

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 660
Tuesday, July 12, 1994, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT

Bolzle
Chappelle
Doverspike, Chairman
S. White
T. White

MEMBERS ABSENT

STAFF PRESENT

Gardner
Moore
Russell

OTHERS PRESENT

Jackere, Legal
Parnell, Code
Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, July 8, 1994, at 8:23 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **S. WHITE**, the Board voted 4-0-1 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; Bolzle, "abstaining"; none "absent") to **APPROVE** the Minutes of June 28, 1994 (No. 659):

UNFINISHED BUSINESS

Case No. 16699

Action Requested:

Special Exception to permit required parking on a lot other than the lot containing the principal use, and a special exception to permit parking in an RM District - **SECTION 1301.D. GENERAL REQUIREMENTS** - Use Unit 12a, located 1817 - 1825 South Boston Avenue.

Presentation

The applicant, **J. R. Primm**, Box 33209, submitted a plot plan (Exhibit A-1) and informed that the off-site parking is located on three paved parking lots south of the business, which have been used for parking for many years.

Comments and Questions:

Mr. Doverspike asked if the parking area is located across the alley from the businesses, and the applicant answered in the affirmative.

Case No. 16699 (continued)

In reply to Ms. White, the applicant stated that the owner of the building has entered into a lease purchase agreement with the owner of the parking lots.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Doverspike, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a Special Exception to permit required parking on a lot other than the lot containing the principal use, and a special exception to permit parking in an RM District - **SECTION 1301.D. GENERAL REQUIREMENTS** - Use Unit 12a; per plan; subject to the approval of the bar being permitted as long as the parking lot lease and the building lease run concurrently; finding that the property has been utilized for parking purposes for many years, and approval of the request will not be detrimental to the area; on the following described property:

Lot 6, Block 3, Sieg Addition and Lots 20 & 21, Block 2, Boston Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16701

Action Requested:

Variance of the required setback from the centerline of North Santa Fe Place from 50' to 42' to permit existing structure - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1914 North Santa Fe Place.

Comments and Questions:

Ms. Russell advised that the case was continued from the last meeting to determine if additional relief would be required. She stated that it was determined by Staff that further Board action would not be necessary since the Tulsa Zoning Code requires that the 50' building setback be measured from the centerline of North Santa Fe Place (Section 403).

Presentation:

The applicant, **Garry Keele**, 4815 South Harvard Avenue, was not present.

Board Action:

Chairman Doverspike stated that this application was approved on June 28, 1994 and advised that additional relief for Case No. 16701 is not required.

Case No. 16703

Action Requested:

Variance of the maximum display surface area for a sign and a variance of the number of signs permitted - **SECTION 602.B.4.1. and 2. Business Signs** - Use Unit 11, located 9761 East 31st Street.

Presentation:

The applicant, **Century 21 Rudy Wyatt Realtors**, 9761 East 31st Street, was represented by **Gary Griffith**, 4727 South Toledo. He explained that there are existing wall signs on the drugstore, one wall sign on the other building and one pole sign will be added. Mr. Griffith informed that one pole sign has been removed from the property. Photographs (Exhibit B-1) were submitted.

Comments and Questions:

Mr. Gardner noted that abutting properties are zoned commercial and, if the subject property had a CS zoning classification, the proposed signage would be permitted by right.

Mr. Doverspike asked if the pole sign will accommodate two signs, and Mr. Griffith answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Doverspike, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the maximum display surface area for a sign and a **variance** of the number of signs permitted - **SECTION 602.B.4.1. and 2. Business Signs** - Use Unit 11; subject to signage on the property being limited to two wall signs on the drugstore, one wall sign on the medical building and one pole structure supporting two signs; finding a hardship demonstrated by the fact that the OM zoned property is abutted by CS zoning on three sides, which permits the requested signage by right; on the following described property:

West 120' of Lot 1, Block 2, Longview Lake Estates Center Amended Addition,
City of Tulsa, Tulsa County, Oklahoma.

