

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 644
Tuesday, November 9, 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	Davis Russell	Jackere, Legal

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, November 5, 1993, at 3:33 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 1:02 p.m.

MINUTES:

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** the Minutes of October 12, 1993.

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Doverspike, T. White "aye"; no "nays"; Chappelle, "abstaining"; S. White, "absent") to **APPROVE** the Minutes of October 26, 1993

UNFINISHED BUSINESS

Case No. 16503

Action Requested:

Special Exception to permit a water treatment plant in an RS-3 and AG zoned district - **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** and **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit, located at 3710 Mohawk Boulevard.

Presentation:

The applicant, **City of Tulsa**, was represented by **Al Hamlett**, 2317 South Jackson Avenue, who explained that the City has had a community meeting with the previous protestants to the application and has addressed their concerns. He informed that plans for the project were reviewed by the residents of the area. A packet (Exhibit A-1) was submitted, which contained a plot plan, fact sheet, record of neighborhood attendance and a sketch of the proposed project. Mr. Hamlett stated that the

Case No. 16503 (continued)

structures that will not be used for water treatment will possibly be converted to a museum and some type of educational facility.

Comments and Questions:

The Board commended the City for their consideration of neighborhood concerns regarding the project.

Mr. White advised that he was in attendance at the neighborhood meeting conducted by the City, and the presentation was thorough and well presented.

Protestants:

None.

Board Action:

On MOTION of T. WHITE, 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 water treatment plant in an RS-3 and AG zoned district - **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** and **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit; per plan submitted; finding that the use is existing and the proposed additional construction will not be detrimental to the neighborhood; on the following described property:

NW/4, SW/4 and NE/4, SW/4 and NW/4, SE/4 of Section 16, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16455

Action Requested:

Variance of the all weather surface requirement for off-street parking - **SECTION 1303.D. Standards for Off-Street Parking and Loading Areas**, located northeast corner of East 36th Street North and North 129th East Avenue.

Presentation:

The applicant, **Gale Plummer**, was represented by **David Laudenklos**, 3644 South 108th East Avenue, who informed that the applicant is proposing to construct a maintenance and wash facility, and requested that the paved parking requirement be waived. He explained that the lot will be used to clean heavy equipment and the area is covered with compacted rock. A plot plan (Exhibit B-1) was submitted.

Case No. 16455 (continued)

Comments and Questions:

Mr. Bolzle noted that there are no residential uses near the subject property.

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 all weather surface requirement for off-street parking - **SECTION 1303.D. Standards for Off-Street Parking and Loading Areas**; per plan submitted; finding that there are no surrounding residential developments in the area, and approval of the request will not have a negative impact on the surrounding land uses; on the following described property:

SW/4, W/2, SE/4, SW/4 NW/4, E/2, NW/4, E/2, NW/4, NW/4 of Section 16, T-20-N, R-14-E, Tulsa County, Oklahoma, except 10.86 acres described as follows: a strip, piece or parcel of land lying in part of the SW/4 of Section 9, T-20-N, R-14-E, Tulsa County, Oklahoma, said parcel being more particularly described as follows: Beginning at a point on the east line of said SW/4 a distance of 226.7' north of the SE/c of said SW/4, thence southwesterly on a curve to the right having a radius of 8769.4' a distance of 732.8' to a point on the south line of said SW/4, thence west along said south line a distance of 1948.1' to the SW/c of said SW/4, thence north along the west line of said SW/4 a distance of 16.5', thence N88°45'E a distance of 350.0', thence N70°44'E a distance of 134.5', thence northeasterly on a curve to the left having a radius of 8434.4' a distance of 588.8', thence S89°59'E a distance of 50.1', thence northeasterly on a curve to the left having a radius of 8444.4' a distance of 1498.1', thence N68°11'E a distance of 97.5' to a point in the east line of said SW/4, thence south along said East line a distance of 346.8' to point of beginning, containing 10.86 acres more or less of new right-of-way, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16471

Action Requested:

Variance of the required side yard from 10' to 5', variance of the required rear yard from 25' to 15' and a variance of the required livability space - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2205 South Troost.

Case No. 16471 (continued)

Presentation:

The applicant, **Dean Cristopoulos**, 7020 South Yale, #270 was represented by **Vern L. Suess**, who submitted a revised site plan (Exhibit C-1) for a proposed dwelling. He informed that the livability space requirement is 5000 sq ft, and the lot area of the lot in question is 4845 sq ft. Mr. Suess stated that the lot is irregular in shape, and requested that the required rear yard be reduced from 25' to 20', with side yards being 5'.

Comments and Questions:

Mr. Bolzle asked if the variance of the rear yard setback from 25' to 20' is the only difference in this application and the one previously heard, and Mr. Suess answered in the affirmative.

