

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 650
Tuesday, February 8, 1994, 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 S. White T. White		Gardner Moore	Jackere, Legal Parnell, Code Enforcement Hubbard, Bldg. Inspection

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, February 4, 1994, at 3:15 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **BOLZLE**, the Board voted 4-0-1 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; S. White, "abstaining"; none "absent") to **APPROVE** the Minutes of January 25, 1994 (No. 649).

UNFINISHED BUSINESS

Case No. 16553

Action Requested:

Variance to permit parking on a lot other than the lot containing the principal use - **SECTION 1301.D.- GENERAL REQUIREMENTS** - Use Unit 19, located 1009 East Archer.

Comments and Questions:

Mr. Bolzle pointed out that the use was previously approved, and the Board agreed at that meeting that the request for parking would be reviewed without the presence of the applicant.

Protestants: None.

Presentation:

The applicant, **Joan DeLeon**, 239 South Toledo Avenue, was not present.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-1 (Bolzle, Chappelle, Doverspike, T. White "aye"; no "nays"; S. White, "abstaining"; none "absent") to **APPROVE** a **Variance** to permit parking on a lot other than the lot containing the principal use - **SECTION 1301.D.- GENERAL REQUIREMENTS** - Use Unit 19; finding that approval of the variance will not cause substantial detriment to the public good, or violate the spirit, purpose or intent of the Code; on the following described property:

Lots 19-22 and 25-26, Block 7, Frisco Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16568

Action Requested:

Special Exception to permit a manufactured home in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 9, located 950 South 129th East Avenue.

Presentation:

The applicant, **Neal Paulson**, 950 South 129th East Avenue, informed that the existing dwelling is being used as a flower shop, and requested permission to install a mobile home for his residence. Mr. Paulson explained that he and his wife have previously used the existing structure for their home and their business; however, the business is growing and is being expanded into the living area. He informed that the mobile home will be painted, skirted and be made to look permanent.

Comments and Questions:

In response to Mr. Bolzle, Mr. Gardner informed that mobile homes are not permitted by special exception in CS commercial districts, because CS is the most restrictive commercial zoning district. He explained that mobile homes have been approved in heavy commercial and industrial areas for security purposes (night watchmen) and can be approved by a special exception, which does not require a hardship finding.

Protestants:

Steve Turney, 12835 East 11th Street, informed that he operates an auction and retail business next door to the subject property. He stated that a mobile unit is not appropriate for the commercial district and would depreciate his property value, as well as discourage new development in the area.

Applicant's Rebuttal:

Mr. Paulson stated that the area is not a typical commercial development and his mobile unit will not have a negative impact on property values. He pointed out that there is a car lot on the corner, a nearby appliance store that frequently has outside display of merchandise and numerous other mobile homes in the neighborhood.

Comments and Questions:

Ms. White noted that a hardship has not been presented for the variance request.

Mr. Bolzle explained that the hardship finding is required for approval of a variance request.

Mr. Paulson stated that the need for the mobile unit would be temporary.

Mr. Jackere advised that, if the Board is inclined to deny the application, the compatibility of the use, along with the hardship, should be considered.

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 **DENY** a **Variance** to permit a manufactured home in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 9; finding that mobile home use is not compatible with the commercial area and the applicant failed to demonstrate a hardship for the variance request; on the following described property:

Case No. 16568 (continued)

South 15.5' of east 215.23', NE/4, SE/4, SE/4, SE/4, and north 180' SE/4, SE/4, SE/4, SE/4, less west 130' and less east 58' for street, Section 5, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16569

Action Requested:

Variance of the required setback from the centerline of East 35th Street from 55' to 40' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 4148 East 35th Street.

Presentation:

The applicant, **Donald Arney**, 4148 East 35th Street, was not present.

Comments and Questions:

Mr. Doverspike stated that the application was continued to this date to permit Mr. Arney to research the possibility of constructing the proposed carport at another location on the lot, without Board relief.

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 **DENY** Case No. 16569; finding that the applicant has had no contact with Staff since the previous meeting and was not in attendance to present the application; on the following described property:

Lot 1, Block 5, Walter Foster Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16570

Action Requested:

Variance of the number of required parking spaces - **SECTION 1215.D. Off-Street Parking and Loading Requirements** - Use Unit 15, located 1339 North Lansing.

