

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 655
Tuesday, April 26, 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 Doverspike, Chairman T. White	Chappelle 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, April 22, 1994, at 2:01 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 1:03 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 April 12, 1994 (No. 654).

Comments and Questions:

Ms. Russell informed that she received a letter (Exhibit G-1) from the Swan Lake Neighborhood Association requesting that Case No. 16636 be continued to May 10, 1994. She stated that the letter was received this morning and is not a timely request.

Max Heidenreich, 4714 South Toledo, stated that he is acting on behalf of the Full Moon Restaurant, and requested that the application be heard as scheduled.

After discussion, it was determined by the Board that Case No. 16636 should be heard as scheduled.

UNFINISHED BUSINESS

Case No. 16617

Action Requested:

Variance of the required lot width to permit a lot split - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1232 South 77th East Avenue.

Presentation:

The applicant, **Joe Bohannon**, 16 East 16th Street, Suite 202, informed that he was previously before the Board on April 12, 1994, and it was determined that he needed additional relief in regard to lot width. A plot plan (Exhibit A-1) was submitted.

Protestants:

None

Case No. 16617 (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 the required lot width 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 numerous lots in the area that are similar in size, and approval of the request will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lots 6, 7 and 8, Block 8, Eastmoor Park Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16629

Action Requested:

Variance of the maximum square footage for a detached accessory building from 750 sq ft to 2000 sq ft - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6, located 7170 South Jackson.

Presentation:

The applicant, **Janice Harrell**, 7170 South Jackson, requested permission to construct a storage facility to house race car equipment that is currently stored in the yard. She informed that the accessory building will be constructed to the rear of the one-acre lot. A plot plan (Exhibit B-1) was submitted.

Comments and Questions:

Mr. Doverspike inquired as to the use of abutting properties, and Ms. Harrell informed that she owns the tract to the north and there is a wooded area to the west.

Mr. Bolzle asked the applicant if any type of commercial activity will be conducted in the building, and Ms. Harrell informed that it will be used for personal storage.

In response to Mr. Doverspike, the applicant stated that the building will be approximately 14' in height.

Protestants: None.

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 the maximum square footage for a detached accessory building from 750 sq ft to 2000 sq ft - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6; per plan submitted; subject to only personal storage of race cars and other personal residential accessory uses, with no commercial activity being permitted; finding that the area is agricultural in nature and is sparsely populated; finding that the lot is large enough to accommodate the proposed structure; and finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit and intent of the Code; on the following described property:

North 132' of the south 264' of the west 330' of the E/2 of the NW/4, NE/4, Section 11, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16630

Action Requested:

Special Exception to permit Use Unit 17 automotive sales and repair in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located 8120 East 14th Street.

Presentation:

The applicant, **Eugene Vire**, 1415 South Memorial Drive, stated that he had a previous approval for the use in question, but he did not install a hard surface on the lot and the three-year approval has expired. He informed that he has installed blacktop on a portion of the lot. Photographs (Exhibit C-1) were submitted.

Comments and Questions:

Mr. Doverspike asked if the operation consists principally of automobile sales and service, the applicant replied that he began to use the lot for automobile sales and service after the previous approval.

Mr. Doverspike stated that the Code Enforcement photographs (Exhibit C-2) reflect that there are automobiles on the lot in various stages of disrepair.

Mr. Vire stated that some of the vehicles on the lot were damaged by a tornado approximately one year ago, and two automobiles were recently vandalized.

In reply to Mr. Doverspike, the applicant stated that minor repairs are made outside the building. He added that there were approximately 50 vehicles on the lot when the tornado hit, and there are approximately 10 on the lot at this time. Photographs (Exhibit C-3) were submitted.

Mr. Jackere asked Mr. Vire when he began using the portion of the lot that fronts on 14th Street, and he replied that it has always been used for vehicles. The applicant stated that he removed the cars from the lot when the neighbors complained. Mr. Vire stated that he was not aware of the 3-year time limitation.

Mr. Gardner noted that the screening that was a condition of approval on the previous approval was not installed.

