

**CITY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 665**  
**Tuesday, September 27, 1994, 1:00 p.m.**  
**Francis F. Campbell City Council Room**  
**Plaza Level of City Hall**  
**Tulsa Civic Center**

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Bolzle Doverspike, Chairman Turnbo White	Chappelle	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 26, 1994, at 8:38 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 TURNBO** the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** the Minutes of September 13, 1994 (No. 664).

**UNFINISHED BUSINESS**

**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**, was represented by **Ned Dorris**, 1910 South Garnett Road, who submitted a plot plan (Exhibit A-2) and requested permission to split his property into two tracts, one of which will not have street frontage. A copy of the Contract for Sale (Exhibit A-1) was submitted.

Case No. 16779 (continued)

**Comments and Questions:**

In response to Mr. Bolzle, the applicant stated that a repair shop is located on the remaining lot. He informed that there is a 40' access easement to Garnett Road, which has been dedicated and filed of record. Mr. Dorris stated that there are no access points on 18th or 19th Streets.

Mr. Gardner advised that commercial lots must have some type of mutual access easement and, if the Board is inclined to approve the request, access could be limited to Garnett Road, with no access to 18th or 19th Streets.

In response to Mr. Gardner, Mr. Dorris stated that he is not attempting to split the property fronting on Garnett Road, only the back portion of the lot.

**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 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; per plan submitted; subject to no access from the commercial tract to 18th Street or 19th Street; finding that an access easement from the subject tract to Garnett Road has been dedicated and filed of record; on the following described property:

Lot 2, Block 1, Cherokee Center, 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 Charles Page Boulevard, informed that the request involves a projecting 8' by 8' wall sign (Exhibit B-2). He explained that the sign projects toward 11th Street, and the buildings in this older area are only 45' from the centerline of the street, even though the planned right-of-way is 50'.

Case No. 16782 (continued)

**Comments and Questions:**

In reply to Mr. Doverspike, the applicant stated that the bottom of the sign will be 16' above the sidewalk.

Mr. Doverspike asked if the sign will have lighting, and Mr. Moydell replied that the sign is a Chevrolet program sign, with internal lighting.

Mr. White inquired as to the width of the sidewalk at this location, and Mr. Moydell informed that it is approximately 10' wide and the sign will not project beyond the sidewalk.

**Protestants:**

Mr. Bolzle informed that one letter of protest (Exhibit B-1) was received from Transportation Design, which requested that the 50' setback be maintained; however, the existing buildings are closer than 50'.

Mr. Gardner pointed out that the sign will not project over any portion of the street.

**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 11th Street from 50' to 35' - **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 17; per plan submitted; subject to the execution of a removal contract; finding that the existing buildings in the older area are closer to the street than the required sign setback; and finding that the sign will not project farther toward the street than the existing sidewalk; and finding that there are other signs in the area with similar setbacks; on the following described property:

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

## NEW APPLICATIONS

### Case No. 16797

#### Action Requested:

Variance of the required livability space - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1371 East 27th Street.

#### Presentation:

The applicant, **Joe Seibert**, 1371 East 27th Street, submitted a plot plan (Exhibit C-1) and requested permission to install a concrete parking area behind the existing dwelling. He pointed out that many vehicles are parked on the street in the neighborhood and any reduction in that number would be an improvement.

#### Comments and Questions:

Mr. Bolzle noted that the size of the lot in the older neighborhood does not comply with current RS-2 zoning requirements.

Mr. Bolzle asked if any new construction is proposed, and the applicant stated that the area between the house and the garage will be covered.

#### 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 livability space - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the area was developed prior to current Code requirements; and finding a hardship demonstrated by the narrow width of the lot; on the following described property:

East 12.5' of Lot 9, and all of Lot 8, Block 1, Sunset View Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16798**

**Action Requested:**

Special Exception to permit a mobile home in an RS-3 zoned district and a variance of the one year time limitation - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** and **SECTION 404.E.1 SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9, located 1332 North Richmond.

**Action Requested:**

The applicant, **Jack Deeter**, 1002 North Irvington Avenue, was represented by **Linda Deeter** of the same address. She requested permission to install a mobile home on the subject tract (Exhibit D-1). Ms. Deeter informed that there are two other mobile homes in the neighborhood, and noted that their mobile unit will be placed to the rear of the lot and will be barely visible from the surrounding neighborhood. Photographs (Exhibit D-2) and letters of support (Exhibit D-3) were submitted.

