

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 638
Tuesday, August 10, 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 Doverspike, Chairman S. White T. White	Chappelle	Gardner Moore Russell	Linker, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, August 6, 1993, at 1:03 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 1:02 p.m.

MINUTES:

On MOTION of BOLZLE, the Board voted 3-0-1 (Bolzle, Doverspike, T. White, "aye"; no "nays"; S. White, "abstaining"; Chappelle, "absent") to **APPROVE** the Minutes of July 27, 1993, (No. 637).

UNFINISHED BUSINESS

Case No. 16377

Action Requested:

Special Exception to permit a Use Unit 15 trade school to permit the expanded uses 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, was represented by **David Cannon**, 10301 East 51st Street, who submitted a packet (Exhibit A-1) containing sound measurements, affidavits and a brief history of the operation. He explained that the application involves a mulching machine that is being tested temporarily, and an auto detailing shop, which has been conducted on the site for several months. Mr. Cannon informed that Sertoma has been operating under a trade school classification for approximately 13 years, and is a workshop for the mentally retarded. He stated that the activities

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conducted at this location include woodworking, collating, shrink wrapping and similar activities. Mr. Cannon noted that the cedar mulching machine is being considered in order to profitably dispose of the residue from the woodworking operation. He stated that the workers begin to arrive at 7 a.m., and leave at 4 p.m.; however, there has been some temporary nighttime work recently. Mr. Cannon stated that the use of the gasoline powered mulcher resulted in noise complaints from the residents of the area; however, the machine can be placed inside and converted to electricity, which would drastically reduce the noise level. He informed that the noise level has been tested during the operation of the equipment in question, and the engineer's report indicates that the noise heard beyond the wood privacy fences to the west is comparable to the automobile traffic on Memorial Drive (78 decibels or lower).

Comments and Questions:

Mr. Gardner informed that a can crushing machine has been previously approved by the Board, and Mr. Cannon stated that Sertoma found this operation to be unprofitable and it was discontinued.

In response to Mr. Doverspike, Mr. Gardner advised that this operation is not a typical trade school with large volumes of pedestrian and automobile traffic, and the Board should determine if the proposed uses are in keeping with the original approval. He added that the mulching machine may be comparable to the can crusher that was previously operated at this location. He pointed out that automobile detailing is performed inside the building and would not be a noisy operation. Mr. Gardner advised that the Board should determine if the proposed uses will be in harmony with the neighborhood, or if they can be made compatible with the nearby residential area. He pointed out that the previous approval of the trade school did not specify the permitted trade uses, but did approve the operation as presented to the Board at that time.

Protestants:

Vicki Potts, 219 South 80th East Avenue, submitted photographs (Exhibit A-3), and informed that the neighbors have attended a meeting with Sertoma, and the noises produced by the shredder, air compressors and the saw were tested. She stated that it was the conclusion of the Sertoma chairman (Exhibit A-2) that the noise level was excessive and that the neighbors should not be subjected to this type of noise daily. Ms. Potts stated that there was discussion concerning the relocation of the machines away from the west side of the building, and voiced a concern that this alternative was not mentioned

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in Mr. Cannon's presentation. Ms. Potts pointed out that the equipment is operated approximately 12' to 15' from her property, and the drifting cedar dust prevents any type of activity in the back yard. She submitted a package of metal articles and two staplers that had been thrown over the fence into her yard. Ms. Potts stated that she is supportive of Sertoma, but is opposed to the noise and dust created by the present operation.

Mr. Doverspike asked Ms. Potts if there has been any change in the operation since the applicant met with the neighbors, and she replied that there has been no change.

Victor Catlett, 305 South 80th East Avenue, stated that his property abuts the subject tract, and submitted a tape (Exhibit (A-5)) of the noise generated by the saw, as heard from his back yard. He informed that his son is allergic to the cedar dust, and requested that all equipment be relocated away from the west side of the building.

Evelyn Wallace, 325 South 80th East Avenue, pointed out that eight of the 12 homes located near Sertoma are occupied by retired individuals that are at home during the day. A diagram (Exhibit A-6) was submitted. She stated that she is opposed to the noise caused by the operation of equipment inside the open west door. Ms. Wallace submitted a letter of opposition (Exhibit A-4) from a neighborhood resident that was unable to attend the meeting.

