

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 657
Tuesday, May 24, 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
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Bolzle
Chappelle
Doverspike, Chairman
S. White
T. White

Gardner
Moore
Russell

Jackere, Legal
Parnell, Code
Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Thursday, May 19, 1994, at 4:37 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, Doverspike, S. White, T. White, "aye"; no "nays"; Chappelle, "abstaining"; none "absent") to **APPROVE** the Minutes of May 10, 1994 (No. 656).

UNFINISHED BUSINESS

Case No. 16654

Action Requested:

Variance to permit a two-story accessory building in an R District - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 560 North Quanah Avenue.

Presentation:

The applicant, **Brad Hart**, 560 North Quanah, submitted a letter of explanation (Exhibit A-1) and stated that 400 sq ft of living space has been added above the garage. He informed that the square footage of the detached building was approved, and the remainder of the application was continued for readvertising to permit a two-story building with living space above the garage. Photographs (Exhibit A-2) of existing two-story structures were submitted.

Comments and Questions:

Mr. Doverspike asked if the plot plan submitted on May 10, 1994 remains the same, and the applicant answered in the affirmative.

Mr. Bolzle asked if there are cooking or bath room facilities on the second floor, and Mr. Hart stated that the second floor will be living area only.

Protestants:

None.

Case No. 16654 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit a two-story accessory building in an R District - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; subject to no kitchen (cooking) or bath room facilities in the area above the garage; finding that the new construction will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

South 22' of Lot 3, and all of Lot 4, Block 1, Park Hill Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16662

Action Requested:

Special Exception to permit a mobile home in an RS-3 District and a variance to allow more than one dwelling unit on a lot of record - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** and **SECTION 208. ONE DWELLING UNIT PER LOT OF RECORD** - Use Unit 9, located 2103 East 54th Street North.

Presentation:

The applicant, **Vera Bray**, 1904 West 47th Place, was not present.

Comments and Questions:

Ms. Russell informed that the applicant has requested that Case No. 16662 be withdrawn.

Case No. 16665

Action Requested:

Variance to permit a two-story structure in an OL zoned district and a special exception to exceed the 30% FAR - **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 11, located south side of East 15th Street between Victor Avenue and Yorktown Avenue.

Comments and Questions:

Mr. Bolzle informed that he will abstain from hearing Case No. 16665.

Case No. 16665 (continued)

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, informed that his client is proposing to purchase the subject property and construct a medical office (Exhibit B-1). He noted that the 22,000 sq ft tract is zoned for light office and the proposed building will contain approximately 6,998 sq ft of floor area (.32 FAR). He informed that the Code prohibits the construction of a two-story office building in an OL zoned district; however, there are numerous two-story buildings across the street to the north and some on the same side of the street. Mr. Johnsen advised that the two existing buildings will be removed and a new facility will be constructed. The applicant stated that Mr. Steinmetz, counsel for the Yorktown Homeowners Association, has reviewed the plans and found them to be acceptable. He informed that

screening is required along the south lot line and his client will also install a screening fence along the east boundary.

Protestants:

None.

Comments and Questions:

Mr. Doverspike asked if all lighting will be directed away from the residential neighborhood, and Mr. Johnsen answered in the affirmative.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-0-1 (Chappelle Doverspike, S. White, T. White, "aye"; no "nays"; Bolzle, "abstaining"; none "absent") to **APPROVE** a **Variance** to permit a two-story structure in an OL zoned district and a **special exception** to permit .32 FAR - **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 11; per plot plan and elevations; subject to all lighting be directed to the interior of the lot and away from the residential neighborhood; and subject to a screening fence being installed on the south and east boundary lines; finding that there are numerous two-story structures in the immediate vicinity; and finding that approval of the requests will not be detrimental to the neighborhood, or violate the spirit, purpose and intent of the Code; on the following described property:

West 25' of Lot 5 and all of Lot 6, Block 1, Terrace Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16666

Action Requested:

Variance of the required lot width from 60' to 55' to permit a lot split - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1428 North Olympia.

