

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 653
Tuesday, March 22, 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 T. White	S. White	Gardner Moore Russell	Jackere, Legal

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, March 18, 1994, at 1:54 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 **CHAPPELLE**, the Board voted 3-0-1 (Bolzle, Chappelle, Doverspike, "aye"; no "nays"; T. White, "abstaining"; S. White, "absent") to **APPROVE** the Minutes of March 8, 1994 (No. 652).

UNFINISHED BUSINESS

Case No. 16569

Action Requested:

Variance of the required setback from the centerline of East 35th Street - **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, submitted a revised plan (Exhibit A-1) and stated that he has discussed the proposed carport with his neighbors and has addressed their concerns. He pointed out that the carport will have a pitched roof and has been lowered to 8'. He stated that it was initially his intent to park his camper under the carport, but it will be moved to the back yard. A photograph (Exhibit A-3) was submitted.

Comments and Questions:

In response to Mr. Bolzle, the applicant stated that the submitted plot plan has the correct dimensions.

Protestants:

Ms. Russell stated that two letters of protest (Exhibit A-2) have been received from area residents.

Mary Ann Summerfield, 4137 East 34th Street, stated that her main objection was to the height of the carport, and that she does not oppose the construction of an 8' carport.

Case No. 16569 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of East 35th Street - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted, with the height and design, including width and depth, being as designated on the building plans; finding that there are other carports in the neighborhood; and finding that most dwellings in the area were constructed prior to the adoption of the current Zoning Code and do not comply with the current setback requirements; on the following described property:

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

Case No. 16591

Action Requested:

Special Exception to reduce the number of required parking spaces or to permit parking on a lot other than the lot containing the principal use - **SECTION 1608.A.13 SPECIAL EXCEPTION** - Use Unit 12a, located 3016 East 15th Street.

Presentation:

The applicant, **Lynn Williams**, 111 West 5th Street, Suite 510, submitted a plot plan (Exhibit B-1) and explained that the building is located on Lot 10 and the original plan was to have parking on the two abutting lots.

Comments and Questions:

There was discussion as to the notification of all property owners within 300' of Lot 10, and it was determined that all property owners were properly notified of the hearing.

Mr. Williams stated that the interior square footage for serving customers has been reduced and the use now requires 10 spaces, which can be provided if the Tap Room is permitted to utilize the parking area behind the vacant building next door. Mr. Williams stated that the reduction in the size of the business would reduce customers and alleviate the parking problem in the neighborhood.

Additional Comments:

In response to Mr. Doverspike, Mr. Jackere explained that the applicant is requesting that parking be permitted on a lot other than the lot containing the principal use.

Mr. Doverspike asked if the dead space in the rear portion of the building can be accessed from the alley, and the applicant stated that deliveries will be made in the alley. He added that the space in the back portion of the building will be used for storage, but patrons will not be permitted in this area.

In response to Mr. Doverspike, the applicant stated that all customers will park at the rear of the building and enter from the front.

Case No. 16591 (continued)

Mr. Bolzle inquired as to the distance from the back wall of the building to the lot line of the residential district, and Mr. Williams stated that the distance is approximately 30'.

Mr. Bolzle asked Mr. Williams if Lots 8, 9 and 11 are owned by his client, and he replied that they have a different owner. Mr. Bolzle inquired if the parking spaces behind the vacant buildings next door would be exclusively devoted to parking for the Tap Room, and the applicant replied that these spaces are needed to comply with the parking requirement for the business.

Mr. Jackere asked if there is a use in the building to the east, and Mr. Williams replied that it is vacant. Mr. Jackere advised that, if the parking for that building is used for the Tap Room, the next tenant would not have sufficient parking. The applicant stated that his client is amenable to renting the building next door in order to use the parking spaces.

Mr. Williams stated that his client had intended to purchase the abutting property for parking purposes; however, it was sold to another buyer.

Protestants:

Ms. Russell informed that the Board has received photographs (Exhibit B-4) and numerous letters of opposition (Exhibit B-3) to the application.

