

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 664
Tuesday, September 13, 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
Turnbo
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 Monday, September 12, 1994, at 1 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, Turnbo, White, "aye"; no "nays"; Chappelle, "abstaining"; none "absent") to **APPROVE** the Minutes of August 23, 1994 (No. 663).

Comments and Questions:

Mr. Doverspike advised that Mr. Chappelle will leave the meeting in one hour and , due to the fact that Mr. Bolzle will abstain from hearing Cases 16765, 16790 and 16791, two of these cases will be moved to the top of the agenda to allow four Board members to vote on these items.

UNFINISHED BUSINESS

Case No. 16764

Action Requested:

Variance of the required lot area to permit a lot split - **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 2809 West 39th Street.

Case No. 16764 (continued)

Presentation:

The applicant, **Robert Parker**, 2431 East 61st Street, #100, was represented by **Georgenia Brown**, 1717 South Cheyenne, who informed that a lot split is proposed, and a dwelling is located on the west 58' of Lot 3. She informed that a fence has been erected along the east 12' of the lot and the property owner permitted the owner of the apartments next door to encroach 11.1' on to the west side of the lot. A plot plan (Exhibit A-1) was submitted.

Comments and Questions:

In response to Mr. Doverspike, Ms. Brown replied that her client is proposing to split off 12' on the east side of the lot.

Mr. Doverspike asked if there is any type of structure on the north portion of the 12' strip, and Ms. Brown stated that there has been no construction to the north.

Mr. Bolzle asked how long the improvements have been on the subject property, and Ms. Brown replied that they have been in place approximately 10 years.

Ms. Russell clarified that, after review of the application, it was Staff's finding that the applicant was in need of a variance of lot area, and not lot width. She pointed out that the required lot area is 6900 sq ft and the lot in question has 6800 sq ft.

In response to Mr. Jackere, Mr. Gardner advised that the required lot width is 60' and the lot in question will have 68' of frontage, because the alley has been vacated and 10' has been added to the width of the original lot.

Interested Parties:

Hazel Slavens, 3906 South 28th West Avenue, asked if apartments or additional construction will occur on the lot, and Ms. Brown noted that there is nothing in her file that indicates any use other than single family.

Mr. Gardner informed that apartments are not permitted by right in an RS-3 zoned district.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Chappelle; Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required lot area to permit a lot split - **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, per plan submitted; finding that the existing apartment building is encroaching into the east 12' of the lot, and splitting this strip off will not change or have a negative impact on the neighborhood; on the following described property:

Case No. 16764 (continued)

West 58' of Lot 3, Block 32, Original Town of Red Fork, City of Tulsa, Tulsa County, Oklahoma.

Case 16765

Action Requested:

Special Exception to permit a drive-in banking facility in an OL zoned district, and a variance of the required setback from the centerline of South Utica Avenue-
SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS and
SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICT -
Use Unit 11, located west side of Utica Avenue at East 14th Street.

Comments and Questions:

Mr. Bolzle informed that he will abstain from hearing Case No. 16765.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, stated that his client, Liberty Bank and Trust Company, is proposing to construct a drive-in banking facility at the above stated location. He submitted a plot plan (Exhibit B-1) and informed that the property is 100' wide and 140' in depth. Mr. Norman noted that the Board previously approved a drive-in bank approximately one block to the south; however, that approval was appealed by the Swan Lake Neighborhood Association and District Court reversed the Board's decision (Exhibit B-5). He informed that the neighborhood association advised that they would not object to the new location. The applicant stated that Mr. Eshelman, Traffic Engineering Department (Exhibit B-4), has agreed to permit removal of 95' of the existing median, which would permit operation of the facility with the entrance on the north and the exit lane on the south. Photographs (Exhibit B-3) were submitted. Mr. Norman advised that three large trees on the lot will be preserved. He informed that the project in question will consist of four drive-in lanes, one ATM lane and a small 16' by 30' building. The applicant stated that the drive-in facility will have two daytime employees. He pointed out that his client has chosen the proposed location because it has been determined that a drive-in service should be made available within 2 to 2½ miles of all customers. Mr. Norman noted that Liberty Bank has approximately 3200 customers within this radius. He pointed out that approximately 50% of all banking transactions occur at drive-in facilities. It was noted by the applicant that the grade will be lowered and a 6' screening fence will be installed. He stated that the driving surface for cars traveling on the west side of the lot will be 8½' below the top of the screening fence, and all lighting will be installed on the 6' screening fence and restricted to that height (except for security lights on the perimeter of the bank building). Mr. Norman informed that Mr. Eshelman testified at the previous court hearing that drive-in banking facilities are generally not a problem within the City,

Case No. 16765 (continued)

and do not create traffic hazards. The applicant stated that studies regarding six-lane drive-in banking operations have indicated that approximately 400 trips are made to the site on normal banking days and 700 on peak days (occurs approximately three times each year). Mr. Norman stated that it is the opinion of his client that many of the operators of vehicles visiting the site live or work in the area and are already traveling on Utica. The applicant emphasized that a 4000 sq ft walk-in banking facility would be permitted at this location by right. Mr. Norman pointed out that the proposed 65' setback is well behind existing buildings along Utica.

Comments and Questions:

Mr. Doverspike asked if three employee parking spaces will be provided, and the applicant stated that there are three spaces.. He informed that typically two employees will serve customers, however, a third person may be there during peak periods. He informed that the hours of operation will be from 7 a.m. to 6 p.m. during the week, with Saturday morning service also provided.

In response to Mr. Doverspike, the applicant stated that Mr. Eshelman has agreed to allow removal of the median to permit left turns into the site. He added that stacking space will be provided for approximately 25 vehicles

Protestants:

J. P Sawyer, 2526 South 104th East Avenue, stated that he is not opposed to banking in the area, but traffic congestion is currently a problem, with vehicles sometimes backed up from one traffic light to another. He pointed out that the proposed site is located between two hospitals and additional traffic would interfere with emergency vehicles traveling in the area.

Jan Barnett, 1419 South Troost, pointed out that this location is a high accident area, and removal of the median would defeat the purpose for which it was installed. She noted that traffic congestion exists in the area, and the bank would only aggravate an existing hazardous condition. Ms. Barnett stated that traffic generating operations should not be approved until the streets are widened. She pointed out that the use was not appropriate one block to the south and is not appropriate at the proposed location.

