

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 635
Tuesday, June 22, 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 Chappelle Doverspike, Chairman S. White T. White		Jones Moore Russell	Cole & Jackere, Legal Dept.

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, June 18, 1993, at 12:33 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **BOLZLE**, the Board voted 4-0-1 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; Chappelle, "abstaining"; none "absent") to **APPROVE** the Minutes of June 8, 1993 (No. 634).

UNFINISHED BUSINESS

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**, who requested that Case No. 16347 be continued to July 27, 1993. A letter (Exhibit A-1) requesting a continuance was submitted.

Comments and Questions:

Ms. Russell informed that there are drainage problems that must be solved before the case is heard.

Case No. 16347 (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 **CONTINUE** Case No. 16347 to July 27, 1993.

NEW APPLICATIONS

Case No. 16367

Action Requested:

Special Exception to permit a small engine repair shop in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 15, located 1119 East Apache Street.

Presentation:

The applicant, **Walter Conner**, 1119 East Apache, requested permission to continue the operation of his lawn mower repair shop. Mr. Conner stated that he was not aware the use was prohibited at this location. He explained that a lot of debris had collected behind the business, and this area is being enclosed with a screening fence.

Comments and Questions:

Mr. Chappelle stated that he is familiar with the area, and pointed out that the residential lots to the north are extremely long and have large back yards.

Ms. White asked if the business is limited to lawn mower repair only, and the applicant replied that he works on small engines, which could include weed eaters, chain saws, etc.

In response to Mr. Bolzle, the applicant stated that he has one employee, but has had as many as three.

Ms. White inquired as to the days and hours of operation, and Mr. Conner stated that he operates the business Monday through Saturday, 8 a.m to 6 p.m.

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 small engine repair shop in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 15; subject to the days and hours of operation being Monday through Saturday, 8 a.m. to 6 p.m.; subject to the

Case No. 16367 (continued)

business being limited to small engine repair only and no automobile repair; and subject to no outside storage; finding that the use, per conditions, is compatible with the area, and in harmony with the spirit and intent of the Code; on the following described property:

Lot 20, Block 1, Ashton Heights, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16369

Action Requested:

Special Exception to permit parking in an RM-2 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 10, located north of NW/c of South Utica and East 11th Street.

Presentation:

The applicant, **Rainbow Baking Company**, 1650 East 11th Street, was represented by **Dave Milam**, who requested permission to upgrade an existing gravel parking lot that has been used in its current condition for approximately 20 years. A plat of survey (Exhibit B-1) was submitted.

Comments and Questions:

Mr. Jones asked the applicant if the Rainbow Bakery utilizes the space to the east of the lot in question for parking purposes, and he answered in the affirmative.

Mr. Jones advised that the applicant is required to have a minimum lot size of 12,000 sq ft and a minimum frontage of 100', and pointed out that the lot in question does not meet these requirements. He noted, however, that a tie contract could be executed that would tie the two lots together and comply with Code requirements in regard to lot size and frontage.

In regard to Ms. White's question concerning screening on the west property line, Mr. Jones informed that screening will be required between the subject property and the residential property to the west.

Mr. Jackere pointed out that screening will also be required on the north boundary.

Protestants:

None.

Case No. 16369 (continued)

Board Action:

On MOTION of BOLZLE, 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 parking in an RM-2 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 10; per plat of survey; subject to the execution of a tie contract between the lot in question and the lot to the east; finding that the lot has been used for parking for approximately 20 years; and finding that the use will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lots 5 and 6, Block 9, Park Dale Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16370

Action Requested:

Special Exception to permit parking in an RM-2 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 10, located west of NW/c East 2nd Street and South Utica Avenue.

Presentation:

The applicant, **Tulsa Engineering**, was represented by **Jerry Ledford, Jr.**, 8209 East 63rd Place, who requested that an existing Sonic Drive-In be permitted to utilize an abutting residential lot to the west for parking purposes (Exhibit C-1). He informed that the lot will provide employee parking.

Comments and Questions:

Mr. Jones advised that the applicant would be required to comply with the lot size and frontage requirements, which could be accomplished by the execution of a tie contract to connect the two lots.

In response to the applicant, Mr. Jones advised that the space along the west boundary that is not used for a driveway will require screening.

Protestants:

None.

Board Action:

On MOTION of BOLZLE, 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 parking in an RM-2 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN THE**

Case No. 16370 (continued)

RESIDENTIAL DISTRICTS - Use Unit 10; per plan submitted; subject to the execution of a tie contract between the lot containing the restaurant and the employee parking lot to the west; finding the use to be compatible with the surrounding area; on the following described property:

Lots 21, Block 2, Midway Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16371

Action Requested:

Variance of the required 30' of frontage on a public street to 0' to permit a single-family dwelling - **Section 206. STREET FRONTAGE REQUIRED** - Use Unit 6, located south of SW/c of South 71st East Avenue and East 101st Street South.