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 side yard from 10' to 5', variance of the required rear yard from 25' to 20' and a variance of the required livability space - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per revised plan submitted; finding a hardship demonstrated by the curvature of the street, the irregular shape of the lot and the fact that the subdivision was platted prior to current Zoning Code requirements; on the following described property:

Lot 2, Block 7, Terwilliger Heights, City of Tulsa
Tulsa County, Oklahoma.

Case No. 16472

Action Requested:

Special Exception to permit a bank drive-in facility in an OL zoned district, and for a variance of the required setback from the centerline of South Utica from 100' to 55' - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** - Use Unit 11, located 1514-1524 South Utica.

Comments and Questions:

Mr. Bolzle informed that he will abstain from hearing Case No. 16472.

Presentation:

The applicant, **Heiliger, Inc.**, 7170 South Braden, Suite 170, was represented by **Charles Norman**, 2900 Mid-Continent Tower. He advised that Bank of Tulsa is proposing to install a drive-in banking facility (six lanes) on the subject property, and is requesting a variance of the required setback from the centerline of South Utica Avenue. Mr. Norman explained that existing apartment buildings will be removed and the land will be graded to the level of Utica, which will prevent access to the alley to the west. He informed that the entrance to the facility will be located on the north side of the lot, and the Traffic Engineering Department has requested that the previously submitted plot plan be modified to narrow the exit drive to 26'. Mr. Norman advised that extensive screening and landscaping will be installed on the north, south and west sides of the property, and all lighting will be installed on the interior walls of the fence. He pointed out that the lights will not be visible outside the project boundaries. A plot plan (Exhibit K-1) and photographs (Exhibit D-2) were submitted.

Comments and Questions:

Mr. Doverspike noted that Utica is heavily traveled at this location, and asked if the exit could be limited to right turns only. Mr. Norman suggested that this type of restriction could cause traffic to be channeled into the residential neighborhood. He pointed out that there are businesses at the nearby intersection that have entrances on Utica, and they are operating successfully with a much larger volume of traffic than will be generated by the proposed drive-in bank facility.

Protestants:

Tony Laizure, who represented the Swan Lake Neighborhood Association, stated that the residents of the area are opposed to the application. He stated that ingress and egress, along with traffic congestion, is a neighborhood concern, because the intersection at 15th Street and Utica Avenue is the eighth most dangerous intersection in Tulsa. He stated that the bank will create a potentially dangerous problem and asked the Board to deny the application. Mr. Laizure suggested that the historical buildings in the area be preserved.

Pam Deatherage, Planning District 6 chairman, noted that the hospitals in the area generate a lot of traffic, and the proposed location is not an appropriate site for a drive-in bank facility.

Case No. 16472 (continued)

Interested Parties:

Ms. Jim Cline, 1510-1512 South Utica, stated that she owns the remaining apartment building to the north, and pointed out that the subject structures are in bad repair and the proposed facility would be an improvement to the neighborhood.

Applicant's Rebuttal:

Mr. Norman advised that the property in question is not a part of the historic preservation district. He pointed out that the driveway entrance is farther from the intersection than many other businesses in the area, and the approval of the plan by Traffic Engineering should alleviate any neighborhood concerns.

Board Action:

On MOTION of T. WHITE, the Board voted 3-0-1 (Chappelle, Doverspike, T. White "aye"; no "nays"; Bolzle, abstaining"; S. White, "absent") to **APPROVE** a **Special Exception** to permit a bank drive-in facility in an OL zoned district, and for a variance of the required setback from the centerline of South Utica from 100' to 55' - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** - Use Unit 11; per plan submitted; finding the banking facility to be compatible with surrounding uses; and finding that the area was developed prior to the current setback requirements and numerous existing buildings along Utica Avenue extend into the required setback; on the following described property:

Lots 4, 5 and 6, Block 2, Orcutt Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16473

Action Requested:

A variance of the required front yard from 25' to 21.4', a variance of the side yard from 5' to 4.75' and a variance to permit a detached accessory building 1.8' from the property line - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** and **SECTION 210.B.5. PERMITTED OBSTRUCTIONS IN YARDS** - Use Unit 6, located 246 East 27th Street.

Presentation:

The applicant, Patti Orbison, 4612 South Harvard, was represented by Scott Colson, who submitted a plat of survey (Exhibit E-1) and stated that the variance of the required side yard is not needed.

Case No. 16473 (continued)

Comments and Questions:

Mr. Doverspike asked if the variances are requested to clear the title to the property, and Mr. Colson answered in the affirmative.

