

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 633
Tuesday, May 25, 1993, 1:00 p.m.
Francis F. Campbell, City Council Room
Plaza Level of City Hall
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, May 21, 1993, at 1:11 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 4-0-1 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; Chappelle, "abstaining"; none "absent") to **APPROVE** the Minutes of May 11, 1993 (No. 632).

UNFINISHED BUSINESS

Case No. 16314

Action Requested:

Special Exception to permit a nursing home in an RS-3 District (approval of landscape plan) - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 2415 West Skelly Drive.

Presentation:

The applicant, **Sherwood Manor**, was represented by **Jack Rogers**, 106 North McGee, Sallisaw, Oklahoma, who submitted a landscape plan (Exhibit A-1) and informed that seven additional trees (3 Austrian pine and 4 Bradford pear) will be planted in the 80' grassy area located between the west property line and the nursing home parking lot.

Protestants:

None.

Case No. 16314 (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 a nursing home in an RS-3 District (approval of landscape plan) - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per landscape plan submitted; finding that the proposed landscaping and green space will provide sufficient screening and separation for the residential neighborhood to the west; on the following described property:

East 113.5' of that part of the NE/4, NW/4, lying north of the Skelly Drive (being U.S. Highway 66 Bypass) in Section 34, T-19-N, R-12-E of the IBM, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16310

Action Requested:

Variance of the maximum square footage permitted for a sign from 365.66 sq ft to 485.66 sq ft to permit a sign - **Section 1221.D.3. General Use Conditions for Signs in the CS District** - Use Unit 21, located 7030 South Memorial Drive.

Presentation:

The applicant, **Tulsa Neon, Inc.**, was represented by **Jean Towry**, 8234 East 71st Street, Tulsa, Oklahoma, who informed that she represents the tenants (Exhibit B-2) of Centre 71 Annex. She submitted a sign plan (Exhibit B-1) and pointed out that the shopping center does not have street frontage. Ms. Towry requested permission to extend the width of the lower portion of the existing sign to align with the Builders Square portion.

Comments and Questions:

Mr. Doverspike inquired as to the distance from the east side of the sign to the curb, and Ms. Towry replied that the sign is set back approximately 20'.

Mr. Doverspike asked if left turns are prohibited at this location, and Ms. Towry answered in the affirmative.

Mr. Gardner advised that the lot split was previously approved after the Board of Adjustment granted a variance of the frontage requirement. He pointed out that signage is permitted according to street frontage. Mr. Gardner noted that all businesses at this location have common ingress and egress, with reciprocal parking access, and they function as one unit even though they are

Case No. 16310 (continued)

separately owned. He pointed out that the proposed signage would be permitted by right if the corner lot had not been sold to the bank.

Ms. Towry pointed out that the Toys R Us building was constructed after the lot split, and the height of the structure blocks the view of the shopping center. She noted that this construction had a negative impact on the businesses to the rear of the property.

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 maximum square footage permitted for a sign from 365.66 sq ft to 485.66 sq ft to permit a sign - **Section 1221.D.3. General Use Conditions for Signs in the CS District** - Use Unit 21; per sign plan submitted; finding that the sides of the bottom portion of the existing sign (signage for the Centre 71 Center) will be extended to align with the Builders Square sign at the top of the sign structure; and finding a hardship demonstrated by the fact that the shopping center does not have street frontage; on the following described property:

Lot 1, Block 1, Clark Plaza III, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 16361

Action Requested:

Minor Special Exception to amend a previously approved site plan.

Presentation:

The applicant, **Ron Beasley**, 3754 South 91st East Avenue, submitted a plat of survey (Exhibit C-1), and stated that he is proposing to remodel the store front of an existing building. Mr. Beasley explained that the existing structure extends over the required setback line, and an aluminum frame structure with an awning is proposed for the north side of the building. He pointed out that the awning will not extend closer to the street than the existing building wall. Photographs (Exhibit C-2) were submitted.

Case No. 16361 (continued)

Comments and Questions:

Mr. Bolzle asked if the parking spaces to the north of the drive-thru will be eliminated, and the applicant stated that this space is not used for parking, but is a drive reserved for individuals picking up laundry.

Mr. Bolzle pointed out that insufficient parking for the business could have an adverse impact on parking in the center, and wanted to be sure the Building Inspector checked the parking requirements. He noted that a variance of parking was not requested.