Presentation:

The applicant, **Leonard Hutton**, 1335 North Rosedale, submitted a plot plan (Exhibit C-2) and stated that he is proposing to split a large lot and move a home on the property. Photographs (Exhibit C-1) were submitted.

Case No..16666 (continued)

Comments and Questions:

In reply to Mr. Bolzle, the applicant stated that the accessory building will be removed.

Mr. Bolzle asked if the width of the smallest lot is 55', and the applicant answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required lot width from 60' to 55' 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 comparable in width, and approval of the request will not be detrimental to the neighborhood; on the following described property:

North 115' of the N/2, E/2 of Block 4, of WA-SAH-SHE Addition, City of Tulsa, Osage County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 16682

Action Requested:

Minor Exception to amend a condition of approval for a previously approved special exception - Use Unit 6, located 1339 East 67th Street.

Presentation:

The applicant, **Priscilla Braham Cespede**, 1339 East 67th Street, stated that the Board previously permitted her to conduct gymnastic classes in a building behind her dwelling. She requested permission extend the hours of operation during the summer months from 8 a.m. to 8 p.m..

Comments and Questions:

Mr. Doverspike asked the applicant if she will conduct classes Monday through Friday, and Ms. Cespede replied that she might have some classes on Saturday.

In reply to Mr. Doverspike, the applicant stated that she will resume regular hours after school begins, about September 1, 1994.

Ms. White stated that 8 a.m. classes on Saturday morning could result in a problem for the neighbors.

Protestants:

None.

Case No.. 16682 (continued)

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Minor Exception** to amend a condition of approval for a previously approved special exception - Use Unit 6; subject to approval being for May 31, 1994 to September 1, 1994, Monday through Friday, 8 a.m. to 8 p.m., limited to three two-hour classes per day, and one two-hour class on Saturday morning; finding that the classes being held during the summer months will not be detrimental to the neighborhood; on the following described property:

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

Case No. 16691

Action Requested:

Minor Special Exception to amend a previously approved plot plan to permit expanded parking - Use Unit 5, located 111th Street South and South Yale Avenue.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, stated that his client, The Church of the Holy Spirit, was approved at the current location in 1980. He noted that in 1983 a revised site plan was approved, and the church is now proposing an expansion of the existing parking lot toward Yale Avenue (Exhibit D-1). Mr. Johnsen stated that the parking lot currently has one access point and a second one is proposed to permit improved traffic flow. He informed that the second access has been reviewed and approved by Traffic Engineering. The applicant stated that there are 50 parking spaces currently on the lot and 66 spaces will be added.

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 **Minor Special Exception** to amend a previously approved plot plan to permit expanded parking - Use Unit 5; per amended plan submitted; finding that the expansion of the parking lot will not be detrimental to the area; on the following described property:

A tract of land being in the SW/4, SW/4, Section 27, T-18-N, R-13-E, Tulsa County, Oklahoma, being more particularly described as follows, to-wit: Beginning at a pint which is the NW/c of the SW/4, SW/4, Section 27, T-18-N, R-13-E; thence S 89°50'03" E a distance of 508.20'; thence S 0°20'26" W a distance of 300.00'; thence N 89°50'03" W a distance of 508.20' to the west line of Section 27, T-18-N, R-13-E; thence N 0°20'26" W along said west section line a distance of 300.00' to the POB, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16667

Action Requested:

Appeal the decision of the administrative official that the use and parking areas are in violation of the Tulsa Zoning Code or, in the alternative, a special exception and/or a variance to permit such use (business in an AG zoned district) - **SECTION 1608. APPEALS FROM THE ADMINISTRATIVE OFFICIAL**, located 17701 East 11th Street.