Terry O'Donnell, 1737 South Delaware Place, stated that he is representing the Florence Park Neighborhood Association. He informed that the Tap Room has continually caused problems for the surrounding neighborhood, with incidents of traffic violations, vandalism, theft, littering and public drunkenness being attributed to the bar patrons. Mr. O'Donnell pointed out that the proximity of the bar to the residential neighborhood and insufficient parking makes the use incompatible with the area.

Diane Bloom, 1519 South Florence Avenue, stated that confrontations between residents of the neighborhood are becoming more and more numerous. She pointed out that cars parked on the street often block her driveway or sometimes pull into the driveway. Ms. Bloom stated that the owners of the cars become belligerent when asked to move the vehicles. She stated that the neighborhood has been subjected to numerous problems because of the bar, and the owner has often had to pay for damages to residences and cars.

The resident at 1727 South Gary Place stated that the bar is not compatible with the residential neighborhood, and asked the Board to deny the application.

Mr. Gardner advised that the parking of delivery trucks on the sidewalk is a problem for the neighborhood. He pointed out that the rear door has always been used as a public entrance, and this has also created a noise problem for the nearby residents.

Applicant's Rebuttal:

Mr. Williams stated that delivery trucks can use the alley to park and unload merchandise. The applicant stated that the back door will not be for public use and all patrons will have to use the front entrance. Mr. Williams stated that other business, such as those in the Cherry Street area, have been approved without sufficient required parking, and suggested that bars with similar parking problems may be singled out for denial.

Case No. 16591 (continued)

Additional Comments:

Mr. Chappelle remarked that approval of the special exception regarding parking would not alleviate all neighborhood problems arising from the proximity of the bar to the residences. He pointed out that the Board, in order to approve the application, would have to make a finding that the use did not have a negative impact on the neighborhood.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **DENY** a **Special Exception** to reduce the number of required parking spaces or to permit parking on a lot other than the lot containing the principal use - **SECTION 1608.A.13 SPECIAL EXCEPTION** - Use Unit 12a; finding that approval of the requests would be detrimental to the neighborhood, because of the proximity of the parking area to the residences, and that several of the proposed parking spaces are devoted to other businesses; on the following described property:

Lots 8 and 9, Block 1, Avondale Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16594

Action Requested:

Special Exception to permit a produce tent and Christmas tree sales for 150 days for 1994 and 1995 - Use Unit 2, located 6130 East 81st Street.

Comments and Questions:

Mr. Gardner advised that the Planning Commission approved the use, subject to Board of Adjustment approval of the gravel parking area.

Presentation:

The applicant, **Mark Rosenberger**, 6609 East 54th Street, stated that the produce tent has a gravel parking area, and asked the Board to approve the temporary use.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Special Exception** to permit gravel parking for a produce tent and Christmas tree sales for 150 days for 1994 and 1995 - Use Unit 2; finding that temporary use of the gravel parking lot will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Part of the NE/4, NE/4, beginning 200' west and 58' south NE/c thence south 150.71', west 217.42', south 208.71', west 104.35', north 367.42', east 133.77', south 8', east 188' to POB, Section 15, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16597

Action Requested:

Variance of the required setback from the centerline of North Lewis Avenue and 46th Street North - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 13, located SW/c North Lewis Avenue and East 46th Street North.

Presentation:

The applicant, **Dan Tanner**, 6202 South Lewis Avenue, Suite 100, was not present.

Comments and Questions:

Mr. Bolzle stated that the application was continued from the previous meeting to allow the applicant sufficient time to determine if he was in need of the requested relief.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **STRIKE** Case No. 16597.

Case No. 16604

Action Requested:

Special Exception to permit a produce tent and flower tent in a CH zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2, located 5340 East 41st Street.