Case No. 16717

Action Requested:

Variance of the required setback for outdoor display of merchandise - **SECTION 1214.C. Use Conditions** - Use Unit 14, located 6525 East 51st Street.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, stated that he has conversed with a representative of the Southeast Tulsa Homeowners Association, who requested a previous continuance, and the problem was resolved. Mr. Johnsen submitted a plat of survey (Exhibit C-1) and informed that he is representing the True Value Hardware. He explained that a three-rail fence is located on the property line and his client has occasionally displayed merchandise in front of the fence, which could have initiated the complaint. Mr. Johnsen informed that this area is no longer used for display. He noted that open air display of merchandise is permitted as an accessory use under Use Unit 14, with compliance regarding setbacks. The applicant pointed out that the displayed merchandise is required to maintain the same setback as the existing building and must be 300' from a residentially zoned district, which is the reason for this application.

Comments and Questions:

Mr. Johnsen reviewed a letter and photographs (Exhibit C-3) from the Southeast Tulsa Homeowners Association, which were mailed to Mr. Doverspike prior to the meeting.

Mr. Johnsen noted that the letter addresses required parking, and advised that his client complies with all parking requirements. He pointed out that the entire space west of the building is devoted to parking. It was noted that the building wall setback from 51st Street is 107', with the canopy and private sidewalk being in front of the building wall. He informed that the nearest residential property to the east is approximately 200', with the Code requirement being 300'; however, a commercial building is located between his clients property and the residential area. Mr. Johnsen noted that the nearest residential property to the front storage area is across the four-lane street, or approximately 250'. He pointed out that there have been no complaints from residential property owners. The applicant submitted photographs (Exhibit C-2), which depict the storage of dirt products behind the three-rail fence (east), garden supplies in front of the store and lawn mowers on the private sidewalk in front of the building. He submitted a plot plan (Exhibit C-4) and stated his client is requesting that a seasonal flower display be permitted in front of the business, with all miscellaneous items being moved to the west of the building. The applicant requested that expensive items be permitted to remain in front of the building on the private sidewalk, which is approximately 250' from the nearest residence on 51st Street. Mr. Johnsen stated that his client has found that other business in the City have outside storage of merchandise.

Case No. 16717 (continued)

Additional Comments:

Ms. White asked Mr. Johnsen if his client owns the True Value store on Harvard, and he answered in the affirmative.

In response to Mr. Doverspike, the applicant stated that the fence on the east is north of the building wall approximately 5' and extends to the end of the building.

In reply to Mr. Doverspike, Mr. Johnsen pointed out that, prior to a recent Code change, an open air display area was not required to comply with the building setback.

Mr. Johnsen clarified that dirt stored at the front of the lot will be removed, and the business will comply with all requirements regarding signage.

Ms. White advised Mr. Johnsen that his client has not complied with conditions previously imposed on the Harvard store. She noted that outside storage of merchandise continues to be a problem at this location, and a portable sign is used for advertising.

Mr. Bolzle inquired as to the hardship, and Mr. Johnsen informed that the hardship is the insignificance of the variance, the fact that the dirt storage is not visible from the residential area and the separation of the subject property from the property to the south by screening, as well as a four-lane street.

Ms. Parnell advised that she has not received a complaint concerning the True Value store on Harvard; however, previously imposed conditions will be checked and enforced in the future.

Mr. Bolzle asked the applicant if the displayed items can be stored on the west side of the building to comply with the required setback, and he replied that this is possible; however, his client would prefer to have the expensive items in front of the store for security purposes. Mr. Bolzle asked if the flowers can be placed beside the store on the west, and Mr. Johnsen replied that they are placed in front because they are more visible to the public.

It was the consensus of the Board that the flower display should be removed from the area in front of the building.

Mr. Doverspike stated that he is opposed to additional signage being installed.

Case No. 16717 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Doverspike, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback for outdoor display of merchandise - **SECTION 1214.C. Use Conditions** - Use Unit 14; subject to outside storage extending no closer to the street than the outer edge (south) of the existing 10' building sidewalk; subject to no display of plants in front of the building; finding that the variance requests are minimal; finding that the business in question is separated from the residential area by a building on one side and a four-lane street in front; and finding that approval of the request, per conditions, will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 5 and west 65' of Lot 6, Block 1, FDM Center, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16723

Action Requested:

Variance of the number of required parking spaces and for a variance of the all-weather surface requirement for off-street parking - **SECTION 1223.D. Off-Street Parking and Loading Requirements** - Use Unit 23, located 9999 East 59th Street.

