

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 624
Tuesday, January 12, 1993, 1:00 p.m.
Conference Hall A
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bolzle, Chairman Chappelle Doverspike S. White T. White		Gardner Stump Moore	Jackere, Legal Department Knoten, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, January 8, 1993, at 10:31 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **S. WHITE**, the Board voted 4-0-1 (Bolzle, Chappelle, S. White, T. White, "aye"; no "nays"; Doverspike, "abstaining"; none "absent") to **APPROVE** the Minutes of December 22, 1992 (No. 623).

UNFINISHED BUSINESS

Case No 16206

Action Requested:

Variance to exceed the maximum display surface area of 150 sq ft and exceed the .2 sq ft 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. Stump informed that the applicant has requested a continuance to January 26, 1993, to allow sufficient time for additional advertising.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 16206 to January 26, 1993, as requested.

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.

Comments and Questions:

Mr. Stump advised that the applicant, **Roy Johnsen**, 201 West 5th Street, has requested a continuance of this case until January 26, 1993, and Mr. Moody, an interested party, has asked that the application be heard on February 9 (Exhibit A-1).

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, was not present.

Protestants:

None.

Board Action:

On MOTION of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **CONTINUE** Case No. 16217 to January 26, 1993.

MINOR VARIANCES AND EXCEPTIONS

Case No. 16246

Action Requested:

Minor Variance of the required front yard from 40' to 36' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS**, Use Unit 6, located 1208 East 21st Street.

Presentation:

The applicant, **Terrel D. Palmer**, 1207 South Carson, requested permission to construct a dwelling on the lot in question. A plot plan (Exhibit B-1) was submitted.

Comments and Questions:

In response to Mr. Bolzle, the applicant pointed out that the setback requirement on his tract is 40', and that existing dwellings to the west of the property in question are set back 30' to 40' from the lot line.

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 Minor Variance of the required front yard from 40' to 36' - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding

Case No. 16246 (continued)

a hardship demonstrated by the corner lot location; and finding that the requested setback is consistent with others in the neighborhood, and approval of the request will not be detrimental to the area; on the following described property:

Lot 1, Block 15, Sunset Park, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16224

Action Requested:

Special Exception to permit mobile home sales in a CS District - Section 701. **PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - located NE/c of South 106th East Avenue and East Admiral Place.

Presentation:

The applicant, **Frank C. McDonald**, 6445 South 74th East Avenue, requested permission to continue the operation of a mobile home business at the above stated location. He explained that a mobile home sales operation has been conducted on the property in question since 1962, and under his supervision since 1974. Mr. McDonald informed that it is now necessary to prove proper zoning before a sales license will be issued by the State. He pointed out that the southwest corner of his property is zoned CS and the remainder has an RS-3 zoning classification; however, an application has been filed to rezone the residential portion to CS.

Comments and Questions:

Ms. White asked the applicant to state the number of mobile homes currently located on the lot, and Mr. McDonald replied that he usually maintains an inventory of approximately 30.

In response to Mr. Bolzle, Mr. Gardner advised that, if approved, a layout of the operation should be made available for Board approval and for the case file.

Ms. White asked the applicant if he would be amenable to limiting the inventory stored on the lot to 30 mobile homes, and he answered in the affirmative.

Interested Parties:

Glen Swan, 10610 East Admiral Place, stated that his residence is directly across the street from the property in question, and that he is not opposed to the current mobile home operation; however, is somewhat concerned with the new CS zoning classification.

Case No. 16224 (continued)

Mr. Gardner explained that CS zoning permits commercial shopping; however, Board of Adjustment approval is required to operate a mobile home sales business in a CS zoned area. He pointed out that mobile homes sales is a more intense use than would be found by right in a commercial shopping district.

Mr. McDonald noted that he does not plan to change the lot in any way, and further development will not occur at this location.