Ms. Russell informed that the lot appears to be vacant in a 1993 aerial photograph.

Mr. Vire reiterated that he removed the vehicles from the lot when he received complaints about parking on the gravel surface.

Mr. Jackere asked the applicant if the lot has ever been used for storage of automobiles, and he replied that he has rented the lot for storage of automobiles. Mr. Vire informed that the lot was used for storage of vehicles until April of 1992, when he began to receive complaints.

Protestants:

Hank Brant submitted photographs (Exhibit C-4) and stated that he is representing the Mingo Valley Homeowners Association. He stated that cars have been stored on the subject property, but they were not for sale. He pointed out that the screening fence was not installed and it is only recently that the property owner has attempted to clean up the lot. It was noted that this is a flood prone area and the addition of any hard surface would add to an existing problem. He asked that the 14th Street entrance be eliminated.

Mr. Jackere asked if the lot in question was used for the sale of automobiles subsequent to 1989, and Mr. Brant stated that he has never seen cars for sale on the lot.

Mr. Bolzle inquired about the business across the street to the north, and Mr. Brant stated that the business is operated by appointment only.

Lois Hines, 8337 East 14th Street, stated that she lives one and one-half blocks from the business in question. She stated that flooding and testing of vehicles on the residential streets is a concern of neighborhood residents.

Applicant's Rebuttal:

In reply to Mr. Doverspike, the applicant stated that he intended to install the screening fence after the lot was blacktopped. He pointed out that the lot will be curbed to prevent water runoff on the abutting property. Mr. Vire informed that the project has been approved by Stormwater Management.

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 **Special Exception** to permit Use Unit 17 automotive sales and repair in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17; subject to the lot being hard surfaced; subject to the installation of a screening fence along the north and east boundary lines; subject to Stormwater Management approval; subject to all vehicles being operable, with no outside repair and no outside storage of parts or materials; and subject to all lighting being directed inward and away from the residential area; finding that there are other car sales establishments in the vicinity; and finding the use, per conditions, to be compatible with the surrounding area; on the following described property:

E/2 of Lot 1 and all of Lot 2, Block 10, Forest Acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16631

Action Requested:

Special Exception to reduce the number of off-street parking spaces or to allow required parking on a lot other than the lot containing the principal use and a variance of the all-weather surface requirement for parking - **SECTION 1608.A.13. SPECIAL EXCEPTION - General** - Use Unit 12a.

Presentation:

The applicant, **Chad Sandberg**, 1347 Riverside, #2, was represented by **Bill Patterson**, who submitted a letter (Exhibit D-1) from the property owner stating that the site has been used continuously as a club for many years. He submitted a packet (Exhibit D-3) containing parking information and notice of violation from Code Enforcement. Mr. Patterson pointed out that the owner of the property allotted Cadillac Ranch 147 parking spaces at the time the lease was executed. He explained that the shopping center would have a parking shortage of 120 spaces if all businesses were operating during the same hours. He pointed out that Cadillac Ranch is open from 9 a.m. to 2 a.m. and only two other businesses in the center are open during these hours. Mr. Patterson noted that his client has 140 allotted parking spaces, and is permitted to share an additional 110 spaces during the evening hours. A plot plan (Exhibit C-2) was submitted.

Comments and Questions:

Mr. Doverspike asked if the Cadillac Ranch is open only during the evening hours, with no daytime operation, and Mr. Patterson replied that Mr. Sandberg operates his business on Wednesday, Thursday, Friday and Saturday evenings from 9 p.m. to 2 a.m. He added that there is sufficient on-site parking for the use during these hours.

In response to Mr. Doverspike, Mr. Patterson stated that the Tequila Frog is one of the three businesses operating in the evening, and it occupies 2800 sq ft of space. Mr. Patterson informed that the QuikTrip occupies 2400 sq ft

In reply to Mr. Doverspike, Mr. Sandberg informed that the occupancy number for Tequila Frog is 47.

Protestants:

None.