Presentation:

The applicant, **Craig Bay**, 1137 East 25th Street, submitted a plot plan (Exhibit R-1) and requested permission to operate a flower sales tent and a produce tent on the subject property for 150 days, beginning March 23, 1994.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Special Exception** to permit a flower tent and a produce tent in a CH zoned district for 150 days only - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2; per plan; subject to the operation beginning on March 23, 1994; finding the temporary use to be compatible with the area; on the following described property:

East 225', west 410' of a tract of land beginning 1686' east and 90' south of the NW/c of Section 27, T-19-N, R-13-E, thence south 249.91', east 770', north 249.53', west 770' to POB, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16605

Action Requested:

Variance of the required side yard from 10' to 7.6' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 5677 South Zunis Avenue

Presentation:

The applicant, **Patsy Keeler**, 5677 South Zunis Avenue, submitted a plot plan (Exhibit C-1) and stated that the house in question is encroaching into the required side yard setback approximately 2½'. She explained that the dwelling was constructed approximately 35 years ago and the proposed addition will align with the existing building wall.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Variance** of the required side yard from 10' to 7.6' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding that the dwelling was constructed prior to current setback regulations and the proposed construction will align with the existing building wall; on the following described property:

Lot 11, Block 4, Cherokee Meadows, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16608

Action Requested:

Variance of the required rear yard from 25' to 16' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2521 East 34th Street.

Presentation:

The applicant, **Pamela Iacoe**, 2551 East 34th Street, submitted a plot plan (Exhibit D-1) and letters of support (Exhibit D-2) from neighbors that own abutting properties. Ms. Iacoe stated that she is proposing to construct an addition to the existing dwelling, which will align with the existing building and will not encroach farther into the setback.

Protestants:

None.

Case No. 16608 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Variance** of the required rear yard from 25' to 16' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; subject to the rear wall of the addition aligning with the north wall of the existing dwelling; finding that approval of the request will not add to the existing encroachment; on the following described property:

Lot 3, Block 2, Timberland Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16609

Action Requested:

Special Exception to permit a manufactured home in an AG zoned district, and a variance of the one-year time limitation - **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 9, located 2824 South Lynn Lane.

Presentation:

The applicant, **Hugh Durrett**, Route 5, Box 343, Tahlequah, Oklahoma, submitted a plot plan (Exhibit E-1) and requested permission to install a double-wide mobile home at the above stated location.

Comments and Questions:

In response to Mr. Doverspike, the applicant stated that the mobile unit will be located approximately in the center of the tract, approximately 1500' west from Lynn Lane.

Mr. Gardner asked Mr. Durrett if the unit will be placed on a permanent foundation, and he answered in the affirmative.

Mr. Bolzle inquired as to the distance from the south property line to the dwelling, and the applicant stated that the unit will be approximately 700' from the south boundary.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Special Exception** to permit a manufactured home in an AG zoned district, and a variance of the one-year time limitation - **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 9; per plan submitted; subject to the unit being placed on a permanent foundation; and subject to a building permit and Health Department approval; finding that the area is sparsely developed and the manufactured home will be on a foundation and have the appearance of a conventional single-family dwelling; on the following described property:

Case No. 16609 (continued)

The NW/4, SE/4 and the N/2, S/2, SE/4, and the W/2, NE/4, SE/4 and the S/2, SE/4, NE/4, SE/4 all in Section 14, T-19-N, R-14-E of the IBM, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof, less and except the following parcel of land:

Beginning 835' south of the NE/c of the NE/4, SE/4, Section 14, T-19-N, R-14-E; thence south 417.5'; thence west 521.68'; thence north 417.5'; thence east 521.68' to the POB.

Case No. 16611

Action Requested:

Variance of the number of required parking spaces - **SECTION 1212a.C. Off-Street Parking and Loading Requirements** - Use Unit 12a, located 3415 South Peoria Avenue.

Comments and Questions:

Mr. Bolzle advised that he will abstain from hearing Case No. 16611.

