

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 647
Tuesday, December 28, 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 | Jackere, Legal Parnell, Code Enforcement |

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, December 27, 1993, at 11:24 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, S. White, "absent") to **APPROVE** the Minutes of December 14, 1993 (No. 646), and the correction of motion for Case No. 16512 to permit a fence consisting of a 3' masonry wall with 3' of wrought iron above, rather than 2' of masonry with 4' of wrought iron above.

UNFINISHED BUSINESS

Case No. 16484

Action Requested:

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

Comments and Questions:

Mr. Gardner informed that the application has been readvertised to reflect a 72' frontage for the lot containing the duplex, with the new lot being in compliance with all Code requirements. He informed that the lot with the duplex (western lot) is 720 sq ft under the 9000 sq ft requirement.

Presentation:

The applicant, **J. C. Miller**, 8213 East 34th Street, submitted a revised plot plan (Exhibit A-1) and requested that the application be approved.

Protestants:

None.

Case No. 16484 (continued)

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 **APPROVE** a **Variance** of lot width of the west lot from 75' to 72', and lot area from 9000 sq ft to 8280 sq ft to permit a lot split - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per revised plan submitted; finding that there are other lots with similar width and area in the neighborhood, and approval of the request will not cause substantial detriment to the area, or violate the spirit, purposes and intent of the Code; on the following described property:

A tract of land located in Section 3, T-19-N, R-12-E of the IBM, being described as follows: Beginning at a point 273' west and 190' south of the NE/c of the SE/4, NW/4, thence west 132', south 140', east 132', north 140' to the POB, less and except the south 25' thereof, 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.

Comments and Questions:

Ms. Russell submitted a letter of opposition (Exhibit B-1) from **Pam Deatherage**, District 6 chairperson.

Presentation:

The applicant, **Oklahoma Neon**, 6550 East Independence, was represented by **Dale Bennett**, who requested permission to elevate the sign in question from 25' to 35'. He informed that the existing sign is not visible to southbound motorists until they reach the restaurant property.

Comments and Questions:

Mr. Gardner pointed out that the applicant is permitted to install a 35' sign; however, it would be required to be located 10' farther back than the existing sign.

Mr. Bolzle asked how long Wendy's restaurant has been at the current location, and Mr. Bennett replied that it was constructed approximately 10 years ago.

Protestants:

Mr. Doverspike informed that Ms. Deatherage requested that the application be denied, due to the fact that elevation of the sign would be detrimental to the area.

Mr. Bolzle stated that a hardship has not been presented that would warrant the granting of the request.

Case No. 16519 (continued)

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 **DENY** a **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; finding that the applicant failed to present a hardship for the variance request; and finding that the elevated sign would not be appropriate for the area; on the following described property:

Lot 7, Block 2, Peoria Gardens, 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 by John Beatt, who explained that Bank IV has begun operation at the former site of the Western National Bank. He informed that they are proposing to install additional directional signs along 49th Street to move traffic more efficiently through the complex. He informed that directional signs are already in place along the R District boundary, with a retaining wall and landscaping along the north and west elevations.

Comments and Questions:

Mr. Doverspike asked if the ground signs contain the Bank IV logo, and Mr. Beatt answered in the affirmative.

In response to Mr. Doverspike, Mr. Gardner informed that the signs with the Bank IV logo would serve as a directional and identification sign.

Ms. Russell noted that Mr. Garriott has advised that the request is for three signs on the Lewis Avenue street frontage and five signs on 49th Street.

Mr. Jackere noted that directional signs are normally not calculated when determining permitted signage. He advised that signs that are less than 3 sq ft and are directional in nature, although they may have a secondary function (company logo), should not present a concern.

Mr. Beatt explained that the existing signs will be replaced and two additional signs will be installed on 49th Street, and the signs are required to direct the bank patrons through the complex to the drive-in lane.

Mr. Doverspike inquired as to the reason for not using signs that would comply with Code requirements, and Mr. Beatt stated that the signs in question are standard size signs that have been installed at all Bank IV locations in the City.

Case No. 16523 (continued)

Mr. Bolzle remarked that the sign information was not submitted prior to the meeting and, although it is apparent that directional signs are needed, the application is not easily evaluated without further study of the exhibits.

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 **CONTINUE** Case No. 16523 to January 11, 1994, to allow the Board sufficient time to review the plot plan and site-check the property.