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 **Special Exception** to reduce the number of off-street parking spaces for an existing adult entertainment establishment (not sexually oriented business); and to **WITHDRAW** a **Special Exception** for required parking on a lot other than the lot containing the principal use and a **variance** of the all-weather surface requirement for parking - **SECTION 1608.A.13. SPECIAL EXCEPTION - General** - Use Unit 12a; subject to the size of the business as presented; and subject to hours of operation being 9 p.m. to 2 a.m.; finding that the use is in operation during the evening and nighttime hours, along with two other businesses, and will not interfere with parking for the remainder of the daytime uses in the shopping center; and finding that approval of the request will not be detrimental to the area; on the following described property:

Lots 1 and 2, Block 1, Tract 1, Park Plaza Square, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16632

Action Requested:

Variance of the maximum FAR from 50% to 85% - **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 5, located at 72nd Street and Yale Avenue.

Presentation:

The applicant, **Joe Hamra**, 4512-A East 51st Street, was present.

Comments and Questions:

Mr. Doverspike advised that there are only three Board members present and he must abstain, therefore, due to lack of three votes as required by Code, it will be necessary to continued this item until May 10, 1994.

Protestants:

Gene Kaefer, 4214 East 74th Street, informed that he is spokesman for the Southridge Estates Homeowners Association. He stated that he has rescheduled his week to be in attendance at this meeting, and is not in agreement with the continuance.

Mr. Doverspike explained that a case cannot be decided without three votes and, because his firm has represented the applicant in other legal matters, it is necessary that he abstain.

Mr. Kaefer requested that he have some proof from the Board that the case will actually be heard at the next scheduled meeting.

In response to Mr. Doverspike, Mr. Hamra stated that he is prepared to present the case today, and there is no foreseeable reason why the application cannot be heard on May 10, 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. 16632 to May 10, 1994, due to Mr. Doverspike's need to abstain from voting on this matter.

Case No. 16633

Action Requested:

Variance of the maximum square footage for a detached accessory building from 750 sq ft to 3281 sq ft - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6, located 2019 East Mohawk.

Presentation:

The applicant, **James R. Moore**, 2019 East Mohawk Boulevard, stated that he is proposing to construct an accessory building to use for the storage of building materials while he is repairing a dwelling.

Comments and Questions:

In response to Mr. Doverspike, the applicant stated that the building will be 27' by 60' and will have a gable roof. He stated that the storage facility will be located on the northeast portion of the property.

Case No. 16633 (continued)

Mr. Gardner asked if there are other accessory buildings on the property, and Mr. Moore stated that there is a 28' by 30' tin building on the west part of the lot, which will be removed. He informed that there are two existing dwellings on the property.

Protestants:

Ruth Demory stated that she is representing the Crenshaw family, who own the abutting property. She stated that they were concerned that a nonresidential building would be constructed.

Mr. Moore stated that he will live in one dwelling.

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 the maximum square footage for a detached accessory building from 750 sq ft to 3281 sq ft* - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6; subject to the 27' by 60' building being located 40' south of the north property line and 10' west of the east boundary; subject to no commercial use of the building; and subject to the existing 28' by 30' accessory building being removed; finding that the property is large enough to support the proposed building; and finding that the structure will be placed on the rear portion of the long narrow tract, and will not be detrimental to the neighborhood; on the following described property:

*Removal of existing 28' by 30' building will reduce this figure to approximately 2500 sq ft.

All of that part of the east 1116.5' of the S/2, NE/4, NE/4 of Section 19, T-20-N, R-13-E of the IBM, Tulsa County, Oklahoma, lying north of the Mohawk Boulevard right-of-way, more particularly described as follows, to-wit:

Tract A: Beginning at a point on the north boundary of said S/2, NE/4, NE/4 985.95' from the northeast corner thereof; thence west along the north boundary of said S/2, NE/4, NE/4, 18.95'; thence southerly 247.0' to a point on the north boundary of Mohawk Boulevard; thence northeasterly along the north boundary of Mohawk Boulevard 101.85' to a point 448.0' from the intersection of the north boundary of Mohawk Boulevard with the north boundary of said S/2, NE/4, NE/4; thence northwesterly 224.03' to the POB.