Presentation:

The application, **Roy Johnsen**, 201 West 5th Street, submitted a plot plan (Exhibit E-2) and stated that his client owns a 50' by 50' building, which has been at the present location for many years. The applicant informed that the property has been rezoned from AG to CS, which would permit vehicle repair with Board of Adjustment approval. Mr. Johnsen stated that his client's tenant has been operating an automobile repair business on the subject property for approximately six years. In regard to parking, the applicant stated that cars have occasionally been parked in the right-of-way and on nearby residentially zoned property. He informed that a complaint was filed concerning parking for the business, which resulted in this application. Mr. Johnsen stated that his client has requested that the property be clean up, and his tenant has complied with the request. The applicant stated that the property was initially used for an auto repair business in the 1940s and later a home electric contractor, which is classified in a different use unit, began operation at this location. Mr. Johnsen stated that the property was then used for an oil field supply business. A packet (Exhibit E-4) containing a petition and letter concerning the history of uses and an aerial photograph was submitted. He informed that the structure and parking are nonconforming and can remain without expansion; however, the change in use impacts the nonconforming use status. Mr. Johnsen advised that the property has been upgraded and there will be no parking in the right-of-way.

Comments and Questions:

In reply to Mr. Doverspike, the applicant requested that the Board find the parking to be nonconforming or, if not nonconforming, a variance of the all-weather surface requirement be granted.

Interested Parties:

A violation notice and photographs (Exhibit E-1) were submitted by **Candy Parnell**, Code Enforcement.

Mr. Doverspike informed that the Board has received a letter (Exhibit E-3) from **Buddy Smith**, Code Enforcement officer, stating that he lives in the area and the building was vacant from May 13, 1977 to August 1, 1984.

Case No. 16667 (continued)

Allen West informed that he does not live in the area, but drives by the property daily. He stated that there was no parking along 11th Street during the approximate 10-year period the electric company occupied the property. Mr. West stated that, after the electric company moved, cars were parked to the corner of the building and on property across the street. He noted that the cars parked on the right-of-way create a traffic hazard for motorists. He suggested that a parking area be provided on the east side of the property.

Applicant's Rebuttal:

Mr. Johnsen stated that the petition previously submitted gives a history of the commercial use of the property. He stated that parking has always been located in front of the building, and relocation of the parking to the east would interfere with lateral lines in that area. Mr. Johnsen stated that some parking is available on the east and north sides of the building.

Additional Comments:

Mr. Doverspike stated that he would be amenable to approving the request for a three-year period to prove continued compatibility with the neighborhood.

Ms. Parnell advised that the parking issue was the main reason for the complaint.

Mr. Jackere noted that the changes in use may have been unlawful, and the nonconforming status for the use, as well as the parking, may have been forfeited. He informed that the structure is nonconforming and can remain in its present condition, with no expansion.

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** an **Appeal** and **UPHOLD** the **decision** of the administrative official that the use and parking areas are in violation of the Tulsa Zoning Code - **SECTION 1608. APPEALS FROM THE ADMINISTRATIVE OFFICIAL**; and to **APPROVE** a **Special Exception** to permit automobile repair in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; and a **variance** of the all-weather parking requirement to permit existing gravel parking - **SECTION 1303.D. Design Standards for Off-Street Parking** - Use Unit 17; subject to a maximum of 3 years; subject to Traffic Engineering approval of corner visibility; subject to completion of CS zoning (publication of zoning ordinance); and subject to the property being restricted to the current use only (automobile repair); finding the use to be compatible with surrounding development; and finding that temporary gravel parking will not be detrimental to the neighborhood, or impair the spirit, purpose or intent of the Code; on the following described property:

Beginning SW/c, SW/4, thence east 177', north 190', west 177', south 190' to POB, less .19 acres for road, Section 1, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16668

Action Requested:

Variance to permit a 75' ground sign - **SECTION 2112.E.1. Use Conditions for Business Signs** - Use Unit 13, located South 163rd East Avenue and East Admiral Boulevard

Presentation:

The applicant, **Joe Westervelt**, 1250 East 26th Street, informed that the QuikTrip Corporation is proposing to install a new sign (Exhibit F-1) at the above stated location. He informed that the roadway is elevated at this location and the store is located in a depression, which restricts visibility. He noted that the sign across the street is located in the Rogers County, and is taller than the Tulsa Code permits. Mr. Westervelt submitted photographs (Exhibit F-2) and stated that a 70' sign has been approved to the west.

