

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 636
Tuesday, July 13, 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 T. White	S. White	Gardner Moore Russell	Cole & Jackere, Legal Dept.

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, July 9, 1993, at 1:34 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 4-0-0 (Bolzle, Chappelle Doverspike, T. White, "aye"; no "nays"; none "abstaining"; S. White, "absent") to **APPROVE** the Minutes of June 22, 1993 (No. 635).

NEW APPLICATIONS

Case No. 16376

Action Requested:

Special Exception to permit car sales in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 12522 East 21st Street.

Presentation:

The applicant, **Tulco Oil, Inc.**, 12522 East 21st Street, was represented by **Richard Kirk**, who requested permission to operate a used car sales business on the subject property. He explained that a service station was previously in operation on the lot, and the existing building will remain and be remodeled. Mr. Kirk stated that he is proposing to have a maximum inventory of 35 vehicles, and the days and hours of operation will be Monday through Saturday, 9 a.m to 6 p.m.

Case No. 16376 (continued)

Comments and Questions:

Mr. Bolzle asked if the cars will be parked on a hard surface area, and Mr. Kirk answered in the affirmative.

In response to Mr. Bolzle, the applicant stated that the Tulsa Police Lodge is located to the west of the lot in question.

Mr. Doverspike asked if there is sufficient space to store all automobile parts inside the building, and Mr. Kirk informed that all materials will be stored inside. He added that there will be no automobile repair on the site, and there will be very few parts to store.

Protestants:

None.

Board Action:

On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a Special Exception to permit car sales in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; subject to a maximum of 35 automobiles displayed on a hard surface parking area; subject to all vehicles being operable; subject to no major repairs conducted on the property; subject to no outside storage of parts or material; and subject to days and hours of operation being Monday through Saturday, 9 a.m. to 6 p.m.; finding the use, per conditions, to be compatible with the area; on the following described property:

Lot 1, Block 1, Stacey Lynn View, Resub of Lot 1, Block 1, Stacey Lynn, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16377

Action Requested:

Special Exception to permit a Use Unit 15 trade school and expanded use of an automobile detail shop and cedar mulching operation in an OL zoned district - **Section 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** - Use Unit 15, located 222 South Memorial Drive.

Presentation:

The applicant, **Sertoma**, 222 South Memorial Drive, requested by letter (Exhibit A-1) that Case No. 16377 be continued to July 27, 1993.

Case No. 16377 (continued)

Comments and Questions:

Ms. Russell informed that the request for a continuance was received on June 28, 1993, and is a timely request.

Protestants:

James Abbott, 8010 East 2nd Street, stated that he has postponed his vacation to be present at this hearing, and requested that the application be heard as scheduled.

Mr. Doverspike asked Mr. Abbott if will be available to attend the August 10th Board of Adjustment meeting, and he answered in the affirmative.

Clarence Cagle, a Sertoma representative, stated that he requested a continuance because there is other construction in the immediate vicinity, and thought the neighborhood might not be able to distinguish between the different projects.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **CONTINUE** Case No. 16377 to August 10, 1993.

Case No. 16378

Action Requested:

Special Exception to permit residential use in a CH and OL zoned district - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** and **Section 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 6, located 1441, 1507 and 1508 North Boston.

Presentation:

The applicant, **Tulsa Development Authority**, 111 South Elgin, was represented by **Ray Meldrum**, who explained that the properties in question abut residential neighborhoods and are being redeveloped as single-family residential.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a Special Exception to permit residential use in a CH and OL zoned district - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** and **Section 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 6; finding that the properties in question abut residentially zoned

Case No. 16378 (continued)

neighborhoods, and approval of the application will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lots 11 and 12, Block 1, Englewood Addition, north 30' of Lot 13 and Lot 14, Block 2, Melrose Addition and south 30' of Lot 24 and Lot 23, Block 2, Lloyd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16379

Action Requested:

Variance of the required livability space from 4000 sq ft to 3243 sq ft to permit the construction of a garage - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1243 South Birmingham.

Presentation:

The applicant, **Terry Scott**, 1243 South Birmingham, submitted a plot plan (Exhibit B-1), and explained that he is proposing to remove a detached garage and replace it with one attached to the back of the existing dwelling.

Comments and Questions:

Mr. Gardner advised that the new structure is approximately 50% greater than the existing garage, with a wider driveway and additional paving (15% greater).