Case No. 16524

Action Requested:

Special Exception to permit a mini-storage in a CS zoned district, and a variance of the required setback from an R zoned district from 10' to 0' - **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, who informed that mini-storage was previously approved on the property; however, it was necessary to readvertise for a variance of the required setback from the abutting R District. He noted that the majority of the property on the west boundary abuts a detention facility. Mr. Sack stated that the site plan (Exhibit D-1) depicts two breaks in the building, and requested that, if approved, the exact location of these breaks be permitted to be relocated, if necessary, without coming back to the Board.

Comments and Questions:

In response to Mr. Bolzle, Mr. Gardner stated that the building wall will serve as the screening wall, except along the breaks in the building, which are required for fire truck access.

Mr. Bolzle inquired as to the type of exterior proposed for the building, and Mr. Sack stated that the building will be constructed of 10' masonry tilt-up panels. He added that the exterior will be painted.

In response to Mr. Bolzle's question concerning space to maintain the wall of the building, Mr. Jackere advised that this is not a valid land use concern.

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 mini-storage in a CS zoned district, and a **variance** of the required setback from an R zoned district from 10' to 0' - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted, with the ability to move the required breaks in the building if necessary; finding that the building wall

Case No. 16524 (continued)

will serve as a screening fence; and 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:

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. 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.

Presentation:

The applicant, **John Moody**, 6846 South Canton, Suite 120, stated that his client purchased the subject property in 1975, and a chrome plating business was in operation at that time. He explained that the nature of the business in 1975 was primarily the replating and repair of chrome automobile parts. Mr. Moody stated that the chrome plating business was originally established at this location in 1958, and over the years a large number of automobile parts have accumulated on the tract. He pointed out that the property under application at this time is the eastern portion, and does not include the vacant lot to the west. The applicant noted that the Code Enforcement officer has determined that two buildings have been constructed on the property without a building permit. Mr. Moody informed that his clients were not aware that a permit was required when they constructed the buildings to accommodate the demand for repair of rubberized bumpers. The applicant stated that the property owners, under the supervision of the City/County Health Department, have been involved in cleaning up the heavy metal that permeated the soil, and during this process some of the automobile parts were moved closer to the residential neighborhood. He informed that the soil has not been replaced and the parts will now be moved away from the residences. Mr. Moody submitted a list of conditions (Exhibit E-1 - special exception to alter screening withdrawn) and asked the Board to permit the two existing buildings to remain. He stated that his client will remove

Case No. 16528 (continued)

all junked automobile parts, limit the business operation to the north half of the property, with no storage on the south half and erect a 6' screening fence along the east, west, south and north sides of the subject property (N/2 of eastern lot), extending as far north as the building. The applicant informed that the chrome plating business will no longer be operated at this location, and the existing business will be limited to the repair of rubberized automobile parts. Mr. Moody advised that the property owner will comply with the above stated conditions within 60 days. Photographs (Exhibit E-2) and violation notices (Exhibit E-3) were submitted.

Comments and Questions:

In response to Mr. Bolzle, Ms. Parnell stated that the business was in operation during the 1960s.

Mr. Gardner informed that the City annexed the property in 1966, and the north half of the easternmost lot appears to be the nonconforming portion of the tract.

Mr. Jackere advised that the critical date for nonconforming purposes is 1963. He informed that, although the property in question was not in the City limits, the City had extraterritorial zoning jurisdiction within a five-mile perimeter area.

Mr. Moody stated that the building was constructed and business began operating at this location in December 1958.

In reply to Mr. Bolzle, the applicant stated that the neighbors are in agreement with the proposal.

Mr. Jackere asked if the owner will continue to store parts on the north half of the property, and Mr. Moody answered in the affirmative. Mr. Jackere pointed out that the outside storage of materials can create a health hazard, and inquired as to the arrangement of these parts.

Mr. Moody stated that the parts are stacked in rows; however, he is not aware of his clients policy concerning the arrangement of the merchandise stored outside.

In regard to Mr. Jackere's statement that rodents are attracted to this type of outside storage, Mr. Moody stated that the parts will be rotated regularly and the lot will be kept rodent free.

Mr. Jackere noted that, after viewing the photographs, it appears that the lot in its current condition resembles a junk yard, and is not like an industrial type storage yard.

Ms. White pointed out that it would be impossible to monitor whether or not the lot is rodent free.

Mr. Doverspike asked if the conditions stated by Mr. Moody would correct the current violations on the subject property, and Ms. Parnell answered in the affirmative.

Protestants:

None.