Presentation:

The applicant, **Jerry McCoy**, Route 1, Box 574, Sperry, Oklahoma, requested permission to add a paper storage facility to the existing building. He informed that 70 parking spaces are required for the printing business, with the new addition, and 56 spaces are available. Mr. McCoy noted that the new addition will not increase the number of employees or the need for additional parking. A plot plan (Exhibit A-1) was submitted.

Comments and Questions:

Mr. Doverspike asked if the new building will be used for paper storage only, and Mr. McCoy answered in the affirmative.

Ms. White inquired as to the current number of employees, and the applicant replied that the printing company employs approximately 20 individuals.

Case No. 16570 (continued)

In response to Mr. Bolzle, the applicant stated that the storage facility has always been a part of the overall plan for the business.

Mr. Jackere advised that the Board could conclude that there are two principal uses on the property. He stated that the issue is whether or not the storage of paper goods is a second principal use, or is accessory to the printing business.

Mr. Gardner informed that, if inclined to approve the request, the use of the new addition could be limited to paper storage only, which would prohibit other uses that could require additional parking.

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 **Variance** of the number of required parking spaces - **SECTION 1215.D. Off-Street Parking and Loading Requirements** - Use Unit 15; per plan submitted; subject to 4800 sq ft of the existing building remaining as office use, 12,000 sq ft being for the plant area, and the new 7400 sq ft addition being used for paper storage only; finding paper storage to be accessory to the existing printing business, and the storage structure will not generate additional parking demands; on the following described property:

A tract of land in the Liberty and Rosedale Additions, City of Tulsa, Tulsa County, Oklahoma, in Section 36, T-20-N, R-12-E, of the Indian Base and Guide Meridian, and being more particularly described as follows, to-wit:

All of Lots 17 through 20, the south 15' portion of Lot 21, and the north 35' portion of Lot 16, all in Block 3, Liberty Addition; and

All of Lots 7 through 10, the south 15' portion of Lot 6 and the north 35' portion of Lot 11, all in Block 8, Rosedale Addition; and

The portion of Madison Avenue (a 40' wide condemned street) adjacent to the west of Lots 17 through 20, adjacent to the west of the south 15' of Lot 21 and adjacent to the west of the north 35' of Lot 16, all in Block 3, Liberty Addition; and

The west 5' portion of a 10' wide condemned alley adjacent to the east of Lots 17 through 20, adjacent to the east of the south 15' of Lot 21, and adjacent to the east of the north 35' of Lot 16, all in Block 3, Liberty Addition, containing a total of 81,500 sq ft or 1.871 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16572

Action Requested:

Variance of the required 500' setback from an R District and the required 500' setback from a church - **SECTION 705.B.2 and 5 - Prohibition** - Use Unit 12a, located 725 North Sheridan Road.

Presentation:

The applicant, **Far East Entertainment, Inc.**, was represented by **Chuck Hensley**, 3900 Northeast Shoreline Drive, Claremore, Oklahoma, who submitted a plot plan (Exhibit B-1) for the sexually oriented business. A letter (Exhibit B-2) explaining the operation was submitted. Mr. Hensley stated that entertainment has been provided at this location for approximately 20 years.

Comments and Questions:

In response to Mr. Bolzle, Ms. Hubbard informed that the use is located on Lot 2 only.

Mr. Doverspike inquired as to the days and hours of operation, and Mr. Hensley stated that the business is open Monday through Saturday, 12 noon to 2 p.m.

In response to Mr. Doverspike, Mr. Hensley stated that 3.2 beer is served.

Mr. Bolzle inquired as to the size of the structure, and Mr. Hensley informed that the sexually oriented business uses a 50' by 50' portion of the building and adequate parking is available.

Mr. Gardner stated that a tavern was previously approved at this location (BOA-13336, 10-4-84), and the use has been changed to a sexually oriented business since that time.

A violation notice (Exhibit B-3) was submitted by Ms. Parnell, Code Enforcement.

Protestants:

William Chenault, 17712 East 94th Street North, Owasso, Oklahoma, owner of the the Airway Shopping Center at 810-842 North Sheridan, stated that approval of a sexually oriented business at the proposed location would limit his ability to lease space in his center. He stated that the business in question would be detrimental to the neighborhood.

Mr. Bolzle asked Mr. Chenault if he has noticed any activity outside the bar that would indicate that a sexually oriented business was being operated at this location, and he replied that he does not drive in the area.

Mr. Doverspike stated that the eastern residential district seems to be adequately buffered (497.5'), and the church is 491.9' from the use.

Ms. White stated that a hardship has not been demonstrated for the variance request, and one residential district is approximately 300' from the business.

