

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 626
Tuesday, February 9, 1993, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, February 5, 1993, at 2:56 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 2-0-2 (S. White, T. White, "aye"; no "nays"; Bolzle, Chappelle, "abstaining"; Doverspike, "absent") to **APPROVE** the Minutes of January 26, 1993 (No. 625).

UNFINISHED BUSINESS

Case No. 16242

Action Requested:

Special Exception and Variance to permit an annual tent revival/carnival during the month of May for the years 1993-1996 inclusive - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS and SECTION 1202.C.**
- Use Unit 2, located 725 east 36th Street North.

Presentation:

The applicant, **Charles Moore**, 725 East 36th Street North, was represented by **Elvarez Allen**, who explained that it is difficult to secure a contract with carnival vendors when the date of the event is not known from one year to the next. He requested that the application for the revival/carnival be approved through 1996.

Comments and Questions:

In response to Mr. Gardner, Mr. Allen stated that the carnival is always held for four days during the month of May.

Case No. 16242 (continued)

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 **APPROVE** a **Special Exception and Variance** to permit an annual tent revival/carnival for a period of 14 days (includes set up and removal) during the month of May for the years 1993-1996 inclusive - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS and SECTION 1202.C.** - Use Unit 2; finding that the revival has been held in May for several years, and the temporary use has proved to be compatible with 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. 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**, 201 West 5th Street, was not present.

Comments and Questions:

Mr. Jones informed that the applicant has requested by letter (Exhibit A-1) that Case No. 16217 be continued to February 23, 1993.

Case No. 16217 (continued)

Protestants:

None.

Board Action:

On MOTION of S. WHITE, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **CONTINUE** Case No. 16242 to February 23, 1993, as requested by the applicant.

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 permission to install a sign 42' from the centerline of Mingo Road. She submitted photographs (Exhibit B-1) of the proposed sign and other signs in the area that do not comply with the required setback. Ms. Beatt explained that her client's business is located on a long narrow lot, with parking in the front. She pointed out that the sign will be in the parking lot if it is installed to comply with the 50' setback. Ms. Beatt noted that driveways prevent the installation of the sign on either side of the lot. She informed that her client is amenable to the execution of a removal contract if the application is approved.

Comments and Questions:

Ms. White inquired as to the width of the sign, and Ms. Beatt replied that the sign is 60" by 90".

In response to Mr. Bolzle, Mr. Gardner advised that the sign is in City right-of-way and will require City Council approval if the variance is granted by this Board.

Mr. Bolzle asked if the existing sign will be changed in any way, and Ms. Beatt stated that it will remain the same.

Mr. Gardner asked if the sign was in place before street improvements were made at this location, and Ms. Beatt stated that the sign was in place at that time. She informed that the sign was removed during the construction period, and was installed later at the same location.

Case No. 16240 (continued)

Board Action:

On MOTION of S. WHITE, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to APPROVE a **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; per sign plan submitted; subject to City Council approval if in the right-of-way; and subject to the execution of a removal contract; finding that the street was widened at this location, which caused the sign to be closer to the centerline; finding that there are other signs along Mingo Road that are as close to the street as the one in question; and finding that approval of the variance request will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

A tract of land in the SE/4, SE/4, NE/4 of Section 25, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the US Government Survey thereof, more particularly described as follows, to-wit:

Commencing at the SE/c of the said NE/4, thence N 00°08'44" W a distance of 35.95' to a point, said point being the center of Mingo Road and on the east line of Section 25; thence S 89°57'41" W a distance of 255.07' to the point of beginning, thence S 89°57'41" W a distance of 110.80' to a point on the northeasterly right-of-way line MK&T Railroad; thence N 52°46'13" W along said right-of-way line a distance of 371.56' to a point; thence N 89°57'41" E a distance of 406.00'; thence S 00°09'49" E a distance of 225.00' to the point of beginning, containing 58,139 sq ft or 1.33 acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16251

Action Requested:

Variance of the minimum spacing requirement of 1200' between outdoor advertising signs - **Section 1221.G.2. - Use Conditions for Outdoor Advertising Signs** - Use Unit 21, located 5201 South Mingo Valley Expressway.