Tract B: Beginning at a point on the north boundary of said S/2, NE/4, NE/4 985.95' from the northeast corner thereof; thence southeasterly 224.03' to a point on the north boundary line of Mohawk Boulevard; thence northeasterly along the north boundary of Mohawk Boulevard a distance of 65' to a point 383.00' from the intersection of the north boundary of Mohawk Boulevard with the north boundary of said S/2, NE/4, NE/4; thence northwesterly 191.62' to a point on the north boundary of said S/2, NE/4, NE/4; thence west along the north boundary of said S/2, NE/4, NE/4 72.53' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16634

Action Requested:

Variance of the required livability space from 4000 sq ft to 2950 sq ft and for a variance of the required side yard - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 204 North Santa Fe.

Presentation:

The applicant, **Matthew Ryan**, 519 South Pittsburg, submitted a plot plan (Exhibit E-1) and explained that he is proposing to construct a two-story dwelling on a 50' by 96' lot. He informed that the house will be 3' over the required setback line and the proposed patio will encroach an additional 10'. Photographs (Exhibit E-2) were submitted.

Comments and Questions:

Mr. Doverspike inquired as to the dimensions of the patio, and the applicant stated that it will be 10' by 14'. Mr. Ryan stated that the addition of the patio was planned to be a future project.

Protestants:

Bob Johnson stated that he lives on the lot abutting the applicant's western boundary, and pointed out that the construction of a patio, if enclosed, will block his view of the downtown area. Mr. Johnson stated that he is not opposed to the 12' setback for the dwelling, but is opposed to covering the patio.

Clint Dear, 203 North Tacoma, stated that he is not opposed to the construction of a dwelling with a 12' setback, but is opposed to a covered patio.

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 the required livability space from 4000 sq ft to 2950 sq ft and for a variance of the required side yard from 15' to 12' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted, with patio omitted; finding a hardship demonstrated by required street setbacks and the long narrow shape of the lot; and finding that the construction of the dwelling 3' over the setback line will not cause substantial detriment to the public good, or violate the spirit and intent of the Code; on the following described property:

Lots 15 and 16, Block 14, less the west 44', Park Hill Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16635

Action Requested:

Variance to permit parking on a lot other than the lot containing the principal use, variance of the FAR from 50% to 52% and a variance of the required setback from an abutting R District from 14' to 10' - **SECTION 1301.D. GENERAL REQUIREMENTS** and **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 14, located 4718 East 11th Street.

Case No. 16635 (continued)

Presentation:

The applicant, **Kenneth Firey**, Route 3, Box 318, Sand Springs, Oklahoma, stated that he operates a music store across the street from the property in question. He explained that the existing building will be renovated and his business will be moved to this location, with parking being provided on the abutting two lots.

Comments and Questions:

Mr. Gardner inquired as to the square footage of the building after it is completed, and the applicant stated that the building will be 93' by 63'.

Protestants:

None.

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** to permit parking on a lot other than the lot containing the principal use, variance of the FAR from 50% to 52% and a variance of the required setback from an abutting R District from 14' to 10' - **SECTION 1301.D. GENERAL REQUIREMENTS** and **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 14; per plan submitted; subject to the execution of a tie contract on all lots involved in this application; finding that the building is existing and the abutting lots were used for parking by the previous occupant; 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 and 2, Block 1, Franklin Addition, and Lot 1, Block 1, Harold Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16636

Action Requested:

Variance of the required setback from the centerline of East 15th Street and South St. Louis from 50' to 42' and 25' to 19' respectively to permit the construction of a deck - **SECTION 1212.C.1. Use Conditions** - Use Unit 12, located 1525 East 15th Street.

Comments and Questions:

Mr. Doverspike stated that the Swan Lake Neighborhood Association requested at the beginning of the meeting that Case No. 16636 be continued to May 10, 1994; however, it was the consensus of the Board that the application should be heard as it appears on the agenda.