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 **Special Exception** to permit mobile home sales in a CS District - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17; subject to mobile home sales being permitted only on the CS zoned portion of the property, including that which may be rezoned CS under the pending zoning application; subject to a maximum of 30 mobile homes on the sales lot; and subject to the applicant returning to the Board with a plot plan depicting the arrangement of the mobile homes on the lot, the office location and the area designated for customer parking; finding that the use has been in existence for many years, and has proved to be compatible with the area; on the following described property:

Lot 6, less south 45' for highway, Spring Grove Subdivision of Lot 2 of Section 6, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16229

Action Requested:

Appeal the decision of the administrative official that a business is being operated in a residential district, and that vehicles are not being parked on an all-weather surface - **Section 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 6, located at 256 South 184th East Avenue.

Presentation:

The applicant, Cheryl Herrington, 256 South 184th East Avenue, informed that her business is operated at another location and is not operated in a residential district. She explained that her husband drives a dump truck to and from work, and it is parked in the driveway during evening hours. Ms. Herrington submitted a petition of

Case No. 16229 (continued)

support (Exhibit C-3) signed by residents of the neighborhood.

Comments and Questions:

In response to Mr. Bolzle, Mr. Jackere stated that a dump truck being parked in a residential neighborhood, but used in a business at another location, is actually a part of the business being transferred to a residential area.

Ms. Herrington stated that she equates the use of the dump truck to the parking of a Public Service pickup or a police car at an employee's home in a residential neighborhood. She pointed out that the dump truck is her husband's only mode of transportation to and from work, and it is always parked in the driveway of their home.

Mr. Jackere advised that, although a police car is a different color and has different lights, it is still in the form of a residential passenger vehicle. He added that a pickup truck is customarily used as a residential vehicle, or may be used in a business. Mr. Jackere pointed out that not all utility trucks or company vehicles would qualify as a customary residential vehicle.

Ms. Herrington stated that the truck has been parked at this location for four years, and the new owner of the property next door is the only resident in the neighborhood that has filed a complaint.

Protestants:

Mary Griffin, 250 South 184th East Avenue, informed that the dump truck is parked within 20' of her bedroom and disrupts her sleep as early as 5 a.m. on numerous occasions. She noted that the windows in her home vibrate when the truck engine is started. Ms. Griffin stated that the truck is an eyesore, as well as disruptive to the peace and quiet of the neighborhood.

A violation notice (Exhibit C-4), photographs (Exhibit C-2) and one letter of protest (Exhibit C-1) were submitted.

Additional Comments:

Mr. Bolzle asked Ms. Griffin if the truck has been on the property continuously since she purchased the property, and she answered in the affirmative.

Johnny Herrington, 256 South 184th East Avenue, stated that the truck is his only transportation to and from work, and that Ms. Griffin is the only person in the neighborhood that is opposed to the truck being parked at his residence.

Case No.16229 (continued)

In response to Mr. Doverspike, Mr. Jackere informed that the Code states that the residential property can be used for residential uses that are customarily incidental to the principal use. He emphasized that it has been previously concluded in District Court that a dump truck, which is parked at a residence and used in a business at another location, is actually a transfer of a portion of the business to the residence.

Ms. White stated that she site-checked the location and found that the driveway was only wide enough to accommodate the dump truck, and any other family vehicles would be forced to park in the street. She added that the back portion of the truck appeared to extend over the sidewalk.

Mr. Herrington stated that the dump truck does not extend into the sidewalk area, and that his wife parks her vehicle in the driveway beside the truck.

Mr. Bolzle advised the applicant that District Court has determined in a similar case that a dump truck is not a customary accessory use in a residential neighborhood.

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 **DENY** the appeal, and **UPHOLD** the decision of the administrative official that a business is being operated in a residential district, and that vehicles are not being parked on an all-weather surface - **Section 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 6; finding that a dump truck parked on a lot in a residential neighborhood, but used in a business at another location, is actually an extension of that business and not a customary accessory use; and finding the use to be detrimental to the neighborhood and in violation of the spirit and intent of the Code; on the following described property:

Lot 21, Block 3, Indian Hills Estate Resub., Rolling Hills IV Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16233

Action Requested:

Special Exception to allow a flashing sign within 200' of an R District - **Section 1221. Use Conditions -** Use Unit 17, located 8130 East Skelly Drive.

Presentation:

The applicant, **Oklahoma Neon**, 6550 East Independence, was represented by **Duane Gooding**, who informed that he has been advised by **Jim Garriott**, sign inspector, that the sign complies with the recently adopted guidelines regarding flashing signs.