Comments and Questions:

In response to Mr. Bolzle, Mr. Gardner stated that the Texaco station located outside the Tulsa city limits on the north side of the expressway exceeds the 60' height limitation for signs inside the City limits. He noted that the zoning restrictions are different at this location, but are the same when you get to 145th East Avenue.

Protestants:

None.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-1-0 (Chappelle, Doverspike, S. White, T. White, "aye"; Bolzle, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit a 75' ground sign - **SECTION 2112.E.1. Use Conditions for Business Signs** - Use Unit 13; per plan submitted; finding a hardship demonstrated by the topography and the relationship to the Rogers County line, which permits higher signage; finding that the height of the proposed sign will be comparable to that of the sign across the street; and finding that approval of the request will not be detrimental to the area; on the following described property:

Lots 1 and 2, Dixie Hill Center Addition and the west 79' of the east 591' of the south 138' of the W/2 of Lot 3, Section 2, T-19-N, R-14-E of the IBM, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16673

Action Requested:

Special Exception to permit Use Unit 17 (mini-storage) in a CS zoned district, a variance to permit open air display and sales within 300' of an R District and a variance of the all-weather surface requirement - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS, SECTION 1217.C. Use Conditions** and **SECTION 1303.D DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 17, located 1520 South Memorial Drive.

Presentation:

The applicant, **James Bracken**, 1520 South Memorial Drive, was represented by **Warren Morris**, 1918 East 51st Street, who informed that his client is relocating his business. He submitted a brochure (Exhibit G-1) and stated that the operation consists of selling parts, renting dollies for towing purposes and some outside storage of recreational vehicles and boats. Mr. Morris pointed out that approximately 95% of the business is by mail and only three or four customers visit the store in a one-day period. He submitted photographs (Exhibit G-3) and stated that the parking area is partially hard surface, with the remainder being gravel. Mr. Morris requested that the front portion of the tract will be used for automobile sales. He noted that there are similar operations in the area. Code Enforcement information (Exhibit G-1) was submitted.

Comments and Questions:

Mr. Doverspike noted that photographs submitted by Code Enforcement show landscaping material on the property, and Mr. Morris replied that these materials have all been removed.

Ms. Parnell informed that that a skateboard business formerly occupied the subject property, and a portion of the lot is concrete, which has been leveled by adding gravel. She stated that the gravel surface could create a dust problem for the area.

Mr. Gardner noted that some area businesses store automobiles that are inoperable and they have the appearance of a salvage yard. He stated that, if approved, conditions should be imposed that will eliminate this type of outside storage.

Mr. Bolzle stated that the lot in question is much larger than other sales lots in the area, and that he would like to see a site plan depicting the location of uses on the lot.

Ms. Parnell informed that the property in question has been a continual problem for Code Enforcement. She stated that the applicant, Mr. Bracken, has cleaned the property and is a prospective buyer.

James Bracken, 1520 South Memorial, informed that vehicles can only be parked north of the creek.

Mr. Jackere suggested that the application could be continued to allow the Board an opportunity to review the plot plan before considering the case.

Mr. Morris requested that his client be permitted to park 20 vehicles on the northeast corner (100' frontage by 130' depth) of the tract.

Case No. 16673 (continued)

Ms. Parnell noted that many times Code Enforcement requires that inoperable vehicles removed from residential areas and they are then placed in storage facilities.

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 Use Unit 17 (mini-storage) in a CS zoned district, a variance to permit open air display and sales within 300' of an R District and a variance of the all-weather surface requirement for this use only - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS, SECTION 1217.C. Use Conditions** and **SECTION 1303.D DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 17; subject to no mini-storage being permitted on the northeast 100' (frontage) by 130' (depth), which is to be reserved for automobile sales only, with a maximum of 20 automobiles; and subject to all vehicles on the subject property being operable; finding the use, per conditions, to be compatible with the surrounding area, and in harmony with the spirit and intent of the Code; on the following described property:

SE/4, NE/4, NE/4, SE/4, less east 45' thereof for street, Section 11, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16675

Action Requested:

Special Exception to permit a construction office and a janitorial service in a CS zoned district and for a variance of the required setback from the centerline of South Lewis - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** and **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 15, located northwest corner of East 7th Street and South Lewis Avenue.