Presentation:

The applicant, **Max Heidenreich**, 4129 South Peoria, submitted a plot plan (Exhibit G-2) for a 39' by 12' patio deck at the Full Moon Cafe. He informed that the structure will be located in the City of Tulsa right-of-way, which is also being considered by the City at this time. The applicant pointed out that the older structures in the area do not comply with current Code requirements in regard to setbacks. Mr. Heidenreich stated that 14 additional parking spaces have been leased behind the restaurant.

Comments and Questions:

Mr. Jackere inquired as to the time period for the lease, and Mr. Heidenreich replied that the operators of the cafe have signed a three-year lease.

Protestants:

Jim East, president of the Swan Lake Neighborhood Association, stated that the major concern with this application is parking along Cherry Street. Mr. East asked Mr. Jackere if the restaurant complies with current Code requirements in regard to parking.

Mr. Jackere advised that the restaurant is probably nonconforming as to parking, and can continue to operate with the existing parking spaces. He added that any expansion will be required to comply with current Code requirements.

Mr. Gardner informed that the Code permits outdoor seating if the area does not exceed 10% of the gross floor area of the existing facility. He pointed out that any greater expansion is required to comply with current parking requirements.

Protestants:

Robert Johnsen, 1426 South Trenton, stated that Full Moon customers utilize all street parking in front of his dwelling and also block the alley entrance to his property. He pointed out that the restaurant, as it exists, does not have sufficient parking and causes a drastic parking problem for the neighborhood.

Claire Treece, 1440 South Trenton, stated that the restaurant customers disturb the neighborhood residents until 2 a.m. on the weekends, and parking in the neighborhood continues to be a problem. She noted that residents of the area are not considered when this type of use is permitted to operate in the area with insufficient parking.

Applicant's Rebuttal:

Hal Walker stated that he is part owner of the Full Moon Cafe, and that 14 additional parking spaces have been acquired to provide parking for the customers that would use the deck. Mr. Walker stated that he has spoken with a City policeman concerning problem areas, and he advised that the area around the Full Moon did not appear on his printout.

Mr. Bolzle asked Mr. Walker to state the hardship for construction of the deck, and he replied that numerous other restaurants in Tulsa have this type of eating area.

Mr. Bolzle read the Zoning Code definition of a hardship and noted that it appears that any hardship concerning this application is self-imposed.

Mr. Heidenreich noted that Brookside has a similar parking problem and decks have been approved in that area. He advised that a new sidewalk will be installed and the deck is 12' from the sidewalk.

Mr. Bolzle stated that the hardship seems to be self-imposed and approval of the deck would set a bad precedent in the neighborhood.

Case No. 16636 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 2-1-0 (Bolzle, T. White, "aye"; Doverspike, "nay"; no "abstentions"; Chappelle, S. White, "absent") to **DENY*** a **Variance** of the required setback from the centerline of East 15th Street and South St. Louis from 50' to 42' and 25' to 19' respectively to permit the construction of a deck - **SECTION 1212.C.1. Use Conditions** - Use Unit 12; finding that the deck would extend into the City right-of-way; and finding that the applicant failed to present a hardship that would warrant the granting of a variance request; on the following described property:

Lots 8, 33 and 34, Block 12, Re-Amended Plat of Forest Park, City of Tulsa, Tulsa County, Oklahoma.

*The application is denied for lack of three affirmative.

Case No. 16637

Action Requested:

Special Exception to permit Use Unit 4 - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** - Monopole in an OM zoned district - Use Unit 4, located 6349 South Memorial Drive.

Presentation:

The applicant, **Tulsa Cellular**, 13801 Wireless Way, Oklahoma City, Oklahoma, was represented by **Roy Johnsen**, 201 West 5th Street, who requested by letter (Exhibit H-1) that Case No. 16637 be continued.

Comments and Questions:

Ms. Russell informed that Mr. Johnsen is requesting the continuance in order to meet with area residents concerning the application.

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. 16637 to May 10, 1994, as requested by counsel for the applicant.

Case No. 16638

Action Requested:

Special Exception to permit Use Unit 4 - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** - Monopole in an OM zoned district - Use Unit 4, located 7050 South Yale Avenue.