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 front yard from 25' to 21.4', and a **variance** to permit a detached accessory building 1.8' from the property line - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** and **SECTION 210.B.5. PERMITTED OBSTRUCTIONS IN YARDS** - Use Unit 6; per survey submitted; finding that the structure has been at the current location for several years, and the relief is required to clear the title; on the following described property:

Lot 3, Block 17, Sunset Terrace, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16479

Action Requested:

Special Exception to permit a residential treatment center in an IL zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 5, located SW/c of East 51st Street and South Garnett Road.

Presentation:

The applicant, **Steve Hawk**, 5649 South Garnett, was represented by **Keaton Rabon**, who informed that the HOW Foundation is proposing to relocate its drug rehabilitation center to the subject property. A plot plan (Exhibit F-1) was submitted.

Comments and Questions:

In response to Mr. Doverspike, Mr. Rabon stated that the organization has not entered into a contract to purchase the property, but a proposal has been made.

Mr. Bolzle asked if the owner of the property is aware of the application, and Mr. Rabon answered in the affirmative.

Mr. Doverspike inquired as to the length of treatment, and Mr. Rabon informed that the minimum time is 6 months. He added that approximately 100 beds will be provided.

Case No. 16479 (continued)

Protestants:

Ms. Russell submitted one letter of protest (Exhibit F-2) from **Robert Downing**.

Eric Bolusky, 1839 East 63rd Street, District 18 chairman, suggested that the applicant file a Planned Unit Development to ensure that the surrounding property owners be made aware of the intentions of the organization. He stated that the proposed use may not be in harmony with the industrial uses in the area.

A representative of Scout Development Corporation stated that he is opposed to the application, due to the lack of clarity as to the use of the property. He stated that the use, as he understands it, is inconsistent with the IL zoning and would be detrimental to the surrounding uses.

Steve Mackey stated that he is representing Helmerich and Payne, property owners on the northeast corner of 51st Street and Garnett Road. Mr. Mackey stated that he is opposing the application for the same reasons brought forth by the preceding protestants.

Applicant's Rebuttal:

Mr. Rabon stated that the treatment center would not be detrimental to the surrounding area, and the location of the property near the expressway would be an advantage to the organization.

Additional Comments:

Mr. Doverspike asked if the property is fenced, and Mr. Rabon answered in the affirmative.

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 **DENY** a Special Exception to permit a residential treatment center in an IL zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 5; finding the use to be incompatible with the existing and future industrial uses in the area; on the following described property:

LOT ONE (1), BLOCK ONE (1), JOHNSON-FAGG INDUSTRIAL ADDITION, AN ADDITION IN TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF AND PART OF LOT FIVE (5) AND PART OF LOT SEVEN (7), BLOCK ONE (1), JOHNSON-FAGG INDUSTRIAL ADDITION, AN ADDITION IN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE OFFICIAL RECORDED PLAT THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT SEVEN (7); THENCE SOUTH A DISTANCE OF 405.22 FEET TO THE SOUTHEAST CORNER OF SAID LOT FIVE (5); THENCE SOUTH 72°19'35" WEST ALONG THE SOUTH BOUNDARY LINE OF SAID LOT 5 A DISTANCE OF 180.65 FEET; THENCE NORTH A DISTANCE OF 460.21 FEET TO A POINT 172.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT SEVEN (7) ALONG THE NORTH BOUNDARY OF SAID LOT 7; THENCE EAST A DISTANCE OF 172.00 FEET TO THE POINT OF BEGINNING; LESS AND EXCEPT A STRIP, PIECE OR PARCEL OF LAND DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF LOT ONE (1), BLOCK ONE (1), JOHNSON-FAGG INDUSTRIAL ADDITION, BEING THE NORTHEAST CORNER OF ORIGINALLY DESCRIBED PROPERTY; THENCE DUE SOUTH ALONG THE EAST LINE OF SAID PROPERTY A DISTANCE OF 36 FEET; THENCE NORTH 40°35'44" WEST A DISTANCE OF 36.96 FEET; THENCE NORTH 89°57'00" WEST A DISTANCE OF 227.05 FEET; THENCE NORTH 00°03'00" EAST ALONG A DISTANCE OF 8 FEET TO THE NORTHWEST CORNER OF LOT ONE (1), BLOCK ONE (1); THENCE SOUTH 89°57'00" EAST ALONG THE NORTH LINE OF LOT ONE (1), BLOCK ONE (1), JOHNSON-FAGG INDUSTRIAL ADDITION; AND ALSO LESS AND EXCEPT A STRIP, PIECE OR PARCEL OF LAND DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF LOT SEVEN (7), BLOCK ONE (1), JOHNSON-FAGG INDUSTRIAL ADDITION; THENCE NORTH 89°57'00" WEST ALONG THE NORTH LINE OF LOT SEVEN (7), BLOCK ONE (1), A DISTANCE OF 103.95 FEET; THENCE SOUTH 71°30'34" EAST A DISTANCE OF 25.30 FEET; THENCE SOUTH 89°57'00" EAST A DISTANCE OF 79.95 FEET; THENCE NORTH 00°03'00" EAST A DISTANCE OF 8 FEET TO THE POINT OF BEGINNING, ALL OF WHICH IS CONTAINED IN LOT SEVEN (7), BLOCK ONE (1), JOHNSON-FAGG INDUSTRIAL ADDITION.

