the property for a building site is contingent upon Board approval of the use.

Comments and Questions:

Mr. Bolzle asked if there is another church to the east of the subject tract, and the applicant answered in the affirmative.

Case No. 16212 (continued)

Protestants:

None.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit a church in an AG zoned district - **Section 301.** - Use Unit 5; subject to Board approval of the site plan before construction; subject to platting; and subject to only one church being constructed on the tract; finding the use to be compatible with the surrounding area; on the following described property:

W/2, SE/4, SW/4, Section 13, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16213

Action Requested:

Variance of the setback from the centerline of East Pine from 50' to 35' to allow a pole sign - **Section 1221.D.1.** and **Section 215** - Use Unit 17, located 3203 E. Pine.

Presentation:

The applicant, **Auto Zone**, PO Box 2198, Memphis, Tennessee, was represented by **Joe Graves**, who requested permission to add neon around the perimeter of the existing graphics on the wall. He informed that the neon will not be illuminated except from dusk to 10 p.m. It was noted that the requested 42' setback is required to move the pylon sign 14' away from the power line. Photographs (Exhibit E-1) and a plot plan (Exhibit E-2) were submitted.

Comments and Questions:

In response to Mr. Bolzle, the applicant informed that the sign will be 30' tall.

Mr. Gardner advised that the new sign ordinance stipulates that a lighted surface of a building cannot have a reading of more than 25 footcandles at a distance of 2' without becoming a sign, and asked the applicant if he knows the intensity of lighting for the neon tubing. He replied that he is not aware of the lighting intensity.

Mr. Doverspike asked Mr. Jackere if the City Council is progressing in their review of the proposed amendments to the sign ordinance, and he replied that the final ordinance has been prepared and is awaiting Council approval.

Case No. 16213 (continued)

Mr. Doverspike asked if the neon lighting would be approved by right according to the new ordinance, and Mr. Gardner answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **T. WHITE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the setback from the centerline of East Pine from 50' to 42' to allow a pole sign - **Section 1221.D.1. and Section 215** - Use Unit 17; per plan submitted; subject to a removal contract; finding that the neon lighting is low intensity (less than 25 footcandles at 2'), and will be permitted by right under the proposed amendments to the Code; on the following described property:

A tract of land being a part of the SE/4 of the SE/4 of the SE/4 of Section 29-20-13 of the IBM, Tulsa County, Oklahoma, said tract being more particularly described as follows: Commencing at the SE/c of Said Section 29, thence N 89°55'19" W along the south line of said section 29, a distance of 414.74' to the POB, thence continuing N 89°55'19" W along said south line a distance of 150.00' to a point, thence due north a distance of 329.32' to a point, thence S 89°55'19' E a distance of 150.00' to a point, thence due south a distance of 329.32' to POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16214

Action Requested:

Variance of the maximum allowable 3 sq ft per lineal foot of wall length from 234 sq ft to 393.25 sq ft to permit a sign - **Section 1221.D.2. - Use Unit 17**, located 11612 East 31st Street.

Presentation:

The applicant, **Auto Zone**, PO Box 2198, Memphis, Tennessee, was represented by **Joe Graves**, who requested permission to add neon lighting around the perimeter of the existing graphics on the wall. He informed that the neon tube will only be illuminated from dusk to 10 p.m. A plot plan (Exhibit F-1)) was submitted.

Case No. 16214 (continued)

Comments and Questions:

Mr. Gardner advised that the new sign ordinance stipulates that lighting on the face of the building cannot have a reading of more than 25 footcandles at a distance of 2' or it becomes a sign, and asked the applicant if he knows the intensity of lighting for the neon tubing. He replied that he is not aware of the lighting intensity.

Mr. Doverspike asked Mr. Jackere if the City Council is progressing in their review of the proposed amendments to the sign ordinance, and he replied that the final ordinance has been prepared and is awaiting Council approval.

Mr. Doverspike asked if the neon lighting in this example will be permitted by right under the new ordinance, and Mr. Gardner answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a Variance of the maximum allowable 3 sq ft per lineal foot of wall length from 234 sq ft to 393.25 sq ft to permit a sign - **Section 1221.D.2. - Use Unit 17**; per plan submitted; finding that the neon lighting is low intensity (less than 25 footcandles at 2'), and will be permitted by right under the proposed amendments to the Code; on the following described property:

Lot 1, Block 4, Briarglen Center Resub., City of Tulsa, Tulsa County, Oklahoma.