Presentation:

The applicant, **Bart James**, 8908 South Yale, #200, submitted a plot plan (Exhibit D-1) for a 30,000 sq ft warehouse extension to an existing 53,000 sq ft building. He informed that the new portion will be used to store inventory for shipping to various locations. Mr. James informed that 63 parking spaces exist and the expansion brings that total to approximately 93 spaces. The applicant stated that the extra 30 spaces could be added along the western property line; however, they are not needed, because approximately 1/3 of the current parking lot remains vacant. He asked that the requirement for all-weather surfacing be waived on the extra 30 spaces.

Comments and Questions:

Mr. Doverspike inquired as to the type of business operated in the building, and the applicant stated that a sheet fabricating company currently occupies the building.

Protestants:

None.

Case No. 16723 (continued)

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 5-0-0 (Bolzle, Doverspike, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the number of required parking spaces; and to **WITHDRAW** a **Variance** of the all-weather surface requirement for off-street parking - **SECTION 1223.D. Off-Street Parking and Loading Requirements** - Use Unit 23; per plan submitted; subject to the 30,000 sq ft addition being used for storage purposes only; finding that the new building will not be used for manufacturing and will not create a need for additional parking; on the following described property:

East 304' of Lot 1, Block 1, Moran Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16724

Action Requested:

Special Exception to permit a home occupation (art classes) - **SECTION 404. HOME OCCUPATIONS** - Use Unit 6, located 1114 East 25th Street.

Presentation:

The applicant, **Eleanor Irvin**, 1114 East 25th Street, submitted a letter (Exhibit E-1) explaining her request, and asked that she be permitted to conduct art classes in her home temporarily. She informed that she teaches two-hour classes six or seven months of the year, and each class is limited to six children. Ms. Irvin stated that some students live in the neighborhood, and those driving their children to classes are urged to park only in front of her residence. She noted that the classes are not held during peak hours of traffic. Ms. Irvin stated that she has been teaching art classes at this location for approximately 1 1/2 years, and requested that she be permitted to continue her work until the end of 1994. The applicant informed that she has had many health problems, but anticipates enough improvement to allow her to seek other employment by the end of the year. Ms. Irvin read letters of support (Exhibit E-4).

Comments and Questions:

Ms. White inquired as to the age of the art students, and Ms. Irvin replied that her students are from four to 11 years old.

Interested Parties:

Janelle Dollerschell, 220 East 20th Street, stated that her child attends Ms. Irvin's art classes and that she is supportive of the application. She read additional letters of support from area residents (Exhibit E-4).

Case No. 16724 (continued)

Robert Evans, 2925 South Cincinnati, stated that his daughter attends Ms. Irvin's art classes, and he finds the use to be compatible with the residential neighborhood. Mr. Evans advised that he is supportive of the home occupation.

Sherry Renfro, 3520 South Zuni Court, informed that the home occupation is not detrimental to the area, and asked the Board to approve the application.

Russ Bronte, 1924 South 77th East Avenue, stated that he is supportive of the application.

Trisa Ulrich, 3037 South Troost, stated that her children have taken art lessons from the applicant, and requested that Ms. Irvin be permitted to continue her occupation until the end of the year.

Protestants:

Mr. Doverspike informed that the Board has been advised by Staff that the **Beechers**, 2460 South Cincinnati, and the **Villners**, 2450 South Cincinnati, have indicated by phone that they are opposed to the application (Exhibit E-2).

David Chernicky, 1120 East 25th Street, stated that he lives next door and is opposed to the application. He pointed out that the school has operated illegally for over a year, with 24 children visiting the residence during the week and approximately 30 on Saturday. Mr. Chernicky stated that all students walk past his back yard on their way to the art studio at the rear of the lot, and vehicles are parked on both sides of the street when children are picked up and delivered. He pointed out that this business is growing and is not compatible with the residential neighborhood. Mr. Chernicky submitted a letter (Exhibit E-3) he received from the applicant.

Mary Wettle, 223 East 25th Street, stated that she lives near the applicant and is opposed to the application because of the traffic generated by the art classes. She pointed out that the street is currently very busy and the additional cars in the neighborhood only add to the existing problem.