Case No. 16528 (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 **APPROVE** a **Variance** to expand a nonconforming use; and to **WITHDRAW** 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; subject to the following conditions:

1. Applicants shall clean up and remove all junked automobile parts stored on the property, excluding the parts used in applicant's rubberized bumper repair business.
2. Applicant's business shall be limited to the north half of the property and no storage shall be permitted on the south half of the property.
3. Applicants shall erect and maintain a 6' high screening fence around the east, west and south lines of the north half of the property, and along the north side of the property at a location no farther north than the north line of the existing buildings.
4. Applicants agree to cease the chrome plating portion of the business on the property and to limit the business to the repair of rubberized automobile parts.
5. Applicants shall have 60 days from the date hereof to complete the cleanup, to construct the screening fence and to cease the chrome plating operation.
6. Applicants shall file for and obtain a building permit for the two existing buildings (40' by 50' and 50' by 60'); finding the business to be nonconforming; and finding that the business, per conditions, will be compatible with the surrounding uses; on the following described property:

N/2 of east 195.68' of Lot 6, less .16 acre for road, Section 1, T-19-N, R-14-E, unplatted addition to the City of Tulsa, Tulsa County, Oklahoma.

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, was present.

Comments and Questions:

Ms. White and Mr. Bolzle advised that they will abstain from hearing this item, and Case No. 16529 was continued to January 11, 1994, due to lack of three affirmative votes to take action on the case.

NEW APPLICATIONS

Case No. 16526

Action Requested:

Variance of the required setback from the centerline of North 72nd East Avenue - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 729 North 72nd East Avenue.

Presentation:

The applicant, **Michael C. Turley**, 729 North 72nd East Avenue, requested that an existing carport remain at the current location. He informed that there are six similar carports (Exhibit F-1) within 300' of his home. A plot plan (Exhibit F-2) was submitted.

Comments and Questions:

Mr. Doverspike inquired as to the date of construction, and Mr. Turley replied that he built the carport in October 1993.

In reply to Mr. Bolzle, the applicant stated that the two houses to the south of his residence have carports that extend closer to the street than the one in question.

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 setback from the centerline of North 72nd East Avenue - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that there are numerous carports in the immediate area, and approval of the request would not cause substantial detriment to the neighborhood or violate the spirit, purpose and intent of the Code; on the following described property:

Lot 15, Block 6, Maplewood Second, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16531

Action Requested:

Variance of the required setback from the centerline of South Union from 85' to 64' - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 4301 South Union

Presentation:

The applicant, **Living Waters Church**, P.O. Box 9602, was represented by **Glen Short**, 1717 West 45th Street, who informed that church use has been previously approved at the above stated location. He stated that, after purchasing the subject property, it was discovered that the building could not be constructed without Board relief. Mr. Short advised that the Board later denied a variance of the required 25' setback from residentially zoned property, and the plot plan (Exhibit G-1) has now been revised. He stated that the building has been moved away from the R zoned district, and requested approval of a variance of the setback requirement from South Union Avenue.

Comments and Questions:

Mr. Gardner stated that Union Avenue is designated as a 100' major street on the Major Street and Highway Plan; however, there is only approximately 50' of right-of-way at the location of the subject property. He noted that there is 75' of right-of-way to the north, but none with 100'.

Protestants:

Mike Riley, 1527 West 44th Street, informed that he shares a 300' property line with the property in question. He pointed out that the lot is too small for the proposed church building, and the installation of the parking lot will direct additional water runoff toward his property.

Applicant's Rebuttal:

Mr. Short stated that he mailed Mr. Riley a copy of the new site plan and requested that he contact him regarding any questions concerning the project. He advised that Mr. Riley did not respond, and he was not aware that he disapproved of the proposal. He pointed out that there are other structures along Union Avenue that are much closer to the street than the proposed building.

Comments and Questions:

In response to Mr. Doverspike, Mr. Short stated that the architect for the project conferred with a City representative concerning water runoff. He explained that it was his suggestion that a 6" curb be installed to contain the water until it could drain into the nearby creek.

In reply to Mr. Bolzle's question concerning the previous setback requests, Mr. Short stated that the building has been reconfigured to comply with all required setbacks, except the 85' setback from Union Avenue. He reiterated that there are numerous encroaching structures along the street.

Additional Comments:

Mr. Bolzle noted that the Board previously determined that the lot is substandard, and that the use should meet all setback requirements. He added that there has not been a hardship presented that would warrant the granting of this request.

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 required setback from the centerline of South Union from 85' to 64' - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; finding that the applicant failed to present a hardship for the variance request; on the following described property:

West 150' of Lot 7 and Lot 8, Block 1, Rose Hill Ranch, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16533

Action Requested:

Special Exception to permit a manufactured home in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9, located 3624 West Archer.

Presentation:

The applicant, **Ervin Moore**, 3619 West Admiral, requested permission to install a modular home on his property to be used for a residence for his son. He informed that the unit will be placed on a foundation and have the appearance of a permanent dwelling. A plot plan (Exhibit H-2) was submitted.