Presentation:

The applicant, **C. B. Kerr Realty**, 3314 East 51st Street, Suite 200A, was represented by Scott Sanditen, who submitted a packet (Exhibit F-4) containing architectural renderings, a layout and letters of support. Mr. Sanditen explained that the existing building is being renovated and an entertainment emporium is proposed, which will consist of billiard tables, shuffleboard tables, ping pong tables, dart alleys and video games. He informed that the proposed business will limit occupancy to 150 people, which is a significant reduction from that of the previous use (Ikon). Mr. Sanditen stated that he has met with the neighborhood concerning the proposed business, and many residents are supportive of the application (Exhibit F-2). He stated that approximately half of the floor area will be dedicated to billiards and pool, and a pool hall serving intoxicating or nonintoxicating beverages is defined in the Code as an adult entertainment establishment, which requires additional parking. Mr. Sanditen noted that the use would only be about two spaces short if the beverages were not sold. He stated that the bar area for the intended use will contain no more than 100 sq ft of the total floor area. The applicant pointed out that the building was constructed prior to the adoption of parking requirements and has limited parking. He noted that there is no way to acquire additional parking to comply with the current Zoning Code. Mr. Sanditen remarked that these requirements are too stringent for the proposed use at this location. The applicant stated that there is a point, between the commercial area and the residential neighborhood to the east, which parking has not crossed. Mr. Sanditen estimated that cutting the occupancy from 450 to 150 will reduce the number of cars visiting the site by 66%. The applicant stated that Mr. Jackere has advised him that the parking request can be heard as a special exception and not a variance. A list of development standards (Exhibit F-3) was submitted.

Comments and Questions:

There was discussion concerning a similar application previously filed on the subject property, and Mr. Sanditen stated that he did not consent to the filing of that application on his property. He informed that the previous application was for mostly pool tables, and the new request is for a variety of games.

Case No. 16611 (continued)

In response to Mr. Doverspike, Ms. Russell informed that the applicant has 26 available parking spaces and the proposed use requires 84 spaces under Use Unit 12a.

Mr. Doverspike asked Mr. Sanditen if the Blue Rose Cafe currently has rights to use his parking area, and he replied that he has no knowledge of such an agreement. Mr. Sanditen stated that he has not restricted the use of his parking lot, but will do so if the Board requires such action.

Mr. Doverspike inquired as to the days and hours of operation, and the applicant stated that the business will operate seven days each week, 10 a.m. to 12 midnight on weekdays and 10 a.m. to 2 a.m. on weekends. Mr. Sanditen requested that the weekday hours be extended to 2 a.m. if the market demands.

In reply to Mr. Doverspike, the applicant stated that the business will have four employees.

Protestants:

Pat Malloy, 1348 East 35th Street, submitted a petition of opposition (Exhibit F-1) and stated that he lives approximately one block from the proposed business. He noted that Brookside already has a major parking problem, and the applicant is requesting permission to increase this problem. He pointed out that Mr. Sanditen will have approximately 30% of the parking spaces required for the intended use. Mr. Malloy stated that the new business will attract the same type of clientele that visited Ikon, and the problem in the neighborhood will continue. He pointed out that Ikon was only open two nights each week and the intended use will be open seven nights.

Kathy Voight, 3145 South Rockford Drive, Planning District co-chair, noted that Ikon has been a major problem for the Brookside area during the last several years. Ms. Voight stated that a parking study is in progress in the area and she will not support or oppose the application.

Joyce Allen, 1330 East 33rd Street, voiced a concern with the lack of parking in the area, and noted that parking violators are not towed away. She stated that the encroachment of the business activity into the residential area is also a concern.

Applicant's Rebuttal:

Mr. Sanditen stated that the proposed use will basically cater to people that are already eating in the area. He noted that the business will operate according to the submitted development standards, if they are imposed by the Board. Mr. Sanditen stated that he is supportive of the shared parking concept, but will post no parking signs on his property if this restriction is imposed by the Board.