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 **Minor Special Exception** to amend a previously approved site plan; per amended plan submitted; subject to compliance with parking requirements; finding that the proposed awning will align with the existing building wall and will not extend further toward the street; on the following described property:

All of Lots 4, 5 and 6, Albert Pike Second Addition,
City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16344

Action Requested:

Variance of the maximum height for a fence in a required front yard from 4' to 6' - **Section 210.B. Permitted Obstructions in Required Yards** - Use Unit 6, located 2140 East 30th Street.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, submitted a plot plan (Exhibit D-1) and informed that his client is proposing to construct a wrought iron and stone column fence on the north and east boundaries of his property. He pointed out that, although the fence will exceed the 4' height limitation in the front yard, there are similar fences in the immediate neighborhood. Photographs (Exhibit D-2) were submitted. Mr. Norman informed that the fence will not obstruct the line of sight at the corner, and will comply with Traffic Engineering requirements.

Case No. 16344 (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** a **Variance** of the maximum height for a fence in a required front yard from 4' to 6' - **Section 210.B. Permitted Obstructions in Required Yards** - Use Unit 6; per plan submitted; finding that there are similar fences in the immediate neighborhood; and finding that the granting of the variance will not cause substantial detriment to the area, or violate the spirit, purposes and intent of the Code; on the following described property:

Lots 1 and 2, Block 15, Forest Hills Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 16345

Action Requested:

Variance of the maximum 750 sq ft for a detached accessory building to 4000 sq ft, and a variance to amend a previously approved plot plan - **Section 402.b.1.D Accessory Use Conditions** - Use Unit 6, located 17384 East 13th Street.

Presentation:

The applicant, **Larry Covert**, 18008 East Brady Street, Catoosa, Oklahoma, submitted a plot plan (Exhibit E-1) and stated that he is representing the owner of the property in question. He informed that he is proposing to build an addition to an existing 2000 sq ft accessory building.

Comments and Questions:

Ms. White inquired as to the use of the 4000 sq ft accessory building, and the applicant stated that he needs the additional storage space for his antique cars.

Mr. Bolzle asked if the cars are sold on the property, and the applicant replied that the cars are not for sale.

Mr. Gardner asked if the owner lives on the property, and Mr. Covert answered in the affirmative.

Protestants:

None.

Case No. 16345 (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 maximum 750 sq ft for a detached accessory building to 4000 sq ft, and a **variance** to amend a previously approved plot plan - **Section 402.b.1.D Accessory Use Conditions** - Use Unit 6; per plan submitted; subject to a covenant being filed of record prohibiting nonresidential use of the structure; finding that the lot is large enough (2 acres plus) to support the proposed building; on the following described property:

Lot 4, Block 7, Lynn Lane Estates, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16346

Action Requested:

Special Exception to permit a home occupation beauty shop - **Section 402.B.6. Home Occupations** - Use Unit 6, located 3252 South Joplin.

Presentation:

The applicant, **Kerry Kellehan**, 3252 South Joplin, requested permission to operate a beauty shop in her home. A plat of survey (Exhibit F-1) was submitted.

Comments and Questions:

Mr. Doverspike inquired as to the number of cars that can park in the driveway, and Ms. Kellehan replied that the driveway will accommodate nine vehicles.

Ms. White asked Ms. Kellehan if she can comply with the Home Occupation Guidelines, and she answered in the affirmative.

In response to Mr. Bolzle, the applicant replied that the shop will have only one chair.

Mr. Doverspike inquired as to the days and hours of operation, and the applicant stated that the shop will be open Tuesday through Saturday. She added that sometimes on Tuesday and Thursday nights the shop will be open until 8 p.m.

In reply to Mr. Doverspike, Ms. Kellehan stated that the shop is located on the west side of the residence.

Case No. 16346 (continued)

Protestants:

Mr. Bolzle informed that one letter of protest (Exhibit F-2) has been received.

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 home occupation beauty shop - **Section 402.B.6. Home Occupations** - Use Unit 6; per home occupation guidelines; subject to one chair only, with one customer at a time; subject to all customer parking being provided in the driveway; subject to hours of operation being Wednesday, Friday and Saturday, 11 a.m. to 6 p.m., and Tuesday and Thursday from 11 a.m. to 8 p.m.; finding that the use will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lot 7, Block 4, Lorraine Heights, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16347

Action Requested:

Special Exception to permit a public park which will include a private health club, variance to waive the screening requirement or an extension of time to erect a screening fence, and variances of the setback from the centerline of the streets for building and parking - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located south and east of the SE/c of South 91st East Avenue and East Admiral Place.

Presentation:

The applicant, **City of Tulsa**, was represented by **Pat Hoggard**, Public Works Department, who requested permission for Rockwell International to continue use of a City park, which will be for public use and Rockwell employees. He informed that the Rockwell Park was previously located on the site where a City detention facility is nearing completion. Mr. Hoggard informed that the old Rockwell Park was leased to the City for \$1.00 per year, and the new park will have the same lease agreement. A site plan (Exhibit G-1) was submitted.