Comments and Questions:

Mr. Bolzle inquired as to the difference between a mobile home and a modular home, and the applicant stated that he was informed that the only difference is the fact that mobile units are equipped with wheels.

Mr. Doverspike asked if there are other mobile homes in the immediate vicinity, and he replied that there may be modular homes, but there are no mobile units in the neighborhood.

Protestants:

Mr. Doverspike advised that three letters of opposition (Exhibit H-1) have been received from area residents.

Mr. Moore stated that he did not advise the neighbors that the proposed dwelling would be a modular home, and not a mobile home.

Additional Comments:

Mr. Gardner advised that the modular unit would be required to comply with all BOCA Code regulations.

After discussion, the Board concluded that the application should be continued for two weeks to permit the applicant to supply brochures and a plot plan depicting the location of the unit.

Mr. Moore stated that it is not convenient for him to return to the Board, and requested that the application be withdrawn.

Mr. Doverspike advised that Case No. 16533 has been **WITHDRAWN** at the request of the applicant.

Case No. 16534

Action Requested:

Special Exception to permit a community based correctional center and private jail facility - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2, located 300 West Archer.

Case No. 16534 (continued)

Comments and Questions:

Ms. Russell informed that the applicant has requested by letter (Exhibit J-1) that Case No. 16534 be continued to January 25, 1994.

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 **CONTINUE** Case No. 16534 to January 25, 1994, as requested.

Case No. 16535

Action Requested:

Special Exception to permit an existing dry cleaners, variance of the required setback from the centerline of North Harvard from 100' to 77', variance of the required setback from the centerline of North Indianapolis Avenue from 50' to 35', variance of the maximum 3000 sq ft permitted for a dry cleaners and a variance of the number of required parking spaces - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS, SECTION 1215.b.3 Included Uses and SECTION 1215.d. Off-street Parking and Loading Requirements** - Use Unit 15, located 1445 North Harvard.

Presentation:

The applicant, **Harvard Cleaners**, was represented by **Bob Harris**, 8116 East 112th Street, Bixby, Oklahoma, who submitted a plot plan (Exhibit K-2), and informed that a new addition is proposed on the rear portion of the existing building. He explained that the cleaners has been at the current location for many years and has a parking agreement (Exhibit K-1) for shared parking with the church. Mr. Harris informed that his mother donated the land to the church several years ago, and the cleaners has shared the parking lot with them for approximately 30 years.

Comments and Questions:

Mr. Doverspike inquired as to the number of parking spaces that will be needed on the abutting parking lot, and Mr. Harris informed that a total of 13 spaces are required. He pointed out that there are other areas on the lot that could be converted to additional parking spaces, but it would not be as convenient as the church parking lot.

In response to Mr. Doverspike, Mr. Harris stated that there are approximately eight parking spaces that could be made available on the lot in question.

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 an existing dry cleaners, **variance** of the required setback from the centerline of North Harvard from 100' to 77', **variance** of the required setback from the centerline of North Indianapolis Avenue from 50' to 35', **variance** of the maximum 3000 sq ft permitted for a dry cleaners and a **variance** of the number of required parking spaces - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS, SECTION 1215.b.3**

Case No. 16535 (continued)

Included Uses and SECTION 1215.d. Off-street Parking and Loading Requirements - Use Unit 15; per plan submitted; subject to a mutual license agreement to ensure the continued use of the abutting church parking lot for required parking; finding that the existing building was constructed prior to current zoning regulations; finding that the new construction will be used for a garage area and conference room, and the portion of the building used for dry cleaning will not be expanded; and finding that the cleaners and the abutting church have been sharing parking for approximately 30 years, 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:

South 78.74' of the south 200.9' of the north 235.9' of the east 150' of the west 190' of the W/2, NW/4, NW/4 of Section 33, T-20-N, R-13-E, of the IBM, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16536

Action Requested:

Variance of the required rear yard from 20' to 15'.

Comments and Questions:

Ms. Russell informed that the applicant, **Rick Braselton**, 5319 South Lewis, Suite 210, has requested (Exhibit L-1) that Case No. 16536 be withdrawn.

Mr. Doverspike advised that Case No. 16536 has been **WITHDRAWN** at the request of the applicant.

Case No. 16537

Action Requested:

Variance of the required 85' setback from the centerline of South Lewis Avenue, a variance of the required lot width from 75' to 60' and 65', a variance of the land area and land area per dwelling unit to permit a lot split, located 2304 South Lewis.