Presentation:

The applicant, **Cedar Creek Builders**, PO Box 582505, was represented by **Barry Burkhardt**, 824 North Toledo Avenue, who stated that he is proposing to operate a construction office on the property. He informed that other uses at this location will be a janitorial service and limited fabrication. Mr. Burkhardt submitted a site plan (Exhibit H-1) and photographs (Exhibit H-2), and stated that the existing building and parking will be utilized. He informed that a new building is proposed, and noted that numerous buildings in the area have comparable setbacks.

Comments and Questions:

In reply to Mr. Doverspike, Mr. Burkhardt stated that eight parking spaces will be provided.

Ms. White asked what type of fabrication will be done at this location, and Mr. Burkhardt stated that the major portion of the company's work will be completed at the customer's home. He added that occasionally some custom cabinet work may be done at this location.

Case No. 16675 (continued)

Mr. Doverspike inquired as to the percent of business that would be completed on site, and Mr. Burkhart replied that the total amount would be 2%, or less. He stated that the construction portion of the business would probably not attract retail customers; however, the janitorial service would generate some retail traffic.

In reply to Mr. Doverspike, Mr. Burkhart stated that two employees will be on site.

In response to Mr. Bolzle, Ms. Russell informed that the existing building is on the westernmost lot, and the new construction will be on the abutting lot.

Mr. Bolzle noted that there is sufficient space to construct the building and comply with all setbacks. He asked the applicant why he chose to build on the front 50' of the 100' lot, and Mr. Burkhart stated that the house may be used as office space and showcase for the business.

Mr. Jackere inquired as to the use of the new building, and Mr. Burkhart stated that half of the building will be used for the janitorial business, and the remainder for office space and limited fabrication.

Mr. Jackere asked if tools will be set up there, and he answered in the affirmative. Mr. Jackere noted that this appears to be an excessive amount of equipment for 2% of the work. Mr. Burkhart stated that some materials will also be stored in the building, and pointed out that he could decide to use the residence as the shop.

Case No. 16675 (continued)

Mr. White asked if dust collectors are proposed for the power saws, and Mr. Burkhart answered in the affirmative.

Protestants:

Allan Stewart, 2244 East 7th Street, District 4 planning chairman, stated that he lives near the project and is not opposed to the use, but is not in agreement with the plan. He noted that the parking lot extends too close to the street and the building is on the back lot line. Mr. Stewart stated that it appears that the loading berth will be accessed on 7th Street, which could result in a traffic hazard. Mr. Stewart stated that the construction of the building at the proposed setback could also cause a visibility problem for motorists.

Applicant's Rebuttal:

Mr. Burkhart stated that he was not aware of neighborhood opposition. He noted that a car lot was previously operating at this location and the existing parking area will not be changed for his business.

Comments and Questions:

Mr. Doverspike asked Mr. Burkhart if he would be interested in a continuation of the application to allow him to meet with the neighborhood in regard to some of the concerns mentioned by Mr. Stewart. He indicated that he would be amenable to a meeting with the neighborhood. Mr. Doverspike stated that the Board encourages communication between developers and the surrounding neighborhoods.

Case No. 16675 (continued)

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 16675 to June 28, 1994 to permit the applicant to meet with the neighborhood in regard to their concerns.

Case No. 16676

Action Requested:

Variance to permit a roof sign - **SECTION 1221.C.11. General Use Conditions for Business Signs** - Use Unit 21, located 116 North Lansing.

Presentation:

The applicant, **Scott Sanford**, 7940 East 41st Street, submitted a photograph (Exhibit J-1) and a plot plan (Exhibit J-2), and informed that the proposed roof sign will be installed on a sloping roof surface. He noted that the installation of the sign at the proposed location will permit visibility from the expressway.