Barney James, 1767 East 14th Place, stated that his residence is in the area, and noted that there are numerous lots within the 2-mile radius that are properly zoned for the banking facility. He noted that water currently runs in the street near the Texaco station and that additional concrete would add to the water runoff. Mr. James pointed out that the nearby exit from the Broken Arrow Expressway already adds to the existing traffic congestion in the area. He asked that the application be denied.

Case No. 16765 (continued)

Sharry White, 1518 South Gillette, stated that she is opposed to the application, and is representing **Bruce Magoon**, operator of the insurance company across the street, who feels the proposed use will be detrimental to his business. She pointed out that the District Court ruled to overturn the Board's decision to approve a drive-in bank one block to the south, and traffic was an issue. Ms. White noted that the previous site had a greater stacking capacity than the site in question, and further noted that, although the Swan Lake Neighborhood Association did not object to this application, they did not support it. She stated that traffic is gridlock in the area during the morning rush hour, and noted that the number of cars traveling Utica at this location will be increased to 7000 cars per day if the banking facility is approved.

Applicant's Rebuttal:

Mr. Norman stated that he checked the area at approximately 8 a.m. and did not find the traffic to be congested or backed up. He informed that he made several turns with no difficulty.

Additional Comments:

Mr. Chappelle noted that a walk-in banking facility could be constructed by right at this location, and the drive-in would generate only slightly more traffic than the walk-in bank. He pointed out that the traffic engineer has determined that the proposed use would not create a traffic hazard in the area, and that he is supportive of the request.

Ms. Turnbo stated that it appears that Troost would be negatively impacted by the traffic generated by the bank.

Mr. Doverspike stated that it is his determination that the banking facility at the proposed location would have the same impact on the neighborhood as the previous location that was found to be inappropriate by District Court.

Mr. Chappelle pointed out that the Board cannot solve the traffic problem in the area, and individuals using the bank would probably live or work nearby and would already be driving in the area.

Mr. White stated that he travels in this area and has not found the traffic to be a problem.

Ms. Turnbo emphasized that traffic congestion is existing at this location and approval of the drive-in would only add to the problem.

Case No. 16765 (continued)

Board Action:

On **MOTION** of **TURNBO**, the Board voted 2-2-1 (Doverspike, Turnbo, "aye"; Chappelle, White, "nay"; Bolzle, "abstaining"; none "absent") to **DENY** a **Special Exception** to permit a drive-in banking facility in an OL zoned district, and a **variance** of the required setback from the centerline of South Utica Avenue-
SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS and **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICT - Use Unit 11.**

The motion for denial of the application failed for lack of three affirmative votes.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 2-2-1 (Chappelle, White, "aye"; Doverspike, Turnbo, "nay"; Bolzle, "abstaining"; none "absent") to **APPROVE** a **Special Exception** to permit a drive-in banking facility in an OL zoned district, and a **variance** of the required setback from the centerline of South Utica Avenue-
SECTION 601. PRINCIPAL USES PERMITTED IN THE OFFICE DISTRICTS and **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICT - Use Unit 11.**

The application was denied for lack of three affirmative votes for approval.

Lot 5 and the east 10' of the vacated alley adjacent on west, less part of Lot 5, beginning at the NE/c; thence west 7.41'; thence southeasterly 50.06' to a point on the south line of said lot; thence east 4.88' to the SE/c; thence north 50' to the point of beginning, Block 4, Lake View Addition, in the City of Tulsa, Tulsa County, Oklahoma.

Lot 6 and the east 10' of the vacated alley adjacent on west, less part of Lot 6, beginning at the NE/c; thence west 4.88'; thence southeasterly 50.06' to a point on the south line of said lot; thence east 2.34' to the SE/c; thence north 50' to the Point of Beginning, Block 4, Lake View Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16771

Action Requested:

Appeal the decision of an administrative official that the business is a plumbing company, and a special exception to permit a mobile home for additional office space - **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL - Use Unit 15, located 1637 South Harvard.**

Case No. 16771 (continued)

Presentation:

The applicant, **Douglas Bear**, 1643 South Harvard Avenue, requested permission to install a mobile unit on his property, which will be used for additional office space. He informed that records are kept at this location and that 90% of his business consists of maintenance of heating and air-conditioning units for Kmart stores.

Comments and Questions:

Mr. Doverspike asked Mr. Bear if he operates a heating and air-conditioning business, and he replied that he has two service vehicles at this location, but all parts are stored at another site. Mr. Bear stated that he might occasionally store a motor or compressor on the premises.

Mr. Jackere advised that the mobile unit must comply with the Building Code requirements, and noted that the Board cannot approve a mobile home for office use.

Protestants:

The resident at 1646 South Indianapolis stated that the structure was initially rented for a residence, and requested that a screening fence be installed if the property is to be used for a business.

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

Additional Comments:

Mr. Doverspike pointed out that the only issue before the Board is the appeal of the decision of the administrative official.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **UPHOLD** the decision of the administrative official that a heating and air-conditioning business is being operated on the subject property; to **STRIKE** a request for a special exception to permit a mobile home for additional office space; and **CONTINUE** the balance of the case to October 11, 1994 to allow sufficient time for the applicant to file an application to permit a heating and air conditioning business in a CS zoned district - **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 15; finding that a heating and air conditioning business is operating on the property; finding that the request for a mobile office is outside the jurisdiction of the Board; and finding that the heating and air conditioning business is not permitted by right in a CS zoned district; on the following described property:

Lot 9, less west 10' thereof, Block 8, Sunrise Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16772

Action Requested:

Variance of required setback from South Mingo Road from 100' to 79' to permit a sign - **SECTION 1221.C.6 - General Use Conditions for Business Signs** - Use Unit 17, located 9516 East Admiral Place.

Comments and Questions:

Ms. Russell advised that it has been determined that the sign location is on City owned property and the applicant is not in need of relief from this Board, but from the City Council.