Presentation:

The applicant, **Thomas Tobias**, 1319 East 35th Street, stated that he is representing the owner of the property in question, which is to be sold. He informed that the existing dwelling will be removed and the property will be split into two separate lots. Mr. Tobias noted that there are numerous lots in the neighborhood that are more narrow than the proposed lots, and one recently constructed dwelling was built closer to the centerline of the street than he is requesting. A plot plan (Exhibit M-1) and photographs (Exhibit M-2) were submitted.

Interested Parties:

Dick Sherry, 2247 East 24th Street, stated that he lives to the south of the subject property, and is in attendance to determine if the setback from Lewis and the lot split are the only issues before the Board at this time.

Protestants:

None.

Case No. 16537 (continued)

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 85' setback from the centerline of South Lewis Avenue; **Variance** of the required lot width from 75' to 60' and 65'; **Variance** of the land area and land area per dwelling unit to permit a lot split; per plan submitted; finding that the proposed lots are similar in width and size to existing lots in the neighborhood, 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:

Beginning at the NE/c of NE/4, SE/4, NE/4 of Section 18, T-19-N, R-13-E, thence south 130', west 150', north 130', east 150' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16538

Action Requested:

Special Exception to permit a university student center in an R District; variance of the number of required parking spaces; variance to permit parking on a lot other than the lot containing the principal use; variance of the .50 FAR; variance of the required 25' setback from the front property line to 18' - **SECTION 404.F SPECIAL EXCEPTION USES REQUIREMENTS IN RESIDENTIAL DISTRICTS, SECTION 1205.D Off-Street Parking and Loading Requirements and SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 710 South College.

Presentation:

The applicant, V. M. Piland, 1660 East 71st Street, Suite 2P-2, submitted a plot plan (Exhibit N-1) and stated that he is representing the University of Tulsa (TU) and the Tulsa Metro Baptist Association. He informed that a new student center is proposed on the lots in question, which are owned by TU. Mr. Piland stated that the lots involved in the application are surrounded by TU property, and the nearest single-family residence is more than 300' away. A letter (Exhibit N-2) concerning parking and the exterior of the building was submitted.

Comments and Questions:

In response to Mr. Bolzle, Mr. Piland informed that Lot 4 is two lots from 7th Street, however, these two lots are occupied by Tulsa University uses.

Ms. Russell advised that the letter concerning parking, which was submitted earlier, states that a lease agreement has been executed on the property.

Mr. Gardner noted that, if all lot lines were removed, the campus parking would exceed the required amount of parking, except for Skelly Stadium.

Mr. Jackere asked Mr. Piland if the long-term lease of the property includes use of the off-site parking, and he replied that the letter from Mr. Stairs is a continuance of the lease agreement, and does state that condition.

Mr. Jackere advised that the lease be amended to include the use of the off-site parking for the duration of the lease.

Case No. 16538 (continued)

Mr. Bolzle noted that the parking in question is clearly designated on the plot plan.

Mr. Piland pointed out that the majority of the students visiting the center are registered students and they park on the campus, but not necessarily at this location.

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 university student center in an R District; **variance** of the number of required parking spaces; **variance** to permit parking on a lot other than the lot containing the principal use; **variance** of the .50 FAR; variance of the required 25' setback from the front property line to 18' - **SECTION 404.F SPECIAL EXCEPTION USES REQUIREMENTS IN RESIDENTIAL DISTRICTS, SECTION 1205.D Off-Street Parking and Loading Requirements and SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; finding that the accumulative number of parking spaces for Tulsa University uses meets the parking requirements; and finding that the proposed location of the student center is within the TU campus and is surrounded by other TU buildings and related uses; on the following described property:

All of Lots 1, 2, 3 and 4, Block 19, College Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16539

Action Requested:

Special Exception to permit Use Unit 19 (basketball center) in an IL zoned district; variance of the required number of parking spaces - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS and SECTION 1219.D. Off-Street Parking and Loading Requirements** - Use Unit 19, located 9363 East 46th Street.

Presentation:

The applicant, **Fred Campbell**, 211 East 27th Street, stated that he is representing the **Ken Trickey Basketball Center**. He submitted a plot plan and elevations (Exhibit P-1) and explained that the center will include three basketball courts, which will accommodate men's, women's and children's leagues. Mr. Campbell stated that, if the parking spaces on the east side of the building can be included in the required number, the facility will comply with the 106 required spaces. He informed that the east parking area may extend into the easement.

Comments and Questions:

Mr. Doverspike inquired as to the number of spaces available on the east side of the building, and the applicant replied that there are approximately 12 spaces in that area, and 10 could extend into the easement.