Mr. Jackere advised that the case was filed prior to the adoption of the revised ordinance regarding signs, and the applicant is no longer in need of the relief requested.

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 **WITHDRAW** Case No. 16233; finding that the sign in question is permitted by right under the revised Code regarding signs.

Case No. 16234

Action Requested:

Variance of the required 50' setback from the centerline of East 31st Street to 32' to permit replacement of the copy portion of an existing pole sign - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS -** Use Unit 15, located 3344 East 31st Street.

Presentation:

The applicant, **Oklahoma Neon**, 6550 East Independence, was represented by **Duane Gooding**, who explained that an existing filling station is being converted from DX to Conoco, and requested permission to change the signage.

Comments and Questions:

Mr. Jackere advised that the proposed signage may not comply with the revised Code and, if the Board is inclined to approve the request, the remainder of the application should be continued until it is determined if additional relief is required.

Case No. 16234 (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 of the required 50' setback from the centerline of East 31st Street to 32' to permit replacement of the copy portion of an existing pole sign; and to **CONTINUE** the balance of the application to February 9, 1993 - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 15; per plot plan submitted; subject to the execution of a removal contract; finding that the base of the sign is existing and only the copy portion will be changed; on the following described property:

East 140' of north 140', Block 3, Albert Pike 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16235

Action Requested:

Variance of the required 50' setback from the centerline of East Easton Place to 29', and a variance of the required side yard from 5' to 3' - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 7136 East Easton Place.

Presentation:

The applicant, **Bob Bracken**, 8913 East Oklahoma Place, stated that he is the contractor for the project, and submitted photographs (Exhibit E-1) of numerous carports in the neighborhood. He explained that the carport in question will be open on three sides, and will not extend closer to the street than the existing carport next door. A plot plan (Exhibit E-2) was submitted.

Interested Parties:

J. W. Smith, 2140 South 77th East Avenue, stated that he is not opposed to the carport if it does not extend closer to the street than other carports in the area.

Mr. Bracken assured the Board that the proposed carport will not extend closer to the street than existing carports.

Ms. White noted that the Board does not have sufficient information to determine if existing carports have been issued building permits, or if there were constructed illegally.

Protestants:

None.

Case No. 16235 (continued)

Board Action:

On MOTION of S. WHITE, the Board voted 4-1-0 (Bolzle, Chappelle, S. White, T. White, "aye"; Doverspike, "nay"; no "abstentions"; none "absent") to **APPROVE** a Variance of the required 50' setback from the centerline of East Easton Place to 29', and a variance of the required side yard from 5' to 3' - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that there is a carport next door, and numerous others in the general area, and approval of the request will not be detrimental to the neighborhood; on the following described property:

Lot 3, Block 8, Maplewood II Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16236

Action Requested:

Variance to permit parking 30' from the centerline of East 15th Street, variance of the required number of off-street parking spaces from 25 to 16 and a variance of the required screening fence along the abutting R district - **Section 1302. SETBACKS** - Use Unit 12, located 3202 East 15th Street.

Presentation:

The applicant, Larry Merritt, 1243 South Harvard, stated that the property in question is to be the new location for the Cake Box Bakery. He pointed out that the existing building prevents the parking lot from being moved further back on the lot.

Comments and Questions:

Mr. Bolzle asked if screening will be placed from the edge of the building to the corner and extend to the north, and the applicant answered in the affirmative.

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 parking 30' from the centerline of East 15th Street, variance of the required number of off-street parking spaces from 25 to 16 and a variance of the required screening fence along the abutting R district - **Section 1302. SETBACKS** - Use Unit 12; finding that the older area was developed prior to Code requirements

Case No. 16236 (continued)

concerning parking, and finding that the applicant will provide additional parking on an adjoining lot; on the following described property:

Lots 23 and 24, Block 2, Exposition Heights, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16237

Action Requested:

Special Exception to permit church use in an RS-3 District - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 1339 East Virgin Street.

Presentation:

The applicant, **Willie McHenry**, 1617 East Jasper Place, submitted a plot plan (Exhibit F-1), and explained that an existing church is proposing to construct an addition to the rear portion of the building.