Presentation:

The applicant, **Donrey Outdoor Advertising**, 7777 East 38th Street, was represented by **David Polsen**, who submitted a site plan (Exhibit C-1), and requested permission to move an existing sign that was permitted in error in 1980. He explained that the State requires a 500' separation between outdoor advertising signs, and requested that the sign be moved to bring it into compliance with the State spacing requirement. Mr. Polsen informed that the nonconforming sign does not comply with the City Code in regard to spacing; however, if the variance is approved, his company is agreeable to the Board imposing a condition that the sign be removed by January 1, 1995. He informed that the sign will remain the same, but will be moved 150' to the north.

Protestants:

Mr. Bolzle informed that one letter of protest (Exhibit C-2) has been submitted to the Board.

Board Action:

On **MOTION** of **T. WHITE**, the Board voted 3-0-0 (Bolzle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, Chappelle, "absent") to **APPROVE** a **Variance** of the minimum spacing requirement of 1200' between outdoor advertising signs - **Section 1221.G.2. - Use Conditions for Outdoor Advertising Signs** - Use Unit 21; subject to the sign being removed by January 1, 1995; finding the sign to be nonconforming at the current location, and finding that the temporary relocation of the sign will not be detrimental to the area; on the following described property:

Lot 2, Block 12A, Tulsa Southeast Industrial District, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16257

Action Requested:

Variance of the required number of off-street parking spaces - Section 1219.D. Off-Street Parking and Loading Requirements - Use Unit 19, located 3415 South Peoria.

Presentation:

The applicant, T. Michael Smith, 3042 South Boston Place, submitted a floor plan (Exhibit D-1) for the proposed business, and explained that he intends to operate a family recreation center on the property. The applicant stated that his business has no connection with the club (Ikon) currently operating at this location. Mr. Smith submitted a parking survey (Exhibit D-2) and a summary of the use (Exhibit D-3). He pointed out that parking is a problem in the Brookside area; however, correct striping and clearing of debris from usable parking areas would provide additional spaces. He noted that the property in question has 19 or 20 parking spaces, and off-site parking has been acquired. Mr. Smith stated that the nearby cleaners has 7 spaces, which can be used after that business is closed, and the video business (west side of Peoria Avenue) has agreed to permit parking on their lot. The applicant informed that he has recently purchased an undivided interest in the parking lot behind Dunwell Cleaners, which will provide 49 parking spaces for the business. Mr. Smith stated that the billiards recreation center will be compatible with the surrounding area, and asked the Board to approve the request. A list of property owners (Exhibit D-4) in support of the application was submitted.

Comments and Questions:

In response to Mr. Jackere, the applicant reiterated that his business has no connection whatsoever with the club currently operating on the subject property.

Mr. Jackere asked the applicant if his company has experience in the operation of this type of establishment, and he replied that individuals in the newly formed company have experience in this type of operation.

Mr. Jackere asked if the billiards tables and other equipment are owned by the company, and the applicant stated that they do not own the equipment, but it has been ordered and is available.

In response to Mr. Jackere, Mr. Smith stated that he plans to serve alcoholic beverages if the market demands it.

Case No. 16257 (continued)

Mr. Gardner advised that, whether the applicant sells 3.2 beer or mixed drinks, the operation is an adult entertainment business and is classified under Use Unit 12-A.

Mr. Jackere advised the Board that the use, as described, will be listed under Use Unit 12-A, and certain rules and restrictions regarding parking will apply at the end of the year.

Ms. White inquired as to the days and hours of operations, and the applicant replied that the business will be open from 11 a.m. to approximately 2 a.m. every night.