In response to Ms. White, the applicant stated that there are 96 parking spaces available, if the spaces on the east side are excluded.

Case No. 16539 (continued)

Mr. Campbell informed that the children will visit the facility during the daytime hours and adult leagues will be held in the evenings.

In response to Mr. Doverspike, Mr. Campbell advised that the facility will be open from 8 a.m. to 11 p.m., Monday through Friday, 9 a.m. to 8 p.m. on Saturday and 1 p.m. to 6 p.m. on Sunday.

In reply Mr. Doverspike, the applicant stated that all activities are conducted inside the building.

Mr. Doverspike asked if the existing building will be changed, and the applicant stated that it will remain the same. He added that the structure was previously used as an ice skating rink.

Protestants:

Rita Parker withheld her address, but stated that she lives in the Regency Park area near the subject property. She informed that the late closing hour of the Midnight Rodeo has caused her to be mindful of the hours of operation for the proposed business. Ms. Parker pointed out that the departure of all customers at 11 p.m. would cause an excessive amount of noise, and would interrupt the sleep of nearby residents. She stated that she is not opposed to the business, but is not in favor of the 11 p.m. closing time during weekdays.

Ken Trickey, 3048 South Zunis, assured Ms. Parker that the proposed business will not be a recreational center, and their presence in the area will improve the existing problem. He stated that private lessons will be offered for children, and adult leagues will also be conducted, with no more than three games in progress at any given time.

Additional Comments:

Mr. Doverspike asked if organized games will be held that could attract spectators, and Mr. Trickey replied that friends or family members may attend the games. He informed that there will be a maximum of 70 individuals in the building at any given time, and all games will be supervised, with security inside and outside.

In reply to Ms. White, Mr. Gardner advised that a 24-hour-a-day industrial use could operate by right on the subject property.

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 Use Unit 19 (basketball center) in an IL zoned district; **variance** of the required number of parking spaces - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** and **SECTION 1219.D. Off-Street Parking and Loading Requirements** - Use Unit 19; per plan submitted; subject to days and hours of operation being 8 a.m. to 11 p.m., Monday through Friday, 9 a.m. to 8 p.m. on Saturday and 1 p.m. to 6 p.m. on Sunday; finding the basketball center to be compatible with the surrounding area; and finding that there is adequate parking for the use; on the following described property:

Regency Industrial Center, part of Lot 6, beginning 269.86' NW SEC Lot 6, thence NWLY 330', NE 330', SE 330' SWLY to POB, less beginning 269.86' NW SEC Lot 6, thence NWLY 50', NE 220', NW 280', NE 110', SE 330' to POB, Block 1, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16540

Action Requested:

Variance of the required lot width from 60' to 46'; Minor Special Exception to permit an accessory building on an abutting lot under common ownership, located 531 South 46th West Avenue.

Presentation:

The applicant, **Ted Bowen**, 531 South 46th West Avenue, stated that he purchased abutting property several years ago in order to enlarge his yard. He informed that the property is now being sold and requested that the accessory building be permitted with the lot to be sold. A plot plan (Exhibit R-1) was submitted.

Comments and Questions:

Mr. Bolzle noted that there are other 46' wide lots in the area.

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 **Variance** of the required lot width from 60' to 46' to permit a lot split; **Minor Special Exception** to permit an accessory building on an abutting lot under common ownership; per plot plan; subject to the execution of a tie contract (Lots 15 and 16); finding that there are other lots with similar widths in the older development; 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 15, 16 and 17, Block 12, Verndale Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16541

Action Requested:

Special Exception to permit parking on a lot other than the one containing the principal use or a reduction of the number of required parking spaces - **SECTION 1608. SPECIAL EXCEPTION** - Use Unit 12a, located 1134 South Harvard Avenue.

Presentation:

The applicant, **Lynn Lane Williams**, 111 West 5th Street, Suite 510, informed that the Tulsa Billiard Palace has been in operation for 10 years at the current location. He informed that his client has owned the business since 1987, and has attempted to protect the neighborhood by constructing an 8' privacy fence behind the building. Mr. Williams stated that two security policemen patrol the parking areas regularly, and the owner has opted to cease the sale of alcoholic beverages and the scheduling of Saturday tournaments. He informed that the owner has acquired additional parking to accommodate the business in question. A location map (Exhibit S-2) and photographs (Exhibit S-1) were submitted.

Comments and Questions:

Mr. Bolzle inquired as to the number of spaces available on Lots 10 and 11, and Mr. Williams replied that there are 10 spaces on these lots, with 10 on-site spaces provided.