Mr. Bolzle asked Ms. Wallace if she would be opposed to the application if the noisy equipment is moved away from the residential area, and she replied that this would be a more acceptable arrangement.

James Abbott, 8010 East 2nd Street, stated that his property does not abut the property in question; however, the equipment can be heard from his back yard. He pointed out that the shredder makes a tremendous amount of noise.

Applicant's Rebuttal:

Mr. Cannon stated that the material retrieved from the yard belongs to Sertoma, and apologized for the inconvenience. He pointed out that the citation (Exhibit A-7) only mentioned the shredder and the detail shop as being in violation of the Code. He pointed out that an OSHA approved dust collector is in place on the west side of the building. He stated that the only access to the floor slab is through the door on the west, because the other doors are blocked by loading docks. Mr. Cannon stated that he did not attend the neighborhood meeting,

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but he submitted affidavits setting out changes that Sertoma feels will alleviate the problems (soundproof the equipment to produce 70 decibel range, or move the equipment if the soundproofing fails).

Additional Comments:

Mr. Bolzle pointed out that the original approval for the trade school states that the operation is not to use heavy equipment, with minimal use of any type of equipment.

Mr. Doverspike asked if the garage door will be closed, and Mr. Cannon stated that the door is needed for ventilation.

Ms. White voiced a concern that the use may have evolved over the years to include more intense activities than the initial approval permitted. She pointed out that OL zoning is intended to buffer the neighborhood, and it appears that the intensity of the current operation is far above that of office use.

Mr. Doverspike remarked that he is not opposed to the detailing shop, but the cedar mulching activity appears to increase the incompatibility of the operation.

Mr. Bolzle stated that he is amenable to a continuance of the application to allow Sertoma and the neighborhood to attempt to reach an agreement as to an acceptable operation of the trade school.

After discussion, it was the consensus of the Board that the cedar mulching operation has a detrimental impact on the neighborhood, and could not be made compatible with the residences.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 3-1-0 (Doverspike, S. White, T. White, "aye"; Bolzle, "nay"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit a Use Unit 15 trade school to permit the expanded use of an automobile detail shop; and to **DENY** a **Special Exception** to permit a cedar mulching operation in an OL zoned district - **Section 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** - Use Unit 15; subject to days and hours of operation being Monday through Saturday, 7 a.m. to 5 p.m.; subject to no outside storage, and all work being completed inside the building; finding the automobile detailing operation to be compatible with the surrounding neighborhood, but finding the cedar mulching activity to be too intense for the area; on the following described property:

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Beginning 874.75' north SE/c SE/4 NE/4 thence west 357' north 120.25' east 357' south 120.25' to POB and TR beginning 874.75 north SE/c NE/4, thence west 357', south 70', east 357', north 70' to POB less east 60' for street, Section 2, T-19-N, R-13-E, unplatted, addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 16387

Action Requested:

Variance of the required side yard from 5' to 2.5', and a variance of the maximum square footage permitted for a detached accessory building from 750 sq ft to 972 sq ft - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Section 402.B.1.d. Accessory Use Conditions** - Use Unit 6, located 1114 East 25th Street.

Presentation:

The applicant, **Mary Irvin**, 1114 East 25th Street, stated that she recently moved to the Tulsa area and purchased the subject property in January 1993. The applicant explained that the dimensions of the previously submitted site plan have been revised to reduce the size of the proposed garage to 18' by 22' (Exhibit B-1), and to show the installation of landscaping along the boundary line. She submitted a brochure (Exhibit B-5) from the American Institute of Architects, which stated that the average width of a garage is 21'10".

Comments and Questions:

Mr. Doverspike asked if the 2' reduction in length is the only difference between the previous site plan and the revised one. The applicant stated that the 2' reduction is the only revision of the dimensions; however, the entrance to the building has been changed to the west side, away from the neighbor's residence. Photographs (Exhibit B-2) and a survey (Exhibit B-3) and letters of support (Exhibit B-4) were submitted.

Protestants:

David Chernicky, 1120 East 25th Street, stated that there is an existing garage on the subject property, and all other garages in the area are approximately 18'. He pointed out that the applicant is using the existing garage for an art studio. Mr. Chernicky stated that he lives next door and is opposed to an extension to the existing garage, because it will result in a 52' wall approximately 2½ from the property line. He noted that this wall would completely block any view from his back yard toward the west. Mr. Chernicky stated that the neighbors have met with Ms. Irvin, and requested that the

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garage be limited to 18' and that an 8' privacy fence be installed. He requested that the application, as presented, be denied.