Protestants:

Dorothy Watson, president of the Brookside Neighborhood Association, stated that this organization requests that the closing time for the business be no later than midnight on week days and 2 a.m. on weekends. The neighborhood association also asked that the parking lot be secured if it continues to be a loitering problem, and that the parking variance be revoked if the proposed business relocates. Ms. Watson stated that it was her understanding that the applicant would serve beer, but would not acquire a liquor license.

Ms. White advised Ms. Watson that the Board could not revoke the variance of required parking after it is approved.

Mr. Bolzle asked Ms. Watson to clarify her request that the parking lot be secured, and she replied that it has been reported that patrons of the existing business stay on the parking lot after hours (2 a.m. to 6 a.m.) and create a disturbance. She asked that the lot be open only during the hours of operation.

Pam Deatherage, chairperson for Planning District 6, stated that she has reviewed this case, as well as the special 1983 study on parking for Brookside. She pointed out that Brookside has the same parking problems today that existed in 1983. Ms. Deatherage stated that the applicant mentioned that the proposed business will use parking lots belonging to other businesses in the area, and questioned if there is "double dipping", since some of the parking lots are already shared with other clubs and restaurants. She pointed out that there is a potential problem with this business using parking lots belonging to other businesses that have sufficient parking. A letter (Exhibit D-5) was submitted.

Case No. 16257 (continued)

Vince Corley, 1328 East 34th Street, stated that Ikon customers park on the vacant lot behind the Brook Theater, and is concerned that the proposed business will also park on this lot. He informed that this has been a problem in the past.

Howard Smith stated that he owns and manages property in the area, and that he has spoken with the applicant and had not heard about the intent to obtain a liquor license until today. In regard to parking, Mr. Smith stated that there is an approximate 400-space shortfall in the area at this time. He stated that the Brook Theater could be opened and parking could become a greater problem than now exists.

In response to Mr. Bolzle, Mr. Smith replied that his building contains approximately 6000 sq ft of floor area, and that he owns an undivided interest in the same lot the applicant stated that he has bought an interest in. He stated that the lot provides approximately 40 spaces. Mr. Smith stated that the owners of parking lots in the area have not objected to the Ikon customers parking on their lots, as long as it doesn't interfere with their businesses. He pointed out that customers will park on the first available spaces close to the business, and voiced a concern with the feasibility of the applicant acquiring parking a long distance from his recreation center.

Jim Glass stated that he is the managing general partner of several commercial properties that abut the subject property. He stated that a parking variance of any kind should not be granted in this area of Brookside. Mr. Glass pointed out that there is a critical need for more parking than can be provided. He stated that the patrons visiting the business in question will park in nearby parking lots, rather than walk from a lot a block away. He suggested that all businesses be made to comply with the parking requirements.

Mr. Jackere advised that an adult use cannot continue for more than one year if it is within 300' of a residential district, and is nonconforming as to parking. He stated that the current dance hall has created a parking problem in the area.

Case No. 16257 (continued)

Mr. Gardner informed that, since the existing adult entertainment center (Ikon) has insufficient off-street parking and is within 300' of a residential neighborhood, it can only remain as a nonconforming use until January of 1994. He added that the business must obtain Board approval in regard to parking or relocate at that time.

In response to Mr. Jackere, Mr. Gardner advised that either of the two businesses will be required to relocate or comply with the parking requirement in January of 1994. He added that, if this application is approved (it was advertised as a variance), the business will not be required to relocate in 1994. Mr. Gardner stated that the Code has been recently revised to permit the Board to approve a special exception regarding the number of off-street parking spaces, and the Board also set a time limit for the approval.

Mr. Jackere advised that this application can now be considered as a special exception.

Peter Walter, 1319 East 35th Street, stated that his office is located next door to the east of the property in question. He noted that the Blue Rose Cafe was granted a variance and their parking area was reduced from 5 spaces to 2 spaces. He pointed out that the operator of the Blue Rose has stated that he is leasing parking from Ikon. Mr. Walter informed that he has employed a guard to keep Ikon patrons from parking on his property and destroying his plants and leaving trash on the lot. He asked the Board to deny the application.