Mr. Jackere inquired as to the size of the building, and Mr. Williams stated that it contains 3680 sq ft of floor space, with 55 parking spaces provided. He noted that his client has rented the building next door, which remains vacant, in order to provide additional parking and buffer the business to the north.

Protestants:

Rebecca Hamilton, 1135 South Gary, stated that she lives behind the business in question, and is representing two other property owners in the neighborhood, who are opposed to the application. She stated that the billiard hall has been closed, due to a fire, and since that time the neighborhood has been peaceful. Ms. Hamilton stated that she has found all types of items that have been thrown over her fence. She asked the Board to deny the application and protect the residential neighborhood.

A representative of **Movies Plus** stated that they have a problem with patrons of the Tulsa Billiard Palace parking in their parking lot. He pointed out that calling to have the cars removed is time consuming, and verbal abuse and retaliation is often a result of refusing to allow their customers to remain on the lot. He informed that the video store has experienced a period of calm since the business burned.

Jeannie McDaniel, Mayor's office, stated that she lives nearby, and advised that neighbors have found drug paraphernalia and all types of debris in their yards, which were deposited by patrons of the billiard operation. She pointed out that the 24-hour-a-day pedestrian traffic crossing Harvard Avenue creates a safety hazard, and the lack of parking does not permit patrons to park on the site.

Kevin Moody, who represented Moody's Jewelry, 1137 South Harvard, stated that monitoring the parking lot is an ongoing concern, and noted that all businesses near the subject property have experienced parking problems with overflow parking from the billiard hall. Mr. Moody pointed out that the proposed relief parking is so far from the business that the majority of their patrons would not walk the extra distance, but would continue to park nearby. He informed that vandalism is also a problem for area businesses.

Councilor Gary Watts informed that he is representing the district, and noted that a 24-hour use, such as the billiard parlor, is not compatible with the abutting residential neighborhood without adequate parking being available. He pointed out that the current owner has chosen to discontinue the sale of alcohol, but future owners may choose to resume the use.

Applicant's Rebuttal:

Mr. Williams stated that his client is sensitive to the concerns of the neighborhood and surrounding businesses; however, the providing of off-site parking would cause the billiard parlor to comply with parking requirements.

Additional Comments:

There was Board discussion concerning the safety, accessibility and convenience of the proposed off-site parking.

Case No. 16541 (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 **DENY** a **Special Exception** to permit parking on a lot other than the one containing the principal use, and a reduction of the number of required parking spaces - **SECTION 1608. SPECIAL EXCEPTION** - Use Unit 12a; finding that the lack of on-site parking has been a problem for the neighborhood, and that the proposed off-site parking on lots other than the business in question is not very convenient, and the lot across Harvard is not very safe; and finding that a reduction in the number of required parking spaces would be detrimental to the neighborhood; on the following described property:

Lots 7, 9, 10 and 11, Block 1, and Lot 7, Block 4, East Lawn Addition, and Lot 40, Block 1, Harvard Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16542

Action Requested:

Variance of the maximum display surface area from 346 sq ft to 552 sq ft - **SECTION 1221.E.3 CG, CH, CBD, IL, IM, and IH Use Conditions For Business Signs** - Use Unit 21, located 2442 West Skelly Drive.

Presentation:

The applicant, **Tulsa Neon**, 3211 West 21st Street, was represented by **James Parker**, who submitted photographs (Exhibit T-1) and informed that the property in question is permitted a sign with 346 sq ft of display surface area. He informed that there is a pre-existing billboard containing 480 sq ft, and the tenants are requesting 72 sq ft of signage. A plat of survey (Exhibit T-2) and a sign plan (Exhibit T-3) were submitted.

Comments and Questions:

In response to Mr. Doverspike, Mr. Parker informed that the one 6' by 6' sign was installed without a permit.

Mr. Jackere inquired as to the owner of the billboard, and Mr. Parker stated that Donrey owns the sign. He pointed out that the billboard is creating a problem for the tenants, because they are not permitted signage for their use.

Mr. Gardner stated that Staff's concern is that the Donrey sign may be nonconforming as to spacing and the Board's action should not in any way approve a variance for that sign.

Mr. Bushyhead stated that he is the owner of the business requesting the sign, and explained that he occupies one side of the duplex, which has an existing pole for signage. He pointed out that the occupant of the other side of the duplex type building has installed his sign on the pole without a permit, which leaves his business without signage. Mr. Bushyhead requested permission to install a 6' by 6' business sign.

Protestants:

None.