Case No. 16480

Action Requested:

Special Exception to permit a manufactured home in an RM-2 District, and a variance of the one-year time limitation to permanent.

Presentation:

The applicant, **Marie Waldrup**, 1005 South 51st West Avenue, was represented by her son, **Bobby Waldrup**, 3335 West Admiral Boulevard. He informed that his mother is proposing to remove an existing dilapidated dwelling and install a new mobile home. A petition of support (Exhibit G-1) was submitted.

Comments and Questions:

Mr. Bolzle asked if the mobile home will be the only dwelling on the lot, and Mr. Waldrup answered in the affirmative.

In response to Mr. Doverspike, Mr. Waldrup stated that the mobile home will be skirted and tied down.

Mr. Bolzle asked where the mobile home will be installed on the lot, and Mr. Waldrup informed that it will be in the general location of the existing dwelling. He added that there are other mobile units in the neighborhood.

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 a manufactured home in an RM-2 District, and a variance of the one-year time limitation to three years only; subject to a building permit and Health Department approval; and subject to the mobile home being skirted and tied down; finding that there are other mobile homes in the area; and approval of the request will not be detrimental to the neighborhood; on the following described property:

North 87.5' of Lot 6, Block 7, Vern Subdivision to the City and County of Tulsa, Oklahoma.

Case No. 16481

Action Requested:

Special exception to permit an open air activity (tent) in an - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 2, located 112 West Brady.

Presentation:

The applicant, **Williams Company, Inc.**, PO Box 2400, was not represented.

Comments and Questions:

Mr. Doverspike noted that the United Way function in question has already been held, and the applicant is no longer in need of the requested relief.

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 **STRIKE** Case No. 16481.

Case No. 16482

Action Requested:

Special Exception to permit a single-family dwelling in an OL District - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** - Use Unit 6, located 2816 West 51st Street.

Presentation:

The applicant, **Steven Selby**, 4540 West 54th Street, was represented by Treva Selby of the same address. Ms. Selby stated that she is proposing to construct a dwelling on the subject property.

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 a single-family dwelling in an OL District - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** - Use Unit 6; finding that the major portion of the area has developed residential, and 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. 16482 (continued)

A tract of land beginning 35' south and 100' east of the NW/c of NE/4 NW/4, thence E242', thence S247', thence W242', thence N247', to the POB, Section 34, T-19-N, R-12-E, of the IBM, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof, less and except: a tract of land in the NE/4 of the NW/4 of Section 34, T-19-N, R-12-E, of the IBM, Tulsa County, Oklahoma, more particularly described as follows: Beg. 35' south and 332' east of the NW/c of the NE/4 NW/4, thence E10', thence S247', thence W10', thence N247' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16483

Action Requested:

Special Exception to permit a home occupation beauty shop in an RS zoned district - **SECTION 402.B.6.b. Home Occupations** - Use Unit 13, located 11312 East 4th Street.

Presentation:

The applicant, **Beverly Stone**, 11312 East 4th Street, requested permission to operate a beauty shop in her home. She informed that the days of operation for the business will be Tuesday through Friday, 9 a.m. to 6 p.m., and 9 a.m. to noon on Saturday. Ms. Stone stated that she plans to remain open until 8 p.m. on Tuesday and Thursday.

Comments and Questions:

In response to Mr. Doverspike, the applicant stated that she will have one chair and will be the only operator.

Mr. Doverspike inquired as to the number of vehicles that could park in the existing driveway, and Ms. Stone replied that the driveway could accommodate five cars.

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 home occupation beauty shop in an RS zoned district - **SECTION 402.B.6.b. Home Occupations** - Use Unit 13; subject to the home occupation being conducted in the garage only and being in compliance with the Home Occupation Guidelines; subject to one chair only and one customer at a time, with a 15 minute interval between customers; subject to days and hours of operation being Tuesday and Thursday, 9 a.m. to 8 p.m., Wednesday and Friday, 9 a.m. to 6 p.m. and Saturday, 9 a.m. to noon; and subject to all customer parking being restricted to the driveway only; finding the use, per

Case No. 16483 (continued)

conditions, to be compatible with the surrounding residential neighborhood, and in harmony with the spirit and intent of the Code; on the following described property:

Lot 21, Block 3, Western Village Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16484

Action Requested:

Variance of the required lot width from 60' to 50' to permit a lot split - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2523 and 2525 West Cameron.