**Comments and Questions:**

Mr. Doverspike asked if there is a major drainage channel to the northwest of the subject property, and Ms. Deeter answered in the affirmative.

In reply to Mr. Doverspike, Ms. Deeter stated that the mobile home will be 14' by 70' and will be skirted, tied down and have Health Department approval.

Mr. Doverspike asked if there will be only one dwelling unit on the property, and Ms. Deeter replied that there is a burned out house on the lot, which is used for storage.

**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 mobile home in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9; subject to only one dwelling unit being permitted on the property - **SECTION 404.E.1 SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9.

**Comments and Questions:**

Ms. Russell asked if it was the intent of the Board to approve the variance of the one year time limitation, and it was the consensus of the Board that the time limitation approval should be restricted to 3 years at this time.

Case No. 16798 (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 **AMEND** the previous motion to **APPROVE** a Variance of the one-year time limitation to **3 years** only - **SECTION 404.E.1 SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9; finding that there are other mobile homes in the area, and finding that the temporary use will not be detrimental to the neighborhood; on the following described property:

South 60' of north 280' of east 328.5' SW/4, NW/4, SE/4 and S/2 of south 125' of north 405' of east 328.5' of the SW/4, NW/4, NE/4, Section 33, T-20-N, R-13-E, of the IBM, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16799**

**Action Requested:**

Variance of the maximum one-story height limitation to permit a three-story building in an OL zoned district - **SECTION 603. BULK AND AREA REQUIREMENTS IN OFFICE DISTRICTS** - Use Unit 11, located NE/c 21st Street & South 93rd East Avenue.

**Presentation:**

The applicant, **Kathleen Page**, 320 South Boston, Suite 1400, informed that the subject property is being developed by the Tulsa Federal Employees Credit Union, and requested permission to construct a three-story building (Exhibit E-1) for their use. Ms. Page stated that a small portion of one corner of the building will extend into the OL zoned area. She informed that there will be stacking space on site for approximately 80 vehicles.

**Comments and Questions:**

In response to Mr. Bolzle, Ms. Russell advised that the drive-in facility is located on the CS property.

**Protestants:**

**John Boughton**, 9304 East 17th Street, stated that he is representing neighborhood residents who are opposed to the three-story building and the exit on 93rd East Avenue.

Mr. Doverspike noted that traffic using the 93rd East Avenue exist would probably travel toward 21st Street, and Mr. Boughton advised that 93rd East Avenue would provide a route through the residential neighborhood to 11th Street.

Case No. 16799 (continued)

**Applicant's Rebuttal:**

Ms. Page informed that the exit on 93rd East Avenue was in place when the credit union purchased the property, and the second exit is important to her client.

In reply to Mr. Doverspike, Ms. Page stated that she is not sure if the 93rd East Avenue exit is required by the Street Department. She advised that a sign prohibiting right turns can be posted on that exit.

Mr. Gardner asked Ms. Page if a curb can be installed that slants toward the south to discourage turns into the residential neighborhood, and she answered in the affirmative.

**Additional Comments:**

In response to Mr. Bolzle, Mr. Gardner noted that the previous zoning classification was for multifamily use.

**Board Action:**

Ms. Turnbo's motion for approval, subject to closing of the 93rd Street exit, failed for lack of a second.

**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 **Variance** of the maximum one-story height limitation to permit a three-story building in an OL zoned district - **SECTION 603. BULK AND AREA REQUIREMENTS IN OFFICE DISTRICTS** - Use Unit 11; per plan submitted; subject to the 93rd East Avenue exit being designed (concrete curbing) to force traffic south on that street; and subject to a "no right turn" sign being installed at the exit on 93rd East Avenue; finding that only a corner of the three-story building will encroach into the OL District; and that approval of the request will not be detrimental to the area; on the following described property:

Lot 1, Block 1, the west 300' thereof, Eastwood Medical Plaza, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16800**

**Action Requested:**

Variance to permit the expansion of a nonconforming use - **SECTION 1402. NONCONFORMING USE OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION** - Use Unit 28, located 3815 and 3821 North Lewis Avenue.