Blake Adkins, 1124 East 25th Street, stated that he lives next door to Mr. Chernicky, and noted that the 2' reduction in the structure is not sufficient to satisfy the neighbors. He pointed out that the area is under consideration for historic preservation, and the proposed garage would not be in keeping with the character of the neighborhood.

Interested Parties:

Russ Parenti, 1924 South 77th East Avenue, stated that he is a licensed real estate agent, and the issues before the Board are whether or not to permit a reduction in the required side yard and to permit a 972 sq ft accessory building. He pointed out that the size of the house can support the accessory building (40% of square footage of the house) and, according to Code requirements, is not actually an issue. Mr. Parenti added that the space between the house and the side lot line is very narrow for building purposes, which could constitute a hardship. He stated that the length of the garage is not an issue, and is not under consideration.

Applicant's Rebuttal:

Ms. Irvin stated that she has agreed to shorten the garage 2', move the entry door away from Mr. Chernicky's property and landscape along the boundary line.

Comments and Questions:

Mr. Bolzle stated that any hardship is self-imposed, and it appears that the applicant and the protestants were not successful in coming to a mutual agreement concerning the project.

Ms. White agreed that the hardship is self-imposed, and stated that she is not supportive of the variance requests.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Variance** of the required side yard from 5' to 2.5', and a **variance** of the maximum square footage permitted for a detached accessory building from 750 sq ft to 972 sq ft - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Section 402.B.1.d. Accessory Use Conditions** - Use Unit 6; finding that the applicant failed to demonstrate a hardship for the variance requests; and finding that the expansion of the existing encroaching

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structure would be detrimental to the area, and violate the spirit and intent of the Code; on the following described property:

West 35' of Lot 6 and east 40' of Lot 7, Block 8, Sunset Terrace, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16373

Action Requested:

Variance of the required front yard from 25' to 5', and variance of the required side yard from 5' to 0' - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 3751 West 44th Street.

Presentation:

The applicant, **Clara Hopkins**, 3751 West 44th Street, Box 9612, submitted a plat of survey (Exhibit C-1), and stated that she is requesting a carport to cover her recreational vehicle.

Comments and Questions:

Mr. Doverspike asked if there are other carports in the area, and the applicant stated that there are approximately 13 in the area.

In response to Mr. Doverspike, the applicant stated that the carport is not enclosed.

Protestants:

None.

Board Action:

On **MOTION** of **T. WHITE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required front yard from 25' to 5', and a **variance** of the required side yard from 5' to 0' - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per survey submitted; finding that there are numerous carports in the area; on the following described property:

Lot 19, Block 4, Park Grove II, an addition to the City of Tulsa, Oklahoma, according to the recorded plat thereof.

Case No. 16398

Action Requested:

Variance of the number of required parking spaces from 37 to 20, and to permit additional parking on adjoining lots - **Section 1214.D. Off-Street Parking and Loading Requirements** - Use Unit 14, located 2615 West 40th Place.

Presentation:

The applicant, **Terry Pollard**, 4112 South 37th West Avenue, submitted a plot plan (Exhibit D-1) and stated that he is operating a flea market on the subject property. He explained that he would have sufficient parking if classified under Section 1515 of the Zoning Code; however, an antique store requires 37 parking spaces. Mr. Pollard stated that antique items make up less than 5% of his merchandise. The applicant submitted letters (Exhibit D-2) from surrounding businesses, which stated that Mr. Pollard's customers would be permitted to use their lots for overflow parking.

Comments and Questions:

Mr. Gardner stated that the new use unit survey classifies flea markets under Use Unit 15.

Mr. Doverspike remarked that the parking agreements could be revoked at any time, and suggested that any approval be limited in order to determine compatibility with the area.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the number of required parking spaces from 37 to 20 for **two years only**, and to permit additional parking on adjoining lots - **Section 1214.D. Off-Street Parking and Loading Requirements** - Use Unit 14; per plan submitted; finding the operation to be similar to Use Unit 15 uses, which would require only 20 parking spaces; on the following described property:

North 75' and south 25' east 47' of Lot 7, Block 43, Red Fork, addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 16399

Action Requested:

Variance of the floor area ratio from 50% to 70% -
**Section 703. BULK AND AREA REQUIREMENTS IN THE
COMMERCIAL DISTRICTS** - Use Unit 5, located 3515 South
Harvard.