Stacy Clark, Maple Ridge Homeowners Association, stated that the association is opposed to the application. He pointed out that the use violates the residential use of the area, creates excessive traffic in the neighborhood and is a commercial operation in a residential neighborhood.

Charles Biederman, 2522 South Norfolk, stated that he finds the use to be more like a commercial business, and approval of the request will set a precedent for the beginning of other businesses in the area.

Case No. 16724 (continued)

Bill Bowles, 406 South Boulder, Suite 707, advised that he is representing **Leo and Dixie Oliver**, 227 East 25th Street, who are opposed to the home occupation. He stated that they share the same concerns mentioned by other protestants, but are primarily concerned with the traffic congestion. He pointed out that cars are parked on both sides of the street in front of Ms. Irvin's home, which reduces traffic to one lane and creates a hazardous condition for motorists.

Bob Alexander stated that he lives two doors from Mr. Biederman and is opposed to the commercial activity invading the quiet neighborhood. He asked the Board to deny the home occupation and maintain the integrity of the residential area.

Applicant's Rebuttal:

The applicant advised that it is not her intent to operate a commercial business in her home. She pointed out that many neighbors in the block are supportive of the temporary home occupation, and requested that she be permitted to teach the art classes until the end of the year.

Additional Comments:

It was the consensus of the Board that the use in question would not be appropriate for the neighborhood on a permanent basis, and they questioned if temporary operation of the business would be appropriate.

Ms. White noted that the use does not comply with the home occupation guidelines and is very intense for a residential area.

Mr. Doverspike noted that it has been established that the use is injurious to the neighborhood.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 4-1-0 (Bolzle, Doverspike, S. White, T. White, "aye"; Chappelle, "nay"; no "abstentions"; none "absent") to **DENY** a **Special Exception** to permit a home occupation (art classes) - **SECTION 404. HOME OCCUPATIONS** - Use Unit 6; finding that the use is not in compliance with home occupation guidelines and is too intense for the residential neighborhood; on the following described property:

West 35' of Lot 6, East 40' of Lot 7, Block 8, Sunset Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16725

Action Requested:

Variance of the required setback from the centerline of Marshall Street from 50' to 31' to permit a carport - **SECTION 403. BULK AND AREA REQUIREMENTS FOR THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 9125 East Marshall Street.

Presentation:

The applicant, **Richard Hawkins**, 9125 East Marshall Street, submitted a plot plan (Exhibit F-2) for the proposed carport and photographs (Exhibit F-1) of other carports in the area. Mr. Hawkins informed that the existing dwelling is within 5' of the current required setback line. The applicant noted that his neighbors are supportive of the project.

Comments and Questions:

Mr. Doverspike asked if the distance from the front of the carport to the property line is 6', and the applicant answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bolzle, Doverspike, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of Marshall Street from 50' to 31' to permit a carport - **SECTION 403. BULK AND AREA REQUIREMENTS FOR THE RESIDENTIAL DISTRICTS** - Use Unit 6, per plan submitted; finding that the lots in the older development are long and narrow, with no vehicular access to the rear of the property, and finding that there are numerous carports in the neighborhood; on the following described property:

Lot 22, Block 4, Layman Acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16726

Action Requested:

Special Exception to permit a waste water treatment plant (Use Unit 2) in an AG zoned district.

Comments and Questions:

Ms. Russell advised that the application in question was filed by the City of Tulsa and it has been determined that the relief requested was granted at a previous Board of Adjustment hearing. She suggested that the case be withdrawn.

Case No. 16726 (continued)

Board Action:

Finding no opposition, Mr. Doverspike opted to withdraw Case No. 16726.

Case No. 16727

Action Requested:

Special Exception to permit church use in an IM zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 5, located 3702 South Maybelle.

Presentation:

The applicant, **Kevin Stidham**, 3636 South Olympia, submitted a plot plan (Exhibit G-1) and stated that he is representing Garden City Baptist Church. He explained that the church recently applied for a building permit for a storage building and it was discovered that church use had never been approved at this location.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Doverspike, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit church use in an IM zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 5; per plan submitted; finding that the church has been at the current location for several years and the use is compatible with the surrounding area; on the following described property:

West 140' of south 240', NW/4, SE/4, Section 23, T-19-N, R-12-E. City of Tulsa, Tulsa County, Oklahoma.