Applicant's Rebuttal:

Mr. Smith stated that he is aware of the trash in the area, but assured the Board that he and his partner will keep all trash cleared away. He stated that he has bought the undivided interest in one lot, which will provide 49 spaces. Mr. Smith noted that the parking provided off-site will be no more than one and one-half blocks away from the business.

Additional Comments:

Mr. Bolzle asked the applicant if he would agree to limiting the use to a billiards parlor only and complying with the hours of operation requested by the neighborhood association, and he replied that he will agree to any conditions imposed by the Board.

In response to Mr. Bolzle, Mr. Gardner informed that the use requires 70 parking spaces, and there are approximately 20 spaces on the lot.

Case No. 16257 (continued)

Mr. Bolzle inquired as to the uses that could be on the property by right, and Mr. Jackere replied that uses within Use Units 11, 13 and 14 would be permitted by right.

Ms. White stated that it is unclear as to how many businesses are sharing the same parking lots in the area.

Mr. Chappelle stated that he has a problem with the intensity of the use.

Board Action:

On MOTION of S. WHITE, the Board voted 2-2-0 (S. White, T. White, "aye"; Bolzle, Chappelle, "nay"; no "abstentions"; Doverspike, "absent") to **DENY** a Variance of the required number of off-street parking spaces - **Section 1219.D. Off-Street Parking and Loading Requirements** - Use Unit 19; finding that a hardship was not demonstrated that would warrant granting the variance request; on the following described property:

East 95' of Lots 1 and 2, and the N 50' W 70' of Lot 2, Block 2, Oliver's Addition, City of Tulsa, Tulsa County, Oklahoma.

Mr. Jackere advised that the application has been defeated unless a motion to approve is forthcoming.

Mr. Chappelle's motion for approval died for lack of a second.

The application was denied, due to the lack of three affirmative votes.

NEW APPLICATIONS

Case No. 16252

Action Requested:

Variance of the required number of off-street parking from 146 to 95 for an existing shopping center - **Section 1214.D. Off-Street Parking and Loading Requirements** - Use Unit 14, located 6125-K South Sheridan Road.

Presentation:

The applicant, **Joseph Fleming**, 2850 East 37th Street, stated that he performs magic and is proposing to open a magic club on the subject property. Mr. Fleming explained that other forms of entertainment will be provided, and local magicians will have an opportunity to work in his business. He stated that the club will contain 2500 sq ft of floor space, and seating will be provided for approximately 60 to 80 patrons. Mr. Fleming

Case No. 16252 (continued)

informed that there will be limited food service, and he will apply for a liquor license. In regard to parking, the applicant informed that there are 95 parking spaces available for the entire center; however, all of the businesses are closed in the evening, except the tanning salon and a restaurant. Mr. Fleming stated that he has counted the cars in the lot during the evening, and found that approximately half of the parking spaces are empty. He pointed out that there are no access points from the shopping center into the residential neighborhood, and does not foresee an overflow into that area as a problem. A plot plan (Exhibit E-1) was submitted.

Comments and Questions:

Mr. Bolzle inquired as to the hours of operation for the club, and Mr. Fleming stated that he plans to be open from 5:30 p.m. to midnight on Thursday, Friday, Saturday and Sunday. He requested permission to have some catered events on some weekend afternoons.

Mr. Gardner advised that many of the businesses will be closed during the time the proposed club will be open.

Protestants:

None.

Board Action:

On MOTION of S. WHITE, the Board voted 3-0-0 (Bolzle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, Chappelle, "absent") to **APPROVE** a **Variance** of the required number of off-street parking from 146 to 95 for an existing shopping center - **Section 1214.D. Off-Street Parking and Loading Requirements** - Use Unit 14; per plan submitted; subject to hours of operation being 5:30 p.m. to midnight, Monday through Sunday; finding that the club and many of the businesses in the center have different hours of operation; and finding that approval of the variance request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

MSM Center, a resubdivision of Lot 2, Block 1, Gravatt-Tabor Center, an addition in Tulsa County, Oklahoma, less the south 204.75' thereof, and being a part of the NW/4, NW/4 of Section 2, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16259

Action Requested:

Special Exception to permit church use in an RS-3 zoned district, and a Variance to permit off-street parking on a gravel lot - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS and SECTION 1303. DESIGN STANDARDS** - Use Unit 5, located 1215 East 50th Place North.