Comments and Questions:

Mr. Bolzle asked if the private use is for Rockwell employees only, and Mr. Hoggard answered in the affirmative.

Case No. 16347 (continued)

In response to Mr. Bolzle, Mr. Hoggard informed that a fitness center is proposed for the area, which will be constructed one foot above current floodplain elevation. He added that potential flooding will be lessened even more by the completion of the detention and channelization in the Mingo Basin.

Mr. Bolzle asked if there are existing improvements on the property, and Mr. Hoggard replied that the land is vacant.

Ms. White inquired as to the depth of the greenbelt between the park and the residential development, and Mr. Hoggard informed that the green area will be the width of a single-family lot, or approximately 120'.

Ms. White asked the days and hours of operation for the fitness center, and **Dick Boyd**, Rockwell International, stated that the center will be open from 5 a.m. to 9 p.m., Monday through Saturday.

In response to Mr. Doverspike, Mr. Boyd stated that the entry to the fitness center will be card controlled and the entrance will be to the north.

Protestants:

Darrell Linthicum, 9162 East 3rd Place, stated that in 1986 the City Council assured all property owners in this area that there would be no construction on the vacant property. He pointed out that flooding is caused on his property when Mingo Creek fills above the flood drain and, if the streets on the subject property are blocked, there is no way to escape the flood water. He suggested that the construction be located across the creek to the east.

John Chambers, 9140 East 3rd Place, pointed out that he is opposed to the erection of a screening fence around the park and the closing of the streets.

Carl Taylor, 9303 East 3rd Place, voiced a concern with increased paved areas on the property, which would increase water runoff.

Russ Radke, 9165 East 4th Street, stated that he is opposed to the streets being blocked, and suggested that the gates be removed. He informed that the bicycle club is a problem for the neighborhood, and their members close the gates to through traffic.

Case No. 16347 (continued)

Eva Benton, 9129 East 3rd Place, informed that she is opposed to the fence and street closings. She pointed out that flood waters rise rapidly in the area, and feels that construction on the lot should be delayed until it can be determined if the flood control improvements will alleviate the flooding problem.

Dean Yeakley, 104 South 92nd East Avenue, stated that he is representing his mother, who lives in the neighborhood. He pointed out that the closing of the streets will add to an existing traffic problem in the area.

Richie Schroff, 177 South 91st East Avenue, pointed out that the houses were removed from the subject property to prevent flooding, and now more buildings are proposed. He stated that his house is near the proposed basketball court, and feels this will reduce his property value. Mr. Schroff advised that astrology is his hobby, and the lights in the park will interfere with his equipment.

Applicant's Rebuttal:

Mr. Hoggard informed that the City does not propose to erect a fence around the property, or barricade the streets. He stated that it had not come to the attention of the City that the bicycle club is a problem for the neighborhood. Mr. Hoggard stated that this issue will be addressed and an attempt made to resolve the matter. He advised that the area will not have the high flow rate when the Mingo Drainage Plan is completed. It was noted by Mr. Hoggard, that the amount of permeable area will be increased by the removal of 2nd Place and all exposed foundations of the former houses. He stated that the street gates can be removed if this is not acceptable to the neighborhood.

Additional Comments:

Ms. Hubbard informed that the only required screening on the subject tract is along the parking lot in the northeast corner, and the City has requested a waiver of that screening requirement.

Ms. White asked if there have been neighborhood meetings to explain the project, and Mr. Hoggard replied that there have been no meetings.

It was the consensus of the Board that the application should be continued to permit the City representatives and the area property owners sufficient time to discuss some of the issues of concern.

Case No. 16347 (continued)

In response to Ms. White, Mr. Hoggard informed that the Mingo flood control project is scheduled for completion in 1996; however, this will not be absolute assurance that the area will never flood. He added that construction time for the park facility will be approximately nine months.

Mr. Chappelle asked if the project has been reviewed and approved by Stormwater Management, and Mr. Hoggard answered in the affirmative.

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. 16347 to June 22, 1993, to allow sufficient time for the applicant to conduct a neighborhood meeting to explain the proposed project.

Case No. 16348

Action Requested:

Special Exception to permit a home occupation which includes ceramic, wood working and metal working activity in an enclosed accessory building, and a variance of the maximum 750 sq ft for a detached accessory building - **Section 402.B.1.d. Accessory Use Conditions and Section 404. Home Occupations**, located southeast corner of South 179th East Avenue and East 11th Street.