Case No. 16728

Action Requested:

Special Exception to permit residential use in an OL zoned district - **SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS** - Use Unit 6/11, located 1872 East 15th Street.

Presentation:

The applicant, **Hamid Nazari**, 1872 East 15th Street, was not present.

Case No. 16728 (continued)

Comments and Questions:

Ms. Russell informed that she was not successful in an attempt to reach Mr. Nazari by phone.

Mr. Jackere noted that the applicant has received a notice of violation.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Doverspike, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **DISMISS** Case No. 16728 for failure to present the application.

Case No. 16729

Action Requested:

Variance to permit an 85' sign - **SECTION 1221.D.1. - CS District Use Conditions for Business Signs** - Use Unit 16, located 5 North Yale.

Presentation:

The applicant, **Terry Howard**, 6550 East Independence, was represented by **John Moody** 6846 South Canton, Suite 120. Mr. Moody explained that Texaco, Inc. owns the subject property and is proposing to elevate their sign to make it more visible to passing motorists. He noted that the existing sign is 25' in height and is not visible to westbound traffic on the expressway. Mr. Moody stated that the new sign is permitted to be 50' tall at the proposed location; however, large trees hamper visibility at this height. He pointed out that, due to the curvature of the expressway at this location, it is imperative that the sign be visible in time for motorists to find the exit ramp and move into the proper lane. Mr. Moody noted that there are numerous signs in the City that have been permitted to exceed the 50' height limitation. He further noted that Texaco has made an investment in this area of declining markets and asked the Board to take this into consideration.

Comments and Questions:

Mr. Jackere asked Mr. Moody to state the reason for removing the existing sign, and he replied that the sign is not visible from the expressway. He pointed out that the sign is not visible at the maximum height permitted by the Code. Mr. Moody noted that the amount of light produced by the sign can be measured at 25 candlepower, and the size of the sign will remain the same. He remarked that a maximum of 70 candlepower is permitted by the Code.

Glen Tucker, Oklahoma Neon, informed that motorist traveling to the west on the expressway have passed the exit ramp before the sign is visible.

Case No. 16729 (continued)

In reply to Mr. Doverspike, Mr. Moody stated that the sign will comply with all setback requirements.

Mr. Doverspike noted that other variances of height limitation approved by the Board were located in low areas near the expressway.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-2-0 (Bolze, Chappelle, T. White, "aye"; Doverspike, S. White, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit an 85' sign - **SECTION 1221.D.1. - CS District Use Conditions for Business Signs** - Use Unit 16; per plan submitted; subject to lighting for the sign being a maximum of 25 candlepower; finding a hardship demonstrated by the curvature of the expressway and existing large trees; on the following described property:

Lot 7, less beginning at SW/c Lot 7, thence north 170', east 5', south 120', southeast 70.74', south 55' to POB and S/2, Lot 8, Block 2, White City Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16730

Action Requested:

Variance of the required frontage in an OL District from 50' to 37' and a special exception to permit residential use in an OL zoned district - Use Unit 6, located 4147 South 26th West Avenue.

Presentation:

The applicant, **Rosemary Clinton**, 625 South Detroit, submitted a plat of survey (Exhibit J-1) and informed that she is representing an individual that is attempting to qualify for a reverse mortgage. She explained that a variance of the frontage requirement and the special exception are required before the mortgage can be approved. Photographs (Exhibit J-2) were submitted.

Comments and Questions:

In response to Mr. Doverspike, the applicant informed that the structures have been on the property for several years.

Protestants:

None.

Case No. 16730 (continued)

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 5-0-0 (Bolzle, Doverspike, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required frontage in an OL District from 50' to 37' and a **special exception** to permit residential use in an OL zoned district - Use Unit 6; per plat of survey 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:

West 125', east 250' Reserve C lying south of Block 4, Galgreath, Colcord and Russell's Addition to Red Fork, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16731

Action Requested:

Special exception to permit a home occupation (craft sales) three times annually and a variance to permit employees who are not members of the household - **SECTION 404. Home Occupations** - Use Unit 13, located 3518 East 75th Street.

Comments and Questions:

Mr. Doverspike informed that he will abstain from hearing Case No. 16731.