Presentation:

The applicant, **Willie B. Jones**, 8544 East 58th Street North, requested that the Board approve church use at the above stated location. She asked that the gravel parking lot remain until the building is purchased and paving is installed.

Comments and Questions:

Mr. Bolzle asked the applicant if she is leasing the building, and she answered in the affirmative.

Mr. Bolzle inquired as to when the property will be purchased, and Ms. Jones replied that the church is saving money to purchase the property.

In response to Mr. Bolzle, the applicant stated that services are conducted on Wednesday and Friday at 7 p.m. and at 11 a.m. on Sunday. She informed that all services will conclude at approximately 10 p.m.

Protestants:

Four letters of opposition (Exhibit F-1) were submitted.

Bob Eaton, 1118 East 50th Place North, stated that he is not opposed to churches, but is opposed to a church in the residential dwelling. He informed that the yard has been graveled and numerous cars are parked in the neighborhood. Mr. Eaton stated that there is already a church next door to the east of the subject property, and some of their outside activities are disruptive to the neighborhood.

Mr. Gardner asked if the house was used for residential purposes before the church use began, and Mr. Eaton replied that the structure was originally a residence. He added that another church began operation without Board approval, and when it moved the property was advertised for sale.

Mr. Gardner asked Mr. Eaton how long it has been since the house was used as a dwelling, and he stated that it has been approximately three years.

Case No. 16259 (continued)

Jimmy Hardison, 1117 East 50th Place North, stated that he has a rent house in the area, and a church at this location would be detrimental to the neighborhood.

James Cazenave, 3402 North Osage Drive, informed that he purchased property in the area, and requested that the application be denied.

A zoning violation notice and photographs (Exhibit F-2) were submitted by **Candy Parnell**, Code Enforcement.

Applicant's Rebuttal:

Ms. Jones stated that she has made improvements to the property and assured the Board that the church will not conduct disruptive activities outside the building.

Additional Comments:

Mr. Bolzle stated that he has a problem with approving church use in a dwelling located in a stable residential neighborhood.

Mr. Jackere pointed out that the proposed church will abut five residential dwellings.

Board Action:

On MOTION of **S. WHITE**, the Board voted 3-0-0 (Bolzle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, Chappelle, "absent") to **DENY** a **Special Exception** to permit church use in an RS-3 zoned district, and a **Variance** to permit off-street parking on a gravel lot - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS and SECTION 1303. DESIGN STANDARDS** - Use Unit 5; finding church use in a residential dwelling to be incompatible with the area, and a major encroachment into a stable residential neighborhood; on the following described property:

The west 140' of the east 480' of the north 306.5' of the N/2, N/2, SE/4, Section 12, T-20-N, R-12-E of the IBM, City of Tulsa, Tulsa County Oklahoma, according to the US government Survey thereof.

Case No. 16260

Action Requested:

Special Exception to permit dental equipment display and sales, a Variance of the required number of off-street parking from 32 spaces to 15 and for an amended site plan approval - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS and SECTION 1214.D. Off-Street Parking and Loading Requirements** - Use Unit 14, located 18513 East Admiral Place.

Presentation:

The applicant, **Jack Powers**, 18513 East Admiral Place, was represented by **Warren G. Morris**, who submitted a plot plan (Exhibit G-1) for the building project. He explained that his client has two existing buildings that are connected by a loading dock, and that he is proposing to construct an addition to the loading dock, which will align with the building walls of the existing structures. He informed that the building will be used for a dental supply warehouse. Mr. Morris stated that the requested use is not specifically classified in the Code.