Presentation:

The applicant, **Larry Johnston**, 610 South Main, was represented by **Stan Patton**, 1219 North Yale, who stated that the church is proposing to construct an addition to the existing building (Exhibit E-1). He informed that new classrooms will be added on the Harvard Avenue side of the property, which will not have a negative impact on the residential neighborhood. Mr. Patton informed that the seating capacity of the sanctuary will not change, therefore, no additional parking is required.

Comments and Questions:

Mr. Gardner inquired as to the square footage of the new addition, and Mr. Patton stated that it will contain 90,000 sq ft of floor area, or 53% FAR for what they presently own (Areas A, B and C).

Protestants:

Betty Weddle, 3513 South Indianapolis, stated that she lives across the street from the church and parking has always been a problem. She pointed out that additional construction will only add to the existing parking problem.

Byron Weddle, 3513 South Indianapolis, stated that the church has overbuilt the lot, and he is opposed to the application.

Interested Parties:

Bob Pierson, 7205 East 65th Place, pastor of the church, stated that the church attempts to be a good neighbor, but parking is occasionally a problem. He informed that a neighborhood meeting was held concerning the building project. Mr. Pierson noted that the number of people that can meet at any given time is controlled by the size of the sanctuary, which will not be increased.

Ross Cockrill, 7403 East 74th Street, church business administrator, stated that the church is continuing to purchase lots across the street when they become available.

Case No. 16399 (continued)

Applicant's Rebuttal:

Mr. Patton stated that three of the lots across the street are being offered for sale, and these lots will probably be purchased in the near future.

Board Action:

On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the floor area ratio from 50% to 70% (Lot A) - **Section 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 5; per plan submitted; subject to a tie contract joining lots A, B and C; finding that the 70% variance would be reduced to 53% if all property owned by the church at this location is considered; finding that the sanctuary seating is not being increased, and approval of the classroom addition will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Block 40, Albert Pike Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16400

Action Requested:

Variance of the required rear yard setback from 25' to 18' - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 8445 South Florence Avenue.

Presentation:

The applicant, **Richard Monaghan**, 8445 South Florence Avenue, submitted a site plan (Exhibit S-1) for a proposed addition to an existing dwelling. He stated that his home is located on a corner lot with a 30' building setback from each street, which restricts construction on the lot. Mr. Monaghan informed that the addition will align with the east building wall, and that the abutting property owners are supportive of the application.

Protestants:

None.

Board Action:

On MOTION of S. WHITE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required rear yard setback from 25' to 18' - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted;

Case No. 16400 (continued)

Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6; per plan submitted; finding a hardship imposed on the applicant by the corner lot location and major setbacks from two streets; on the following described property:

Lot 10, Block 4, Walnut Creek V, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16401

Action Requested:

Variance of the required rear yard from 25' to 15' to permit an addition to an existing structure - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 5363 East 39th Place.

Comments and Questions:

Mr. Doverspike advised that he will abstain from hearing Case No. 16401, and asked Ms. White to chair the meeting.

Presentation:

The applicant, **Ted Ernst**, 5363 East 39th Place, was represented by **Charlene Ernst** of the same address. Ms. Ernst submitted a plot plan (Exhibit F-1) and requested permission to construct a room over an existing patio slab. She stated that construction on the lot is limited, because of the irregular shape and the location of the existing house.

Comments and Questions:

Mr. Bolzle asked if the existing patio is covered, and Ms. Ernst stated that there is no cover, but a wooden deck was constructed over the patio.

Protestants:

Kevin Doyle, counsel for the neighborhood (Exhibit F-2), submitted photographs (Exhibit F-3), and stated that the aesthetics of the neighborhood will be compromised by permitting the applicant to build closer to the property line than permitted by the Code. He pointed out that there is a slope from the subject tract toward his clients property, and they are concerned with additional water runoff across their land.

Mark Griffin, 3920 South Granite, stated that his only concern with the proposed construction is the drainage issue. He requested that water runoff be directed back to 39th Place and away from his property.

Case No. 16401 (continued)

James Lepley, 5444 east 39th Street, stated that he owns the vacant lot below the Ernst property, and it appears that the porch will extend closer to the property line than the proposed addition. He stated that the increased roof will increase the water flow.

