

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 646
Tuesday, December 14, 1993, 1:00 p.m.
Francis F. Campbell, City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS
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Bolzle Chappelle Doverspike, Chairman S. White T. White		Gardner Moore Russell	Jackere, Legal Parnell, Code Enforcement
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The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, December 10, 1993, at 11:08 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 **S. WHITE**, the Board voted 4-0-1 (Bolzle, Chappelle, S. White, T. White, "aye"; no "nays"; Doverspike, "abstaining"; none "absent") to **APPROVE** the Minutes of November 23, 1993 (No. 645).

Comments and Questions:

Ms. Russell informed that Pam Deatherage, chairman for Planning District 6, did not receive prior notice of the cases in her district that will be heard today, and requested that Cases 7, 10, 12, 14 and 16 be continued.

UNFINISHED BUSINESS

Case No. 16484

Action Requested:

Variance of lot width from 60' to 50' to permit a lot split, and a variance of the required livability space - **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, stated that he was previously before the Board for a variance of the lot width, and it was determined that additional relief was required. Mr. Miller explained that he is proposing to acquire a lot split and sell the vacant lot beside his dwelling.

Comments and Questions:

Mr. Gardner suggested that the applicant could make the new lot conform with Code requirements and request that the lot containing the duplex be varied. He pointed out that, if constructed under current Code requirements, the duplex would need 9000 sq ft of lot area and 75' of street frontage. Mr. Gardner noted that, if the vacant lot

Case No. 16484 (continued)

was made to conform with all requirements, the remaining lot containing the duplex would have 8280 sq ft of lot area and 72' of street frontage. He pointed out that most lots in the older developments, which contain duplexes, do not comply with the current Code requirements.

Mr. Miller stated that he is not opposed to Mr. Gardner's suggestion.

Mr. Jackere advised that the application will require additional advertising for a variance of the lot area on the lot containing the duplex.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 16484 to December 28, 1993, and waive the fee for readvertising.

Case No. 16517

Action Requested:

Special Exception to approve church use and to amend a previously approved site plan - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 5434 East 91st Street.

Presentation:

The applicant, **Ronald Bebee**, 8937 South 45th West Avenue, requested church use on the subject property and that a previously approved plot plan be amended to permit the construction of a 13,000 sq ft addition to the existing building. A site plan and floor plan were submitted (Exhibit A-1).

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to approve church use and to amend a previously approved site plan - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per new plan submitted; finding that the church is existing and and the proposed addition to the existing building will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

A part of the NE/4 of NW/4, Section 22, T-18-N, R-13-E, of IBM, Tulsa County, Oklahoma, being more particularly described as follows: Beginning at a point which is 425' west of the NE/c of the NW/4 of Section 22, thence south 810', thence west 396.33', thence north 810', thence east 396.33' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16513

Action Requested:

Special Exception to permit office use and Use Unit 5 in an RM-2 zoned district, variance of the number of required parking spaces and a variance of the all-weather surface requirement for off-street parking - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS, SECTION 1304. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** and **SECTION 1205.D. Off-Street Parking and Loading Requirements** - Use Unit 5 and 11, located 1748 South Carson Avenue.

Presentation:

The applicant, **Irene Earl**, 2618 East 3rd Street, was represented by **Scott Demaree**, who stated that he is one of the directors of the Maharishi Vedic University (Exhibit B-2), which is a nonprofit education organization. He requested that instruction, lectures and celebrations be permitted in the existing residence, and that a sign be allowed at this location. Mr. Demaree stated that he and his wife will reside in the upstairs portion of the dwelling, with the first floor and the basement being utilized for the university (Exhibit B-1). He informed that most activities are held in the evening and on weekends, and sufficient parking is available for the intended use. Mr. Demaree stated that only 2777 sq ft of the 9000 sq ft building will be made available to the public.

Comments and Questions:

In response to Mr. Doverspike, Mr. Bolzle stated that 2777 sq ft of building space would require 10 parking spaces.

The applicant advised that the request to park on the grassy area is no longer a part of the application.

Mr. Doverspike asked Mr. Jackere if a certain use can be restricted to a definite portion of a building, and he replied that this is possible, but is difficult to enforce.

In reply to Mr. Doverspike, Mr. Demaree stated that evening lectures are typically held on Wednesdays and Thursdays, beginning at 7:30 p.m. and continuing to approximately 9 p.m.. He stated that the maximum number of individuals attending any function at the building would be approximately 20.