Presentation:

The applicant, **Tulsa Cellular Telephone Company**, 13801 Wireless Way, Oklahoma City, Oklahoma, was represented by **Roy Johnsen**, 201 West 5th Street. He submitted a plot plan (Exhibit J-3) and explained that the 100' monopole, which is a single pole without guy wires, is used to support cellular telephone antennae. Mr. Johnsen stated that a small unmanned building, which will contain communication equipment, will be constructed adjacent to the pole. He submitted photographs (Exhibit J-2) and a list of development standards (Exhibit J-1). Mr. Johnsen noted that the nearest single-family dwelling is approximately 250' from the proposed monopole site.

Comments and Questions:

Mr. White asked if the cable to the antenna is on the interior of the pole, and Mr. Johnsen answered in the affirmative.

Mr. Bolzle asked if additional antennas will be attached to the pole in the future, and Mr. Johnsen advised that this is possible.

Mr. White asked if the pole requires lights, and Mr. Johnsen stated that lighting is not required for this height of monopole.

Protestants:

None.

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 **Special Exception** to permit Use Unit 4 - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** - Monopole in an OM zoned district - Use Unit 4; per plan submitted and photographs, as representative of the monopole to be constructed; subject to the self-supporting monopole being used for antennae support for cellular telephone service only; subject to the monopole being light gray in color and a maximum of 100' in height, with no lighting; subject to the construction of an 8' wooden fence around the monopole base; subject to communication equipment being located in an enclosed building; and subject to a minimum setback of 120' from 71st Street; finding that the proposed site for the monopole is not near residential dwellings and will not be detrimental to the area; on the following described property:

A part of Lot 1, Block 1, Copper Oaks Addition, more particularly described as follows:

Beginning at a point on the south line of said Lot 1 280.60' from the SE/c thereof; thence N89°44'10"W along the south line of said Lot 1, a distance of 112.94' to a point 204.60' from the south SW/c thereof, thence N00°06'40"E a distance of 52.76'; thence S89°53'20"E a distance of 0.00'; thence on a curve to the left, having a central angle of 98°24'40" and a radius of 5.00', a distance of 8.59'; thence N00°04'55"E a distance of 13.04'; thence N16°03'23"W a distance of 107.77'; thence N01°55'43"W a distance of 52'; thence N69°21'54"E a distance of 37.40'; thence N89°42'56"E a distance of 108.79'; thence S00°14'26"W a distance of 72.41'; thence S89°40'10"W a distance of 18.02'; thence S0°20'19"E a distance of 89.86'; thence N89°34'15"E a distance of 18.05'; thence S00°07'47"E a distance of 26.04'; thence S89°52'13"W a distance of 4.58'; thence S00°06'40"W a distance of 53.01' to the Point of beginning, and containing 28,762.09 sq ft, or 0.6603 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16639

Action Requested:

Special Exception to permit automobile sales in a CS zoned district, for a variance to permit open air storage within 300' of an R district, and for a variance of the required 50' setback from the centerline of East Pine to 30' for parking - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** and **SECTION 1217.C.1 and 2. Use Conditions** - Use Unit 17, located 1001 East Pine Street.

Presentation:

The applicant, **Victor Bentley**, 1001 East Pine, was represented by **Leslie Thornton**, 115 West 3rd Street, who requested that his client be permitted to operate a used car sales business on the subject property. Photographs (Exhibit K-1) and a plot plan (Exhibit K-2) were submitted. A letter from the County Treasurer (Exhibit K-3) concerning abutting property (Lot 13) was submitted.

Comments and Questions:

Mr. Doverspike asked if the business will be expanded to the north to Pine Place, and Mr. Thornton answered in the affirmative. He noted that this area to the north will be used for parking.

Mr. Doverspike asked if the house to the north is occupied, and Mr. Thornton stated that it is owned by the family of his client.

In response to Mr. Doverspike, Mr. Thornton stated that there will be a maximum of 10 automobiles on the lot, and no repair work will be done at this location.

Interested Parties:

Dorothy DeWitty stated that she is supportive of Mr. Bentley's initiative, however, the property is in the area that is moving toward economic development. She informed that land use is of the utmost importance, and asked the Board to consider this issue. Ms. DeWitty stated that she owns property on Pine Place, and numerous residents in the neighborhood are opposed to a car sales operation on the subject property.