Comments and Questions:

Mr. Bolzle noted that the Staff comments indicate that additional relief may be required.

Mr. Gardner explained that a church requires one acre of land for development; however, the church is nonconforming as to the size of the property. He added that the applicant has not requested additional relief, but will be required to comply with all Code requirements.

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 permit church use in an RS-3 District - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; finding that the church addition will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lots 3 and 4, Block 2, Abilene Place, City of Tulsa, Tulsa County, Oklahoma.

Comments and Questions:

Mr. Gardner informed that it has been discovered that the church owns two separate lots, both of which are being used for church related uses. He suggested that the

Case No. 16237 (continued)

previous conditions of approval be amended to require the execution of a tie contract to prevent the sale of one lot without the other.

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 amend the previous Board action to include the execution of a tie contract as a condition of approval.

Case No. 16238

Action Requested:

Special Exception to permit auto sales in a CS district - Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS - Use Unit 17, located 705 South Lewis.

Presentation:

The applicant, Billie L. Cox, 3109 South Lewis, requested permission to operate a car lot at the above stated location.

Comments and Questions:

Mr. Bolzle asked if the lot is vacant, and the applicant informed that Church's Chicken was formerly in operation at this location. He informed that he has not been successful in leasing the building for a restaurant, but does have an individual that is interested in using the property for a car sales business.

Ms. White inquired as to the number of cars that can be displayed on the lot, and Mr. Cox replied that approximately 25 cars could be stored on the property. He informed that there is one house between the property in question and an existing car sales operation.

In response to Mr. Doverspike, Mr. Cox informed that the lot has 110' of frontage on Lewis, and the existing building contains 1200 sq ft of floor space.

Mr. Doverspike asked if a fence is in place on the eastern boundary of the property, and the applicant replied that there is an existing chain link fence with slats.

In reply to Mr. Doverspike, Mr. Cox informed that a small house is located on the abutting lot to the south of the subject property.

Protestants:

Allan Stewart, 2244 East 7th Street, stated that there is a lot of crime around the car lots in the area and the chain link fence with slats is not acceptable. He submitted a petition (Exhibit G-1) signed by residents of the area that are opposed to a automobile sales business at this location. It was noted by Mr. Stewart, that the area is saturated with car sales operations, and customers visiting the car lots use the nearby residential streets for test driving the automobiles. Mr. Stewart pointed out that the area is being upgraded, and asked the Board to deny the application for a car lot at the proposed location.

Fran Pace, 1326 South Florence, planning chairperson for District 4, requested that the existing privacy fences, of the type described by the applicant, be replaced with appropriate screening. She stated that the barbed and razor wire around existing car lots extend over the sidewalks and give a "prison look" to the area.

Applicant's Rebuttal:

Mr. Cox stated that razor wire is not proposed, and a rail fence will be installed along the front property line. He stated that the existing building has been improved, and the car sales operator is the only person that has shown an interest in renting the property.

Additional Comments:

Ms. White stated that it seems that it has become a trend to install barbed wire around the previously approved car lots, and they have become detrimental to the neighborhood. She noted that the lots in this area are extremely small for a car sales operation.

Mr. Chappelle stated that there are numerous sizes and types of car lots in the general area and, although Mr. Cox's property is in good repair, the lot will be leased to another individual that may not continue the high standard of maintenance.

Mr. White pointed out that Mr. Cox's property is always properly maintained.

Mr. Bolzle stated that the size of the lot is an issue of consideration, and Mr. Doverspike added that the impact another car lot would have on the surrounding neighborhood should also be considered.

Ms. White stated that she is of the opinion that the area is saturated with this type of use, and a car sales operation at the proposed location would be detrimental to the neighborhood.

Case No. 16238 (continued)

Mr. White stated that it is beneficial to the public to have car sales operations close together for shopping purposes, and he does not perceive the concentration of these sales lots as a problem.