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 **Variance** of the required 500' setback from an R District and the required 500' setback from a church - **SECTION 705.B.2 and 5 Prohibition** - Use Unit 12a; finding that the

Case No. 16572 (continued)

applicant failed to present a hardship that would warrant the granting of the variance request; on the following described property:

Lots 1, 2, 3 and 4, Walter Square Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16573

Action Requested:

Variance of the required front yard from 30' to 22.8' to permit an existing encroachment - **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 8111 South Louisville Avenue.

Presentation:

The applicant, **Russell Cobb III**, 4500 South Garnett, #922, informed that the subject property is for sale and the variance is requested to clear the title. He submitted a plat of survey (Exhibit C-1) and informed that the lot is irregular in shape and one corner of the garage was constructed over the building setback line approximately 20 years.

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 front yard from 30' to 22.8' to permit a corner of the existing building to encroach - **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the corner of the garage was constructed over the lot line approximately 20 years ago and the relief is required to clear the title to the property: on the following described property:

Lot 2, Block 2, Forrest Creek, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16574

Action Requested:

Special Exception to reduce the number of off-street parking spaces for an adult entertainment establishment, and to permit required parking on a lot other than the one containing the principal use - **SECTION 1608.A.13. SPECIAL EXCEPTION** - Use Unit 12a, located 1118 and 1120 South Harvard Avenue.

Comments and Questions:

Mr. Gardner noted that the applicant has had parking spaces for the bar on the rear 15' to 20' of the southernmost lot and approximately 10' of the eastern portion of the northernmost lot. He added that this parking area is accessed from Harvard, along the rear of the buildings.

Case No. 16574 (continued)

Presentation:

The applicant, **Thelma Alford**, 1123 South Gary Place, stated that she is the owner of the building in question, and lives in the dwelling located directly behind the bar. The applicant informed that she has leased a portion of land from her neighbor to add five additional parking spaces, which will provide a total of 15 spaces for the use. Ms. Alford stated that the neighborhood bar usually has no more than 20 patrons in the evening, and has been operating for approximately 13 years with the existing parking. She informed that only about 1300 sq ft of the 1700 sq ft building is dedicated to serving customers. Ms. Alford requested that screening not be required between her residence and the parking lot, in order that she can monitor the activity in that area. Photographs (Exhibit D-1) and a plot plan (Exhibit D-2) were submitted.

Comments and Questions:

In response to Mr. Bolzle, Mr. Gardner advised that the applicant needs two additional parking spaces to comply with the required number of parking spaces for the portion of the building used to serve the patrons of the bar.

Protestants:

Richard Warner, 3168 South Rockford, stated that he is affiliated with a company that owns a building to the south. He informed that the building is leased to Movies Plus, and the business has experienced problems with patrons of the bars in the area. Mr. Warner stated that this type of problem restricts his ability to lease the property, and is opposed to the application.

Mr. Warner asked if the adult entertainment establishment referred to in this application is a beer bar only, and Mr. Doverspike answered in the affirmative.

Harold Staires, 6930 East 20th Street, stated that he owns property on Gary Place and asked if the application includes property that reaches to Gary Place.

Mr. Gardner advised that the case map indicates that all of Lots 19 and 20 are included in the application, however, only a portion of the two lots is involved in the special exception request. He noted that the current parking area on the east ends of the lots will not be increased.

Interested Parties:

Ms. Rankin, 1119 South Gary Place, stated that she is leasing space on the rear portion of her lot to provide five parking spaces for the bar.

In response to Mr. Jackere, Ms. Rankin stated that the property will be leased on a yearly basis.

Art Yomens, 4510 East 8th Street, stated that this bar has older clientele and has not been a problem for the neighborhood.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-1-0 (Bolzle, Chappelle, S. White, T. White "aye"; Doverspike, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to reduce the number of off-street parking spaces for an adult entertainment establishment, and to permit required parking on a lot other than the one containing the principal use - **SECTION 1608.A.13. SPECIAL EXCEPTION - Use Unit 12a; per plan submitted; subject to the approval running concurrently with the**

Case No. 16574 (continued)

parking lease; subject to the off-street parking being limited to the east 24' of Lot 19 and the east 10' of Lot 20; subject to screening being install between the subject property and Lot 20, with screening being eliminated between the subject property and Lot 19 during the ownership of the applicant (applicant owns the subject property and the dwelling on Lot 19); finding that the entire building is not dedicated to serving customers, and that the proposed off-street parking is on a lot directly behind the bar; 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:

Lot 5 and the east 24' of lot 19 and the east 10' of Lot 20, Block 1, Eastlawn Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16575

Action Requested:

Variance of the required setback from the centerline of South Peoria from 50' to 40' to permit a sign - **SECTION 1221.C.6. General Use Conditions for Business Signs - Use Unit 12**, located 3524 South Peoria.