Jack Powers stated that he displays merchandise and takes orders for equipment, but does not have a dental retail sales operation. He informed that all equipment is shipped from Dallas. Mr. Powers stated that a dentist may occasionally stop by to look at dental equipment, and his six salesmen sometimes use the building for sales meetings.

Comments and Questions:

Mr. Bolzle asked the total square footage of the building, and Mr. Powers replied that it contains approximately 6500 sq ft of floor space.

Mr. Gardner stated that, if the use is considered to be a business service under Use Unit 15, the parking requirement would be 16 spaces; however, if it is considered to be a retail business the requirement raises to 32 spaces.

Ms. White stated that the business is obviously not a retail sales operation.

Protestants:

None.

Case No. 16260 (continued)

Board Action:

On MOTION of S. WHITE, the Board voted 3-0-0 (Bolzle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, Chappelle, "absent") to find dental equipment display and sales, as described to the Board (manufacturer's representative), to be a Use Unit 15 use, which is permitted in the IL District by right; and to **APPROVE** a Variance of the required number of off-street parking from 16 spaces to 15, and **APPROVE** an amended site plan - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS and SECTION 1214.D. Off-Street Parking and Loading Requirements** - Use Unit 14; per amended plot plan submitted; finding that the building addition will align with the existing building walls; and finding that the variance request for parking is minimal and will not be detrimental to the area; on the following described property:

The E/2 of Lot 1, Block 1, Bright Industrial Park, an addition to the City of Tulsa, Tulsa County Oklahoma, according to the recorded plat thereof.

Case No. 16262

Action Requested:

Variance of the required setback from the centerline of East 31st Street from 70' to 60' to permit a detached accessory building - **SECTION 210.b.5. Permitted Obstructions In Required Yards** - Use Unit 6, located 2232 East 30th Place.

Presentation:

The applicant, **Ted Larkin**, 9901 South Sandusky, was not present.

Comments and Questions:

Mr. Jones informed that **Charles Norman**, counsel for the applicant, requested by letter (Exhibit H-1) that Case No. 16262 be continued to February 23, 1993, to allow sufficient time for additional advertising.

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. 16262 to February 23, 1993, as requested.

Case No. 16263

Action Requested:

Special Exception to permit an existing City of Tulsa park (Philpott Park) in an IM District - **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 5, located west 37th Place South at South Olympia.

Presentation:

The applicant, **City of Tulsa**, was represented by Randy Nicholson, 707 South Houston, who submitted a plot plan (Exhibit J-1) and requested permission to construct a shelter on the north portion of Philpott Park. Photographs (Exhibit J-2) and elevations (Exhibit J-3) were submitted.

Protestants:

None.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 3-0-0 (Bolzle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, Chappelle, "absent") to **APPROVE** a **Special Exception** to permit an existing City of Tulsa park (Philpott Park) in an IM District - **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 5; per plan submitted; finding the park and proposed improvements to be compatible with the area: on the following described property:

A portion of the NE/4 SW/4 of Section 23, T-19-N, R-12-E, more particularly described as follows: Beginning at a point located on the South boundary of the SE/4 NE/4 SW/4 of said Section 23, which point is 480.15 feet east of the southwest corner of NE/4 SW/4 of Section 23, thence east along the south boundary of the NE/4 SW/4 of said section a distance of 352.35 feet to a point, thence north and parallel to the west boundary of said Section 23 a distance of 240 feet to a point, thence west a distance of 352.35 feet to a point, thence south and parallel to the west boundary of said section a distance of 240 feet more or less, to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16264

Action Requested:

Special Exception to permit an existing City of Tulsa park (Fred E. Johnson Park) in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, located NE/c East 61st Street and South Riverside Drive.

Presentation:

The applicant, **City of Tulsa**, 707 south Houston, was represented by **Randy Nicholson**, who submitted a plot plan (Exhibit K-1) for the proposed project. He explained that a shelter will be constructed at the Fred E. Johnson Park, and approximately 90 on-site parking spaces are available for park visitors.