Presentation:

The applicant, **J. C. Miller**, 8213 East 34th Street, informed that a duplex is existing on one portion of the property, and he is requesting the lot split in order to sell the vacant portion. A plat of survey (Exhibit H-1) and photographs (Exhibit H-2) were submitted.

Comments and Questions:

In response to Mr. Bolzle, Ms. Russell advised that the applicant would need other relief for a duplex if the lot was made to comply with the lot width requirement.

Mr. Bolzle noted that the new lot would not comply with lot area requirements, and suggested that the application be continued to permit proper advertising.

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. 16484 to December 14, 1994 to allow sufficient time to advertise for additional relief.

Case No. 16485

Action Requested:

Special Exception to permit a home occupation beauty shop in an RS-3 zoned district - **SECTION 402.B.6.B. Home Occupations** - Use Unit 13, located 4540 South Joplin.

Presentation:

The applicant, **Sonia Buchman**, 4540 South Joplin, submitted a plot plan (Exhibit J-2) and requested permission to operate a beauty shop in her home. She stated that the shop will be open from six to eight hours each day, four or five days each week, with no weekend appointments.

Comments and Questions:

In reply to Mr. Doverspike, the applicant stated that she will operate a one-chair shop and will have only one customer at a time.

Mr. Doverspike inquired as to the availability of parking, and Ms. Buchman stated that her shop will be in the rear portion of the dwelling and the driveway is large enough to provide customer parking.

Protestants:

Josh Price, 4760 South Irvington Avenue, informed that he is representing the homeowners in the area. Mr. Price submitted a petition of protest (Exhibit J-1) and stated that a home occupation in the stable neighborhood would have a negative impact on property values. He asked the Board to assist the homeowners in maintaining the integrity of the neighborhood by denying the home occupation request.

Lisa Pottorf, 4525 South Irvington, stated that she owns the property to the west of the lot in question, and pointed out that the fence between the two properties is in bad repair. She voiced a concern that the fence, in its current condition, will not provide adequate visual separation. She inquired as to the requirements of the Home Occupation Guidelines, and Ms. Russell provided a copy for her review.

In reply to Ms Pottorf, Mr. Doverspike advised that any deviation from conditions imposed by the Board can be reported to Code Enforcement.

Lee Rutledge, 4777 South Irvington, stated that he has been involved with the homeowners association in the area for many years, and is concerned that a business would have a negative impact on the neighborhood.

Case No. 16485 (continued)

Teresa White, 4547 South Joplin, stated that she is opposed to living near a business operation.

Comments and Questions:

Mr. Chappelle asked Mr. Price if he would be opposed to the home occupation if there was no outside indication that a business was being operated on the property, and he replied that he is opposed to the business and the traffic that it would generate.

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 home occupation beauty shop in an RS-3 zoned district - **SECTION 402.B.6.B. Home Occupations** - Use Unit 13; subject to Home Occupation Guidelines; subject to a 15 minute interval between each appointment; subject to days and hours of operation being Monday through Friday, 10 a.m. to 6 p.m.; and subject to the screening fence to the rear of the property being repaired and kept in good condition; finding the use, per conditions, to be compatible with the residential area; on the following described property:

Lot 15, Block 4, Fairfield Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16486

Action Requested:

Variance of the rear yard from 25' to 15'3" to permit an addition to an existing dwelling - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2130 South Owasso.

Comments and Questions:

Staff informed the Board that, after further review, determined that the yard abutting Owasso Avenue can be selected as the front yard and then a variance is not required for the proposed addition. The house has an Owasso Avenue address, even though it faces 21st Place.

Presentation:

The applicant, **Alan Madewell**, 6600 South Yale, Suite 510, was present and was in agreement with the staff analysis.

Protestants:

None.

Case No. 16486 (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 **STRIKE** Case No. 16486, finding that the applicant is not in need of the relief requested.

Case No. 16487

Action Requested:

Variance of the required front yard from 30' to 21', and a variance of the required rear yard - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1350 East 26th Place.

Presentation:

The applicant, **Alan Madewell**, 6600 South Yale Avenue, Suite 510, submitted a plot plan (Exhibit L-1) and photographs (Exhibit L-2).

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 front yard from 30' to 21' to permit an open porch, and a **variance** of the required rear yard to permit a detached garage - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the open porch and detached garage in the required rear yard is customary construction in this area of the City; on the following described property:

Lot 9, Block 1, Travis Heights, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16488

Action Requested:

Variance of the 6' screening requirement - **SECTION 1213.C.2. Use Conditions** - Use Unit 13, located southeast corner of East 21st Street and South Memorial Drive.

Presentation:

The applicant, **Larry Kester**, 4200 East Skelly Dr., Suite 750, submitted a plot plan (Exhibit M-1) and stated that a church is located on the property to the south of the Walgreens store. He asked that screening be waived along the south boundary line.