In response to Mr. Doverspike, the applicant stated that the new garage will not be higher than the roof of the existing dwelling.

Mr. Doverspike asked if the garage will be used for living quarters, and the applicant replied that only a bath room will be installed in the new structure.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Variance** of the required livability space from 4000 sq ft to 3243 sq ft to permit the construction of an attached garage and bath room - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding a hardship demonstrated by the long narrow shape of the lot, and the fact that the lot does

Case No. 16379 (continued)

not comply with the current width requirement for RS-3 zoning; and finding that approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 11, Block 2, Plano Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16381

Action Requested:

Special Exception to permit mobile home sales in a CS District, and a variance to permit gravel parking - Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS and Section 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS - Use Unit 17, located 12606 East Admiral Place.

Presentation:

The applicant, Frank McDonald, 10607 East Admiral Place, requested permission to conduct a mobile home sales business on a three-acre tract at the above stated location. He informed that the property was used for mobile home sales from 1968 to 1986, and has been vacant since 1986. Mr. McDonald stated that there are mixed uses and zoning classifications in the area. A plot plan (Exhibit C-1) was submitted.

Comments and Questions:

Mr. Gardner informed that the requested use would be permitted by right on all property abutting the subject tract.

Mr. Doverspike inquired as to the size of the sales office, and the applicant replied that it will contain approximately 1100 sq ft of floor space.

In response to Mr. Bolzle, Mr. McDonald explained that the gravel covering has been in place for some time and is hard-packed.

Mr. Gardner advised that the display of mobile homes would not cause dusting; however, a hard-surface covering could be required for the area used for customer parking.

Mr. Bolzle inquired as to the maximum number of mobile homes proposed for the lot, and he replied that there will be no more than 12 mobile homes on display.

Case No. 16381 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Special Exception** to permit mobile home sales in a CS District, and a **variance** to permit gravel parking for one year only - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS and Section 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 17; finding that the use is permitted by right on all property abutting the subject tract; and finding that approval of the request would not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Beginning 40' south and 1604.83' west of the NE/c Lot 8, thence south 466.66', west 300.72', north 466.66', east 300.72' to the Point of Beginning, Section 5, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16382

Action Requested:

Special Exception to permit a Use Unit 19 squash court in an IM zoned district, and a variance of the parking requirement from 38 to 32 - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 19, located southwest corner of South 69th East Avenue and East 12th Street.

Presentation:

The applicant, **Tulsa Squash Rackets Association, Inc.**, was represented by **Latham Brundred**, 3512 South Florence Avenue, who stated that the previous location of the courts is no longer available for use, and the owner of the building in question has agreed to lease space for six squash courts (Exhibit D-1). He informed that, due to finances, only three courts will be installed at this time. Mr. Brundred explained that 28 parking spaces are available on site, and the owner of the building to the south has agreed to permit squash players to utilize 20 spaces on that lot (Exhibit D-2). He informed that there is available space nearby (unpaved portion of subject tract) for an additional parking lot if that need arises in the future.

Case No. 16382 (continued)

Comments and Questions:

Mr. Doverspike asked the applicant if the squash club is leasing the 20 additional parking spaces referred to in his presentation, and he replied that the parking spaces will not be leased.

Mr. Bolzle asked if there will be individuals waiting in line to use the courts, and the applicant stated that there could be three or four players waiting for a court. He pointed out that, if the courts were all in use, fourteen people would be playing and another fourteen could be waiting for a court. Mr. Brundred stated that the parking requirement for the sport seems to be excessive.

Mr. Doverspike asked if the association will have employees on site, and the applicant stated that each club member will have a key to the facility. He added that there will not be an area for spectators.

Mr. Bolzle inquired as to squash tournaments, and Mr. Brundred informed that there would be no more than one tournament each year. He stated that the club should be able to satisfy their needs by utilizing available parking on surrounding properties and along the wide streets in the industrial area.

Protestants:

None.

Board Action:

On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Special Exception** to permit a Use Unit 19 squash court in an IM zoned district, and a **variance** of the parking requirement from 38 to 32 - **Section 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 19; per plan submitted; subject to the variance of the parking requirement being for a squash court only; finding that the Tulsa Squash Rackets Association is actually a private club and that additional land is available for parking if future growth necessitates the installation of additional parking spaces; finding that no more than one squash tournament will be held at this location each year; and finding that the use, per conditions and presentation, will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 1, Block 6, Sheridan Industrial District, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16383

Action Requested:

Special Exception to permit a transitional living center (Use Unit 5) in an RM-1 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, located 1006 North Quaker.