Board Action:

On MOTION of S. WHITE, the Board voted 4-1-0 (Bolzle, Chappelle, Doverspike, S. White, "aye"; T. White, "nay"; no "abstentions"; none "absent") to **DENY** a **Special Exception** to permit auto sales in a CS district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17; finding that an automobile sales operation at the proposed location would be injurious to the neighborhood; on the following described property:

All of Lot 1, less the south 37.5' thereof, Block 2, Highlands Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16240

Action Requested:

Variance of the required setback from the centerline of South Mingo Road from 50' to 42' to permit a sign - **Section 1221.C.6. General Use Conditions for Business Signs** - Use Unit 17, located 4424 South Mingo Road.

Presentation:

The applicant, **Amax Sign**, 9520 East 55th Place, was represented by **Debbie Beatt**, who requested that her client be permitted to install a sign 42' from the centerline of Mingo Road. She explained that the sign would be in the parking lot if the required setback is adhered to, and driveways on both sides of the lot prevent the installation of the sign on the side of the lot. She added that the sign is not illuminated. Photographs (Exhibit H-1) were submitted.

Comments and Questions:

Mr. Doverspike inquired as to the size of the sign, and the applicant stated that it is 13' from the ground to the top of the sign.

Mr. Gardner advised that the sign location is in the City right-of-way and, if approved by the Board, it will also require City approval.

Mr. Doverspike asked if other signs in the area have been installed at 42', and she replied that the others are approximately 50' from the centerline of the street.

Case No. 16240 (continued)

In reply to Mr. Gardner, Ms. Beatt stated that the sign has been at the current location for approximately two years.

Mr. Gardner advised that a large sign at this location would create a problem in the area.

It was the consensus of the Board that they could properly evaluate the case if the applicant returned with a site plan, and if they had an opportunity to site-check the area.

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 CONTINUE Case No. 16240 to January 26, 1993.

Case No. 16241

Action Requested:

Special Exception to permit a mobile home in an IM District - Section 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS - Use Unit 9, located 2919 West Admiral Boulevard.

Presentation:

The applicant, W. E. Geller, 20 North 30th West Avenue, was represented by Larry Lee, who informed that a mobile home court has been in existence at this location for approximately 29 years. He requested that the existing mobile units be permitted to remain, and that he be allowed to install one additional mobile home for his residence. A plot plan (Exhibit J-1) was submitted.

Comments and Questions:

Mr. Bolzle inquired as to the number of mobile homes currently located on the property, and Mr. Lee replied that there are eight units installed and his mobile is on the property awaiting installation.

Mr. Lee informed that the septic system has been approved by the Health Department.

Protestants:

None.

Case No. 16241 (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 **Special Exception** to permit a mobile home in an IM District - **Section 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 9; per plot plan submitted; subject to a maximum of 9 mobile homes; subject to all mobile homes on the lot being skirted and tied down; and subject to Health Department approval; finding that the requested use is compatible with the existing mobile home park; on the following described property:

W/2 of Lots 1, 2, 3, 4 and 5, Block 4, Tower View Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16242

Action Requested:

Special Exception to permit a tent revival/carnival from May 26 - May 30, 1993 - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2, located 725 East 36th Street North.

Presentation:

The applicant, **Charles R. Moore**, 725 East 36th Street North, requested permission to have a tent revival at the above stated location. He noted that this is a yearly event.

Comments and Questions:

Mr. Bolzle asked if the location, use and operation will be the same as in past years, and Mr. Moore answered in the affirmative.

Mr. Moore stated that he requested a three-year approval before the last revival, and it was denied by the Board. He again requested that the application be approved for three years. Mr. Moore explained that he has experienced a problem coordinating the signing of contracts with the carnival vendor and the dates approved by the Board. He asked that the requested dates for the upcoming carnival be amended to read May 19, 1993 to May 23, 1993.

Mr. Gardner advised that this years dates can be approved by the Board; however, a variance to permit a carnival at this location for three years would require that the case be readvertised.

Protestants:

None.