Case No. 16488 (continued)

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 6' screening requirement - **SECTION 1213.C.2. Use Conditions** - Use Unit 13; finding that the residential zoned property to the south contains a church, which is much higher in elevation than the Walgreens store; and finding that approval of the request will not be detrimental to the area; on the following described property:

Lots 1 and 2, Block 1, Memorial Oaks Addition, less a part of Lot 2, Block 1, Memorial Oaks Addition, being more particularly described as follows, to-wit: Beginning at the NW/c of said Lot 2, thence due east a distance of 150' to the NE/c of said Lot 2, thence S0°17'10"E along the east line of Lot 2 a distance of 270.91' to the SE/c of said Lot 2, thence S89°59'37"W along the south line of Lot 2 a distance of 150' to a point thence N0°17'10"W a distance of 90.93' to the SE/c of Lot 1, Block 1, of said addition, thence N0°17'10"W along the west line of said Lot 2, a distance of 180' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16489

Action Requested:

Variance of the required front yard, and variance of the required rear yard - **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 6, located 2147 East 48th Place.

Presentation:

The applicant, **John Judd**, 4359 South Trenton, submitted a plat of survey (Exhibit N-1) and stated that the encroachments are existing.

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 **Variance** of the required front yard, and **variance** of the required rear yard - **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 6; per plat of survey

Case No. 16489 (continued)

submitted for the purpose of clearing the title; finding that the encroachments are existing, and similar requests have been approved in the area; on the following described property:

Lot 12, Block 1, Bolewood Place, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16490

Action Requested:

Special Exception to permit a heliport in a CS District - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2, located 6140 South Memorial Drive.

Presentation:

The applicant, **Robert Nichols**, 111 West 5th Street, Suite 800, submitted a plot plan (Exhibit P-1) for the proposed heliport. He explained that his client is proposing to maintain a medical office in Muskogee, Oklahoma and the helicopter will be used for this purpose.

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 heliport in a CS District - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2; per plan submitted; subject to the heliport being used for the doctor and his staff for his medical business use only; subject to no commercial use of the heliport; and subject to FAA approval; on the following described property:

Block 3, Southbridge East Office Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16491

Action Requested:

Special Exception to remove the screening requirement along South St. Louis - **SECTION 212.C. Modification of the Screening Wall or Fence Requirements** - Use Unit 11, located south of the southwest corner of South St. Louis and East 11th Street.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, submitted a plot plan (Exhibit R-1), and requested the removal of the screening requirement along South St. Louis Avenue (east side) at this location. He informed that the street provides a separation between the subject property and the residentially zoned property, which contains a non-residential use. Mr. Norman pointed out that his client would be required to provide screening from residentially zoned property, which is used for a parking lot. He informed that screening will be installed along the north, south and west property lines, as required by the Code.

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 remove the screening requirement along South St. Louis - **SECTION 212.C. Modification of the Screening Wall or Fence Requirements** - Use Unit 11; per plan submitted; finding that the street provides separation, and the residentially zoned property to the east is used as a parking lot; and finding that the request will not be detrimental to the area; on the following described property:

Lots 6, 7, 15, 16, 17 and 18, Block 4 of the RE-Amended Plat of Forest Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16492

Action Requested:

Variance of the required setback from the centerline of East 41st Street and South Harvard to permit temporary buildings and open air display, variance of the 25' setback from abutting R Districts, a variance to permit construction across zoning district lines and a minor variance to amend a condition of approval - **SECTION 702.B.1. Accessory Use Conditions** - Use Unit 2, located southeast corner of East 41st Street and South Harvard Avenue.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, submitted a plot plan (Exhibit S-1) and stated that the Christmas tree sales lot was previously approved by the Board; however, a recent ordinance change for open air displays and tents requires that the applicant seek additional relief. He explained that the change requires that open air displays and tents now have the same setback from the street as permanent structures. Mr. Johnsen stated that the displays and tents will be in the same location as they have been in previous years, however, the new ordinance requires that his client seek Board approval for them to be installed. Photographs (Exhibit S-2) were submitted.

Comments and Questions:

Mr. Doverspike pointed out that the Board is not reconsidering the conditions that were imposed when the application was approved in August 1993. He informed that the issue before the Board at this time is whether or not the display and tents can be placed at their usual location, and if an additional ingress can be installed to the west on 41st Street.

Mr. Doverspike asked if the proposed entrance to the west is in the same location as it has been in previous years, and Mr. Johnsen replied that it has been moved slightly to the east.

Protestants:

The resident at 4135 South New Haven Place stated that he is opposed to the business creeping into a stable residential neighborhood, and asked that the application be denied. He informed that he was unable to attend the previous meeting when the Christmas tree lot was approved.