Ken Herschel, 3901 South Granite, remarked that he is concerned that this action could set a precedent for similar applications in the future and further erode the neighborhood.

Jim Harrison, 3820 South Granite, asked if the new deck is beyond the new room, and Ms. White informed that it will extend 8' beyond the room addition, but to the side of the room.

Comments and Questions:

Mr. Bolzle stated that the impervious surface will not be increased and, therefore, water runoff should not be increased by the new construction.

Interested Parties:

John McCoy, 4118 East 41st Place, stated that the room addition will be placed on the existing slab, and french drains and guttering will be installed. He informed that a proposed wood deck will not extend further into the setback than the building wall, and the ground under the deck will not be paved or covered with plastic.

Sally Sullivan, 6643 South Jamestown Place, designer for the project, informed that the proposed construction will not extend beyond the existing patio slab, and all construction materials will match the existing dwelling.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-1 (Bolzle, S. White, T. White, "aye"; no "nays"; Doverspike, abstaining"; Chappelle, "absent") to **APPROVE** a **Variance** of the required rear yard from 25' to 15' to permit an addition to an existing structure - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; subject to Stormwater Management review of water runoff to determine if the proposed french drains and guttering will adequately drain the excess water to 39th Street (Ms. Hubbard should contact Public Works on this issue); per plan submitted; finding a hardship demonstrated by the irregular shape of the lot and the placement of the dwelling; and finding that the proposed addition will be built over an existing slab, and will not result in more impervious surface; on the following described property:

Lot 13, Block 8, Highview Estates Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16403

Action Requested:

Variance of setback from centerline of Nogales from 50' to 29', a variance to permit parking on a lot other than the lot containing the principal use, variance of the all-weather surface for off-street parking, a variance of the screening requirement, a variance of required side yard from 10' to 5', a variance of the required 25' from an abutting R District, and an amended site plan approval - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, SECTION 1301.D. GENERAL REQUIREMENTS, SECTION 1303.D. and E. DESIGN STANDARDS FOR OFF-STREET PARKING** - Use Unit 5, located 2232 South Nogales Avenue.

Presentation:

The applicant, **Richard Blissit**, 4004 East 76th Street, stated that a previously approved antique museum (Exhibit G-3) was destroyed by fire and rebuilt in 1984. He informed that the building has been leased by the Hallett racing organization, and plans for Phase II of the project are now being considered (Exhibit G-1). Mr. Blissit stated that the new building could be moved to another location on the lot (Exhibit G-2) and the variance of setback from Nogales would not be required. Photographs (Exhibit G-4) and a petition of support (Exhibit G-5) were submitted.

Comments and Questions:

In response to Mr. Bolzle, the applicant reiterated that the variance of setback from Nogales is not required in the revised plan.

Mr. Bolzle inquired as to the total square footage, and Mr. Blissit replied that the combined buildings total 7500 square feet of floor space.

Interested Parties:

John Staub, 3052 East 83rd Street, stated that the former variance was granted on the southern four lots, and all six lots could be tied together to satisfy the parking requirement.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **WITHDRAW** a **Variance** of setback from centerline of Nogales from 50' to 29', and a **variance** of the all-weather surface for off-street parking; and to **APPROVE** a **Variance** to permit

Case No. 16403 (continued)

parking on a lot other than the lot containing the principal use, a variance of the screening requirement, a variance of required side yard from 10' to 5', a variance of the required 25' from an abutting R District, and an amended site plan approval - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, SECTION 1301.D. GENERAL REQUIREMENTS, SECTION 1303.D. and E. DESIGN STANDARDS FOR OFF-STREET PARKING** - Use Unit 5; per plan submitted; subject to a tie contract on Lots 13, 14, 15, 16, 17 and 18; finding that the use was approved many years ago and has proved to be compatible with the area; finding that expansion of the existing use will not cause substantial detriment to the public good, or violate the spirit and intent of the Code; finding that the revised plan caused the building to be in compliance with the setback on Nogales; on the following described property:

Lots 13 through 18, Block 38 and vacated alley, West Tulsa Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16404

Action Requested:

Special Exception to permit a private school in an R District - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 7301 East 15th Street.