Protestants:

Jon Stolper, 1809 South Carson, stated that the proposed use is called a university by the applicant, and a university requires one acre of land. He voiced a concern with parking for the use, because the actual use of the property is not clearly defined. Mr. Stolper noted that the law firms that are located nearby do not generate a lot of traffic, however, the intended use could attract large numbers of people to the neighborhood.

Applicant's Rebuttal:

Mr. Demaree stated that the Camelot Hotel was recently purchased by the organization and this facility will be used for large functions. He remarked that they do not envision large crowds at the location on Carson Avenue, but mainly propose to serve individuals that work in the downtown area.

Case No. 16513 (continued)

Additional Comments:

Ms. White noted that the evening use could cause a neighborhood parking problem. She pointed out that the law offices in the area are predominately daytime uses. Ms. White added that limiting of the use to a certain portion of the structure would be difficult to enforce.

Mr. Gardner pointed out that an office could hold training sessions, and the use in question would be similar in that respect, but the Staff is not sure what the proposed use has to do with Use Unit 5.

Ms. White noted that office use is generally a buffer for residential areas, because they are normally open during regular business hours.

Mr. Doverspike stated that the uncertainty of the intensity of the use in the residential area is his primary concern.

Mr. Jackere asked Mr. Demaree to explain the activities involved in "celebrations", and he replied that each season is celebrated by having a guest lecturer and a potluck dinner.

Mr. Demaree remarked that the long term use of the building may be for a faculty house only.

Mr. Chappelle noted that he is concerned with the use as presented, but is concerned about what it could become in the future.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 3-2-0 (Bolzle, S. White, T. White "aye"; Chappelle, Doverspike, "nay"; no "abstentions"; none "absent") to **DENY** a **Special Exception** to permit office use and Use Unit 5 in an RM-2 zoned district, **variance** of the number of required parking spaces and a **variance** of the all-weather surface requirement for off-street parking - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS, SECTION 1304. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS and SECTION 1205.D. Off-Street Parking and Loading Requirements** - Use Unit 5 and 11; finding that the use consists of lectures, instruction and celebrations, and is too intense for the residential neighborhood; on the following described property:

Lots 4-6, Block 2, Buena Vista Park Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16516

Action Requested:

Special Exception to permit a home occupation in an RS-3 zoned district - **SECTION 402.B.6. Home Occupations** - Use Unit 11, located 109 West 50th Street North.

Presentation:

The applicant, **Carl Harrison**, 109 West 50th Street North, requested permission to sell beekeeping equipment from his home. He informed that his wife is disabled and needs his assistance. A petition of support (Exhibit C-1) was submitted.

Case No. 16516 (continued)

Comments and Questions:

In response to Mr. Jackere, the applicant stated that the beekeeping kit is shipped in flat and is assembled by the purchaser. He informed that the equipment will be picked up at the truck line and stored in one room of his home until it is sold.

Mr. Jackere inquired as to the frequency of shipments, and the applicant stated that he picks up merchandise approximately once each month.

Mr. Doverspike asked if there is any type of assembly on site, and Mr. Harrison replied that the buyers assemble the material.

In response to Mr. Doverspike, the applicant stated that he does not display merchandise in his home.

Mr. Doverspike asked the applicant if he and his wife will be the only people involved in the business, and he answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit beekeeping equipment sales as a home occupation in an RS-3 zoned district - **SECTION 402.B.6. Home Occupations** - Use Unit 11; subject to the home occupation guidelines; and subject to no display area inside the residence; finding the use to be compatible with the residential neighborhood; on the following described property:

Lot 17, Block 9, Valley View Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16518

Action Requested:

Variance of the required setback from the centerline of North Peoria from 100' to 64' - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 12, located 1441 North Peoria.

Presentation:

The applicant, **Horace Stevenson**, was represented by **Roland Yates**, 3817 Northwest Expressway, Suite 920, Oklahoma City, Oklahoma, who explained that an enclosed playland is being proposed for the front portion of an existing restaurant. He informed that Mr. Stevenson is the operator of the business, and it has been determined that the grassy area to the west is the most appropriate site for the addition. Mr. Yates stated that approximately 30 seats, a drinking fountain and an additional bathroom will be included in the enclosure, which will be accessed from the restaurant. He pointed out that the new addition (Exhibit D-2) will be 30' from the City right-of-way, and that there are numerous buildings in the area that have been constructed much closer to the street. Photographs (Exhibit D-1) were submitted.