Case No. 16773

Action Requested:

Variance to permit parking within 33' of the centerline of North Cincinnati, variance of the required setback from the centerline of North Cincinnati from 100' to 83', variance of the number of required parking spaces and a variance to permit parking on a lot other than the lot containing the principal use - **SECTION 215. STRUCTURE SETBACK , SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS, SECTION 1212.D. OFF-STREET PARKING REQUIREMENTS** - Use Unit 12, located 2616 North Cincinnati.

Presentation:

The applicant, **Robert Hoover**, 2163 North Waco Avenue, submitted a plot plan (Exhibit D-1) and informed that he currently operates a car wash on the tract and is also proposing to begin operation of a restaurant.

Comments and Questions:

Mr. Doverspike asked if sufficient parking will be provided, and Mr. Hoover stated that additional parking is available at the car wash.

Mr. Gardner advised that any parking located in the Major Street Setback will require City approval.

Protestants:

None.

Case No. 16773 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** to permit parking within 33' of the centerline of North Cincinnati, **variance** of the required setback from the centerline of North Cincinnati from 100' to 83', **variance** of the number of required parking spaces and a **variance** to permit parking on a lot other than the lot containing the principal use - **SECTION 215. STRUCTURE SETBACK , SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS, SECTION 1212.D. OFF-STREET PARKING REQUIREMENTS** - Use Unit 12; per plan submitted; subject to the execution of a tie contract; and subject to City approval for parking in the Major Street Setback; finding that approval of the requests, per conditions, will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

North 50', south 145', east 147.5', SE/4, SE/4, and north 50', south 195', east 147.5', SE/4, SE/4 and Beginning 195'N 33' west SE/c thence west 114.5', north 50', east 114.5', south 50' to POB and beginning 245' north, 33' west, SE/c thence west 114.5', north 50', east 114.5', south 50' to POB, all in Section 23, T-20-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16774

Action Requested:

Special Exception to permit a residential treatment center, variance of the setback from the centerline of Garnett Road and East 56th Place; variance of the number of required parking spaces; and a variance of the all-weather surface requirement for parking - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS, SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICT** - Use Unit 2, located 5601 South Garnett Road.

Presentation:

The applicant, **Larry McCool**, 2526 East 71st Street, was represented by **Keaton Rabon**, who explained that the HOW Foundation is proposing to renovate and combine two existing buildings. He informed that 65 individuals reside on the premises and ample parking is available at this time. A plot plan (Exhibit E-1) was submitted.

Comments and Questions:

Mr. Doverspike asked if there are plans to surface the parking area with an all weather material, and Mr. Rabon stated that he is not sure when the area will be hard surfaced.

Case No. 16774 (continued)

Mr. Gardner noted that the building setback is 87' and a residential type building can be constructed 85' from the centerline of the street. He stated that, although the property is zoned IL, the use is residential in nature. Mr. Gardner suggested that, if the Board is inclined to approve the application, the use should be limited to the existing use only, because this type of program does not generate an excessive amount of traffic.

Mr. Rabon stated that the building will have a residential appearance when the construction is complete.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit a residential treatment center, **variance** of the setback from the centerline of Garnett Road and East 56th Place, **variance** of the number of required parking spaces and a **variance** of the all-weather surface requirement for parking - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS, SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICT** - Use Unit 2; per plan submitted; subject to the use being limited to Use Unit 2 residential treatment center; and subject to no enclosure of the front porch; finding the use to be compatible with the area, and in harmony with the spirit and intent of the Code; on the following described property:

West 390' of the N/2, NW/4, SW/4 and the N/2, S/2, NW/4, SW/4, Section 32, T-19-N, R-14-E, Tulsa County, Oklahoma, less the north 600' of the west 742' of the N/2, NW/4, SW/4, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16775

Action Requested:

Variance of the required front yard to permit a carport - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1341 North 95th East Avenue.

Presentation:

The applicant, **Tommy Young**, 1341 North 95th East Avenue, submitted photographs (Exhibit F-1) and a plot plan (Exhibit F-2) for a 20' by 20' steel carport. He noted that there are numerous carports in the area, and surrounding property owners are supportive of the project. Mr. Young stated that the slope of the roof will be 1' for every 10' of roof.

Case No. 16775 (continued)

Comments and Questions:

Mr. Bolzle asked if all four sides of the carport will remain open, and the applicant answered in the affirmative.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required front yard to permit a carport - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; subject to all sides remaining open; finding that there are numerous carports in the neighborhood, and approval of the request will not cause substantial detriment to the public good, or violate the spirit, purpose or intent of the Code; on the following described property:

Lot 7, Block 6, Amended plat Van Acres Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16776

Action Requested:

Variance of the required setback from the centerline of East 49th Street from 60' to 55' and a variance of the required side yard from 10' to 5' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 4197 East 49th Street.

Presentation:

The applicant, **Sarah Durkee**, 4197 East 49th Street, was represented by Mr. Durkee, who informed that he is proposing to square the corner of his dwelling by moving a portion of the south wall forward to align with the existing building wall. He pointed out that a 25' setback was required when the home was originally constructed; however, that figure has now been increased to 30', which is the reason for this application.

Comments and Questions:

Mr. Doverspike asked if the proposed construction will align with the front and side building walls of the dwelling, and Mr. Durkee answered in the affirmative.

Protestants:

None.

Case No. 16776 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required setback from the centerline of East 49th Street from 60' to 55' and a **variance** of the required side yard from 10' to 5' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the new construction will not encroach farther into the required setbacks than the existing building walls, and will not be detrimental to the neighborhood; on the following described property:

Lot 33, Block 34, Patrick Henry, Blocks 24-37 inclusive, an addition to Tulsa County, Oklahoma.

Case No. 16777

Action Requested:

Special Exception to permit auto repair facility in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located 5003 North Peoria.

Presentation:

The applicant, **Martin & Associates**, 201 West 5th Street, Suite 510, was represented by Phyllis Stuck, who requested that an automobile repair business be permitted to operate in an existing shopping center. She informed that the business has been at this location for four years, and it was recently discovered that automobile repair is not permitted by right. She pointed out that there are no residences abutting the property and the business has proved to be compatible with the area.

Protestants:

A zoning violation notice (Exhibit J-1) and a letter of opposition (Exhibit J-2) were submitted.

Comments and Questions:

Mr. Gardner noted that the entire shopping center is designated on the case map, and asked what portion of the center will actually be used for automobile repair. Ms. Stuck informed that three units (approximately 3600 sq ft total) are occupied by the repair business (Exhibit J-3).