Presentation:

The applicant, **Sharon Butler**, 3518 East 75th Street, stated that she has been conducting craft shows in her home for approximately 13 years and was not aware that a permit for a home occupation is required to conduct the business. She submitted a packet (Exhibit K-3) explaining the use and informed that the events are held for three or four days, three times each year from 9 a.m. to 5 p.m. Ms. Butler noted that she has contacted homeowners in the area and 54 were supportive of the craft shows. Ms. Butler stated that parking seems to be a major issue, and pointed out that several neighbors have volunteered the use of their driveways for customer parking. The applicant stated that she will install "no parking" signs on one side of the street to prevent parking problems.

Comments and Questions:

In response to Ms. White, Mr. Jackere replied that he discussed the craft sales operation with someone that called him concerning the use, and he advised that he does not consider the use to be similar to a garage sale.

Ms. Parnell submitted photographs and a notice of violation (Exhibit K-1).

Interested Parties:

Pamela Cobb, 7447 South Jamestown, stated that she is the current vice president of the Denwood Homeowners Association and lives across the street from the applicant. Ms. Cobb noted that the sales are only held three times each year and she is supportive of the home occupation. She stated that there has been some concern about the school bus being able to travel down the street, and she is supportive of the plan to place "no parking" signs on one side of the street.

Linda Gonzales, 3422 East 75th Street, stated that she lives three doors to the west of the subject property and that customers for the craft shows have never parked in front of her home. Ms. Gonzales noted that she was president of Denwood Homeowners Association for three years and did not receive a complaint concerning the craft shows.

Barbara Pollard, 7448 South Jamestown, stated that she lives across the street and one house down from the applicant and is supportive of the application.

Protestants:

Jim Bischoff, 7455 South Knoxville, noted that he has three small children and is concerned with their safety during these times of heavy traffic. He pointed out that the craft sales may have started as a small operation, but it is now a full-blown retail business. Mr. Bischoff informed that his driveway has been blocked and that he has counted 51 cars parked on both sides of the street and in the cul-de-sac. He pointed out that the school bus is forced to take a different route during the sales, because there is not sufficient space to travel between the cars parked on both sides of the street. Mr. Bischoff stated that the events are highly advertised, with signs being placed as far as eight miles from the applicant's home. He requested that the application be denied.

Martha Dannenbaum, 7449 South Knoxville, stated that people have mistaken her home for the location of the craft show and have walked into her house unannounced. She stated that her son has reported that the bus driver was not able to maneuver the bus between the parked vehicles and was forced to back up and take another route. Ms. Dannenbaum noted that her concern is the additional traffic and the safety of the children in the neighborhood.

Susan Bischoff submitted two letters of opposition (Exhibit K-2) and stated that she is concerned with the safety of her three children. She pointed out that individuals walk across their yard and look in the windows while searching for the location of the craft sales.

Case No. 16731 (continued)

Applicant's Rebuttal:

Ms. Butler stated that she was not aware that the advertising signs were prohibited and will discontinue that type of advertising. She pointed out that several large driveways are available for parking and her driveway will accommodate approximately 15 vehicles. Ms. Butler stated that the street has a steep incline toward Mr. Bischoff's home, which seems to discourage parking in that direction. She remarked that the craft sales operation can be closed at 4 p.m. to eliminate the problem the school bus is experiencing in driving between the cars parked on the street. Ms. Butler stated that there has never been an accident during the 13 years the events have been conducted.

Additional Comments:

In response to Mr. Bolzle, the applicant stated that she advertises through the mail.

Ms. White inquired as to the size of the mail-out, and Ms. Butler replied that she has about 2000 names on the mailing list, with an approximate 10% response or 50 individuals per day.

Mr. Chappelle asked how many craft people are involved in the sale, and the applicant stated that she has 10 friends that help with the sales operation, and maybe some of their family (approximately 13 total).

Mr. Bolzle inquired as to the number of rooms that are devoted to the sales business, and Ms. Butler replied that six rooms are used for display areas.

Mr. Jackere asked the applicant if other individuals bring crafts to her home, and she replied that other people sell items in her craft show.