Case No. 16242 (continued)

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE Special Exception** to permit a tent revival/carnival from May 19 - May 23, 1993 - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2; and to **CONTINUE** the balance of the application to February 9, 1993; subject to hours of services being from 5 p.m. to 10 p.m., Monday through Thursday, 5 p.m. to midnight on Friday, 10 a.m. to midnight on Saturday and from 1 p.m. to midnight on Sunday; subject to no festival activities being located to the north of the church, or on the east 100' of the tract; subject to adequate security and rest room facilities being provided; finding that the temporary use, as described, will not be detrimental to the area; on the following described property:

Tract 1: All of Block 2, Northland Center Addition to the City and County of Tulsa, and

Tract 2: That part of the SW/4, SW/4, SE/4, Section 13, T-20-N, R-12-E of the IBM, Tulsa County, more particularly described as follows, to-wit: Beginning at the SE/c, SW/4, SW/4, SE/4; thence west along the south boundary of said SW/4, SW/4, SE/4 a distance of 501.19'; thence north a distance of 50' to the SE/c Block 2, Northland Center; thence north along the east boundary of said Block 2, Northland Center, a distance of 611.46'; thence east along the north boundary of said SW/4, SW/4, SE/4 a distance of 501.11' to the NE/c of said SW/4, SW/4, SE/4; thence south along the east boundary of said SW/4, SW/4, SE/4 a distance of 661.37' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16243

Action Requested:

Special Exception to permit church use in an RS-3 District - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 8707 East 51st Street.

Presentation:

The applicant, **Church of the Nazarene**, 8707 East 51st Street, was represented by **Phillip Bolderjack**. The applicant informed that the church has acquired four residential dwellings abutting church property, which will be used for church purposes.

Case No. 16243 (continued)

Comments and Questions:

Mr. Bolzle inquired as to the specific uses for the houses, and the applicant informed that one will be used for staff, one for church purposes, a member of the church lives in one dwelling and the fourth house will be rented.

In response to Mr. Doverspike, the applicant stated that the church could build a fellowship hall in the future; however, they would seek Board approval for any new construction.

Mr. Doverspike asked if any existing structures will be used for day care purposes, and the applicant stated that no commercial use is intended at the present time.

Protestants:

Linda Harper, a representative of Regency Park Homeowners Association, stated that some members of the organization are concerned that additional parking will be permitted on the property, and requested that the residential character of the street be preserved.

In response to Mr. Bolzle, the applicant stated that there will be no change to the existing dwellings.

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 **Special Exception** to permit church use in an RS-3 District - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; subject to the execution of a tie contract tying the four lots containing the dwellings to the existing church property; and subject to the existing houses retaining their residential character; finding that the use of the property will not change substantially; and finding that approval of the request will not be detrimental to the neighborhood; on the following described property:

Lots 15, 16, 17 and 18, Block 1, Regency Park West,
City of Tulsa, Tulsa County, Oklahoma.

Case No. 16244

Action Requested:

Variance of the required number of off-street parking spaces and an amended site plan approval - **Section 1213.D - Off-Street Parking and Loading Requirements** - Use Unit 13, located 3509 South Peoria.

Presentation:

The applicant, **Montrachet, Inc.**, 3509 South Peoria, was represented by **David Loeffler**, 4150 South Harvard, who informed that his client is currently operating a restaurant at the above stated location, and is proposing to construct an awning cover for an outdoor dining area. He submitted a plot plan (Exhibit L-2) and a petition of support (Exhibit L-1). Mr. Loeffler read a letter of support from Karen Keith, Channel 2. He informed that the seating capacity will not be increased, and the sides of the eating area will not be enclosed.

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 **Variance** of the required number of off-street parking spaces and an amended site plan approval - **Section 1213.D - Off-Street Parking and Loading Requirements** - Use Unit 13; per amended plan submitted; finding that the approval of the request will not be detrimental to the area; on the following described property:

N/2, Lot 2, and all of Lots 3, 4, 5, and 6 and the east 50' of Lot 12, Block 3, Oliver's Addition in the City and County of Tulsa, Oklahoma.

Case No. 16245

Action Requested:

Special Exception to permit church use in an R district, variance of the number of required off-street parking spaces from 39 to 20 and a variance of the minimum lot area of 1 acre to .83 acre - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, located 2325 South 129th East Avenue.

Presentation:

The applicant, **Leonard Hendrickson**, 12725 South 129th East Avenue, Broken Arrow, Oklahoma, requested permission to conduct church services in a residential area. A plot plan (Exhibit M-2) was submitted. He informed that the church is currently using only 13 parking spaces and asked that the required amount be reduced from 39 to 20.