Case No. 16492 (continued)

Mr. Bolzle noted that all buildings will be at the same location as in previous years, and this application will not permit farther encroachment into the residential neighborhood.

Bruce Bennett, 4133 South Jamestown, stated that the information that the neighborhood received is very vague, and added that he would welcome an improvement in the traffic flow. He noted that the Christmas tree lot continues to encroach into the residential neighborhood.

Penny Tipton, 3709 East 43rd Place, stated that she has lived in the neighborhood many years, and is concerned with the traffic generated by the Christmas tree sales operation. She requested that the entrance to the lot be limited to Harvard Avenue.

Applicant's Rebuttal:

Mr. Johnsen stated that his client has advised him that there has been no expansion of the business in the last 10 years. A plot plan (Exhibit S-1) and photographs (Exhibit S-2) were submitted.

Mr. Doverspike asked Mr. Johnsen if the prior approval of the sales lot was for one year only, and he answered in the affirmative.

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 setback from the centerline of East 41st Street and South Harvard to permit temporary buildings and open air display, variance of the 25' setback from abutting R Districts, a variance to permit construction across zoning district lines - **SECTION 702.B.1. Accessory Use Conditions** - Use Unit 2; subject to covered tree storage being located 30' west of the east property line; subject to the approval of the variances being for the 1993 Christmas season only; finding that the sales lot has been approved for 1993, and requires yearly approval by the Board; finding that the relief is required to comply with the newly revised ordinance requiring all temporary structures to comply with building setback requirements.

Case No. 16492 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-1-0 (Bolzle, Chappelle, T. White "aye"; Doverspike, "nay"; no "abstentions"; S. White, "absent") to **APPROVE** a **Minor Variance** to amend a condition of approval to permit a second curb cut to the west on 41st Street - **SECTION 702.B.1. Accessory Use Conditions** - Use Unit 2; per plan submitted; subject to all curb cuts being in compliance with City Traffic Engineering; on the following described property:

Lots 1 and 2, and the west 100' of Lots 25 and 26 and the east 100' of Lot 3, Block 1, Villa Grove Heights One Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16493

Action Requested:

Special Exception to modify or remove the required screening around parking areas - **SECTION 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** and **SECTION 212.C. Modification of the Screening Wall or Fence Requirements** - Use Unit 5, located 3rd Street between South College Avenue and South Evanston Avenue.

Presentation:

The applicant, **Ted Sack**, 110 South Hartford, Suite 131, was represented by **Charles Norman**, 2900 Mid-Continent, who explained that a special exception was previously approved to permit the construction of a children's day care center on the campus of Tulsa University, subject to a submitted site plan. He informed that the City Building Inspector has determined that a screening fence is required on the two streets to the east and along the south boundary. Mr. Norman pointed out that, although the day care center does not require screening, the accessory parking does require a screening fence. He informed that the revised plot plan (Exhibit T-1) contains a lot that was inadvertently omitted in the previously approved application. Mr. Norman submitted photographs (Exhibit T-2) and noted that the parking lot is 62' from the south lot line, and the street right-of-way on College Avenue and 3rd Street separates the parking lot from the lot lines across the street by more than 50'. He informed that it has been determined by the zoning officer that the street itself constitutes a lot line, therefore, a screening fence is required along the street frontage, even though the parking area is more than 50' from the lot line on the other side of the street. Mr. Norman noted that the previously approved

Case No. 16493 (continued)

plan depicts berms and tree plantings along the boundary lines. He asked that the Board find that the street does not constitute a lot line or to approve the modification of the fencing requirements. Mr. Norman informed that the center is nearing completion and the issue must be resolved in order to obtain an occupancy permit.

Comments and Questions:

Mr. Jackere advised that the Board could make an interpretation as to whether or not the street constitutes a lot line, as well as considering the special exception request.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-1 (Bolzle, Doverspike, T. White "aye"; no "nays"; Chappelle, "abstaining"; S. White, "absent") to make a **FINDING** that intervening streets do not constitute lot lines in common within the meaning of Section 1302.E., and would not require screening in Case No. 16493; and to **APPROVE** a **Special Exception** to remove the required screening around parking areas - **SECTION 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** and **SECTION 212.C. Modification of the Screening Wall or Fence Requirements** - Use Unit 5; per plan submitted; finding that the planting of greenery and the installation of berms to be adequate screening; finding that the actual parking lot is 50' from the lot lines across the street, and 62' from the abutting residential area to the south; on the following described property:

Lots 1, 6, 7, 8 and the N/2 of Lot 2, Block 9, Pleasant View Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16494

Action Requested:

Special Exception to reduce the required front yard from 25' to 20' to permit a covered porch - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1065 North 78th East Avenue.