In response to Mr. Doverspike, Ms. Stuck stated that the parking lot is asphalt and all repair work is performed inside the building.

Case No. 16777 (continued)

Mr. Doverspike asked if automobiles will be sold at this location and Ms. Stuck replied that the business consists of repair work only and inoperative vehicles are not stored on the site.

Mr. White inquired as to the days and hours of operation, and Ms. Stuck replied that the business will be open Monday through Saturday, 11 a.m. to 7 p.m.

Ms. Parnell advised that she site checked the property and found it to be one of the more acceptable automobile repair operations in the area. She stated that there are no junk cars on the premises, and the parking area is hard surface.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit auto repair only - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17; per aerial submitted (second building east of Peoria on the north side of complex, buildings 5053 - 5059 North Peoria), approximately 3600 sq ft; subject to all work being performed inside, with no outside storage of parts or salvage vehicles; subject to days and hours of operation being Monday through Saturday, 10 a.m. to 7 p.m.; finding the use to be compatible with the area; on the following described property:

Lot 1, Block 1, Northridge Center and Resub Lots 1-3 and part Lot 4, Block 1, Northridge Center, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16778

Action Requested:

Special Exception to permit recreation vehicle storage in a CS zoned district - **SECTION 701 PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located 40 South Garnett Road.

Presentation:

The applicant, **Brian Holliday**, 40 South Garnett, informed that the Board has previously approved automobile sales and repair on the subject tract, and requested that storage also be permitted. Mr. Holliday stated that RVs have been parked on the tract for approximately four years, and Code Enforcement has recently cited him for a zoning violation. He informed that occasionally an inoperable vehicle will be stored for customers and a small number of busses and trucks are on the lot. The applicant noted that the older vehicles are placed on the rear portion of the tract. Photographs (Exhibit H-1) were submitted.

Comments and Questions:

In reply to Mr. Doverspike, the applicant stated that the majority of all vehicles stored on the lot are operable.

Mr. Doverspike inquired as to the type of fencing on the lot, and the applicant stated that a chain link fence is in place. He added that a privacy fence was not installed because vandalism has been a problem and the chain link fence provides better visibility for the security patrol.

Protestants:

A zoning violation notice and photographs (Exhibit H-2) were submitted.

Ken Clark, 10124 East 12th Street, submitted a petition of opposition (Exhibit H-3) and stated that he owns a business in the nearby industrial park. He submitted photographs (Exhibit H-6) of the businesses in the and pointed out that there is no outside storage. Mr. Clark noted that the lot is not particularly unsightly on the Garnett frontage; however, his business is located to the rear of the property where the junk merchandise is stored. He pointed out that numerous car parts are stored outside, which is in violation of the previous approval for automobile sales and service, with no outside storage of car parts (Exhibit H-5).

Joe Anthony, 10929 East 3rd Street, stated that the business has grown substantially in the last two months and appears to be an automobile salvage yard. He remarked that the use is very unsightly, and asked that the application be denied. Photographs (Exhibit H-4) were submitted.

Applicant's Rebuttal:

Mr. Holliday reiterated that the Garnett frontage is orderly; however, there are some inoperable vehicles to the rear of the property. He pointed out that there is outside storage behind every industrial business in the area. The applicant noted that the grass is never mowed behind his lot and the property across the street is mowed twice during the year.

In response to Mr. Jackere, the applicant stated that his business serves local customers that have old inoperable vehicles to be stored, as well as those who have operable vehicles. Mr. Holliday noted that nearby industrial operations use his storage facility.

Case No. 16778 (continued)

Ms. Russell stated that she has viewed the storage facility and found it to be unkempt and definitely an eyesore in the area. She informed that there may be some question as to whether or not the use should be classified as a Use Unit 17 (mini-storage, over night RV camping, etc.) or Use Unit 23. She advised that it is Ms. Hubbard's opinion that the business would more appropriately be classified under Use Unit 23, which would not be permitted in a CS District. Ms. Russell informed that there are cars, RVs, boats and all types of car parts on the lot.

In response to Mr. Doverspike, Ms. Parnell informed that the first violation notice was sent to Mr. Holliday in June; however, much more storage has been added since that time.

In response to Mr. Doverspike, Mr. Jackere informed that storage of inoperable vehicles and parts would be classified as a junk yard, Use Unit 28.

Mr. Bolzle stated that he is not opposed to the storage of operable vehicles at this location.

Mr. Jackere advised that it has been recently determined that car dealers that park their vehicles for sale are actually storing vehicles.

Ms. Parnell suggested to the applicant that he could limit the storage of vehicles on the property to those that are operable.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit storage of automobiles, campers and recreation vehicles in a CS zoned district - **SECTION 701 PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17; subject to no inoperable vehicles, vehicles that have missing parts or vehicle parts being stored on the property.

Additional Comments:

Mr. Gardner stated that the vehicles are stored out to the property line to the west, and asked the Board to reconsider the motion to restrict parking behind the building setback line.

Mr. Holliday informed that there is 20' of open space outside the fence.

Mr. Gardner advised that the City owns 12' to 17' behind the curb and the building setback is measured from the property line.

Case No. 16778 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **RECONSIDER** the previous motion for approval.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit storage of automobiles, campers and recreation vehicles in a CS zoned district - **SECTION 701 PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17; subject to no inoperable vehicles, vehicles that have missing parts or vehicle parts being stored on the property; and subject to the storage being behind the fence and the fence being setback 50' (building setback) from the centerline of the street; finding the use, per conditions, to be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

Part of Government Lot 8, and part of N/2, SE/4, NE/4, beginning 427' south NE/c Lot 8, thence west 510', south 350', east 510', north 350' to POB, less east 50' for ST, Section 6, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16779

Action Requested:

Variance of the required frontage on an arterial street to permit a lot split - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 12/17/15, located 1810 South Garnett.

Presentation:

The applicant, **BPM Company**, 1910 South Garnett, was not represented.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 16779 to September 27, 1994.

Case No. 16780

Action Requested:

Variance of required front yard and variance of the required side yard - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** Use Unit 6, located NW/c of East 31st Street and South Trenton.