Case No. 16215

Action Requested:

Special Exception to permit a public park and customary uses in an RS-3 zoned district including storage and offices - **Section 401. - Use Unit 5**, located south of Charles Page Boulevard between Union and 25th West Avenue.

Presentation:

The applicant, **City of Tulsa**, 1710 West Charles Page Boulevard, was represented by **Fred Harper**, who submitted a plot plan (Exhibit G-1) and informed that the site contains the maintenance facility for the Park Department. He explained that the buildings are being

Case No. 16215 (continued)

remodeled to bring them into compliance with the Fire Code and to provide access for the handicapped. Mr. Harper informed that a new equipment maintenance building will be constructed inside the fenced area.

Protestants:

None.

Board Action:

On MOTION of T.. WHITE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit a public park and customary uses in an RS-3 zoned district including storage facilities and offices - **Section 401. - Use Unit 5**; per plan submitted; finding that the new building will be constructed inside the fenced maintenance area, and will not be detrimental to the area; on the following described property:

E/2, NW/4, SW/4 and SW/2, NE/4, SW/4 and Government Lots 7 and 8, Section 3, T-19-N, R-12-E, and SW/2 of Government Lot 2, Section 11, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16216

Action Requested:

Variance of the building setback from the centerline of East 21st Street to 76', variance of the setback from the centerline of East 21st Street to 39' to permit a sign and a special exception to permit a Use Unit 17 Vehicle Repair and Service in a CS district - **Section 701. and 703. - Use Unit 17**, located 3215 East 21st Street.

Presentation:

The applicant, **John Mason**, 3215 East 21st Street, stated that his business is currently operating in the building, and the purchase of the structure is contingent upon approval of the needed changes. He requested permission to remove the existing canopy and mount the canopy signs on poles. Mr. Mason informed that strict adherence to the Code would place the sign in the driveway, and pointed out that other signs in the area are closer than those proposed. A plot plan (Exhibit H-2) and photographs (Exhibit H-1) were submitted.

Comments and Questions:

Ms. White asked if all repair work will be done inside the building, and the applicant stated that all work will be completed inside the building after the remodeling.

Case No. 16216 (continued)

Mr. Gardner stated that more than three bays is considered automobile repair, and Mr. Mason's proposed business has four bays.

In response to Ms. White, the applicant stated that there will be no outside storage when the building project is completed.

In response to Mr. Jackere, Mr. Mason stated that there will be two signs mounted between two poles, with the top sign being 4' by 12', and the bottom one 4' by 8'.

Protestants:

None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the building setback from the centerline of East 21st Street to 76', **Variance** of the setback from the centerline of East 21st Street to 39' to permit a pole sign and a **Special Exception** to permit a Use Unit 17 Vehicle Repair and Service in a CS district - **Section 701. and 703. - Use Unit 17**; per plan submitted; subject to no work being done outside, no outside storage and no inoperative vehicles on the premises; finding that the building or signs will not extend closer to the street than those existing in the area; and finding that approval of the request will not be detrimental to the surrounding uses; on thee following described property:

Lot 1 and south $\frac{1}{2}$ of Lot 2, Block 3, Florence Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16217

Action Requested:

Variance of the required 30' of frontage on a public street to permit a lot split - **Section 206. - Use Unit 6**, located 10509 South 71st East Avenue.

Presentation:

The applicant, **Roy Johnsen**, requested by letter that Case No. 16217 be continued to December 22, 1992, to permit further negotiations with interested parties.

Protestants:

One letter of protest (Exhibit J-2) was received.

Case No. 16217 (continued)

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 16217 to December 22, 1992 as requested.