Presentation:

The applicant, **Oklahoma Neon**, 6550 East Independence, was represented by **Terry Howard**, 1423 South 128th East Avenue, submitted a sign plan (Exhibit E-1) and requested that the sign in question be placed 40' from the centerline of the street to allow greater visibility from the north. He pointed out that the building next door was constructed on the property line, and numerous signs in the area have been installed at the requested setback.

Comments and Questions:

Mr. Bolzle asked if the sign will be changed in any way, and Mr. Howard stated that the existing sign will be moved 10' closer to the street.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-1-0 (Bolzle, Chappelle, S. White, T. White "aye"; Doverspike, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of South Peoria from 50' to 40' to permit moving the existing sign - **SECTION 1221.C.6. General Use Conditions for Business Signs - Use Unit 12**; per sign plan submitted; finding that the buildings in the older area were constructed on the lot line, which blocks visibility of the sign if installed at the required setback; and finding that numerous signs in the area have been installed 40' from the centerline of the street; on the following described property:

Lot 7, Block 2, Peoria Gardens, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16576

Action Requested:

Special Exception to amend a condition of approval to remove the requirement for a tie-contract (Case No. 15010), located 1530 East 14th Street.

Presentation:

The applicant, **Stephen C. Wolfe**, 1325 South Main, was represented by **Ron Horgan**, 1325 South Main Street, who explained that his client previously sold an existing apartment building and the buyer also purchased a nearby parcel to provide the required parking. He noted that a tie contract was required by the Board as a condition of approval. Mr. Horgan stated that, after foreclosure proceedings, both properties reverted to their previous owners. He informed that the prior approval was not used, and Mr. Wolfe has another buyer for his property and asked that the tie agreement be released. A contract for sale and layout of the complex (Exhibit F-1) were submitted.

Comments and Questions:

Mr. Doverspike asked if the apartment building complies with Code requirements, and Mr. Horgan stated that he is not sure, because he is not aware of the intended use for the structure.

Protestants:

John Shafer, 320 South Boston, Suite 805, stated that he is representing the intended purchaser of the property and is opposed to a release of the tie agreement. He informed that his client is proposing to renovate the apartment building and it will have a total of 12 units. Mr. Shafer stated that the prospective buyer is concerned that the complex may not comply with parking requirements without the additional lot noted in the tie contract. He asked that the use be found nonconforming, or that the case be continued to permit his client to file for a variance of the required parking spaces.

Additional Comments:

Mr. Gardner informed that Mr. Shafer's client will not be issued a building permit if the additional lot is removed, without a variance from the Board, or a special exception.

Mr. Shafer stated that the owner of the lot that was originally proposed for additional parking has rejected his clients offer to purchase.

Mr. Jackere stated that the tie agreement was required because the existing nonconforming apartment building was to be changed, and the new plan would require additional parking spaces.

Mr. Doverspike noted that it appears that two different applications are being discussed.

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. 16576 to March 8, 1994, to permit further research concerning parking requirements before making a determination on the amendment of previously imposed conditions.

Case No. 16577

Action Requested:

Special Exception to permit a home occupation to teach gymnastics/movement classes in an RM-1 zoned district - **SECTION 402.B.6.b. Home Occupations** - Use Unit 5, located 1339 East 67th Street.

Presentation:

The applicant, **Priscilla Cespedes**, 1916 East 73rd Street, Apartment P, stated that she is proposing to purchase the subject property, and requested that she be permitted to teach gymnastics in the existing building behind the dwelling. A plot plan (Exhibit G-1) and photographs (Exhibit G-2) were submitted.

Comments and Questions:

In response to Mr. Doverspike, the applicant stated that the large building has previously been used as a garage and workroom. She informed that there is ample parking in the circle drive in front of the dwelling and the long driveway leading to the garage.

Mr. Bolzle asked if all activities will be conducted inside the building, and the applicant answered in the affirmative.

Mr. Doverspike inquired as to the hours of operation, and Ms. Cespedes stated that the business will be conducted Monday through Friday, between 4:30 p.m. and 8 p.m.