Presentation:

The applicant, **Greater Tulsa Christian Academy**, 4909 East 2nd Street, was represented by **John Higgins**, 17115 East Oklahoma, who requested that a Christian school be permitted to begin operation on the subject tract. He explained that the property in question was previously occupied by two other Christian academies. A plot plan (Exhibit H-1) and photographs (Exhibit H-2) were submitted. Mr. Higgins informed that the school will offer classes from pre-kindergarten through 12th grade, with an anticipated enrollment of approximately 130 students and 15 staff members and teachers.

Comments and Questions:

In response to Mr. Doverspike, Mr. Higgins stated that there is sufficient space to accommodate 350 students; however, the maximum number anticipated for the first year is 130.

Mr. Bolzle asked if the soccer field is existing, and Mr. Higgins replied that there is space for the field, but it is not existing.

Case No. 16404 (continued)

In response to Mr. Bolzle, Mr. Gardner stated that the property is abutted to the east by a church.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit a private school in an R District - **Section 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; finding that the property has been previously used for school purposes, and 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:

Lots 1-24, Block 13, Eastmoor Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16407

Action Requested:

Variance of the required side yard from 20' to 0' to permit the construction of a garage - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2907 East 27th Place.

Presentation:

The applicant, **Gregory Baker**, 2907 East 27th Place, stated that he is proposing to construct a garage on the west side of the property. He stated that the existing garage space will be converted to a living area. A plot plan (Exhibit J-1) and photographs (Exhibit J-2) were submitted. Mr. Baker stated that he is attempting to maximize the back yard space and preserve the existing trees.

Comments and Questions:

Mr. Doverspike inquired as to the use of the driveway from 27th Place, and the applicant stated that this drive will be a landscaped area after the garage is completed.

In response to Mr. Doverspike, the applicant stated that the construction materials for the garage will be the same as those used for the existing dwelling.

Mr. Gardner advised that there will be approximately 12' from the garage door to the curb, which would limited the space for parking a car without overhanging into the street.

Case No. 16407 (continued)

There was discussion concerning moving the garage farther toward the east, and it was the consensus of the Board that the garage could be moved back 7½'.

Protestants:

None.

Board Action:

On MOTION of S. WHITE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required side yard from 20' to 7½' to permit the construction of a garage - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per revised plan; finding a hardship demonstrated by the location of the existing dwelling and an attempt to preserve large trees on the lot; on the following described property:

Lot 6, Block 10, Sheila Terrace, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16408

Action Requested:

Special Exception to permit church use in an AG zoned district - **Section 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 5, located 16933 East 21st Street.

Presentation:

The applicant, **TAM-BAO Buddhist Temple**, 542 South Maplewood Avenue, was represented by **Ky Nguyen**, who requested permission for church use on the subject property. He submitted a newspaper article (Exhibit K-2) and informed that the nearest Buddhist temple is in Oklahoma City. Mr. Nguyen stated that the property in question is not near other residences, and the proposed use would be compatible with the surrounding area. A plot plan (Exhibit K-3) and photographs (Exhibit K-1) were submitted.

Comments and Questions:

Ms. White asked if there will be uses other than a church, and Mr. Nguyen stated that the property will be for church use only.

Mr. Doverspike inquired as to the number of people that will attend services, and Mr. Nguyen replied that approximately 40 people are involved in the attempt to purchase the property.

Case No. 16408 (continued)

In response to Mr. Doverspike, Mr. Nguyen stated that the existing structures will be used for church services. He added that approximately 20 parking spaces will be installed if the application for church use is approved.

Protestants:

Ron MacKenzie, 5810 Skelly Drive, stated that he is counsel for his mother-in-law, who resides at 16415 East 21st Street, and owns land bordering the subject property on the north and west. He pointed out that the septic tank serving the house in question drains toward the stock ponds on his mother-in-law's property, which could cause contamination of the water. Mr. MacKenzie stated that normal farming activities are conducted on the property, some of which could generate noise that would interfere with the religious services. He pointed out that the land along 21st Street has the potential of becoming valuable in the future.

Interested Parties:

Stafford Davis, 2144 North Elwood, stated that he is supportive of the application.

Applicant's Rebuttal:

Mr. Nguyen stated that there are approximately 15 members meeting together at this time, and church services will only be held twice each week. He informed that a Health Department official has notified him that the existing septic system is adequate for the proposed church. He pointed out that there are other churches along 21st Street and the proposed use will not be detrimental to the area, or have an adverse impact on future development.