Presentation:

The applicant, **Michael Hackett**, 1820 South Boulder Place, stated that his client is proposing to operate a home occupation, consisting of ceramic, woodworking and metal work. He pointed out that the proposed accessory building will be located on a 10-acre tract, along with a new dwelling. Mr. Hackett noted that, in addition to the home occupation, his client is in need of storage space for his vintage cars, tractor, boat and other equipment. The applicant explained that his client is a part-time welder and, as part of the home occupation, would assemble metal housings for pumps on a contract basis. He pointed out that a similar 2288 sq ft accessory was recently approved in the area. A plat of survey (Exhibit H-1) and photographs (Exhibit H-2) were submitted.

Comments and Questions:

Mr. Gardner informed that the ceramic and wood working items will be home crafts, similar to those sold at flea markets. He added that the product that will be welded and deliver to an industry will be completed inside the building and loaded on a small trailer for delivery.

Case No. 16348 (continued)

Mr. Doverspike inquired as to the type of material that is used in manufacturing the pump housings, and the applicant replied that carbon steel pipe is welded with an arc welder.

Mr. Doverspike asked if all work will be completed inside the structure, and Mr. Hackett answered in the affirmative.

Mr. Bolzle asked if there will be outside storage of materials, and the applicant replied that all materials will be kept inside the building.

Mr. Jackere stated that the Code specifically prohibits fabricating and welding as home occupations. He advised that some home occupations are permitted by right, some are permitted by special exception and some are not permitted at all.

Mr. Gardner stated that Mr. Hackett's client is making a housing from metal and taking it to a company, instead of a flea market, that inserts the pump and uses it as a product.

Mr. Hackett stated that three surrounding property owners have indicated that they are supportive of the application.

Interested Parties:

Terry Duke, 17802 East 12th Street, stated that he owns land to the east of the subject property and is supportive of the request; however, he questioned if the soil would pass a percolation test. He pointed out that he would be concerned with water runoff flowing toward his property if the soil failed to perk.

Additional Comments:

Mr. Jackere advised that a use that falls within the excluded use units, is not permitted as a home occupation.

Mr. Bolzle noted that, although the area is zoned residential, it is agricultural in nature, and asked Mr. Jackere if the proposed use would be permitted by right in an agricultural district.

Mr. Jackere advised that the use would not be permitted by right in an AG District.

Mr. Doverspike remarked that he is not opposed to a home occupation at this location; however, the welding activity is listed under a use unit that is not permitted as a home occupation.

Case No. 16348 (continued)

Mr. Bolzle pointed out that woodworking is not permitted by right (Use Unit 15) as a home occupation..

Mr. Hackett informed that his client is not operating a woodworking shop, but is merely assembling doll furniture for dolls made by his wife.

Mr. Gardner stated that Mr. Hackett is asking the Board to find that the home craft allows his client to make out of metal what they can make out of wood, for distribution and sale elsewhere.

Mr. Doverspike stated that he has determined that a home craft is something slightly different from 3' pieces of metal that will be loaded on a trailer and hauled to another location to become a piece of another product. He remarked that this seems to be fabrication of a unit.

In response to Mr. Gardner, Mr. Jackere replied that the manufacturing of rocking chairs in a residential garage, to be sold at a flea market, constitutes a woodworking shop.

Mr. Hackett stated that, if the Board is inclined to approve the home craft portion of the application (ceramic and wood working), his client is amenable to amending the request to delete the metal working.

Mr. Doverspike advised that the ceramic activity and assembling of doll furniture would be a home craft that is permitted by right.

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 **WITHDRAW** a **Special Exception** to permit a home occupation which includes ceramic, wood working and metal working activity in an enclosed accessory building, and to **APPROVE** a **Variance** of the maximum 750 sq ft for a detached accessory building - **Section 402.B.1.d. Accessory Use Conditions and Section 404. Home Occupations**; per survey submitted; finding the ceramic activity and the assembly of doll furniture to be home crafts, which are permitted by right; finding that the applicant has agreed to delete the metal working business from the application; and finding that the large tract can support the 2400 sq ft accessory building, which is comparable in size to others in the area; and 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:

Case No. 16348 (continued)

Lots 4 and 6, Block 1, Lynn Lane Drive Addition and Block 1 and 6, Lynn Lane Drive Subdivision of Tracts 1, 2, 3 and 5, Block 1, Lynn Lane Drive Addition, City of Tulsa, Tulsa County, Oklahoma.