Case No. 16780 (continued)

Presentation:

The applicant, **Jack Arnold**, 7318 South Yale Avenue, informed that he owns the lot in question (Lot 11) and is also representing the owner of Lots 12 and 13. He explained that the existing dwelling, which was constructed over a sewer line, is being removed from the subject property. Mr. Arnold stated that it was determined that it would not be financially feasible to move the sewer to the west side of the lot. He noted that there is a 10' easement on both sides of the sewer, which limits building space on the lot. A site plan (Exhibit K-1) was submitted.

Comments and Questions:

In response to Mr. Bolzle, the applicant stated that the bulk of the house will be constructed at the required setback, with approximately 25% extending beyond the setback..

Mr. Gardner advised that the lot is only 100' deep and the distance from the house to the curb would be approximately 52'.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of required front yard from 60' to 55', and a **variance** of the required side yard from 85' to 60' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; subject to 25% of the dwelling being permitted to extend to within 50' of the centerline of Trenton; finding a hardship demonstrated by the existing sewer line, the shallowness of the lot; the corner lot location, with required major setbacks from two streets; finding that the new house will be set back consistent with other dwellings adjacent to 31st Street; and finding that approval of the request will not be detrimental to the neighborhood; on the following described property:

Lot 13, Block 5, Avalon Place, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16781

Action Requested:

Variance of the required front yard and a variance of the required side yard - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located north of the NW/c of East 31st Street and South Trenton Avenue.

Presentation:

The applicant, **Jack Arnold**, 7318 South Yale Avenue, is representing the owner of Lots 12 and 13. He explained that the existing dwelling, which was constructed over a sewer line, is not marketable. Mr. Arnold stated that it was determined that it would not be financially feasible to move the sewer to the west side of the lot. He noted that there is a 10' easement on both sides of the sewer, which limits building space on the lot.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of required front yard from 60' to 55', and a variance of the required side yards to 5' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; subject to 25% of the dwelling being permitted to extend to within 50' of the centerline of Trenton; finding a hardship demonstrated by the existing sewer line and the shallowness of the lot; and finding that approval of the request will not be detrimental to the neighborhood or violate the spirit and intent of the Code; on the following described property:

South 96' of Lot 12, Block 5, Avalon Place, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16812

Action Requested:

Variance of the required front yard - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located north of the NW/c of East 31st Street and South Trenton Avenue.

Presentation:

The applicant, **Jack Arnold**, 7318 South Yale Avenue, is representing the owner of Lots 12 and 13. He explained that the existing dwelling, which was constructed over a sewer line, is not marketable. Mr. Arnold stated that it was determined that it would not be financially feasible to move the sewer to the west side of the lot. He noted that there is a 10' easement on both sides of the sewer, which limits building space on the lot..

Case No. 16812 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of required front yard from 60' to 55', - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; subject to 25% of the dwelling being permitted to extend to within 50' of the centerline of Trenton; finding a hardship demonstrated by the existing sewer line and the shallowness of the lot; and finding that approval of the request will not be detrimental to the neighborhood or violate the spirit and intent of the Code; on the following described property:

Lot 11 and north 19' of Lot 12, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16782

Action Requested:

Variance of the required setback from the centerline of East 11th Street from 50' to 35' - **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 17, located 2626 East 11th Street.

Presentation:

The applicant, **Barry Moydell**, 1221 West 3rd Street, was present.

Comments and Questions:

Ms. Russell informed that the proper legal notification was not given and suggested that Case No. 16782 be continued to September 27, 1994.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 16782 to September 27, 1994.

Case No. 16783

Action Requested:

Variance of the required setback requirement - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 3153 South Utica Avenue.

Presentation:

The applicant, **Bill Powers**, 6910 South Lewis, stated that his client is proposing to construct an addition to an existing garage (Exhibit L-1), which is 3½' from the property line. He explained that the garage will be extended toward the street and will not encroach farther into the side yard than the existing building wall.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required setback requirement - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; subject to the garage addition aligning with the existing building wall; finding that the construction will not extend farther into the required side yard than the existing garage; on the following described property:

Lot 6, Block 7, Bren Rose, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16784

Action Requested:

Variance of the required front yard and a variance of the required side yard - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1318 South Carson.

Presentation:

The applicant, **Marilyn Catrett/Jill Overhuls**, 1318 South Carson Avenue, submitted a drawing (Exhibit M-1) and informed that the existing house is 6' from the property line. She informed that a 7' front porch is proposed (Exhibit M-2), which will align with the side building walls and will not extend as close to the street as the existing dwelling. Photographs (Exhibit M-3) were submitted.

Comments and Questions:

In response to Mr. Bolzle, the applicant stated that the porch will remain open.

Case No. 16784 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required front yard and a variance of the required side yard - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the proposed construction will not encroach farther into the required setbacks than the existing dwelling; and finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit, purpose and intent of the Code; on the following described property:

South 7.5' of Lot 4 and north 35' of Lot 5, Block 4, Friend Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16785

Action Requested:

Special exception to permit an existing mobile home in an AG zoned district, and a special exception to permit two dwelling units on one lot of record - **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** and **SECTION 207. ONE SINGLE FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6/9, located 4310 East 91st Street.

Presentation:

The applicant, **Jeffrey Fischer**, 1616 South Main, informed that his client is requesting that a mobile home be permitted on the subject property. He explained that there is an existing dwelling on the tract, which serves as a residence for his client, and the mobile home will house a caretaker. He informed that the mobile unit replaces a small frame dwelling and the same septic system is utilized. A plot plan (Exhibit N-1) was submitted.

Comments and Questions:

Mr. Doverspike asked if the mobile home is skirted and tied down, and the applicant answered in the affirmative.

In response to Mr. Doverspike, the applicant stated that the mobile home has been at the current location for approximately 6 years.

Case No. 16785 (continued)

In response to Mr. Bolzle, Ms. Parnell advised that she found the mobile home to be on the tract without Board approval, while investigating another complaint regarding the property.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit an existing mobile home in an AG zoned district, and a **special exception** to permit two dwelling units on one lot of record - **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** and **SECTION 207. ONE SINGLE FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6/9; per plan submitted; subject to the mobile home being used as a residence for the land owner or a caretaker (not for rental purposes); subject to a building permit and Health Department approval; and subject to the mobile unit being skirted and tied down; finding that the large tract can support two dwelling units; and finding that approval of the request will not be detrimental to the area; on the following described property:

NW/4, NE/4, Section 21, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16786

Action Requested:

Special Exception to permit church use in an IL zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 2, located 9731 East 54th Street.