Comments and Questions:

Mr. Bolzle asked the applicant if the church is under contract to purchase the property, and he answered in the affirmative.

In response to Mr. Bolzle, the applicant stated that there is not a building on the subject property.

Mr. Bolzle inquired as to the reason for acquiring a small lot, and Mr. Hendrickson stated that there was approximately 2 acres of land at the previous church location, which proved to be too much land for their needs.

Mr. Gardner asked Mr. Hendrickson if there is additional land that could be used for parking, and he replied that there is additional space.

Protestants:

Kenneth Olansen, 12922 East 23rd Street, stated that he is not opposed to the church, but is concerned with the water runoff that will result when the dirt is disturbed on the hillside. He informed that the homeowners at the bottom of the hill already have standing water in their yards, and a pond on the northeast corner of the property overflows after heavy rains.

Mr. Bolzle stated that a letter of opposition (Exhibit M-1) was received from an adjacent property owner.

Applicant's Rebuttal:

Mr. Hendrickson stated that there is a 25' right-of-way along the east lot line and the property in question does not abut the protestant's property.

Case No. 16245 (continued)

In response to Mr. Bolzle, the applicant informed that the Technical Advisory Committee (TAC) has required a water retention facility for the church. He clarified that the church will be constructed on the lot to the south of the lot with the pond, which does not have the same drastic slope.

Additional Comments:

Mr. Gardner advised that the applicant will be required to prepare and have a subdivision plat approved, and during this process the TAC and TMAPC will address the drainage issue.

Ms. White noted that the church could experience a parking problem during special events.

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 church use in an R district, **variance** of the number of required off-street parking spaces from 39 to 20 and a **variance** of the minimum lot area of 1 acre to .83 acre - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; finding the use to be compatible with the surrounding area; on the following described property:

South 144' of the north 288' of the west 300' of the W/2, NW/4, SW/4, NW/4, Section 16, T-19-N, R-14-E of the IBM, City of Tulsa, Tulsa County, Oklahoma.

Mr. Hendrickson determined that additional relief was needed, and the balance of the application will be heard on January 26, 1993.

Case No. 16247

Action Requested:

Special Exception to permit Use Unit 12 in an IL district - **Section 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 12, located 4305-G South Mingo Road.

Presentation:

The applicant, **William Richards**, 5310 East 31st Street, Suite 1100, requested permission for a Subway shop to begin operation on the subject property, which is located in an IL District. He informed that Domino's Pizza was the previous tenant, and that there are mixed uses in the area. Mr. Richards pointed out that there is ample parking in the business park to accommodate the restaurant.

Case No. 16247 (continued)

Comments and Questions:

Mr. Bolzle noted that all Use Unit 12 uses may not be compatible with the area. He asked the applicant if he would be amenable to limiting the use to a restaurant only. Mr. Bolzle pointed out that the legal description has been provided for the entire tract, and that the new restaurant should be located only in the space occupied by the previous tenant (Domino's Pizza).

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 **Special Exception** to permit a restaurant in an IL district - **Section 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 12; subject to the designated space being for restaurant use only, and the use being limited to the south 1500 sq ft (4305-G) of the 4305 South Mingo Building; finding a restaurant to be compatible with the surrounding area, and in harmony with the spirit and intent of the Code; on the following described property:

Lot 1, Block 1, less the south 202' Diversified Industrial Park in the City and County of Tulsa, Oklahoma.

Case No. 16248

Action Requested:

Special Exception to permit an existing church in an R District - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1244 South Utica.

Presentation:

The applicant, Ken Zimmerman, 6202 South Lewis, was represented by Brad Gaskins, who submitted a plot plan (Exhibit N-1) for a proposed extension to the rear portion of an existing church. He informed that there is no record that church use was approved at the time of construction.

Protestants:

None.