Case No. 16542 (continued)

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 display surface area from 346 sq ft to 552 sq ft to permit a 72 sq ft business sign - **SECTION 1221.E.3 CG, CH, CBD, IL, IM, and IH Use Conditions For Business Signs** - Use Unit 21; per plan submitted; finding that the 72 sq ft business sign will serve the tenants in the duplex type business building, and will not be detrimental to the area, or violate the spirit and intent of the Code; and finding that the relief granted does not apply to the existing billboard or its ability to remain at this location beyond January 1, 1995; on the following described property:

A part of the NW/4, NE/4, Section 34, T-19-N, R-12-E of the IBM, Tulsa County, Oklahoma, more particularly described as follows to-wit: Beginning at a point on the west line of the NW/4, NE/4, where the S line of Highway 66 by-pass ROW intersects therewith, being 457.0' south of the NW/c of the NW/4, NE/4 thence east along the south line of said ROW a distance of 173.05', thence south and parallel to the west line of said NW/4 NE/4 a distance of 200.0' to a point, thence west and parallel to the south line of said ROW a distance of 173.05' to a point, thence north along the west line of the NW/4 NE/4 a distance of 200.0' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16543

Action Requested:

Variance of the required rear yard from 25' to 14', and a 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 SE/c of East 24th Place and South Norfolk Avenue.

Presentation:

The applicant, **Design Properties**, 7318 South Yale Avenue, was represented by **Jack Arnold**, who represents the owner of the property in question. He informed that one lot will be increased from 70' to 72' by removing 2' from the abutting lot. Mr. Arnold stated that the rear yard variance will permit side loading garages, which is consistent with the area. A plot plan (Exhibit W-1) was submitted.

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 **Variance** of the required rear yard from 25' to 14', and a **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; per plan submitted; finding that there are other lots in the area that are similar in width; and that approval of the request will not be detrimental to the neighborhood; on the following described property:

Lots 8, 9 and the west 13.50' of Lot 7, Block 4, Sunset Terrace, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16544

Action Requested:

Variance of the setback from the centerline of South Joplin to permit an open wall canopy - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 23, located 5909 East 13th Street.

Presentation:

The applicant, **Jim Burgess**, 5909 East 13th Street, stated that he is attempting to comply with EPA guidelines for outside storage, and requested permission to construct a canopy (Exhibit X-2) for coverage. He informed that it was discovered that the canopy will extend 4' over the required setback, and asked that the Board approve the variance request. Mr. Burgess informed that the Board has previously approved the same setback for an extension to the building. Photographs (Exhibit X-1) were submitted.

Comments and Questions:

Mr. Bolzle noted that the proposed canopy will align with the existing building wall.

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 **Variance** of the setback from the centerline of South Joplin to permit an open wall canopy - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 23; per plan submitted; finding that the canopy will align with the existing building wall, and will not encroach farther into the required setback; and finding that approval of the request will not be detrimental to the area, or violate the spirit, purposes and intent of the Code; on the following described property:

Lots 1, 8, 9 and 10, Block 3, C & C Industrial Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16546

Action Requested:

Variance of the setback from the centerline of East Apache from 50' to 37' to replace an existing sign - **SECTION 1221.G. CS, CG, CH, IL, IM and IH Use Conditions** - Use Unit 21, located 601 East Apache.

Presentation:

The applicant, **Craig Neon**, 1889 North 105th East Avenue, was represented by **Jim Matchen**, who requested that an existing 280 sq ft sign be replaced with a 72 sq ft sign. A sign plan (Exhibit Z-2) and photographs (Exhibit Z-1) were submitted.

Comments and Questions:

Mr. Doverspike asked if the new sign will be installed at the same location as the existing structure, and Mr. Matchen answered in the affirmative.

Case No. 16546 (continued)

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 **Variance** of the setback from the centerline of East Apache from 50' to 37' to replace an existing sign - **SECTION 1221.G. CS, CG, CH, IL, IM and IH Use Conditions - Use Unit 21**; per sign plan submitted; finding that the existing sign is encroaching into the required setback and the new sign will be smaller and will be installed at the same location; and finding that approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lots 1, 2, 3, 4, 21, 22 and 23, Block 9, Devonshire Place Resubdivision, City of Tulsa, Tulsa County, Oklahoma.

UNFINISHED BUSINESS

Case No. 16536

Action Requested:

Refund of fees for Case No. 16536, which has been withdrawn by the applicant.

Comments and Questions:

Ms. Russell informed that the application has been fully processed, except for the public hearing, and suggested that fees in the amount of \$25.00 be refunded.

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 the \$25.00 public hearing portion of the application fee.

There being no further business, the meeting was adjourned at 3:48 p.m.

Date Approved

1/11/94


Chairman