**Presentation:**

The applicant, **Delores Smith**, 5903 North Norfolk, advised that a salvage business was being operated at 3821 North Lewis when her father purchased the property in 1972. She submitted a petition (Exhibit F-2) verifying that the property was operated as a salvage yard prior to 1965. Ms. Smith informed that her father purchased the property at 3815 North Lewis in 1976 and is also using it as a salvage yard.

**Comments and Questions:**

In response to Mr. Doverspike, the applicant stated that there are some small existing buildings and no additional construction is proposed.

Mr. Doverspike asked if screening has been installed, and Ms. Smith stated that 3821 has solid fencing across the front and 3815 has a chain link fence along the street. She informed that the north property line is screened; however, only chain link fencing is in place along the south and partial west boundaries.

In response to Mr. Doverspike, the applicant stated that the major portion of the salvage is located on the west portion of the property.

**Protestants:**

**Carol Gay**, Project Get Together, stated that an effort is being made to revitalize the area and a new subdivision is proposed approximately five blocks from the subject property. Ms. Gay noted that any expansion of the use would have a negative impact on the neighborhood and would be detrimental to the new development.

Mr. Doverspike asked Ms. Gay if she is opposed to the operation of the salvage yard as it exists, and she stated that the yard should be screened.

**Steve Buford**, 2733 East 36th Street North, requested that the salvage operation be properly screened from public view.

Ms. Parnell submitted a zoning violation notice and photographs (Exhibit F-1).

**Additional Comments:**

Mr. Doverspike asked if the salvage yard is visible to the abutting residential neighborhood to the east, and Ms. Smith replied that the yard can be seen by those residents.

**Case No. 16800 (continued)**

After discussion, it was determined that the case map is incorrect, and Mr. Jackere advised that the application should be continued to permit correct mapping of the property. Mr. Jackere added that it is the applicant's responsibility to supply Staff with the correct legal description in order to properly identify the property.

**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. 16800 to October 11, 1994.

**Case No. 16802**

**Action Requested:**

Special Exception to permit motorcycle sales, service and salvage of parts in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICT** - Use Unit 17, located 7120 East Pine Street.

**Presentation:**

The applicant, **Ronald Parham**, 6710 East Pine Street, requested that he be permitted to move his business three blocks to the east of the current location. Mr. Parham submitted a site plan (Exhibit G-2) and explained that his motorcycle business consists of sales, service and indoor salvage. He noted that his business is compatible with existing uses in the area. Mr. Parham informed that the business has grown substantially and the current facility is too small for his motorcycle operation. Photographs (Exhibit G-1) were submitted.

**Comments and Questions:**

Mr. Doverspike asked if there will be outside storage of materials, and he replied that he may display some motorcycles in front of the building, but all materials will be stored inside the building.

Ms. Russell advised that the request for outside display of merchandise did not appear as a part of the application, and additional advertising will be required to permit this use.

Mr. Bolzle stated that he would not be opposed to a limited number of motorcycles being displayed outside the building.

**Protestants:**

The property owner at 1425 North 72nd East Avenue stated that he is proposing to construct 100 apartments on his property, and inquired as to the amount of noise generated by the motorcycle business.

Case No. 16802 (continued)

Mr. Doverspike advised that it is the consensus of the Board that all repairs should be conducted inside the building with the doors closed.

**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 motorcycle sales, service and salvage of parts in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICT** - Use Unit 17; and to **CONTINUE** the balance of the application to October 11, 1994; per plot plan; subject to all work being conducted inside the building, with the doors closed; finding the use to be compatible with surrounding business, and in harmony with the spirit and intent of the Code; on the following described property:

Lots 4 and 5, Jennings Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16803**

**Action Requested:**

Special Exception to permit an automobile recycling business in an IM zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 28, located 14315 East Apache.

**Presentation:**

The applicant, **Paul Mauldin**, 1402 North 177th East Avenue, Catoosa, Oklahoma, submitted photographs and newspaper articles (Exhibit H-1) and requested permission to operate his recycling business on the subject property. A plot plan (Exhibit H-2) was submitted.