Dean Bullock, 783 East Queen, stated that cars visiting the car lot cause congestion at the corner of Madison Avenue and Pine Street. She stated that repair work is currently being done inside the building and the business, as it is presently operated, is definitely a neighborhood problem.

The resident at 746 East Queen Place stated that individuals blocking the street at this location have been rude and disrespectful when asked to move.

Ora Swain, 783 East Pine Place, stated that the business does not have adequate parking and customers parking in the street create a traffic hazard at this location.

Applicant's Rebuttal:

Mr. Thornton stated that his client is making an effort to acquire additional property, which would alleviate the problem caused by customers parking on the street.

Mr. Doverspike asked if the property to the north will be used for parking, and Mr. Thornton answered in the affirmative.

Case No. 16639 (continued)

Mr. Gardner advised that the lot to the north of the subject property is not contained in this application and is not zoned for parking.

Mr. Bolzle remarked that he finds the proposed use to be too intense for the small 50' lot, and is not inclined to support the application as presented.

Mr. Doverspike stated that he would be opposed to any future encroachment into the residential neighborhood to the north.

Mr. Bolzle asked Mr. Thornton if he would be amenable to a continuance to allow his client to revise the plan and reduce the number of cars for sale to provide additional customer parking.

In reply to Mr. Thornton, Mr. Bolzle stated that the business does not have Board approval to operate and is currently in violation of the Code. He added that Mr. Bentley could be cited if he continues to operate.

Mr. Doverspike explained to Mr. Thornton that three affirmative votes are required to approve an application and, since two Board members are absent, all members present would have to support the request. He informed that he would be in favor of a continuance to permit the entire Board to view the site.

Mr. Thornton stated that continuing the case for two weeks would cause a financial hardship for his client; however, after conferring with Mr. Bentley, he agreed to a continuance.

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. 16639 to May 10, 1994, to permit the applicant to revise the site plan to provide on-site parking, and to allow sufficient time for the Board to view the site.

Case No. 16641

Action Requested:

Special Exception to reduce the number of off-street parking spaces - **SECTION 1608.A.13. SPECIAL EXCEPTIONS** - Use Unit 12a, located 1546 East 15th Street.

Presentation:

The applicant, **David Olsen**, 3711 East 36th Place, was not present.

Comments and Questions:

Ms. Russell informed that Mr. Olsen has requested by letter (Exhibit L-1) that Case No. 16641 be withdrawn.

Case No. 16642

Action Requested:

Special Exception to permit a produce tent in a CS zoned district for a period of three years, and a variance of the required setback from the centerline of South Sheridan - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** and **SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS** - Use Unit 2, located 536 South Sheridan.

Presentation:

The applicant, **Tommy Dotson**, 7820 East Newton Place, submitted a plot plan (Exhibit M-1) and requested permission to continue to operate a produce stand on the subject tract. He explained that the location of the tent has not changed, but the ordinance has been revised to require that tents comply with the same setback requirements as permanent structures.

Comments and Questions:

Mr. Doverspike asked the applicant if he is requesting permission to operate his produce stand for 150 days each year, and he answered in the affirmative.

Mr. Gardner noted that, due to the shallow depth of the lot, the applicant cannot comply with the required setback from Sheridan Road.

In reply to Mr. Bolzle, Mr. Dotson stated that he has been selling produce at this location for three years.

Protestants:

None.

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 **Special Exception** to permit a produce tent in a CS zoned district for a period of three years (150 days per year), and a **variance** of the required setback from the centerline of South Sheridan - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** and **SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS** - Use Unit 2; per plan submitted; finding a hardship imposed by the shallow depth of the lot; and finding that the temporary business has been operating at the current location for three years, and has proved compatibility with the area; on the following described property:

East 85' of the south 152.5', Block 29, Glenhaven, City of Tulsa, Tulsa County Oklahoma.