Comments and Questions:

Mr. Bolzle asked if the sign would be permitted if located on the wall of the building, and Mr. Sanford answered in the affirmative.

Mr. Sanford stated that there will be no sign structure involved, because the sign will be painted directly on the roof.

In reply to Mr. Bolzle, the applicant stated that the sign will not have internal lighting, and he is not sure if pole lights will be directed toward the sign.

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** to permit a roof sign - **SECTION 1221.C.11. General Use Conditions for Business Signs** - Use Unit 21; per plan; subject to the sign being painted directly on the sloping roof surface; finding that the proposed sign is not a separate structure on the roof, and is not a typical roof sign that extends above the top of the building; 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:

Government Lot 2, beginning 79.3' south of east intersection of railroad on north line of Government Lot 2, thence north 79.3', east 154.2', south 40', east 342', south 368', southwest 141.2' southwest 115.7', west 266.3', north 391.85' to POB, less beginning 212.78' south SE/c of Block 3, Sloan Addition, thence south 145', southwest 136.28', northeast 35.71', northeast 169.78' to POB, Section 1, T-19-N. R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16677

Action Requested:

Variance of the required front yard from 30' to 20' - **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 6, located East 69th Street and South Birmingham.

Presentation:

The applicant, **Jack Arnold**, 7318 South Yale, submitted a site plan (Exhibit K-1) for the proposed project, and noted that one corner of the structure will extend into the required front yard. He informed that a hardship is imposed on his client by the irregular shape of the lot, the curvature of the street and an existing pond.

Protestants:

Jim Head, 2637 East 69th Street, stated that he lives across the street from the subject tract and requested that the applicant be required to move the house back to comply with the 30' setback.

One letter of protest (Exhibit K-2) was submitted.

Applicant's Rebuttal:

Mr. Arnold stated that the pond and the shape of the lot restricts building on the lot. He pointed out that the lots in the area are large and the minimal encroachment will not have a negative impact on the neighborhood.

Comments and Questions:

Mr. Bolzle stated that the encroachment will not block traffic visibility. He added that the size and topography of the lot, curvature of the street, irregular shape of the lot and location of the pond constitute a hardship for the variance.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-0-1 (Bolzle; Chappelle, S. White, T. White, "aye"; no "nays"; Doverspike, "abstaining"; none "absent") to **APPROVE** a **Variance** of the required front yard from 30' to 20' - **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 6; per plan submitted; finding a hardship demonstrated by the size and topography of the lot, curvature of the street, irregular shape of the lot and location of the pond; on the following described property:

Part of Lot 5, Beginning at NW/c thence on a curve to the left 25.83' to a point, thence on a curve to the left 30.01' thence on a curve to the right 184.20', southwest 243.47', northwest 202.59' to the POB, Block 3, Sherrelwood, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16678

Action Requested:

Special Exception to permit an existing Girl Scout Camp - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, location 1720 West Admiral.

Presentation:

The applicant, **W. O. Wozencraft**, 5801 East 41st Street, was represented by **Bonnie Brewster**, who informed that the construction of a program shelter is proposed, and it was discovered that the existing Girl Scout facility was not approved when the property was donated in 1950. A plot plan (Exhibit L-1) and drawings (Exhibit L-2) were submitted.

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 **Special Exception** to permit an existing Girl Scout Camp - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; finding that the use is existing and has proved to be compatible with the area; on the following described property:

All that part of the NE/4, SE/4, Section 3, T-19-N, R-12-E of the IBM, Tulsa County, Oklahoma, particularly described as follows, to-wit: Commencing at a point in the east boundary of NE/4, SE/4 a distance of 647.3' south of the NE/c thereof; thence N 89°47.127' W parallel with the north boundary of said NE/4, SE/4, a distance of 130.0' to the POB, thence N 89°47.127' W parallel with the north line of said NE/4, SE/4, a distance of 400.0'; thence north 50.0'; thence N 89°47.127' W a distance of 185.83' parallel with the north boundary of said NE/4, SE/4, to a point on the diagonal line of said NE/4, SE/4 (which diagonal line extends from the NW/c, NE/4 of the SE/4 to the SE/c of said NE/4, SE/4; thence S 44°59.513' E along said diagonal line a distance of 561.46'; thence N 32°07.873' E parallel with the centerline of Union Avenue a distance of 100.0'; thence S 44°59.513' E a distance of 50.0'; thence N 32°07.873' E parallel with, and 125.0' distant from, the center line of Union Avenue a distance of 188.69'; thence N parallel with the east boundary of said NE/4, SE/4, a distance of 135.76' to the POB, containing 2.65 acres more or less.

A tract of land in the NE/4, SE/4, Section 3, T-19-N, R-12-E of the IBM, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof, more particularly described as follows to-wit: Beginning at a point on the east line of said NE/4, SE/4 647.3' south of the NE/c, NE/4, SE/4, thence west 130.0', thence south 135.76', thence east 130.0', thence north to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16680

Action Requested:

Variance of the required setback from the centerline of East 51st Street from 100' to 74' to permit an existing canopy - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 11, located SE/c of East 51st Street and South Sheridan Road.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, submitted a site plan (Exhibit M-1) and informed that he is representing Bank IV. Mr. Norman stated that the variance of the setback is requested in order to extend an existing drive-in canopy. He pointed out that the Code does not classify detached canopies as structures and they are permitted by right; however, when they are attached to a building they become a part of the building and must comply with the building setback requirement. Mr. Norman stated that the canopy will be extended approximately 13' to the north and will connect two roofless. Photographs (Exhibit M-2) were submitted.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of East 51st Street from 100' to 74' to permit an existing canopy - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 11; per plan submitted; finding that the extension of the existing canopy will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

A tract of land that is part of Lot 1, Block 1, The Farm, more particularly described as follows to-wit: Beginning at the NW/c of Lot 1, Block 1, The Farm, thence due east along the northerly line of Lot 1 for 180', thence S00°08'40" E and parallel to the westerly line of Lot 1, for 290', thence due west and parallel to the northerly line of Lot 1 for 180' to a point on the westerly line of Lot 1, thence N 00°08'40" W and along the westerly line of Lot 1 for 290' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16681

Action Requested:

Variance of the required setback from the centerline of South Peoria from 100' to 74' to permit an existing canopy - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 11, located northeast Corner of East 49th Street and South Peoria Avenue.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, submitted a site plan (Exhibit N-1) and informed that he is representing Bank IV. Mr. Norman stated that the bank is proposing to add two bank lanes and one ATM and extend an existing canopy approximately 24' to the east. He noted that buildings to the south are closer to the centerline of the street than the proposed canopy. He pointed out that the Code does not classify detached canopies as structures and they are permitted by right; however, when they are attached to a building they become a part of the building and must comply with the building setback requirement. Photographs (Exhibit N-2) were submitted.

Comments and Questions:

Mr. Doverspike asked if the grassy area will be paved, and Mr. Norman stated that a portion of it will be paved.

Interested Parties:

Jimmy Reynolds, 1320 East 49th Street, stated that Bank IV has been a good neighbor; however, a previous banking establishment at this location objected when the neighborhood attempted to vacate 49th Street to alleviate a traffic and litter problem on Quaker Avenue. He requested that the application be continued to allow the neighborhood to negotiate with Bank IV in regard to this matter.

Applicant's Rebuttal:

Mr. Norman stated that he is not prepared to respond to Mr. Reynolds proposal at this time. He pointed out that the issue before the Board today and the traffic circulation problem are unrelated issues.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of South Peoria from 100' to 74' to permit an existing canopy - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 11; per plan submitted; finding that the proposed addition to the canopy will not extend closer to the street than existing structures in the area; and finding that approval of the request will not violate the spirit and intent of the Code, or have a negative impact on the neighborhood; on the following described property:

Lot 1 and 2, Block 17, Bellaire Acres Second Extension, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16684

Action Requested:

Special Exception to permit a tent in an OL and CS zoned district for a 21 day tent revival - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** and **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2, located northwest corner of North Lewis Avenue and East Apache Street.