Comments and Questions:

Ms. Russell informed that she has received a letter (Exhibit E-1) from Millard House, a representative of Tulsa Public Schools, who advised that, although the vacant school facility has been shown to the applicant, this does not constitute a commitment for sale or authorize the filing of the application for a special exception.

Presentation:

The applicant, **Offering Hope, Inc.**, 3112 East 26th Place, was represented by **Susan Hair**, who informed that she was not aware that the special exception could not be obtained before the purchase of the property. She pointed out that there would be no need to purchase the facility if the use is not permitted. Ms. Hair requested that the application be continued to July 27 to allow sufficient time to submit a purchase offer to the school.

Comments and Questions:

Mr. Bolzle asked Mr. Jackere if the Board can hear the application as submitted, and he replied that the Board cannot grant relief to an applicant that has no standing. He added that the Board can continue the application to allow the applicant sufficient time to submit an offer to purchase the facility.

Comments and Questions:

Georgia Chambers, 3546 East Latiner Place, stated that the case map indicates that only half of the property will be utilized for the project, and questioned the use for the remaining school property.

Ms. Russell advised that the case map is incorrect, and the entire school property is under application.

Ramona Mortimer stated that the approval of the request would change the lifestyle of many residents in the area, and suggested that a larger number of people be notified of the proposal.

Virginia Taylor, 819 North Owasso, stated that numerous property owners in the area are opposed to the use.

Case No. 16383 (continued)

James Haney, 2051 South 71st East Avenue, a property owner in the neighborhood, asked if a study has been provided that determines the impact of the use on the area, and Mr. Doverspike stated that the Board has not been supplied with a study of this nature.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **CONTINUE** Case No. 16383 to July 27, 1993.

Case No. 16384

Action Requested:

Variance of the required off-street parking spaces from 224 to 170, a variance of the required Major Street and Highway setback from East 15th Street and South Quaker Avenue to permit parking and a variance of the screening requirement on East 16th Street and South Quaker Avenue - **Section 1212.D, 1213.D and 1214.D OFF-STREET PARKING and LOADING REQUIREMENTS, Section 1212.C., 1213.C. and 1214.C. Use Conditions** - Use Units 12, 13 and 14, located southeast corner of East 15th Street and South Peoria Avenue.

Comments and Questions:

Ms. Russell informed that it was discovered that the applicant is in need of additional setback relief on Peoria Avenue, and that a portion of the application should be continued to allow time to advertise for the additional relief (new awning).

Presentation:

The applicant, **Orcutt Development, Inc.**, 4129 South Peoria Avenue, Suite 203, was represented by **Tim Clark**, 1515 East 15th Street, who submitted a plot plan (Exhibit F-2) for a commercial center on the subject property. He explained that the buildings are existing and an attempt is being made to preserve the architectural integrity of the site. Mr. Clark informed that it has been necessary to remove approximately 7000 sq ft of existing buildings to install a parking lot for the development. He noted that the restaurants, office and retail uses will be consistent with surrounding uses in the area. Mr. Clark stated that the neighborhood has been informed of the intent of the developer, and there has been no opposition to the project. Letters of support and a brochure (Exhibit F-1) were submitted.

Case No. 16384 (continued)

Comments and Questions:

In reply to Mr. Doverspike's question concerning parking during peak hours, Mr. Clark stated that most of the retail businesses will be closed during the evening hours when the restaurant traffic is heaviest.

Mr. Bolzle inquired as to the total square footage of the footprint, and Mr. Clark replied that it contains 38,100 sq ft., with approximately one-third of the total floor area being dedicated to the two proposed restaurants.

Interested Parties:

Pam Deatherage, Planning District 6 chairperson, stated that the neighborhood is supportive of the application, and is pleased that the existing structures are being preserved.

Terry Eichor, 1601 South Quaker, inquired as to the method of litter control, and the seating capacity of the restaurants, and Mr. Clark stated that the four tenants that have signed leases are quality tenants that have operated well maintained businesses at other locations. He informed that 140 spaces will be provided for the two restaurants.

Kevin Swartz, 1619 South Peoria, stated that he is opposed to parking being pushed into the neighborhood, and is not supportive of the variance of the required number of parking spaces. Mr. Clark stated that the parking provided for the center is more than adequate, considering other parking in the area.