Case No. 16518 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of North Peoria from 100' to 64' - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 12; per plan submitted; finding that other buildings in the area are as close or closer to the street; and finding that approval of the request will not cause substantial detriment to the public good or impair the spirit, purpose and intent of the Code; on the following described property:

A tract of land in the W/2, Lot 1, Section 31, T-20-N, R-13-E of the Indian Base and Meridian, City of Tulsa, Tulsa County, Oklahoma, according to the United States Government Survey thereof. Said tract being that portion of said W/2, Lot 1, bounded by the south right-of-way of East Pine Street, the east right-of-way of North Peoria Avenue, and the northerly right-of-way of U. S. Highway 75, being further described as follows, to-wit:

Commencing at the NW/c of said W/2 of Lot 1; thence N 88°02'00" E along the north line of said W/2 of Lot 1, a distance of 68.63' to a point; thence S 01°58'00" E a distance of 41.31' to a point on the south right-of-way of East Pine Street and the Point of Beginning; thence S 02°31'57" E a distance of 7' to a point; thence S 87°28'03" W a distance of 21' to a point; thence S 50°36'24" W a distance of 0.00'; thence along a curve to the left having a radius of 35' an arc distance of 31.64' to a point; thence S 01°11'16" E a distance of 104.63' to a point; thence S 17°57'01" E a distance of 86.88' to a point; thence S 28°46'11" E a distance of 75.59' to a point; thence N 47°28'51" E a distance of 394.16' to a point; thence N 01°58'00" W a distance of 30' to a point; thence N 89°05'41" W a distance of 114.40' to a point; thence S 87°28'03" W a distance of 97.12' to a point; thence S 02°31'57" E a distance of 5' to a point; thence S 87°28'03" W a distance of 100' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16519

Action Requested:

Variance of the maximum height for a pole sign from 25' to 35' - **SECTION 1221.E.1 CG, CH, CBD, IL, IM and IH Use Conditions for Business Signs** - Use Unit 12, located 3524 South Peoria.

Presentation:

The applicant, **Oklahoma Neon**, 6550 East Independence, was represented and was supportive of the continuance requested by Ms. Deatherage, planning chairperson for District 6.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 16519 to December 28, 1993.

Case No. 16521

Action Requested:

Special Exception to permit church use in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 3305 West 41st Street.

Presentation:

The applicant, **Beverly Warren**, 3319 West 41st Street, explained that the property in question was purchased to replace space that was destroyed by a fault under the existing church building. She requested permission to use a residential dwelling for church purposes.

Comments and Questions:

Mr. Bolzle asked if the existing church is to the west of the subject property, and Ms. Warren answered in the affirmative. She added that the lot in question abuts the church property.

In response to Mr. Bolzle, the applicant stated that there is a residence to the east of the subject property.

Mr. Doverspike asked if the church will use the property on Sundays only, and the applicant replied that it will be used on Sundays and on Wednesday evenings.

Tom Smith, 3053 West 55th Place, informed that he is the church pastor, and advised that the house contains 900 sq ft of floor space. He noted that the property was in bad repair when it was purchased by the church, but the lot has now been cleared of all brush and debris. Mr. Smith pointed out that the neighborhood is supportive of the application.

Ms. White asked Ms. Warren if the church would be amenable to tying the two properties together to prevent the sale of one without the other, and she replied that this would not be a problem.

Protestants:

None.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit church use in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; subject to the execution of a tie contract; finding that the lots in question abut an existing church use; and finding that approval of the request will not be detrimental to the neighborhood or violate the spirit and intent of the Code; on the following described property:

Lots 21 and 22, Block 12, and the S/2 of the vacated alley north and adjacent thereto in Yargee Addition to Red Fork, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16522

Action Requested:

Variance of the required side yard from 5' to 2' - **SECTION 403 BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICT** - Use Unit 6, located 312 East 18th Street.

Presentation:

The applicant, **Dennis Anderson**, 7255 South Pittsburg, submitted a floor plan and elevations (Exhibit E-1), and explained that he purchased the subject property with the intent of increasing the square footage by adding a second story to the existing dwelling. He informed that the Tulsa Preservation Commission has approved the building plan. Mr. Anderson stated that the new addition will align with the wall of the existing structure, which was constructed prior to the adoption of the current Zoning Code and encroaches into the required side yard. The applicant stated that he is not aware of any neighborhood opposition to the project.

Interested Parties:

Leon Horowitz, 305 East 19th Street, stated that his residence is to the south of the lot in question and is supportive of the improvement of the property. He asked that an exterior stairway and an upstairs kitchen be prohibited to prevent the applicant from establishing two dwelling units.