Presentation:

The applicant, **Grace Bible Church**, 9731 East 54th Street, was represented by **Dean Cosgrove**, 8109 South Sandusky, who submitted a plot plan (Exhibit P-1) and requested church use on the subject property. He informed that adequate parking is available for the 1500 sq ft sanctuary.

Comments and Questions:

Mr. Doverspike asked if a school or day nursery will be conducted in the facility, and he replied that the building will be used exclusively for church services and Bible classes.

Case No. 16786 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit church use in an IL zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 2; per plan submitted; subject to no daycare or school; finding the use to be compatible with the area, and in harmony with the spirit and intent of the Code; on the following described property:

Beginning at a point on the south line of said Lot 15, 77.07' east of the SWC thereof, thence north 6 05 14 E 0.00'; thence on a curve to the right having a central angle of 33 57 37 and a radius of 350.00', an arc distance of 207.45', thence N 49 09 W 58.44', thence N 0 08 45 W 57.00' to a point in the north boundary of said Lot 15, 113.00' from the NW/c thereto; thence N 89 58 27 E along said north boundary, 216.73' to the NE/c of said Lot 15, thence S 0 08 45 E, along the East boundary of said Lot 15, 35.67'; thence S 71 20 20 W 0.00'; thence along the southeasterly boundary of said Lot 15, on a curve to the left having a central angle of 64 13 40 and a radius of 300.00' an arc distance of 336.25' to the SE/c of said Lot 15, 50.33' to the POB and being located in an IL zoned district, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16788

Action Requested:

Variance of the required setback from an abutting R District to permit a sign - **SECTION 1221.C.1. Sign Setbacks** - Use Unit 15, located 9721 East 61st Street.

Presentation:

The applicant, **Amax Sign Company**, 9520 East 55th Place, was represented by **Debbie Beatt**, who informed that her customer has 100' of street frontage and is requesting that the sign in question be installed 35' from the east side of the lot. She noted that the sign will be over a water line if installed at the required setback. Ms. Beatt stated that the business owner is installing a pole sign because the widening of 61st Street required that the front portion of the building be removed. She added that her client lost parking and visibility during the street widening project. A plot plan (Exhibit R-2) and photographs (Exhibit R-1) were submitted.

Protestants:

None.

Case No. 16788 (continued)

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-0-1 (Bolzle, Turnbo, White, "aye"; no "nays"; Doverspike, "abstaining"; Chappelle, "absent") to **APPROVE** a **Variance** of the required setback from an abutting R District to permit a sign - **SECTION 1221.C.1. Sign Setbacks** - Use Unit 15; per plan submitted; finding that the sign would be over an existing water line if installed at the required setback, and finding that approval of the request will not be detrimental to the area; on the following described property:

West 100', east 190', east 406.6', south 431', W/2 of Lot 4, Section 31, T-19-N, R-14-E of the IBM, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16789

Action Requested:

Special Exception to permit a car wash in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located NW/c of South 129th East Avenue and East 41st Street.

Presentation:

The applicant, **Leo Coleman**, 1500 West Pittsburg, Broken Arrow, Oklahoma, requested permission to install a six-bay car wash at the above stated location. He submitted a plot plan (Exhibit S-1) and letters of support. (Exhibit S-2).

Comments and Questions:

Mr. Bolzle asked if the lot is vacant, and the applicant answered in the affirmative.

In reply to Mr. Doverspike, Mr. Coleman stated that the plan is to install two entrances on 129th East Avenue and two on 40th Street; however, one entrance on 40th Street could be eliminated, if required.

In response to Mr. Bolzle, the applicant stated that the building will be brick or rock construction.

Mr. Bolzle inquired as to the hours of operation, and Mr. Coleman informed that the car wash will operate 24 hours a day.

Protestants:

None.

Case No. 16789 (continued)

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit a car wash in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; subject to Traffic Engineering approval of access points; finding the proposed car wash to be compatible with surrounding uses in the area; on the following described property:

Lots 3 and 4, Block 1, Park Plaza Square, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16790

Action Requested:

Variance of the number of signs permitted in an OM zoned district - Use Unit 2, located SE/c of East Skelly Drive and East 46th Street.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, submitted a sign plan (Exhibit T-1) and explained that the existing Children's Medical Center signage is being revised to better advise visitors, to identify the facility and to reflect the affiliation of the Center with Hillcrest HealthCare Corporation. Mr. Norman informed that the size of the tract and the length of the frontage requires more than one identification sign along Skelly Drive and East 46th Street to properly inform and guide visitors. He stated that three signs are proposed along Skelly Drive, with signs A and B (designated on the sign plan) containing 82.6 sq ft of display surface area, and sign E being expanded from 268.25 sq ft to 355.75 sq ft. Mr. Norman informed that the total street frontage will permit a maximum of 671 sq ft of signage, and the total display surface area requested is 634 sq ft. He pointed out that only sign E on the north wall of the building has a display surface area in excess of 150 sq ft. The applicant noted that the dimension of the tract, the adjacent street traffic patterns and the extensive frontage along the expressway are conditions unique to the property which establish the basis for the approval of the requested signage. Photographs (Exhibit T-2) were submitted.

Protestants:

None.

Case No. 16790 (continued)

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-2 (Doverspike, Chappelle, White, "aye"; no "nays"; Bolzle, Turnbo, "abstaining"; none "absent") to **APPROVE** a **Variance** of the number of signs permitted in an OM zoned district - Use Unit 2; per plan submitted; finding a hardship demonstrated by the size of the tract, the unusual traffic pattern and the extensive amount of street frontage; finding that approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 1, Block 1, Amended Plat of Sinclair Research Laboratory Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 16791

Action Requested:

Variance of the sign regulations to permit a sign - Use Unit 11, located NE/c of East 12th Street and South Utica Avenue.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, submitted a sign plan (Exhibit U-1) and explained that Hillcrest Medical Center is changing the color and internal neon illumination of its signage and Medical Center logos. He requested permission to install the logo, approximately 20' by 20', on the south wall of the twelve-story Physicians Office Building. Mr. Norman informed that the south wall, which has no windows, is approximately 1,075' from the north lane of the Broken Arrow Expressway. The applicant stated that the proposed logo will be the same size and design as existing logos on the west wall of the hospital and the north wall of the Physicians Office Building. Photographs (Exhibit U-2) were submitted.