Additional Comments:

Mr. Jones pointed out that the Board did not approve the special exception request, and asked Mr. Bolzle if the Board made the determination that the requested use is a craft use, which is permitted by right.

Mr. Bolzle clarified that the special exception request was withdrawn and the Board did not make the determination that the proposed welding shop and woodworking shop would be classified as home crafts.

Case No. 16349

Action Requested:

Variance of the required number of off-street parking spaces from 472 to 434, and a variance of the required 75' setback from an R district to 35' to permit the expansion of an existing building - **Section 1214.D Off-Street Parking Requirements and Section 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 14, located northeast corner North Memorial Drive and I-244.

Presentation:

The applicant, **Builders Square/Greg Wilkes**, 11007 East 97th Street North, Owasso, Oklahoma, was represented by the architect for the project. He submitted a plot plan (Exhibit J-1) and explained that Builders Square is proposing to expand the existing building. He informed that the encroachment toward the residential district will not be greater than the one previously approved for the loading dock. It was noted that the parking requirement has been met, and a withdrawal of that portion of the application was requested.

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 **WITHDRAW** a **Variance** of the required number of off-street parking spaces from 472 to 434, and to **APPROVE** a **Variance** of the required 75' setback from an R district to 35' to permit the expansion of an existing building - **Section 1214.D Off-Street Parking Requirements and Section 903. BULK**

Case No. 16349 (continued)

AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS - Use Unit 14; per plan submitted; finding that all parking requirements will comply with the Code; and finding that the proposed expansion will not extend further toward the residential area than an existing portion of the building that was previously approved by the Board; on the following described property:

All of Lots 11, 12, 13, 14, 15, 16, Block 1, that part of Lot 17, Block 1, lying west of the Gilcrease Expressway, that part of Lots 3, 4, 5, 6, Block 2, and that part of Lot 1, Block 3 lying north of the Gilcrease Expressway and the enclosed dedicated street(s), all in MINGO HEIGHTS, an Addition in Tulsa, Tulsa County, Oklahoma, more particularly described as follows to-wit: Beginning at the NW/c of said Lot 11, Block 1, thence N89°01'27"E along the north boundary of said lots 11, 15, 16 and 17, Block 1, a distance of 744.88' to a point in the westerly ROW line of the Gilcrease Expressway, thence along the ROW as follows: S6°17'13"E a distance of 126.77', thence S 5°52'44"W a distance of 87.77', thence S20°31'40"W, a distance of 59.31', thence S29°10'37"W a distance of 70.46', thence S34°31'07"W, a distance of 88.23', thence S46°28'16"W a distance of 52.60', thence S60°04'59"W a distance of 139.97', thence S72°42'10"W a distance of 231.56', thence S76°02'55"W a distance of 72.08', thence S71°04'45"W a distance of 137.94', thence S57°06'33"W, a distance of 60.84' to a point on the west boundary of said Lot 1, Block 3, thence N01°04'46"W along the west boundary of Block 3 and Block 1 of said MINGO HEIGHTS 660.54' to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16351

Action Requested:

Variance of the maximum square footage permitted for a detached accessory building from 750 sq ft to 2700 sq ft, and a variance of the all-weather surface requirement for off-street parking - **Section 402.B.1.d. Accessory Use Conditions** - Use Unit 6, located 1526 North Harvard.

Presentation:

The applicant, **Randy Bell**, 1526 North Harvard, submitted a drawing (Exhibit K-1) of a proposed accessory building, which will be used to house his boat and trailer. He pointed out that the building will be barely visible from the street.

Case No. 16351 (continued)

Comments and Questions:

In response to Ms. White's question concerning the variance of all-weather parking, the applicant replied that the main driveway is concrete, but the drive to the proposed accessory building will have limited use.

Mr. Jackere asked the applicant if he is proposing to park on the gravel surface, and Mr. Bell replied that he will not have storage on the gravel driveway; however, the floor of the accessory building is also gravel.

In response to Mr. Bell, Mr. Jackere advised that the floor of the carport attached to the building must be covered with a hard surface material if vehicles are parked in this 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 **APPROVE** a **Variance** of the maximum square footage permitted for a detached accessory building from 750 sq ft to 2700 sq ft; and **WITHDRAW** a **Variance** of the all-weather surface requirement for off-street parking - **Section 402.B.1.d. Accessory Use Conditions** - Use Unit 6; per drawing submitted; finding that all vehicles and equipment will be parked inside the building, and not on the gravel driveway; and finding that the large lot can adequately support the 2700 sq ft accessory building; on the following described property:

S/2, N/2, SE/4, SE/4 of Section 29, T-20-N, R-13-E,
of the IBM, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16352

Action Requested:

Variance of the required setback from an abutting R District from 75' to 18' to permit the expansion of an existing building - **Section 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 11, located 4951 South Mingo.