Mr. Jackere suggested that shared parking be permitted for six months and reviewed by the Board at the end of that time to determine the impact on the neighborhood.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-1 (Chappelle, Doverspike, T. White, "aye"; no "nays"; Bolzle, "abstaining"; S. White, "absent") to **APPROVE** a **Special Exception** to reduce the number of required parking spaces; and to **CONTINUE** the balance of the application to September 27, 1994 to determine the impact of shared parking on the neighborhood - **SECTION 1212a.C. Off-Street Parking and Loading Requirements** - Use Unit 12a; subject to a maximum occupancy of 150, with no age restriction; subject to the business being operated

Case No. 16611 (continued)

as a family recreation center; subject to recreational games per layout furnished 3/22/94; subject to the bar area being limited to 100 sq ft, with beer and alcohol being accessory to the primary use; subject to interior beer signs being limited to 2 signs, with no beer signs being installed on the exterior walls; subject to no live music or cover charge; subject to renovations being per rendering submitted; subject to days and hours of operation being week days (Sunday through Thursday), 10 a.m. to 12 midnight, and weekends (Friday and Saturday) from 10 a.m. to 2 a.m.; finding that the area was developed prior to current parking requirements; and finding the proposed use, per conditions, to be less intense than the previous use; on the following described property:

East 95' of Lots 1 and 2, and the north 50' of the west 70' of Lot 2, Block 2, Oliver's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16612

Action Requested:

Variance of the number of required parking spaces - **SECTION 1215.C. Off-Street Parking and Loading Requirements** - Use Unit 15, located 5544 South 104th East Avenue.

Presentation:

The applicant, **Area Building Company**, was represented by **Terry Stowe**, 8510-A East 41st Street, owner of the company. He submitted a plot plan (Exhibit G-1) and informed that he has contracted to construct a building for Mr. Iskander, who owns Technical Programming Services.

Mr. Iskander informed that his company deals in microfilming and laser printing for banks and other organizations. He stated that the company has 16 employees, with 10 working during the day, two in the afternoon and four in the evening.

Comments and Questions:

In response to Mr. Bolzle, Mr. Stowe stated that the 25,000 sq ft building will be constructed on a 2½-acre tract.

Mr. Bolzle asked why sufficient parking cannot be provided on the site, and Mr. Stowe stated that the use was initially classified as light industrial; however, it was later determined that the business should be under Use Unit 15. He stated that there is sufficient space for additional parking, but it is not needed for the business. Mr. Stowe stated that the plan reflects 68 parking spaces and asked that this amount be reduced to 30 spaces.

Mr. Gardner stated that it appears that there will be a combination of uses on the tract. He stated that the business will consist of office use, warehousing and manufacturing, and the building inspector apparently has determined it to be under Use Unit 15.

Protestants:

None.

Case No. 16612 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Chappelle, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, S. White, "absent") to **APPROVE** a **Variance** of the number of required parking spaces from 68 to 30 - **SECTION 1215.C. Off-Street Parking and Loading Requirements** - Use Unit 15; per plan submitted; subject to no retail sales on the premises; finding a hardship demonstrated by the fact that the operation consists of three different uses, including warehousing, which requires little parking; and finding that there are only 16 employees and no retail sales; on the following described property:

Part of Lot 2, Block 17, Tulsa Southeast Industrial District, Blocks 12A and 13, through 18 inclusive, a resubdivision of Block 12, Tulsa Southeast Industrial District, Block 9 through 12 inclusive, and part of Block A and all of Block B of Tulsa Southeast Industrial District Extended, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows, to-wit: Beginning at the NE/c of said Lot 2; thence southerly along the east line of said Lot 2, a distance of 261.38'; thence westerly a distance of 420.03' to a point on the west line of said Lot 2; thence northerly along the west line of said Lot 2 a distance of 266.67' to the northwest corner of said Lot 2; thence easterly along the north line of said Lot 2, a distance of 420.00' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16613

Action Requested:

Special Exception to permit a produce stand in a CS zoned district, and a variance of the required setback from the centerline of South Sheridan Road - Use Use 2, located 8104 South Sheridan Road.

Presentation:

The applicant, **Mike McLearn**, 8104 South Sheridan Road, stated that he has previously operated a produce stand at this location and requested permission to continue the use for 1994.

Comments and Questions:

Mr. White asked if the days and hours of operation will remain the same, and Mr. McLearn stated that he is proposing to operate from April 15, 1994 to August 15, 1994 and November 25, 1994 to December 25, 1994. He informed that the produce stand will be open seven days each week, 8 a.m. to 8 p.m.