Mr. Jackere clarified that he has reviewed the booklet submitted by the applicant, and recalled a conversation with a representative of the show concerning the use. He pointed out that he did not have all of the information contained in the booklet, but always instructs callers that Code Enforcement makes determination of violations based on complaints. Mr. Jackere stated that the caller did not mention a notice of violation, but asked if the use would be classified as a home occupation or otherwise. He informed that garage sales were discussed, and it was noted that, although the use has similarities of a garage sale, it is not a garage sale. Mr. Jackere reiterated that callers are always advised that he does not make the determination as to the classification of uses.

Ms. White remarked that this is probably an example of a use that started small and has grown to a size that is detrimental to the residential neighborhood.

Case No. 16731 (continued)

Mr. Chappelle pointed out that a characteristic of a true home occupation is the fact that it is not apparent from the exterior of the home that a business is being conducted.

Ms. White noted that the number of employees is also a factor in the failure of the use to comply with the home occupation guidelines.

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 **DENY** a **Special exception** to permit a home occupation (craft sales) three times annually and a **variance** to permit employees who are not members of the household - **SECTION 404. Home Occupations** - Use Unit 13; finding the use to be injurious to the neighborhood, and in violation of the spirit and intent of the Code; on the following described property:

Lot 16, Block 2, Denwood Estates, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16732

Action Requested:

Special Exception to permit residential use in a CH zoned district, and a variance of the all-weather surface requirement for parking - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 6/17

Presentation:

The applicant, **Barney Russell III**, 2239 East 10th Street, was not present.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Doverspike, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **DISMISS** Case No. 16732, due to the applicant's failure to present the application.

Case No. 16734

Action Requested:

Variance of the required number of parking spaces from 45 to 10 - **SECTION 1225.D. Off-Street Parking and Loading Requirements** - Use Unit 25, located north of the NW/c of North Toledo and Gilcrease Expressway.

Presentation:

The applicant, **Don Hall**, P. O. Box 582707, was represented by **Don Malott**, 125 Spunky Creek Drive, Catoosa. He submitted a plat of survey (Exhibit L-1) and explained that the survey does not have the correct dimensions for the proposed use. He informed that the size of the building has been reduced and the manufacturing space will contain 21, 600 sq ft of floor area, with the designated office area being used for rest rooms (976 sq ft). Mr. Malott stated that the offices are directly across the street and parking is available at that location. He pointed out that the company manufactures large refinery processing equipment and only employs 30 individuals to work both the day and night shift. Mr. Malott stated that no more than 22 employees will be working at any given time. Photographs (Exhibit L-2) were submitted.

Comments and Questions:

In response to Mr. Doverspike, Mr. Malott informed that 10 spaces are available on the site, with the remainder of the parking area being across the street.

Mr. Doverspike asked Mr. Malott if he would be opposed to the execution of a tie contract, which would tie the subject property to the lot containing the offices, and he replied that that a tie contract would be acceptable.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Doverspike, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required number of parking spaces from 45 to 10 - **SECTION 1225.D. Off-Street Parking and Loading Requirements** - Use Unit 25; subject to the use remaining an equipment manufacturing business; subject to the execution of a tie contract between the subject property and the lot containing the business offices (across the street); finding that a major portion of the parking is located on the lot containing the office use; 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:

Lot 1, Block 1, Heater Specialists, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16736

Action Requested:

Variance of the required front yard from 30' to 15' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2625 East 40th Street.

Presentation:

The applicant, **Jordan Lindsey**, 5801 East 41st Street, Suite 350, submitted a plat of survey (Exhibit M-1) and stated that his clients have purchased the subject property for building purposes. He noted that a hardship is imposed on his client by the irregular shape of the lot and the cul de sac location.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE** the Board voted 5-0-0 (Bolzle, Doverspike, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required front yard from 30' to 15' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per survey submitted; finding a hardship demonstrated by the cul de sac location and the irregular shape of the lot; on the following described property:

Lot 3, Block 1, Birmingham Circle, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Consider amending minutes of June 16, 1994 regarding election of officers.

Ms. Russell informed that the election of officers was inadvertently omitted from the minutes of June 16, 1994.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-2 (Bolzle, Doverspike, T. White, "aye"; no "nays"; Chappelle, S. White, "abstaining"; none "absent") to **APPROVE** an amendment to the June 16, 1994 minutes to include the election of officers.

Date Approved

July 26, 1994

[Signature]

Chairman