Presentation:

The applicant, **Steve Olsen**, 324 East 3rd Street, informed by letter (Exhibit M-1) he is no longer in need of the relief requested, and asked that Case No. 16352 be withdrawn.

Case No. 16352 (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 WITHDRAW Case No. 16352.

Case No. 16353

Action Requested:

Special Exception to permit a drive-in restaurant in a CS zoned district, and a variance of the setback from the centerline of South Garnett Road from 100' to 90' - Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS and Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS - Use Unit 18, located NW/c of East 11th Street and South Garnett Road.

Presentation:

The applicant, Jerry Ledford, 8209 East 63rd Place, submitted a site plan (Exhibit L-1), and informed that he is representing the Sonic Drive-In Restaurant. He pointed out that there are existing restaurants on the northeast and southeast corners of the intersection. Mr. Ledford explained that the 100-year floodplain on the western portion of the lot reduces the width, and imposes a hardship on the property owner. He noted that the canopy, which is attached to the building, will be the only encroachment. The applicant pointed out that a similar variance was approved on the southwest corner of the intersection.

Comments and Questions:

Mr. Doverspike asked if the only entrance is on Garnett Road, and Mr. Ledford replied that there is a second entrance on 11th Street.

Protestants:

John Harwell, stated that he is affiliated with the Hardee's Restaurant, which is across the street from the subject property, and voiced a concern that a variance of the setback would restrict visibility of his restaurant.

Mr. Bolzle asked Mr. Harwell if any portion of Hardee's property is located in the floodplain, and he replied that he is not aware of a floodplain designation on the property.

Case No. 16353 (continued)

The owner of the hotel to the north of the subject property stated that approval of the variance of the setback requirement would block visibility of the hotel. He pointed out that it is imperative that the hotel sign be visible to motorists at the intersection. It was noted that the hotel complies with all setbacks.

Applicant's Rebuttal:

Mr. Ledford informed that Ms. Hubbard advised him that the variance of the setback would not be required if the canopy was not attached to the building structure. He pointed out that the existing floodplain restricts construction to the west.

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 drive-in restaurant in a CS zoned district, and a **variance** of the setback from the centerline of South Garnett Road from 100' to 90' - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS and Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 18; per plan submitted; subject to the canopy remaining open; finding a hardship imposed by the existing floodplain to the west; and finding that restaurant use is prevalent in the area, and approval of the request will not be detrimental to surrounding businesses; on the following described property:

Lot 3, less the west 90', Resub of Lot 4, Block 2, East 11th Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16354

Action Requested:

Variance of the maximum square footage permitted for a sign from 57 sq ft to 83.25 sq ft to permit an addition to an existing sign - **Section 602.B.4.c. Business Signs** - Use Unit 11, located 2424 East 21st Street.

Presentation:

The applicant, **Amax Sign Company**, 9520 East 55th Place, was represented by **Brian Ward**, who submitted a sign plan (Exhibit N-1) and informed that one additional sign will be installed on the existing sign structure. He noted that the case report reflects that 83.25 sq ft of signage is requested; however, 64 sq ft is the correct figure.

Case No. 16354 (continued)

Comments and Questions:

Ms. White asked Mr. Ward to state the hardship for the variance request, and he replied that Boatman's Trust was promised signage when they moved to the location. He noted that the property manager was not aware that all permitted signage had already been installed.

In response to Mr. Bolzle, Mr. Ward pointed out that previously computed signage obviously included the sign base as part of the display surface area. He added that the proposed sign will be 13" by 9'.

Protestants:

Pam Deatherage, District 6 chairman, noted that she is a member of the Sign Advisory Board, and stated that approval of the variance would set a precedent for similar sign request along 21st Street. She pointed out that the enlargement of signs in the area should be discouraged, and requested that the application be denied.

Board Action:

On MOTION of S. WHITE, the Board voted 3-0-2 (Bolzle, Chappelle, S. White, "aye"; no "nays"; Doverspike, T. White, "abstaining"; none "absent") to **DENY** a **Variance** of the maximum square footage permitted for a sign from 57 sq ft to 83.25 sq ft to permit an addition to an existing sign - **Section 602.B.4.c. Business Signs** - Use Unit 11; finding that the applicant failed to demonstrate a hardship that would warrant the granting of the variance request; on the following described property:

Lot 2, the Amended Plat of Texaco Center Addition, according to the recorded plat thereof, and the south 10' of the north 160' of the west 30' of the east 86.4' of Lot 31, Harter's Second Subdivision to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 16355

Action Requested:

Special Exception to permit a tent revival from May 26 through May 31, 1993 - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2, located NW/c East 36th Street North and North Peoria Avenue.