In response to Mr. Bolzle, Mr. Gardner advised that, if the application is approved, platting will be required. He noted that the church, which only meets twice each week, with no more than 15 people, would not produce as much waste water run-off as one family with laundry and normal water usage.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a Special Exception to permit church use in an AG zoned district - **Section 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 5; per plan submitted, with the deletion of the future church designation; subject to platting; and subject to Health Department approval; finding the use to be compatible with the surrounding area; on the following described property:

Case No. 16408 (continued)

East 660' of the south 330', SW/4, Section 11,
T-19-N, R-14-E, City of Tulsa, Tulsa County,
Oklahoma.

Case No. 16409

Action Requested:

Variance of the height limitation for a sign from 20' to 21.9', variance to permit two signs on 21st Street frontage, variance of the maximum 2/10 square foot display surface area per lineal foot of street frontage and a variance of the required setback from the centerline of east 21st Street from 50' to 29' - **Section 602.B.4.b., c., and e. Business Signs, and Section 1221.C.6. General Use Conditions for Business Signs - Use Unit 5, located 20 East 21st Street.**

Presentation:

The applicant, **Akdar Temple**, 20 East 21st Street, was represented by **Gordon Patton**, 3015 East Skelly Drive, who submitted a sign plan (Exhibit L-1) and noted that the existing sign does not comply with current Code requirements. He requested permission for his client to elevate the existing sign approximately 2' to permit the addition of a panel for changeable copy, and permit the second sign to remain on the wall of the building.

Comments and Questions:

In response to the question concerning the height of the proposed sign, **Gary Larson**, 1248 East 29th Street, clarified that the actual height of the new sign is to be 21.9'.

Mr. Bolzle inquired as to the hardship for the variance requests, and Mr. Patton stated that the sign is not adequate for advertising special events, and the only area suitable for the marquee is on the sign.

Mr. Bolzle stated that he can support the location of the existing sign; however, he would not be amenable to increasing the amount of signage on the property.

Ms. White indicated agreement with Mr. Bolzle.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** a **Variance** of the height limitation for a sign from 20' to 21.9', to **APPROVE** a **Variance** to permit two signs on 21st Street frontage, to **DENY** a **Variance** of the maximum 2/10 square foot display surface area per lineal foot of street

Case No. 16409 (continued)

frontage and to **APPROVE** a **Variance** of the required setback from the centerline of east 21st Street from 50' to 29' - **Section 602.B.4.b., c., and e. Business Signs, and Section 1221.C.6. General Use Conditions for Business Signs** - Use Unit 5; finding that a hardship was not demonstrated to justify additional signage on the property; on the following described property:

Lots 4 and 5, Block 2, Riverside Drive Addition 3rd Amended, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16410

Action Requested:

Variance of the required setback from the centerline of East 15th Street from 50' to 40' to permit a sign - **Section 1221.C.6. - General Conditions for Business Signs** - Use Unit 11, located 1521 South Denver Avenue.

Presentation:

The applicant, **Financial Planning Group**, 1521 South Denver Avenue, was represented by **Hoyt Bacon**, 553 East 135th Street, who submitted a sign plan (Exhibit M-1) and informed that the installation of the proposed sign at the required setback would place it into the existing structure. He pointed out that there are existing signs as close or closer to Denver Avenue than the sign in question. Photographs (Exhibit M-2), a petition of support (Exhibit M-3) and a letter of support from a police officer (Exhibit M-4) were submitted. Mr. Bacon noted that the sign does not obstruct the view of motorists entering the street at this location.

Comments and Questions:

Mr. Bolzle inquired as to the signage previously on the property, and Mr. Bacon stated that the previous sign was installed parallel to Denver.

Protestants:

Mr. Doverspike stated that one letter of protest was received from **Scott Keith** (Exhibit M-5), who occupies the property to the north.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of East 15th Street from 50' to 40' to permit a sign - **Section 1221.C.6. - General Conditions for Business Signs** - Use Unit 11; per plan submitted; subject to a removal contract and City Council approval if needed; finding

Case No. 16410 (continued)

that there are numerous signs in the older area that encroach into the required setback; and finding that approval of the request will not cause substantial detriment to the public good, or impair the spirit, purposes or intent of the Code; on the following described property:

Lot 12, Block 3, Stonebraker Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16412

Action Requested:

Special Exception to permit a tent revival in a CS zoned district from August 11, 1993 through August 31, 1993 - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2, located northwest corner East 36th Street North and North Peoria Avenue.