Presentation:

The applicant, **Pam Smith**, 158 West 49th Place North, was represented by **Anthony Smith**, 158 West 49th Place North, who requested permission to conduct a tent revival on the subject property (Exhibit P-1). He informed that the revival will be conducted for 10 days, and the remainder of the 21 days requested will be for erecting and removing the tent. Mr. Smith stated that revival will consist of two meeting times, one in the morning and one at night.

Comments and Questions:

Mr. Doverspike asked if residences are near the revival site, and Mr. Smith stated that there is one residence in the immediate area.

In response to Mr. Doverspike, Mr. Smith stated that erection of the tent will begin on June 6, 1994, with services being held June 17, 1994 - June 25. He stated that the tent will be removed by July 1, 1994.

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 tent in an OL and CS zoned district for a 21 day tent revival - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** and **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2; per plan submitted; subject to Health Department approval; subject to hours of operation being 10:30 a.m. to 9:30 p.m.; and subject to erection of the tent beginning on June 6, 1994, with services being held June 17 - June 25, and the tent being removed by July 1, 1994; finding that the temporary tent revival, per conditions, will not be detrimental to the area; on the following described property:

Beginning 50' west and 50' north of the SE/c of the SE/4, thence west 290', north 760', east 290', south 760' to POB, Section 19, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16687

Action Requested:

Variance to permit a dance hall within 300' of an R District, and a variance of the required setback from the centerline of South Memorial Drive - **SECTION 1219.C. Use Conditions and SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 19, located 7188 South Memorial Drive.

Presentation:

The applicant, **Bill Badgett**, 4505 Northwest 36th Street, Oklahoma City, Oklahoma, stated that the property has been remodeled and will continue to be a club. A floor plan (Exhibit R-1) was submitted.

Comments and Questions:

In response to Mr. Gardner, the applicant stated that the existing chain link fence around the patio area was replaced with a cedar fence.

Mr. Doverspike asked if music will be played outside, and Mr. Badgett replied that there will be a big-screen television outside, but there will be no music.

Mr. Bolzle asked if there is a roof over the patio, and he replied that the ends of the patio are covered, but the middle section is open.

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** to permit a dance hall within 300' of an R District, and a variance of the required setback from the centerline of South Memorial Drive - **SECTION 1219.C. Use Conditions and SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 19; per plan submitted; finding that alterations have been made to the existing building, with no change in use; finding that no music will be played outside the building; 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:

East 200' of the south 400' of Lot 1, Block 1, Raphael Plaza, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16688

Action Requested:

Special Exception to permit a private school in an RS-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located 3745 South Hudson.

Presentation:

The applicant, **LeAnn Huxall**, 3745 South Hudson, submitted a plot plan (Exhibit S-1) and informed that the school is proposing to expand to the east of the easternmost building, which will be Phase I of the long-range plan. She noted that all of the old buildings will eventually be replaced.

Comments and Questions:

Mr. Doverspike asked if the school was previously granted permission to utilize a gravel area for parking, and the applicant replied that paving of that area will be a part of Phase I.

Protestants:

A resident at 3656 South Hudson stated that he lives across the street from the school and is opposed to ingress and egress on Hudson. He stated that people come to his home looking for the school, because their address is on Hudson and not 36th Place. He informed that the hearing notice he received regarding this application contained a map for another property.

Mr. Bolzle advised the protestant that the entrance to the school is on 36th Place.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a private school in an RS-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plan submitted; finding that the school is existing and approval of the new construction will be in harmony with the spirit and intent of the Code; on the following described property:

A tract of land lying in the NW/4, SE/4, Section 22, T-19-N, R-13-E of the IBM, Tulsa County, more particularly described as follows: Beginning at a point which is 550' south of the north line and 55' east of the west line of the said SE/4 for 700', City of Tulsa, Tulsa County, Oklahoma.

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

Date Approved

June 16, 1994

[Signature]

Chairman