Protestants:

None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-2 (Doverspike, Chappelle, White, "aye"; no "nays"; Bolzle, Turnbo, "abstaining"; none "absent") to **APPROVE** a **Variance** of the sign regulations to permit a sign - Use Unit 11; per plan submitted; finding that the 20' by 20' sign on the twelve-story building will not have a negative impact on the area, or violate the spirit and intent of the Code; on the following described property:

Case No. 16791 (continued)

A tract of land that is part of Block 2 of Perryman Heights 2nd Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows to-wit: all of the easterly 94' of Lots 2 through 4 of said Block 2; and all of the easterly 80' of Lots 7 through 12 of said Block 2; and all of the easterly 80' of the northerly 32.62' of Lot 13, Block 2; and a 50' wide tract of land in Perryman Heights 2nd Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma, that is all of the vacated and closed street right-of-way for Utica Place as shown on the plat of record.

Case No. 16792

Action Requested:

Special Exception to permit a crematory in a CH zoned district - **SECTION 701. PRINCIPAL USES IN THE COMMERCIAL DISTRICTS** - Use Unit 2, located 2103 East 3rd Street.

Presentation:

The applicant, **David Stumpf**, 2103 East 3rd Street, was represented by Robert English, who requested permission to add a crematory to an existing funeral home. He submitted a plot plan (Exhibit V-1) and informed that the crematory will be installed in the existing structure, with the only exterior change being an air vent. Mr. English informed that all health permits and air quality permits have been acquired.

Comments and Questions:

Mr. Doverspike asked if the crematory complies with regulations that any discharge into the air is unnoticeable, and Mr. English replied that there is no content in the emission, with only heat being discharged into the air.

Protestants: None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit a crematory in a CH zoned district - **SECTION 701. PRINCIPAL USES IN THE COMMERCIAL DISTRICTS** - Use Unit 2; per plan submitted; finding that there will be no contaminants emitted into the air, finding that the crematory will be installed inside the existing building, with no exterior structural changes, and finding that approval of the request will not be detrimental to the area; on the following described property:

Lots 7, 8 and 9, Block 6, Wakefield Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16793

Action Requested:

Variance of the required rear yard to permit a covered patio - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 4016 East 82nd Place.

Presentation:

The applicant, **Robert Slepka**, PO Box 702492, submitted a plot plan (Exhibit W-2) and informed that he is proposing to replace an existing deck with a covered patio. The applicant stated that he was not previously aware of the rear yard encroachment. A petition of support (Exhibit W-1) was submitted.

Comments and Questions:

In reply to Mr. Bolzle, Mr. Slepka stated that the existing deck is 12' by 22' and the covered patio will be approximately 17½' by 24' and will not be enclosed.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required rear yard to permit a covered patio - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; subject to the sides of the covered patio remaining open; finding that the lot is irregular in shape and that approval of the request will not be detrimental to the neighborhood; on the following described property:

Lot 2, Block 8, Forest Creek II, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 16794

Action Requested:

Special Exception to permit a warehouse in a CG District - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 23, located east of SE/c of South 69th East Avenue and East Pine Street.

Presentation:

The applicant, **Jerome Lamers**, 4543 East 107th Street, submitted a plot plan (Exhibit X-1) and informed that he is proposing to expand an existing warehouse which is located on two of the three lots under his ownership.

Case No. 16794 (continued)

Comments and Questions:

Mr. Gardner advised that the Planning Commission was not supportive of CH zoning, but did approve CG. He informed that they were supportive of the use , which would require Board of Adjustment approval.

Mr. Lamers stated that he is not sure of the exact dimensions of the expansion, but is appearing before the Board to request approval of the use.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit a warehouse in a CG District - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 23; finding that a warehouse is existing on two lots and expansion of the use to the third lot will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 4, Block 1, Huffman Heights, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16795

Action Requested:

Appeal the decision of the administrative official that vehicles are not customary accessory to a residence, or in the alternative, a special exception to permit a home occupation and a variance to permit vehicles which are not customarily found in a residential area - Use Unit 6, located 2013 South Delaware.

Presentation:

The applicant, **Charles Hammontree**, 2013 South Delaware Place, was represented by **Debbie Hammontree** of the same address. She informed that her husband works away from their home installing siding and windows, hauling newspapers for the Tulsa World and doing contract work for a moving company. Ms. Hammontree stated that they do not have employees and customers do not visit their residence. She informed that the two vans used in their business are parked on the driveway. A copy of neighborhood comments (Exhibit Y-1), photographs (Exhibit Y-5) and an appraisal (Exhibit Y-3) were submitted.

Case No. 16795 (continued)

Comments and Questions:

Mr. Bolzle asked if the two automobiles parked in front of the home are personal vehicles, and Ms. Hammontree answered in the affirmative. She added that the City is working on the street in front of the driveway, which is the reason for parking the cars along the curb.

Mr. Bolzle suggested that the Board vote on the appeal and then hear the request for a home occupation.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **DENY** an appeal and **UPHOLD** the decision of the administrative official that vehicles (box vans) are not customary accessory vehicles to a residence.

In reply to Ms. Hammontree, Mr. Jackere advised that a customary residential type vehicle (pickup, car, etc.), even though used in a business, is permitted to be parked in a residential district. He pointed out that the Court has determined that parking larger vehicles (dump truck, trash trucks, etc.) in an RS District is actually transferring a portion of the business to residential property.

Presentation:

Ms. Hammontree requested that a home occupation be permitted, and stated that the vehicles used in their business will be parked on a hard surface area. She stated that the home is used for office type work only, and there will be no customers coming to this location. Ms. Hammontree informed that there is an additional 10' strip to the rear of the lot, which could be used for parking. A violation notice (Exhibit Y-4) was submitted.