Protestants:

None.

Case No. 16613 (continued)

Board Action:

On **MOTION** of **T. WHITE**, the Board voted 3-0-0 (Bolzle, Chappelle, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, S. White, "absent") to **APPROVE** a **Special Exception** to permit a produce stand for 150 days in 1994 in a CS zoned district, and a **variance** of the required setback from the centerline of South Sheridan Road; subject to days and hours of operation being from April 15, 1994 to August 15, 1994 and November 25, 1994 to December 25, 1994, 8 a.m. to 8 p.m., seven days each week; finding the temporary use to be compatible with the area; on the following described property:

Lots 1 and 2, Block 1, Lucenta Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16614

Action Requested:

Special Exception to permit residential use in a CH zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 6, located 1918 East 11th Street.

Presentation:

The applicant, **Gene Johnson**, 1224 East 18th Street, requested permission to construct an apartment in a commercial building (Exhibit H-4). He submitted a plot plan (Exhibit H-1) and explained that his business includes photographing valuable items, which requires strict security. Mr. Johnson pointed out that he could provide that security if his residence was located inside the building. A plat of survey (Exhibit H-2) and letters of support (Exhibit H-3) were submitted.

Comments and Questions:

Mr. Doverspike asked if the apartment will ever be used for rental purposes, and he replied that it will only be used for his family.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Special Exception** to permit residential use in a CH zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 6; per plan submitted; 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 3, 4, 5 and 29, Block 2, Ridgedale Terrace 2nd, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16616

Action Requested:

Special Exception to permit a flower tent in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2, located NW/c of East 91st Street South and South Sheridan Road.

Presentation:

The applicant, **Craig Bay**, 1137 East 25th Street, submitted a plot plan (Exhibit J-2) and requested permission to operate a temporary flower sales business at the above stated location.

Interested Parties:

Ms. Russell advised that Mr. Sanditen, owner of the abutting shopping center, has submitted a letter of support, per conditions. He requested that the lot be cleared of debris and that the applicant prepare to accept vehicular and pedestrian traffic for the use.

Comments and Questions:

In response to Mr. Jackere, the applicant stated that the tent is 30' by 50'.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Special Exception** to permit a 30' by 50' flower tent for 150 days in a CS zoned district for **one year only** - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2; finding the temporary use to be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

Lot 1, Block 1, Grand Point, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16618

Action Requested:

Variance of the required setback from the centerline of East 51st Street from 100' to 96.1' - **SECTION 803. BULK AND AREA REQUIREMENTS IN THE CORRIDOR DISTRICT** - Use Unit 12, located 3601 East 51st Street.

Presentation:

The applicant, **Adrian Smith**, 5157 East 51st Street, submitted a plat of survey (Exhibit K-2) and informed that he is attempting to clear title to the subject property. He explained that the building complied with required setbacks at the time of construction, but is not in accordance with current setback requirements. A letter from the zoning official (Exhibit K-1) was submitted.

Protestants:

None.

Case No. 16618 (continued)

Board Action:

On **MOTION** of **CHAPPELLE** the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of East 51st Street from 100' to 96.1' - **SECTION 803. BULK AND AREA REQUIREMENTS IN THE CORRIDOR DISTRICT** - Use Unit 12; per plot plan submitted; finding that the setback relief is required to clear the title; and finding that the building in question was constructed prior to current setback requirements; on the following described property:

West 159.33' of Lot 2, Morland Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16623

Action Requested:

Variance to permit required off-street parking on a lot other than the lot containing the principal use, variance of the number of required off-street parking spaces, variance of the required parking aisle width, variance of the required setback from the centerline of abutting streets for parking, variance to modify or waive the screening requirement and a variance of the required setback from the centerline of abutting streets from 50' to 40' to permit outdoor customer seating - Use Unit 11/12, located 3401-11 South Peoria Avenue.