In regard to fencing, Mr. Gardner advised that the building extends to the sidewalk on the south and the existing building wall actually serves as a screening fence.

In reply to Mr. Bolzle, Mr. Clark informed that the entire service area, including the gate, will be screened.

Mr. Bolzle asked if there is a proposal to close Quaker Avenue, and Mr. Clark answered in the affirmative.

Mr. Bolzle question if the closing of Quaker Avenue would permit the construction of additional parking or buildings, and Mr. Clark replied that the closing could add 10 or 12 parking spaces, but additional structures are not proposed.

Case No. 16384 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Variance** of the required off-street parking spaces from 224 to 170, a **variance** of the required Major Street and Highway setback from East 15th Street and South Quaker Avenue to permit parking and a **variance** of the screening requirement on East 16th Street and South Quaker Avenue - **Section 1212.D, 1213.D and 1214.D OFF-STREET PARKING and LOADING REQUIREMENTS, Section 1212.C., 1213.C. and 1214.C. Use Conditions** - Use Units 12, 13 and 14; and to **CONTINUE** the balance of the application to July 27, 1993; per plot plan and data submitted; subject to restaurant use being limited to two restaurants only, with a total of 11,372 sq ft of floor space; finding a hardship demonstrated by the fact that the traffic demand for the proposed uses will not peak at the same time, and by the need to preserve most of the existing school buildings on the property for historic purposes; and finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit, purposes or intent of the Code; on the following described property:

Lots 1-16, inclusive, Block 8, and vacated alley lying within said Block 8, Orcutt Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16385

Action Requested:

Variance of the required setback from 46th Street from 30' to 20' to permit a sign - **Section 1221.C.6. General Use Conditions for Business Signs** - Use Unit 25, located 7655 East 46th Street.

Presentation:

The applicant, **All-Brite Signs**, 7940 East 41st Street, was represented by **Scott Sanford**, who submitted a sign plan (Exhibit G-1) and explained that the proposed sign is a low ground sign (4'5" by 7'), which is proposed for the grassy area between the parking lot and the curb. He pointed out that the sign would be in the parking lot if it is made to comply with the current setback requirement. A photograph (Exhibit G-1) was submitted.

Protestants:

None.

Case No. 16385 (continued)

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Variance** of the required setback from 46th Street from 30' to 20' to permit a sign - **Section 1221.C.6. General Use Conditions for Business Signs** - Use Unit 25; per plan submitted; subject to City Council approval; finding that the 4½ by 7' sign would extend into the existing parking lot if made to comply with the current setback requirement; and finding a hardship imposed by the existing parking lot and limited space between the parking lot and the street; on the following described property:

East 228' of Lot 8, Block 1, Industrial Equipment Center 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16386

Action Requested:

Special Exception to permit church use in an RS-3 zoned district, a variance of the minimum one acre lot area, a variance to permit parking in the required front yard and a variance of the required number of parking spaces - **Section 401 - PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5, located southwest corner Greenwood Avenue and Oklahoma Street.

Presentation:

The applicant, **Church of the Restoration**, 320 South Boston, #1002, was represented by **Mary Round**, 540 North Quannah, who submitted a plot plan and elevations (Exhibit H-1), and informed that a church is proposed on the subject property. She pointed out that the existing building has previously been used for commercial and church use, and will be renovated for classrooms and office space. Ms. Round stated that a new 43' by 37' sanctuary is proposed on Greenwood Avenue. She pointed out that the existence of the sewer easement limits construction space on the lot and necessitates the location of the parking area in the required front yard.

Comments and Questions:

Mr. Chappelle inquired as to the seating capacity for the sanctuary, and Ms. Round informed that the new facility can accommodate approximately 130 people.

Protestants:

None.

Case No. 16386 (continued)

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Special Exception** to permit church use in an RS-3 zoned district, a **variance** of the minimum one acre lot area, a **variance** to permit parking in the required front yard and a **variance** of the required number of parking spaces (approximately 46 to 36) - **Section 401 - PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 5; per plot plan and elevations submitted; finding a hardship imposed by the existing building and sewer easements; finding that the property has previously been used for church purposes, and the use is compatible with the surrounding area; and finding that approval of the requests will not violate the spirit and intent of the Code; on the following described property:

Lots 1-4, Block 6 and the north 5' of the alley adjacent to and south of Block 6, Greenwood Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:31 p.m.

Date Approved

July 27, 1993


Chairman