Brian Whitehurst, 316 East 18th Street, informed that he lives to the east of the property in question, and is not opposed to the proposed addition. He requested that the ground area of the house not be increased.

Applicant's Rebuttal:

Mr. Anderson advised that it is not his intent to create two dwelling units, and he is not opposed to conditions being imposed that were stated by the interested parties.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a Variance of the required side yard from 5' to 2' - **SECTION 403 BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICT** - Use Unit 6; per plan submitted; subject to no exterior entrance to the second floor addition; subject to no cooking facilities in the upstairs portion of the dwelling; finding that the ground coverage will not be increased, and the building wall of the new addition will align with that of the existing dwelling; on the following described property:

Lot 104, Block 11, and the north 10' of vacated alley adjoining same on the south, Block 11, South Side Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 16523

Action Requested:

Variance to permit more than one sign per street frontage on East 49th Street and South Lewis Avenue, and a variance to permit a sign within 50' of an R zoned district - **SECTION 602.B.4.b.and d - Business Signs - Use Unit 11**, located 4880 South Lewis Avenue.

Presentation:

The applicant, **Amax Sign Company**, 9520 East 55th Place, was represented, and was not opposed to the continuance request of District 6 chairperson, Ms. Deatherage.

Board Action:

On **MOTION of CHAPPELLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 16523 to December 28, 1993.

Case No. 16524

Action Requested:

Special Exception to permit a mini-storage in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS - Use Unit 17**, located west of the SW/c of East 61st Street and South Garnett Road.

Presentation:

The applicant, **Sack and Associates**, was represented by **Ted Sack**, 110 South Hartford, informed that the property in question is on the westernmost edge of a commercially zoned tract. He stated that apartment use is to the south and west, and a detention facility is along a portion of the west boundary. Mr. Sack submitted a plot plan (Exhibit F-1) and explained that the fire marshall has requested that a break be made in the building to permit fire truck access to the hydrants for the apartment complex. He informed that the proposed mini-storage facility will be located on the property line.

Comments and Questions:

In response to Mr. Bolzle, Ms. Russell advised that a 10' setback is required along the residential boundary, and a variance of that requirement has not been requested by the applicant.

Mr. Sack asked that the Board approve the mini-storage, and continue the remainder of the application to permit him to make application for the additional relief.

In reply to Mr. Bolzle, Mr. Sack stated that the parking lot for the apartment facility abuts the subject property, and the apartments are approximately 60' from the boundary line.

Protestants:

None.

Case No. 16524 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a mini-storage in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; and to **CONTINUE** the balance of the application to January 28, 1994, to permit additional advertising; finding the mini-storage to be compatible with existing uses in the area; on the following described property:

A tract of land being a part of the NE/4, NE/4, Section 6, T-18-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma and being described as follows, to-wit: Commencing at the northeasterly corner of said Section 6; thence N 89°51'14" W along the northerly line of said Section 6 a distance of 510'; thence due south a distance of 50' to a point on the southerly right-of-way line of east 61st Street South and the Point of Beginning of said tract of land; thence continuing due south a distance of 340'; thence S 89°51'14" E a distance of 175'; thence due south a distance of 270' to a point on a northerly line of Lot 1, Block 1 "Sugarberry", an addition in the City of Tulsa, Tulsa County, Oklahoma; thence N 89°51'14" W along said northerly line a distance of 325' to a point on an easterly line of Lot 1, Block 1, "Sugarberry"; thence due north along said easterly line a distance of 610' to a point on the southerly right-of-way line of east 61st Street South; thence S 89°51'14" E along said southerly right-of-way line 50' from as measured perpendicularly to the northerly line of Section 6, a distance of 150' to the Point of Beginning of said tract of land and containing 3.19 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16527

Action Requested:

Variance of the screening requirement, special exception to permit a dance hall within 300' of an R District and a special exception to permit required parking on a lot other than the lot containing the principal use and to reduce the number of required parking spaces - **SECTION 1608.A.13. and 14. - SPECIAL EXCEPTION** - Use Unit 12a, located 3415 South Peoria.

Presentation:

The applicant, **John Moody**, 6846 South Canton, Suite 120, was present, and stated that his client is not opposed to the request for a continuance by Ms. Deatherage, District 6 chairman.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 16527 to December 28, 1993.

Ms. Deatherage requested that the hearing date be changed to January 11, 1994 and, after conferring with his client's secretary, Mr. Moody agreed with the request.