Presentation:

The applicant, **3511 Limited Partnership**, 1325 East 35th Place, was represented by **Steve Schuller**, who submitted a plot plan (Exhibit L-1) and explained that the Brook Theater and the adjacent building will be renovated and used for restaurant, banking and office purposes. He informed that offices (approximately 2800 sq ft) are currently in the upper portion of the building, with separate access from that of the theater. Mr. Schuller stated that the one-story building to the south is also a part of the project. He noted that the architecture of the Brook Theater will be preserved and the restaurant will be located in the front portion of the building. Mr. Schuller explained that the lower level of the back portion of the theater will be opened up to permit the installation of a drive-thru motor bank for the banking facility next door. He noted that the theater and the bank building cover the major portion of the lots, and there is no space for parking on the site. Mr. Schuller stated that 69 off-site parking spaces are available, which is approximately 10 - 12 spaces short of the required number. He pointed out that the shortage is caused by the fact that the parking requirements are also calculated on the portion of the building that will serve as the drive-thru motor bank. Mr. Schuller stated that this area could be used for six additional parking spaces after banking hours. He informed that his client has a partial interest in another parking lot across the street, which would provide safe and convenient access for customers visiting the site. Mr. Schuller pointed out that the parking lot is zoned residential and requested that screening along 34th Street, between the two parking areas, be waived. He noted that an 8' screening fence is proposed between the use and the residences to the east. In regard to the required setback, Mr. Schuller advised that the building was constructed 50' from the centerline of the street, and requested that a 40' setback be approved in order to provide an area for outside seating. An area plan (Exhibit L-4) and a petition and letter of support (Exhibit L-2) were submitted.

Interested Parties:

Cathy Voight, 3145 South Rockford Drive, requested that a fence tall enough to block headlight glare be installed between the parking area and the residence to the northeast.

Protestants:

Sybie Lambert, stated that she lives at 34th Street and Quincy Avenue, and is supportive of the project, but is concerned with parking in the neighborhood. She stated that visitors to her home have no place to park, and suggested that cul-de-sacs be installed on the residential streets to alleviate the parking problem. Ms. Lambert stated that the added activities will only aggravate the existing problem.

Robert Nichols, 111 West 5th Street, stated that he is representing **Ann Stoeppelwerth**, who resides at 1334 East 34th Street. He advised that the property next door to his client's home is a part of the project in question. Mr. Nichols submitted a letter with conditions and photographs (Exhibit L-3) and requested that the proposed fence between Ms. Stoeppelwerth's property and the parking lot be double-slatted and have a separation of grassy area to prevent vehicles from damaging the fence. Mr. Nichols requested that a temporary fence be erected during the demolition of the dwelling.

Applicant's Rebuttal:

Mr. Schuller stated that he is in agreement with all requests made by Mr. Nichols. He informed that there is a 5' area of landscaping proposed between the parking area and the fence.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Variance** to permit required off-street parking on a lot other than the lot containing the principal use, **variance** of the number of required off-street parking spaces and loading berths, **variance** of the required parking aisle width, **variance** of the required setback from the centerline of abutting streets for parking, **variance** to modify or waive the screening requirement and a **variance** of the required setback from the centerline of abutting streets from 50' to 40' to permit outdoor customer seating - Use Unit 11/12; per plan submitted; subject to a temporary fence being installed along the east boundary near the existing residence during the demolition of the dwelling at 1328 East 34th Street; subject to a double sided 8' column and slat fence being erected along the east line of the project (per photographs submitted); subject to open space and landscaping being installed on the east property line between the parking lot and the screening fence; and subject to a 3' fence (tall enough to block headlights) being installed on the eastern portion of the north boundary opposite residentially zoned property to the north; finding a hardship demonstrated by the existing buildings and use of part of the building for drive-in banking only; finding that much of the parking is provided on separate lots to the east; finding that the area was developed prior to current parking requirements; and finding the uses to be compatible with the area; on the following described property:

Case No. 16623 (continued)

Lots 3, 4 and 5 less the south 32' thereof, and 6, Block 2, Olivers Addition to the City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 4:15 p.m.

Date Approved

4/12/94

A handwritten signature in dark ink, appearing to be "R. D. Smith", written over a horizontal line.

Chairman