Protestants:

Dana Cook, 2003 South Delaware Place, informed that he lives two doors to the north of the subject property and is opposed to the home occupation. He stated that the two trucks parked on the property are detrimental to the neighborhood, and pointed out that there is always one truck on the premises. Mr. Cook stated that the trucks are noisy, and Mr. Hammontree leaves his home every morning at 2 a.m. He suggested that the applicant park the vehicles at a storage facility.

Henry Conyers, 2240 South St. Louis, stated that he owns the property at 2004 South Delaware Place, which is across the street from the lot in question. He pointed out that the applicant has numerous vehicles parked in the driveway, as well as in the street, and asked that the application be denied.

Case No. 16795 (continued)

Kenneth Slusher, 1928 South Evanston, stated that he is representing three other landowners in the neighborhood, and pointed out that the area residents have large investments in their property. He informed that the applicant is operating a house siding business from his residence and makes several trips in and out of the neighborhood during the day. Mr. Slusher stated that material is stacked in the yard, and further noted that the vans used in the business are too large to be parked in a residential district.

A letter and petition of opposition (Exhibit Y-2) were submitted.

Applicant's Rebuttal:

Ms. Hammontree stated that the property has not been properly maintained in the past and some of the items stacked outside are personal possessions that have not been sorted since they moved to this location. She stated that the trucks are not oversized and are not detrimental to the neighborhood; however, they can be moved to the rear of the house, if that is a condition imposed by the Board. Ms. Hammontree pointed out that the trucks are smaller than most recreational vehicles.

Additional Comments:

Mr. Bolzle asked why two trucks are necessary, and the applicant stated that one truck is sometimes loaded with materials and a second truck is needed to haul newspapers.

Ms. Turnbo inquired as to the number of trips the trucks make in one day, and the applicant stated that her husband makes approximately three trips to and from the dwelling.

Mr. Hammontree stated that his trucks are considered to be cube vans, and that he does not go in and out of the neighborhood more than three times during the day.

Ms. Turnbo informed that she has site checked the area, and feels that the trucks do detract from the residential character of the neighborhood. She added that it may not be possible to park in the back yard.

Mr. Bolzle stated that the portion of land beside the garage could be paved for truck parking and the driveway could be reserved for parking personal vehicles. He pointed out that the application is unique, because of the property in question is located on a dead end street, with vacant land across the street.

Case No. 16795 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-1-0 (Bolzle, Turnbo, White, "aye"; Doverspike, "nay"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit a home occupation and a **variance** to permit vehicles which are not customarily found in a residential area - Use Unit 6; subject to two white, unmarked (no signage) cube vans (one 12' and one 14' in length) being permitted on the property; subject to both vans being parked on a paved surface to the rear of the lot, south of the existing garage, as designated (Exhibit Y-6), with additional driveway to provide ingress and egress for the trucks when the cars are also parked on the driveway; and subject to the truck parking area being screened by a 6' solid screening fence on the east and south boundaries; finding that the trucks will be parked behind the house and south of the existing garage and will not be highly visible from the street and, therefore, not injurious to the neighborhood; on the following described property:

Lot 20, Block 7, Hickory Manor Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16796

Action Requested:

Variance of the required side yard - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2246 Terwilliger Boulevard.

Presentation:

The applicant, **Jack Arnold**, 7318 South Yale Avenue, submitted a plot plan (Exhibit Z-1) and informed that his client is proposing to connect a detached garage to an existing dwelling. He informed that the garage is 2.98' from the property line.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the required side yard - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that approval of the request will not be detrimental to the neighborhood; on the following described property:

Case No. 16796 (continued)

All that part of Lots 19 and 20, Block 3, Terwilleger Heights, more particularly described as follows: Beginning 5.28' from the SE/c and on the west line of Terwilleger Boulevard thence north along said line 84.72' thence west 136.14' to a point on the west line and 30' south of the NW/c of said Lot 20; thence south along the west line of said Lots 20 and 19, a distance of 76.5'; thence southeasterly a distance of 130.25' to the POB, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 16817

Action Requested:

Approve amended site plan.

Presentation:

Bob Harris, 8116 East 112th Street, Bixby, Oklahoma, submitted a revised site plan (Exhibit AA-1) and explained that the cleaners is proposing to enclose a 10' area under the roof overhang. He informed that this addition will house pumps that pump soaps and supplies into the washing machines. Mr. Harris stated that these pumps are now located in the boiler room.

Comments and Questions:

Ms. Russell advised that the applicant was previously before the Board and the use was approved, per plan submitted. She pointed out that the cleaners is now proposing to deviate from the plan, which requires Board approval.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** an amended site plan, as submitted.

Consider Amending Rules of Procedure

Comments and Questions:

Mr. Jackere requested additional time to review the amendment to the Rules of Procedure and suggested that the item be continued to September 27, 1994.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Chappelle, "absent") to **CONTINUE** the amendment to the Rules of Procedure to September 27, 1994.

Case No. 16787

Action Requested:

Stephen Oakley, 500 West 7th Street, Suite 250, requests refund of fees.

Comments and Questions:


Ms. Russell informed that the application was not processed, and suggested a full refund of \$245.00.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **REFUND** an application fee of \$245.00; finding that the requested relief was not needed and the application was not processed.

There being no further business, the meeting was adjourned at 5 p.m.

Date Approved September 27, 1994


Chairman

RESOLUTION

WHEREAS, the Tulsa Board of Adjustment wishes to acknowledge members who have made a significant contribution toward the orderly growth and development in the City of Tulsa; and

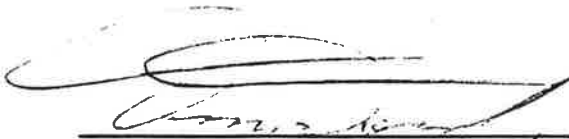
WHEREAS, Ms. Sharry White served on the Tulsa Board of Adjustment from May 1985 through July 1994, a total of nine years and three months; and

WHEREAS, Ms. White served as Chairman in 1990; and

WHEREAS, she has given freely of her time, experience and ability toward the development of a better environment in which to live.

NOW THEREFORE, the members of the Board wish to express our deepest appreciation for the concern and service given by our former member, Sharry White.

Approved and adopted this 13th day of September, 1994.

A handwritten signature in dark ink, appearing to read "Sharry White", is written over a horizontal line.

Chairman