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **AMEND** the previous motion to reflect a January 11, 1994 hearing date.

Case No. 16528

Action Requested:

Variance to expand a nonconforming use and a special exception to alter the screening, loading and parking requirements - **SECTION 1405.A STRUCTURAL NONCONFORMITIES** and **SECTION 1407.A.B. and C. PARKING, LOADING and SCREENING NONCONFORMITIES** Use Unit 26, located 18420 East Admiral Place.

Comments and Questions:

Ms. Russell stated that Mr. Moody has requested a continuance, based on the fact that the legal description submitted for the application is incorrect.

Presentation:

The applicant, **John Moody**, 6846 South Canton, Suite 120, stated that he submitted the legal description for publication that was provided by his client; however, after examination of the legal, it was determined that it was incorrect and should be readvertised. He informed that the map provided with the case report included an additional lot, which was not a part of this application. Mr. Moody requested that the application be continued to permit readvertising and to provide sufficient time for him to further discuss the case with the owner of the property, who lives in another state.

Additional Comments:

In response to Mr. Doverspike, Mr. Moody stated that the property is leased to the current operator of the business.

Ms. Parnell noted that the business has not attempted to be a good neighbor to the abutting residential property owners, and stated that she is not opposed to the continuance, but is concerned with the cleanup of the lot.

Mr. Doverspike pointed out that the issue before the Board at this time is the expansion of a non-conforming use, along with the request to alter screening, loading and parking requirements.

Mr. Gardner advised that a use variance was denied at this location in 1988, and use variances are no longer permitted by law.

Mr. Moody noted that much of the confusion in this case is a result of the erroneous legal description.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 16528 to December 28, 1993, as requested by the applicant.

Case No. 16529

Action Requested:

Special Exception to permit 40% FAR in an OL zoned district - **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 5, located 1860 East 15th Street.

Presentation:

The applicant, **John Moody**, 6846 South Canton, Suite 120, stated that he is not opposed to the continuance requested by Ms. Deatherage, District 6 chairman.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 16529 to December 28, 1993, as requested by Ms. Deatherage, planning chairperson for District 6.

Case No. 16530

Action Requested:

Special Exception to permit a children's museum in an IL zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 5, located 7704 East 38th Street.

Presentation:

The applicant, **Mark Simpson**, 7704 East 38th Street, stated that he is the director of Hands On, Inc., which involves hands-on exhibits for children up to eight years old. He submitted a brochure (Exhibit H-1) and stated that his goal in operating the children's museum is to provide a learning experience, while providing entertainment for the children. Mr. Simpson stated that hours of operation will be seven days each week, Monday through Saturday, 9 a.m. to 5 p.m., and from noon to 5 p.m. on Sunday. The applicant informed that he anticipates approximately 400 visitors each day.

Comments and Questions:

Mr. Doverspike inquired as to the availability of parking, and Mr. Simpson informed that 100 parking spaces will be provided.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a children's museum in an IL zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 5; finding the use to be compatible with the area, and in harmony with the spirit and intent of the Code; on the following described property:

Beginning 180' east SW/c, NW/4, SE/4, SE/4, thence north 627.5, east 183.15 to curve southeast 16.86', south 626.85', west 200' to beginning, Tulsa County, Oklahoma.

Case No. 16532

Action Requested:

Variance of the lot width from 75' to 72' to permit a lot split - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 3765 South Xanthus.

Presentation:

The applicant, **Pat Fox**, 3765 South Xanthus, stated that he is not opposed to the continuance requested by Ms. Deatherage, chairperson for District 6.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 16532 to January 11, 1994.

OTHER BUSINESS

Case No. 16520

Action Requested:

The applicant, **Harry Seay III**, 2154 East 32nd Place, requested a refund of filing fees.

Comments and Questions:

Ms. Russell informed that the applicant was advised by City Engineering that a variance would be required; however, after a closer review, it was determined that the relief was not needed. She noted that the application was partially processed, and suggested a refund of \$50.00.

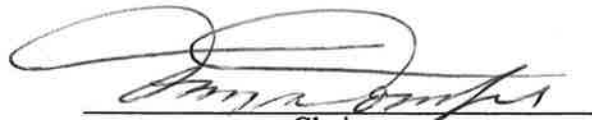
Board Action:

On **MOTION** of **T. WHITE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a refund of \$50.00.

There being no further business, the meeting was adjourned at 2:42 p.m.

Date Approved

Dec 28, 1993


Chairman