Case No. 16643

Action Requested:

Variance to permit three ground signs and two wall signs - **SECTION 602.B.4.b. BUSINESS SIGNS IN THE OFFICE DISTRICT** - Use Unit 11, located 1700 Southwest Boulevard.

Case No. 16643 (continued)

Presentation:

The applicant, **James Adelman**, 1700 Southwest Boulevard, submitted a location map (Exhibit N-1) and a sign plan (Exhibit N-2) for proposed signage. He informed that the sign in question is a 3' by 5' double-faced structure along Southwest Boulevard. Mr. Adelman stated that all permitted signage has been used by the signs that are currently on the wall of the building.

Comments and Questions:

In response to Mr. Bolzle, the applicant stated that the case report is in error because there are presently three wall signs, which are permitted, and no ground signs.

Mr. Gardner advised that only one sign is permitted per street frontage in the OM District, and the property has three street frontages.

Mr. Doverspike advised that he is not inclined to support the request, and suggested that the case could be continued until additional Board members are present.

Mr. Adelman requested that Case No. 16643 be continued to May 10, 1994.

Protestants:

None.

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. 16643 to May 10, 1994, as requested by the applicant.

Case No. 16644

Action Requested:

Special Exception to exceed the maximum FAR in an OL zoned district - **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICT** - Use Unit 11, located 2202 East 49th Street.

Presentation:

The applicant, **Stephen Gray**, 2865 East Skelly Drive, Suite 205, submitted a plot plan (Exhibit P-1) and informed that the special exception is required to clear the title to the subject property. He stated that a variance was granted by the Board in 1982; however, after researching the records, it was found that the FAR requirements were slightly exceeded. Mr. Gray noted that Board of Adjustment approval is required to clear the title for sale of the property.

Protestants:

None.

Case No. 16644 (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 **Special Exception** to exceed the maximum FAR in an OL zoned district to permit an 18,809 sq ft building - **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICT** - Use Unit 11; per plan submitted; finding that the building is existing, and approval of the request will not be detrimental to the area; on the following described property:

SE/4, SE/4 of Section 30, T-19-N, R-13-E of the IBM, City of Tulsa, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof, more particularly described as follows, to wit:

Beginning at a point in the east line of Lot 2, Block 2, Jordan Addition to the city of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, a distance of 240.19' from the SE/c of said Lot 2, Block 2; thence N0°24.2025'W along the east line of said Lot 2, a distance of 231.96' to the NE/c of said Lot 2; thence easterly along the southerly right-of-way line of East 49th Street, as follows: N89°59.2975'E a distance of 0.00'; thence southeasterly on a curve to the right having a radius of 91.96', a distance of 48.45'; thence S60°00'42"E a distance of 20'; thence southeasterly on a curve to the left having a radius of 131.96', a distance of 69.09'; thence N89°59.2975'E a distance of 70.72' to the NW/c of Block 1, Lewis Square, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, thence S0°24.2025'E along the west line of said Block 1, a distance of 192.00'; thence due west a distance of 200' to the POB.

OTHER BUSINESS

Case No. 16604

Action Requested:

Clarification of Board Action on March 22, 1991, Craig Bay.

Comments and Questions:

Mr. Gardner informed that the minutes for this case stated that a flower sales operation would be conducted on the lot; however, it was the intent of the applicant that both a temporary flower sales business and a temporary produce business be permitted to operate simultaneously on the property for 150 days (150 days total for both businesses).

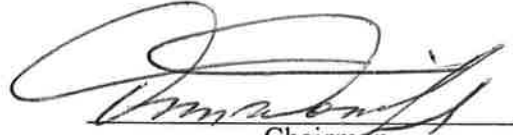
Board Action:

On **MOTION** of **T. WHITE**, the Board voted 3-0-0 (Bolze, Doverspike, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, S. White, "absent") to **CLARIFY** Board Action on March 22, 1991, Craig Bay, stating that a temporary flower sales business and a temporary produce business be permitted to operate simultaneously on the property for 150 days (150 days total for both businesses).

There being no further business, the meeting was adjourned at 4:03 p.m.

Date Approved

May 10, 1994


Chairman