Presentation:

The applicant, **Robert Kelley**, 1065 North 78th East Avenue, submitted a plot plan (Exhibit V-1) and informed that the front porch will encroach 5' into the 25' required front yard.

Case No. 16494 (continued)

Comments and Questions:

Mr. Bolzle asked if the porch is existing, and the applicant informed that the concrete slab is in place, and a cover is proposed. He explained that the pitch of the roof to the house is being altered and he would like to build a porch.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Chappelle, T. White "aye"; no "nays"; no "abstentions"; Doverspike, S. White, "absent") to **APPROVE** a **Special Exception** to reduce the required front yard from 25' to 20' to permit a covered porch - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; subject to the porch remaining unenclosed; finding that approval of the request will not be detrimental to the area; on the following described property:

Lot 18, Block 10, Dollie-Mae Addition, City of
Tulsa, Tulsa County, Oklahoma.

Case No. 16495

Action Requested:

Variance of the required 5000 sq ft of livability space - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1216 East 26th Street.

Presentation:

The applicant, **Vaughn Graham**, 1216 East 26th Street, submitted a plot plan (Exhibit W-1) and explained that he is proposing to construct an addition to an existing dwelling. He informed that the new portion will be built on an existing slab.

Comments and Questions:

Mr. Chappelle inquired as to the amount of available livability space on the lot, and the applicant stated that there will be approximately 4000 sq ft, or 1000 sq ft less than the required amount.

Case No. 16495 (continued)

Protestants:

None.

Board Action:

On MOTION of BOLZLE, the Board voted 3-0-0 (Bolzle, Chappelle, T. White "aye"; no "nays"; no "abstentions"; Doverspike, S. White, "absent") to **APPROVE** a Variance of the required 5000 sq ft of livability space - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the lot is irregular in shape, and the construction is consistent with the surrounding neighborhood; on the following described property:

Lot 9, Block 11, Sunset Terrace, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 16496

Action Requested:

Variance of the required setback from the centerline of East 21st Street from 50' to 45.5' to conform with current property lines, located southwest corner of East 21st Street and South Utica Avenue.

Presentation:

The applicant, **Patrick Fox**, 1560 East 21st Street, Suite 300, submitted a plot plan (Exhibit X-1) and informed that he is representing the owners of the subject property. He explained that the 46,000 sq ft project will accommodate 201 vehicles, with 65 percent of the structure being designated for office use and 35 percent for retail. Mr. Fox stated that three single family residences will be constructed on the RS-2 property to the south.

Comments and Questions:

Mr. White asked if ingress and egress will be on 21st Street, and the applicant stated that the property will be accessed from four different points. He explained that ingress and egress for the retail uses will be on 21st Street and on Utica Avenue, and the parking garage below will also have access to these streets. Mr. Fox informed that Traffic Engineering (Exhibit X-2) has reviewed the proposal.

Protestants:

Tom Jewell, 1557 East 22nd Street, stated that his residence is three houses from the proposed commercial endeavor. He noted that the project will cause increased traffic to be channeled into the residential neighborhood.

Case No. 16496 (continued)

Jeannie Cullinan, 1562 East 22nd Street, stated that she is impressed with the project; however, voiced a concern that traffic questions have not been adequately addressed.

Helen Corkran, 2208 South St. Louis, is concerned with encroachment into the established residential neighborhood.

Mr. Bolzle stated that the applicant is only asking to build up to the property line (a difference of 4½').

Applicant's Rebuttal:

Mr. Fox stated that additional right-of-way has been taken since the owner purchased the property. He added that the project is in conformance with the new parking standards that will be finalized on January 1, 1994. Mr. Fox pointed out that the 4½' variance will in no way add to the development square footage of the project, but will allow sufficient space to properly detail the building. He noted that the hardship for the variance request is the irregular and narrow shape of the lot.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-1 (Bolzle, Chappelle, T. White "aye"; no "nays"; Doverspike, abstaining"; S. White, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of East 21st Street from 50' to 45.5' to conform with current property lines; per plan submitted; finding a hardship imposed by the irregular, narrow-shaped tract, and the fact that all construction will be at the current building setback line; on the following described property:

Lot 4, Block 1, Terwilliger Heights, and Lots 1-5, Terwilliger Terrace, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 16459

Action Requested:

Refund of fees.

Presentation:

The applicant, **Kenneth Dickey**, 1317 East 17th Place, requested a refund of filing fees.

Case No. 16459 (continued)

Comments and Questions:

Ms. Russell informed that the applicant was not in need of the relief requested, and suggested that the filing fees be refunded.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Doverspike, T. White "aye"; no "nays"; no "abstentions"; Chappelle, S. White, "absent") to **REFUND** filing fees in the amount of \$247.50.

There being no further business, the meeting was adjourned at 4:17 p.m.

Date approved 11-23-93


Vice-Chairman