Protestants:

None.

Board Action:

On MOTION of **S. WHITE**, the Board voted 3-0-0 (Bolzle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, Chappelle, "absent") to **APPROVE** a **Special Exception** to permit an existing City of Tulsa park (Fred E. Johnson Park) in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; finding that the park and proposed improvements are compatible with the surrounding area; on the following described property:

All of Lot 8, being the SW/4, SE/4, together with all Riparian and Accretion lands, lying adjacent on the west thereto, Section 36, T-19-N, R-12-E of the IBM, City of Tulsa, Tulsa County, Oklahoma, according to the US Government Survey, thereof.

Case No. 16265

Action Requested:

Special exception to permit retail sales (drapery and wall paper sales) in an IL zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 14, located 5646 South Mingo Road.

Presentation:

The applicant, **Lou Daniels**, 9021 East 95th Street, requested permission for his client to operate a decorating business on the subject property.

Case No. 16265 (continued)

Annette Watkins submitted a plat of survey and explanation of the use (Exhibit L-1) and stated that she is representing the owner of the business. Ms. Watkins informed that the decorating business consists of wall paper and drapery sales. She informed that the sales business has been in operation approximately 8 years. Ms. Watkins stated that builders send their customers to select wall paper and draperies for new homes. She added that customers are seen primarily by appointment only; however, the business is open for retail Monday through Friday, 10 a.m. to 6 p.m. Ms. Watkins stated that the retail sales is a small part of the business, with only 10 to 12 customers visiting the store each day. She informed that adequate parking will be installed if the business is permitted.

Comments and Questions:

In response to Mr. Jackere, Ms. Watkins stated that the building contains approximately 2500 sq ft of floor area.

Protestants: None.

Board Action:

On MOTION of **S. WHITE**, the Board voted 3-0-0 (Bolzle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, Chappelle, "absent") to **APPROVE** a **Special Exception** to permit retail sales (drapery and wall paper sales) in an IL zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 14; per plan submitted, with gravel parking and driveways depicted on the plan being hard surfaced to comply with Code requirements; subject to the retail sales business being the sale of draperies and wall paper, which is primarily utilized by builders and their clientele, with retail sales being incidental (10 to 12 customers per day) to the business; finding that the use, as presented, will be compatible with the surrounding uses, and in harmony with the spirit and intent of the Code; on the following described property:

Lot 5, Block 1, Anderson Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 16266

Action Requested:

Special Exception to permit automobile repair in a CS District, variance of the setback from the centerline of South Gillette from 50' to 35', variance of the FAR from 50% to 63%, variance of the screening requirement on the north property line of Lot 11, special exception to permit parking in an RM-2 District and a special exception to permit required off-street parking on a lot other than the lot containing the principal use - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS, Section 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS, Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS, Section 1301.D. GENERAL REQUIREMENTS - Use Unit 17, located 2223 East 3rd Street.**

Presentation:

The applicant, **Ernie Hartman**, 2017 West Detroit, Broken Arrow, Oklahoma, submitted a plot plan (Exhibit M-1) and requested permission to expand his client's existing building. Mr. Hartman explained that engines are installed and repaired on site, and the expansion is needed to provide additional service to his customers. He pointed out that the installation of fencing along the back property line would prevent the use of overhead doors on the back portion of the building. Mr. Hartman requested that parking be permitted on the lot across the alley to the north.

Comments and Questions:

Mr. Gardner advised that the property to the north is part of the Kendall-Whittier Redevelopment Plan, and is designated for single-family residences.

Protestants:

John Tanner, 3315 East 39th Street, submitted photographs (Exhibit M-2) and stated that he is representing the protestants. He explained that the 15' alley is blocked by vehicles being worked on or belonging to Southwest Motors, and they have been parked long enough for the tires to be flat, as can be noted in the photographs. He pointed out that the approval of the request would cause the apartment complex to the north to be blocked from light and air by the metal building.

Roy Hart, 2220 East 1st Street, stated that he received notice of the hearing and questioned if the application would affect his property.