Presentation:

The applicant, New Testament Church, was not represented.

Case No. 16355 (continued)

Comments and Questions:

Mr. Jones informed that it has been determined that relief is not needed, and the applicant has requested that the application be withdrawn.

Ms. Hubbard stated that it is her interpretation of the Code that the applicant does need Board approval to erect the proposed tent. She explained that the ordinance permits accessory tents by right in Use Units 12, 13 and 14; however, churches and automobile dealerships are not included in these use units.

Protestants:

Lewis Bumpers, 3636 North Peoria, informed that he is the pastor for the church abutting the subject property, and the tent was erected and then removed. He stated that he is opposed to the tent being located approximately 75' from the front door of his church building.

Ms. Hubbard advised that the applicant was advised by the City to removed the tent.

Mr. Jackere explained that the recently revised ordinance requires Board of Adjustment approval for all tents that are principal uses on a lot. He pointed out that a tent used in conjunction with an existing church building is permitted by right.

After discussion, it was determined that the building on the lot is vacant and not a church, and the tent would become a principal use, which requires Board of Adjustment approval.

After a phone conversation with the applicant, Mr. Jones advised that the tent has been removed, and the applicant has requested that the application be withdrawn and fees refunded.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Bolzle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, S. White "absent") to **WITHDRAW** Case No. 16355, as requested by the applicant.

Case No. 16356

Action Requested:

Special Exception to permit a produce stand and Christmas tree sales in a CH zoned district for 150 days for two consecutive years - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2, located east 14th Street and South Lewis Avenue.

Presentation:

The applicant, **Sooner Produce**, was represented by **Mike Rosenberger**, 6609 East 54th Street, explained that the produce stand was previously in operation on a lot that was purchased by the Walgreen store. He requested that the business be permitted to resume operation on a lot to the north of the previous location.

Comments and Questions:

In response to Mr. Doverspike, the applicant stated that the produce stand is customarily open from 8 a.m. to 8 p.m., Sunday through Saturday. He informed that the stand closes at dark during the winter hours. Mr. Rosenberger requested that the 1993 approval be for 120 days of produce sales and 30 days for Christmas tree sales. He asked that the 1994 approval be for the same 150 day period, but beginning May 15, 1994.

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 produce stand and Christmas tree sales in a CH zoned district for 150 days for two consecutive years - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2; subject to the 1993 approval being for 120 days (beginning May 25, 1993) of produce sales and 30 days (November 24 to December 24) of Christmas tree sales; and subject to the 1994 approval being for 150 days (120 days for produce and 30 days for Christmas trees), beginning May 15, 1994; finding that the use has been in operation in the area for many years and has proved to be compatible with the surrounding uses; on the following described property:

E/2 of Lot 6, Block 4, Terrace Drive, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16357

Action Requested:

Variance of the required side yard from 10' to 5'6" -
Section 403. BULK AND AREA REQUIREMENTS FOR THE
RESIDENTIAL DISTRICTS - Use Unit 6, located 5126 East
107th Place South.

Presentation:

The applicant, Robert Acklyn, was not present.

Comments and Questions:

Mr. Jones informed that the applicant has requested a
continuance of Case No. 16357 to June 8, 1993.

Protestants:

In reply to Mr. Bolzle's inquiry, the protestants
indicated that they were not opposed to a continuance.

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. 16357 to June 8, 1993, as requested by the applicant.

Case No. 16358

Action Requested:

Variance to amend a condition of approval for a
previously approved variance.

Presentation:

The applicant, Ted Wilson, 3901 South Harvard, stated
that he bought the property in question and requested
permission to operate a greenhouse on the front portion
of the lot. He explained that he has always intended to
move the greenhouse to the rear of the shop, but was not
aware of the expense involved in the project. Mr. Wilson
requested permission to leave the greenhouse at the
current location for one more year.

Comments and Questions:

Mr. Bolzle asked if the only change to the previous
variance request (5/26/92) is a change in the time period
for the greenhouse, and the applicant answered in the
affirmative.

Mr. Jones pointed out that the applicant has been before
the Board three times in regard to the location of the
greenhouse.

Mr. Wilson stated that he will positively relocate the
greenhouse to the rear of the lot within the next year.

Case No. 16358 (continued)

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** to amend a condition of approval for a previously approved variance to permit a greenhouse on the front portion of the building for a period of one year only, at which time the greenhouse is to be moved to the rear of the existing building.