Case No. 16248 (continued)

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 **Special Exception** to permit an existing church in an R District - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding that the use has been in existence for many years, and has proved to be compatible with the surrounding neighborhood; on the following described property:

That part of the SE/4, NE/4, NW/4, Section 7, T-19-N, R-13-E of the IBM, Tulsa county, Oklahoma, according to the US Government Survey thereof, more particularly described as follows, to-wit: Beginning at the SE/c of the above described tract, thence west 420', thence north 210', thence east 420', thence south 210' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16249

Action Requested:

Variance of the required 150' setback from a residential area for a ground sign to 50' - **Section 1103.B.2.b(2) Accessory Uses - Signs** - Use Unit 11, located 5110 South Yale Avenue.

Presentation:

The applicant, Southmark of Tulsa, Inc., 5110 South Yale, was represented by Wayne Wilson, 3303 South 101st East Avenue, who requested permission to install a sign on Yale Avenue. He explained that the original sign was removed during street construction, and it has now been rebuilt and is ready for installation at the entry on the south side of the property. Photographs (Exhibit P-1) and a plot plan (Exhibit P-2) were submitted.

Comments and Questions:

In response to Mr. Bolzle, Mr. Wilson informed that the sign is small and is not illuminated.

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** of the required 150' setback from a residential area for a ground sign - **Section 1103.B.2.b(2) Accessory Uses - Signs** - Use Unit 11; per plan submitted; subject

Case No. 16249 (continued)

to the sign being installed in the flower bed on the north side of the south curb cut along South Yale Avenue; finding that the sign will replace a sign that was previously on the property; and finding that the sign is low and will not obstruct the view of motorists at this location; on the following described property:

Lot 1, Block 1, 5110 South Yale Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16250

Action Requested:

Special exception to permit church use in an AG District - Section 301. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS - Use Unit 5, located 8861 East 91st Street South.

Presentation:

The applicant, Central Assembly of God, 1228 East 5th Street, was not represented.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to CONTINUE Case No. 16250 to January 26, 1993.

OTHER BUSINESS

Case No. 16066

Action Requested:

Amended site plan approval.

Comments and Questions:

Mr. Gardner advised that the initial plot plan depicted a storage building approximately 5' from the north property line; however, on the new plan the storage building has been deleted and the setback from that lot line is now 15'. He pointed out that the garage has also been moved further from the east property line.

Presentation:

The applicant, Loren Smith, 3778 East 82nd Street, submitted an amended site plan (Exhibit R-1) for the project.

Comments and Questions:

Mr. Bolzle pointed out that the amended plan has less overall encroachment than the one initially approved.

Case No. 16066 (continued)

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** the amended site plan for Case No. 16066, as presented.

Case No. 16219

Action Requested:

A refund of the \$150.00 filing fee for Case No. 16219.

Presentation:

The applicant, Mirza Shahivand, 4325 South Maplewood, was not present.

Comments and Questions:

Mr. Stump informed that Staff has determined that the applicant was not in need of the relief requested, and suggested that the \$150.00 filing fee be refunded.

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 **REFUND** filing fees in the amount of \$150.00 to Mirza Shahivand, Case No. 16219.

Case No. 15578

Action Requested:

Amended site plan approval.

Presentation:

The applicant, Jackie Williams, 103 West 16th Street, Owasso, Oklahoma, informed that she and her husband operate a used car lot, and the owner of the property is proposing to install a mobile home on the lot for office use. Ms. Williams explained that the building currently used for an office is not properly heated and is not suitable for an office. She informed that the owners are proposing to construct a permanent office building in approximately one year. A revised site plan (Exhibit S-1) was submitted.

Comments and Questions:

Mr. Bolzle asked the applicant if the existing building will be removed if the mobile unit is approved, and she replied that it will not be removed immediately.

Case No. 15578 (continued)

Mr. Gardner advised that the building inspector could issue a temporary permit for a nine-month period, with a three-month extension. He could not do so in this case, however, because the previous application was approved per plot plan.

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 an amended site plan for Case No. 15578, as presented.

Amendment to General Policies

Mr. Bolzle stated that the proposal is to amend the Supporting Information portion of the Board of Adjustment General Policies to include the following statement: If Staff concludes that sufficient supporting information has not been provided, Staff shall consider the application as incomplete and will not accept it.

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 the amendment to the Supporting Information portion of the General Policies, as presented.

There being no further business, the meeting was adjourned at 3:17 p.m.

Date approved:

Jan. 26, 1993

Sherry White
Chairman