Case No. 16218

Action Requested:

Variance to permit required parking with the proposed but not existing right-of-way of East 15th Street - **Section 215 - Use Unit 13**, located NW/c of East 15th Street and South Lewis.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, informed that he is representing the **Walgreen Drug Store**, which is to be located on the northwest corner of 15th Street and Lewis Avenue. He pointed out that the Code prohibits the location of a structure in proposed or future right-of-way designations on the Major Street Plan. It was noted by the applicant that 100' of right-of-way, or 50' from the centerline, is required on both 15th Street and Lewis Avenue. Mr. Johnsen stated that, in this instance, there is only 30' of right-of-way on 15th Street and 50' on most of the Lewis frontage. He informed that required parking along 15th Street extends into the planned future right-of-way. He noted that the Code is interpreted to find a parking lot to be a structure. A plot plan (Exhibit K-2) and a letter from Traffic Engineering (Exhibit K-1) were submitted. Mr. Johnsen stated that the hatched portion of the plot plan indicates additional right-of-way that will be consistent with requests from Traffic Engineering. He informed that a portion of 16 parking spaces will remain in the planned right-of-way, but they will not be located in the portion that will be needed in the futures. Mr. Johnsen pointed out that development occurred in the area before the current regulations were adopted.

Protestants:

None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-1 (Bolzle, Doverspike, , T. White, "aye"; no "nays"; S. White, "abstaining"; Chappelle, "absent") to **APPROVE** a **Variance** to permit required parking with the proposed but not existing right-of-way of East 15th Street - **Section 215 - Use Unit 13**; per plot plan submitted; finding a hardship imposed on the applicant by the fact that development occurred in the older area before the current setback

Case No. 16218 (continued)

requirements were adopted; and finding that the use will be consistent with surrounding development; on the following described property:

Lots 1, 2, 3 and 4 of the Subdivision of Lot 8, Block 4, Terrace Drive Addition to the City of Tulsa, Oklahoma, less and except the east 20' of Lots 1, 2, 3 and the south 10' of the west 43' of the east 63' of Lot 3 thereof and the southerly 100' of the E/2 of Lot 7, Block 4, Terrace Drive Addition to the City of Tulsa, Tulsa County, less and except the east 20' of the south 3' thereof, and less and except that portion of said Lot 7 conveyed to the City of Tulsa by General Warranty Deed filed January 30, 1959, recorded in Book 2938, Page 120, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16220

Action Requested:

Special Exception to permit a single-family residence in a CH zoned district to permit a night watchman - Section 701. - Use Unit 6, located 3920 South Sheridan.

Presentation:

The applicant, **Roger Dreyfoos-Root**, 3920 South Sheridan, requested permission to sleep on the premises and serve as a security guard.

Comments and Questions:

In response to Mr. Bolzle, the applicant stated that a dental practice is being operated in the building.

Mr. Jackere asked the applicant if he is proposing to sleep in the dental office, and he answered in the affirmative. In reply to Mr. Jackere, Mr. Dreyfoos-Root stated that there he will be the only person sleeping in the office.

Mr. Jackere asked the applicant if he is a dentist, and he replied that he is only a security guard.

Mr. Gardner informed that living quarters were previously permitted in commercial buildings; however, the Zoning Code was amended in 1970 to prohibit such use, and was later amended to permit living quarters with Board approval.

Protestants:

None.

Case No. 16220 (continued)

Board Action:

On MOTION of S. WHITE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit sleeping quarters for a security guard in the existing building in a CH zoned district - **Section 701. - Use Unit 6**; finding the use to be appropriate for the area; on the following described property:

Beg. NE/c of that part of the S 16 acres of the SE SE Section 22-19-13, Tulsa County lying southerly of I-44 ROW thence W 234.75', thence S 50', thence E 234.75', thence N 50' to POB, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 6564

Action Requested:

Approval of amended site plan for Case No. 6564.

Comments and Questions:

Mr. Jones informed that the use was approved several years ago, and the church is proposing additional construction. An amended site plan (Exhibit L-1) was submitted.

Protestants:

None.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** the amended site plan for Case No. 6564 as presented; finding that the added construction is actually filling in notched type areas that were not previously utilized; and finding that the proposed construction will not replace required parking.

1993 City Board of Adjustment Meeting Schedule

Board Action:

On MOTION of S. WHITE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** the 1993 Board of Adjustment Meeting Schedule, as presented.

There being no further business, the meeting was adjourned at 3:50 p.m.

Date Approved

December 22, 1992


Chairman