West 140' of Lot 11, Block 5, Eisenhower 3rd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16339

Action Requested:

Variance of number of required off-street parking spaces from 1 per 600 sq ft to 1 to 5000 sq ft - **Section 1217.D. Off-Street Parking and Loading Requirements** - Use Unit 17, located SW/c of East 93rd Street South and South Memorial Drive

Presentation:

The applicant, **Ted Sack**, 110 South Hartford, Suite 131, submitted a site plan (Exhibit R-1), and informed that he is representing Wolfe Nursery. He explained that the nursery is proposing to construct a new facility on a 2½-acre tract, which will contain 12,000 sq ft of space dedicated to normal retail use, with 53 parking spaces provided. Mr. Sack informed that the greenhouse will have 39 parking spaces, as required by the Code. The applicant noted that the open storage area is considered to be a display area under the new ordinance, and it is the only required parking that does not comply with the Code. Mr. Sack stated that a total of 97 parking spaces will be provided.

Comments and Questions:

Mr. Doverspike inquired as to the total number of required parking spaces, and the applicant stated that 134 spaces are required.

Mr. Doverspike asked if the area that is lacking sufficient parking is the open walk-through area, and the applicant answered in the affirmative.

In response to Mr. Gardner, the applicant stated that the space under the roof complies with the parking requirement.

Case No. 16339 (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** a **Variance** of the number of required off-street parking spaces from 1 per 600 sq ft to 1 to 5000 sq ft - **Section 1217.D. Off-Street Parking and Loading Requirements** - Use Unit 17; per plan submitted; finding that the retail and the greenhouse buildings comply with all parking requirements; and finding that the walk-through portion of the nursery is not covered and is actually a plant storage area, with limited parking needs; on the following described property:

A tract of land that is part of Lot 2, Block 4, of "9100 Memorial", a subdivision of part of the NE/4, Section 23, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being more particularly described as follows, to-wit: Starting at the most easterly SE/c of said Lot 2; thence N 00° 01' 14" W along the easterly line of said Lot 2 for 150.00' to the Point of Beginning of said tract of land; thence due west for 380.30'; thence due north for 292.57' to a point on the northerly line of said Lot 2; thence S 84° 43' 14" E for 0.00' to a point of curve; thence easterly along the northerly line of said Lot 2 and along a curve to the left with a central angle of 7° 36' 13" and a radius of 1094.00' for 145.18' to a point of tangency; thence N 87° 40' 33" E along said tangency and continuing along the northerly line of Lot 2 for 214.47' to a point of curve; thence easterly, southeasterly and southerly along the northerly and easterly line of said Lot 2 and along a curve to the right with a central angle of 100° 11' 55" and a radius of 30.00' for 52.46' to a point of tangency; thence S 07° 52' 28" W along said tangency and along the easterly line of said Lot 2 for 73.17'; thence S 00° 01' 14" E along the easterly line of said Lot 2 for 190.96' to the Point of Beginning of said tract of land, containing approximately 111,501 sq ft.

OTHER BUSINESS

Case No. 16352 - Steve Olsen - Request refund of fees.

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 refund of \$25.00 for the hearing portion of the application; finding that the case had been fully processed prior to the withdrawal request.

Case No. 16355 - New Testament - Request refund of fees.

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 refund of \$25.00 for the hearing portion of the application; finding that the case had been fully processed prior to the withdrawal request.

Case No. 16368 - Larry Hagar - Consideration to amend a previously approved site plan (BOA 11961) to permit a temporary tent.

Presentation:

Larry Hagar, 12303 East 11th Street, stated that a boat sales business was previously approved on the subject property, per plan submitted (BOA 11961). Mr. Hagar informed that a sale is held each year, and requested that the plan be amended to reflect the location of a temporary tent.

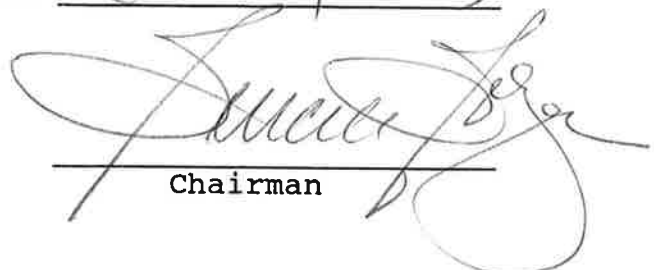
Board Action:

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** a previously approved site plan (BOA 11961) to permit a temporary tent.

There being no further business, the meeting was adjourned at 3:47 p.m.

Date Approved

June 8, 1993


Chairman