Mr. Bolzle informed Mr. Hart that the property in question is one block from his residence.

Case No. 16266 (continued)

Wayne Johnson stated that he lives to the north of the repair shop, and informed that parked cars and trucks continually block the alley.

Eric Johnson, 2215 East 2nd Street, stated that the residential neighborhood is stable and voiced a concern that cars stored on the lot may encourage theft, and cars being towed in during the nighttime hours would disturb nearby residents.

Allan Stewart, 2244 East 7th Street, District 4 co-chair, stated that he is opposed to a parking lot in the middle of a residential block. He pointed out that the applicant is requesting a waiver of the screening requirement, because he intends to install overhead doors next to the alley and use the alley for business access.

Fran Pace, 1326 South Florence Avenue, chairperson for District 4, stated that the applicant has two lots that require screening. She asked if a gate would be permitted in the fence, and Mr. Jackere stated that a gate would be allowed unless the Board made a specific condition prohibiting a gate. Ms. Pace stated that it is her opinion that a screening fence was to separate uses and that a gate should not be installed. She pointed out that it would not be convenient for the customers and employees to park on the proposed lot and walk around to the front of the building.

Harry Tanner, 2761 East 23rd Street, informed that he has owned the apartments at 2nd and Gillette for approximately 30 years, and pointed out that the proposed parking lot would be used for parking old cars and for storage. He informed that approval of the request could lower property values and would be detrimental to the neighborhood.

A letter of protest (Exhibit M-3) and a petition (Exhibit M-4) were submitted.

Applicant's Rebuttal:

Mr. Hartman stated that a fence along the alley would prohibit his client from moving cars in and out of the building. He explained that they are attempting to alleviate parking problems in the alley. Mr. Hartman advised that some of the cars parked on the property have been abandoned, and the process to move an abandoned car sometimes takes as long as two months.

Mr. Martin, operator of the business, stated that some of the cars that have been towed to his property are not claimed after repairs are made, and the State and City ordinances prohibit immediate removal of the vehicles.

Case No. 16266 (continued)

He informed that cars are moved in and out of the alley daily.

Additional Comments:

Mr. Bolzle asked why the entry doors are off the alley, and Mr. Hartman stated that this is the only access to the facility.

In response to Mr. Bolzle, Mr. Martin stated that the building cannot be designed to place the drive-in doors on 3rd Street, because of the existing doctor's office on that side of the property.

Mr. Gardner stated that the need for the parking lot, which encroaches into the residential area, is based on the fact that the applicant is enlarging the business and parking is not available on the lot.

Mr. Bolzle stated that the use is too intense for the area, and he is opposed to a parking lot encroaching into the stable residential neighborhood.

Ms. White remarked that this is an instance where the business has outgrown the facility. She noted that the application is not in harmony with the Kendall-Whittier Plan, and approval of the application will be detrimental to the surrounding residential area. In addition, Ms. White pointed out that the applicant failed to demonstrate a hardship for the variance request.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 3-0-0 (Bolzle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, Chappelle, "absent") to **DENY** a **Special Exception** to permit automobile repair in a CS District, **variance** of the setback from the centerline of South Gillette from 50' to 35', **variance** of the FAR from 50% to 63%, **variance** of the screening requirement on the north property line of Lot 11, **special exception** to permit parking in an RM-2 District and a **special exception** to permit required off-street parking on a lot other than the lot containing the principal use - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS, Section 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS, Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS, Section 1301.D. GENERAL REQUIREMENTS - Use Unit 17**; finding that the applicant is attempting to overbuild on the lots; finding that expansion of the use would be injurious to the abutting residential neighborhood, and detrimental to the surrounding area; and finding that approval of the requests would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Case No. 16266 (continued)

Lot 1, Block 4, Hillcrest Addition and Lots 2, 3, 10
and 11, Wakefield Addition, City of Tulsa, Tulsa
County, Oklahoma.

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

Date Approved February 23, 1993


Chairman