Ms. White asked the applicant if she would be amenable to limiting the size of the classes to 10, and Ms. Cespedes replied that 10 students in each session is acceptable.

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 a home occupation to teach gymnastics/movement classes in an RM-1 zoned district - **SECTION 402.B.6.b. Home Occupations** - Use Unit 5; per plan submitted; subject to days and hours of operation being Monday through Friday, 4:30 p.m. to 8 p.m., with a maximum of 10 students; and subject to all activities being conducted inside the accessory building and all parking being limited to the existing driveways; finding the use to be compatible with the surrounding area; on the following described property:

Lots 19 and 20, Block 2, Dellrose Place, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16578

Action Requested:

Variance of the required 5' and 10' side yard to permit expansion to an existing encroachment - **SECTION 403 BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 5339 East 36th Street.

Presentation:

The applicant, **Curtis Burgess, Jr.**, 5339 East 36th Street, submitted a plot plan (Exhibit H-1) and informed that he has lived at the current location for approximately 20 years. The applicant stated that he was not aware that his home was constructed over the lot line until he made application for a building permit. Mr. Burgess stated that he is proposing to construct a new addition, which will align with the existing dwelling.

Comments and Questions:

Mr. Bolzle asked if the new addition will encroach farther into the setback than the existing dwelling, and the applicant stated that it will have the same 7'6" setback.

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 5' and 10' side yard to permit expansion to an existing encroachment - **SECTION 403 BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the older dwelling was constructed over the lot line many years ago, and the proposed addition 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 and intent of the Code; on the following described property:

Lot 10, Block 1, Howard Heights 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16579

Action Requested:

Variance from 750' sq ft to 3320 sq ft to permit an accessory building - **SECTION 402.B.1.d ACCESSORY USE CONDITIONS** - Use Unit 6, located 8338 East 12th Street.

Presentation:

The applicant, **Daniel Newman**, 8341 East 13th Street, was not present.

Comments and Questions:

Mr. Gardner stated that the applicant has requested that Case No. 16579 be withdrawn, because of neighborhood opposition to the application.

Ms. Parnell informed that the building is existing and the applicant failed to apply for a building permit. She submitted photographs (Exhibit J-3) and a notice of violation (Exhibit J-2). Ms. Parnell stated that Mr. Newman operates a contracting company.

Case No. 16579 (continued)

Mr. Gardner advised that numerous buildings in the area have been used for business operations and have caused problems for neighborhood property owners.

Protestants:

Jan Dailey, 8325 East 13th Street, informed that she owns property to the east of the subject tract, and Mr. Newman is in the process of removing the building.

Darla Harden, 8512 East 12th Street, stated that she is pleased that the applicant is removing the building, but is concerned about the business that is being operated on the property.

Mr. Jackere advised that area residents should report to Code Enforcement any businesses that might be operating in the large accessory buildings in the residential neighborhood.

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** without prejudice a **Variance** from 750' sq ft to 3320 sq ft to permit an accessory building - **SECTION 402.B.1.d ACCESSORY USE CONDITIONS** - Use Unit 6; finding that the applicant was not present to address the Board; and finding that the protestants informed that the applicant is currently removing the building in question; on the following described property:

Lot 10, Block 1, Howard Heights 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16580

Action Requested:

Variance of maximum floor area for a dry cleaning business from 3000 sq ft to 3200 sq ft - **SECTION 1215.B.3. Other Trades and Services, Included Uses** - Use Unit 15, located 7022 and 7024 South Utica.

Presentation:

The applicant, **Bryan McCrackin**, 2721 South Birmingham Place, was represented by **Roy Johnsen**, 201 West 5th Street, who explained that the dry cleaners is to occupy an older renovated building with existing north and south walls. He stated that his client is attempting to renovate the building without moving the existing walls, which causes the business to exceed the permitted amount of floor area. A site plan (Exhibit K-1) was submitted.

Protestants:

None.

Board Action:

On **MOTION** of **T. WHITE** the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of maximum floor area for a dry cleaning business from 3000 sq ft to 3200 sq ft - **SECTION 1215.B.3. Other Trades and Services, Included Uses** - Use Unit 15; per plan submitted; finding that the proposed business will be located in an older

Case No. 16580 (continued)

structure with existing building walls that cause the dry cleaning operation to slightly exceed the maximum amount of floor area; on the following described property:

Lot 1, Block 1, Laurenwood Addition, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:43 p.m.

Date Approved

2/22/94


Chairman