Presentation:

The applicant, **Glenda Kelly**, 5906 South Indianapolis, was represented by her husband, **Mike Kelly**, who submitted a site plan (Exhibit D-1), and stated that he is proposing to construct a dwelling on the subject property. The applicant explained that 71st East Avenue appears on the case map, but does not actually exist, and that the houses in the area are accessed by a private asphalt drive. Photographs (Exhibit D-3) were submitted.

Comments and Questions:

Mr. Jones informed that 71st East Avenue is owned by Tulsa County, but is not a dedicated right-of-way and is not maintained by the County. He pointed out that the property owner to the north has been granted a similar variance of frontage on a public street.

Protestants:

Dr. Timothy Moore stated that he owns the property to the east of the subject tract, and asked if any portion of his land would be utilized if the variance is approved. A survey of the area (Exhibit D-2) was submitted.

Mr. Bolzle explained that the variance request is specific to the property under application, and any Board approval would only be applicable to Mr. Kelly's tract.

Mr. Doverspike assured Mr. Moore that any decision rendered by the Board would not involve the taking of any property that is not already owned by the applicant.

Case No. 16371 (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 **Variance** of the required 30' of frontage on a public street to 0' to permit a single-family dwelling - **Section 206. STREET FRONTAGE REQUIRED** - Use Unit 6; per plan submitted; finding a hardship demonstrated by the fact that 71st East Avenue is not an improved dedicated street at this location; and finding that similar relief has been granted to other property owners in the area; on the following described property:

SE/4, SW/4, NE/4, NW/4, Section 26, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16372

Action Requested:

Special Exception to permit used car sales and customary accessory uses in a CS zoned district, and for a variance to permit open air display of merchandise within 300' of an R District - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located 1206 South Memorial Drive.

Presentation:

The applicant, **Willie Williams**, 5868 South Irvington, submitted a plot plan (Exhibit E-2), and requested permission to conduct an automobile sales business on the subject property. He informed that there will be no oil changes, servicing or repair of vehicles at this location. Photographs (Exhibit E-1) were submitted.

Comments and Questions:

Mr. Doverspike asked if there is an automobile sales operation to the south of the subject property, and the applicant answered in the affirmative. Mr. Williams pointed out that there are approximately eight automobile dealers on Memorial between 11th Street and 21st Street.

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 used car sales and customary accessory uses in a CS zoned district, and for a **variance** to permit open air display of merchandise within 300' of

Case No. 16372 (continued)

an R District - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; finding that there are numerous automobile sales operations in the area, and the requested use will be compatible with surrounding businesses; on the following described property:

E/2, N/2, N/2, SE/4, NE/4, NE/4 less west 125.19' thereof and less beginning 33' west NE/c, E/2, N/2, N/2, SE/4, NE/4, NE/4, thence south 85' northwesterly 85.02' east 1.89' to the Point of Beginning, Section 11, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16380

Action Requested:

Variance of the required rear yard from 40' to 15' - **Section 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 17, located 6308 South Mingo Road.

Presentation:

The applicant, **Duane Phillips**, 8128 East 63rd Street, stated that he appeared before the Board on May 11, and received approval of a minor variance concerning an existing mini-storage facility. He informed that the initial approval was in 1983, and that approval was granted per plot plan. Mr. Phillips stated that the plan has been changed, and Ms. Hubbard required that the variance of the required rear yard from 40' to 15' be approved before a building permit is issued. A revised site plan (Exhibit F-1) was submitted.

Comments and Questions:

Mr. Jones informed that the problem occurred because the property is zoned AG and a use variance was approved years ago. He pointed out that, if zoned commercial, the 40' setback would not be required.

Mr. Bolzle noted that the applicant's plot plan was previously approved and the setback was taken into consideration at that time.

Protestants:

None.

Case No. 16380 (continued)

Board Action:

On MOTION of BOLZLE, 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 rear yard from 40' to 15' - Section 303. **BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 17; per plan submitted; finding that there are mixed zoning classifications in the area, including CS zoning; and finding that the use is existing; and finding a hardship imposed by the AG zoning classification, and the fact that the 40' setback would not be required if zoned CS; on the following described property:

Lot 1, Block 1, Glen Eagles North, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 16357

Action Requested:

Refund of application fees.

Presentation:

The applicant, **Robert Acklin**, 7112 South Mingo, Suite 108, requested by letter (Exhibit G-1) that the application fee be refunded.

Comments and Questions:

Ms. Russell informed that the applicant withdrew his application after it had been fully processed, and suggested that the \$25.00 public hearing portion of the fee be refunded.

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 **REFUND** to Mr. Acklin the \$25.00 public hearing portion of the fee.

There being no further business, the meeting was adjourned at 1:30 p.m.

Date Approved

July 13, 1993


Chairman