Presentation:

The applicant, **New Testament Church**, was represented by **Pam Smith**, 158 West 49th Place North, who requested permission to conduct a tent revival at the above stated location.

Comments and Questions:

Mr. Doverspike asked Ms. Smith if she would comply with the previous conditions imposed by the Board for a similar revival, and she answered in the affirmative.

Protestants:

Lewis Bumpers, 1530 East 56th Street North, informed that he is the pastor for the church at 3636 North Peoria. He explained that the tent has previously been erected near the front door of his church, which interferes with the church services inside. He stated that he is not opposed to the tent revival; however, is opposed to the tent being erected near the front door of the church, due to the noise and the fact that those in attendance use their parking lot. Mr. Bumpers noted that his church has scheduled several activities during the month, and the tent would create a problem if it is installed at the usual location. He stated that he has spoken with the owner of the property, who stated that he has not granted permission for the applicant to hold a tent revival on the lot.

Additional Comments:

In response to Mr. Bolzle, Mr. Linker advised that Ms. Smith would need permission from the owner to conduct the revival.

Case No. 16412 (continued)

Ms. Smith informed that she has spoken with the owner of the property and the renter of the storage building on the lot, and they have given their consent to the temporary use.

Mr. Doverspike asked if a speaker system is needed to conduct the revival, and Ms. Smith replied that a speaker system is always used.

Mr. Bolzle asked if the tent could be erected on the west side of the building, and Ms. Smith answered in the affirmative.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a Special Exception to permit a tent revival in a CS zoned district from August 11, 1993 through August 31, 1993 - **Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2; per plan submitted, with the tent being erected as far to the south and west as possible; subject to hours of operation being 7:30 p.m to 10 p.m.; subject to no speakers outside the tent; and subject to Health Department approval; finding the temporary use, per conditions, to be compatible with the area; on the following described property:

Lot 2, Block 1, Market Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 16429

Action Requested:

Variance of the maximum permitted ground signs from one to three, and a variance to exceed the maximum 103.6 square feet of total signage - **Section 602.B.4. Accessory Use Conditions - Signs** - Use Unit 11, located 6660 South Sheridan.

Presentation:

The applicant, **Craig Neon**, 1889 North 105th East Avenue, was represented by **Ray Toraby**, who submitted a revised sign plan (Exhibit P-2). He explained that his previous application for a sign was denied, and the size has now been reduced from 33 sq ft to 22.5 sq feet in an attempt to make the sign more compatible with the area. Mr. Toraby advised that the signage on the east wall does not appear to contain more than 30 sq ft of display area, the existing pylon sign is 5' by 10' and the new sign will contain 22.5 sq ft of signage. He pointed out that the total signage complies with the maximum permitted

Case No. 16429 (continued)

103.6 sq ft of display surface area; therefore, the variance is no longer needed. He asked the Board to approve signage to be placed on both sides of the L-shaped wall, which is considered to be two separate signs.

Comments and Questions:

In response to Mr. Bolzle, Mr. Gardner advised that, in previous applications, the Board has previously considered signs attached to brick walls on each side of entryways to be one sign, although there is lettering on each wall. He pointed out that there is an equivalent of two signs on the subject property; however, there are actually three sign faces, due to the angle of the wall.

Protestants:

None.

Board Action:

On MOTION of BOLZLE, the Board voted 3-1-0 (Bolzle, S. White, T. White, "aye"; Doverspike, "nay"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the maximum permitted ground signs from one to three - **Section 602.B.4. Accessory Use Conditions - Signs - Use Unit 11**; per revised sign plan submitted; finding that the applicant complies with the total square footage requirement; finding a hardship demonstrated by the angle of the wall, and the fact that the new sign will only be visible from one direction; and finding that it will function as a single double-faced sign, which will not be detrimental to the area; on the following described property:

Lot 1, Block 1, Oxford Place, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 16417

Action Requested:

The applicant, R. L. Reynolds, 2727 East 21st Street, Suite 200, has requested a refund of fees for Case No. 16417, which was withdrawn prior to processing.

Comments and Questions:

Ms. Russell informed that the applicant withdrew the application before processing had begun, and suggested a full refund of \$222.00.

Case No. 16417 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **REFUND** fees in the amount of \$222.00.

There being no further business, the meeting was adjourned at 4:10 p.m.

Date approved:

August 24, 1993


Chairman