**Comments and Questions:**

Mr. Doverspike asked if the office will be along the street frontage, with vehicles lined up to the rear, and the applicant answered in the affirmative.

Mr. Doverspike inquired as to the process involved in recycling an automobile, and Mr. Mauldin replied that the automobile is dismantled, with resale parts being stored and salvage parts being removed from the lot.

In reply to Mr. Doverspike, Mr. Mauldin stated that the dismantling process will be completed inside the building.

Ms. Russell informed that the plot plan indicates that screening will be installed.

Mr. Gardner noted that the recently approved salvages have been up-scale operations, with the parts all categorized, computerized and stored in shelves.

Case No. 16803 (continued)

Mr. Mauldin stated that screening will be advantageous to the business, because it will protect his investment, as well as screen the business from public view.

**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 automobile recycling business in an IM zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 28; per plan submitted; finding that the use, as presented, will not be detrimental to the area; on the following described property:

E/2, W/2, E/2, SE/4, SW/4, Section 21, T-20-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16804**

**Action Requested:**

Special Exception to remove the required screening fence - **SECTION 1228.E.3 SCREENING REQUIREMENTS** - Use Unit 28, located 3901 North Lewis Avenue.

**Presentation:**

The applicant, **James Morgan**, 3901 North Lewis, was represented by Ms. Morgan, who requested a waiver of the screening requirement for the east (back) property line of an existing salvage yard. She stated that there is a hill behind the property and screening will be of no advantage along that boundary. Ms. Morgan noted that similar relief was granted to a salvage operator to the north of the subject tract. Photographs (Exhibit J-2) were submitted.

**Comments and Questions:**

Mr. Gardner advised that Atlanta Avenue, to the rear of the property, is dedicated right-of-way, but it is not likely that the street will be opened at this location.

**Protestants:**

A zoning violation notice and photographs (Exhibit J-1) were submitted by Code Enforcement.

**Carol Gay**, Project Get Together, stated that continued approval of this type of relief will be detrimental to the revitalization of the area.

Case No. 16804 (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 **Special Exception** to remove the required screening fence - **SECTION 1228.E.3 SCREENING REQUIREMENTS** - Use Unit 28; subject to the trees and elevated area (berm) remaining along the east property line; subject to screening being required if Atlanta Avenue is ever improved; finding that a screening fence would be of no advantage, due to the topography of the land abutting the east boundary of the tract; and finding that a similar request was approved on another lot in the area; on the following described property:

Beginning SW/c, SW/4, NW/4, SW/4 thence north 244', east 660', south 242.6', west 660' to the POB less West 33' and east 25' thereof for road, Section 17, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16806**

**Action Requested:**

Special Exception to permit a retail and wholesale police equipment center in an IL zoned district, and a Variance of the required 150' of frontage - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** and **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 14, located east of the northeast corner of East 61st Street and South Garnett Road.

**Presentation:**

The applicant, **Cannon Construction**, 10301 East 51st Street, was represented by **David Cannon**, who informed that the tract is a part of 6000 Garnett Park and the tract in question was the last of the land to be sold. He stated that a portion of the property will be split off to be sold at some future date, and Traffic Engineering has agreed to moving one access point. Mr. Cannon stated that the proposed equipment center will have approximately 3600 sq ft of showroom space in the 10,600 sq ft building (Exhibit K-1). He noted that the use will be compatible with surrounding uses. A location map (Exhibit K-2) was submitted.

**Comments and Questions:**

Mr. Gardner advised that the key to the application is moving the access point that was previously approved to the west to the lot in question.

**Protestants:**

None.

Case No. 16806 (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 retail and wholesale police equipment center in an IL zoned district, and a **Variance** of the required 150' of frontage - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** and **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 14, per revised plan submitted; finding that additional access points will not be added; and finding the use to be compatible with the area; on the following described property:

Lot 4 and west 95' of Lot 5, Block 1, 6000 Garnett Park, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16807**

**Action Requested:**

Special Exception to permit a home occupation, variance of the maximum 500 sq ft for a home occupation and a variance to permit a sign - **SECTION 404. HOME OCCUPATIONS** - Use Unit 11, located 2315 South 129th East Avenue.

**Presentation:**

The applicant, **Roy Hightower**, 1036 North Canton, informed that he is proposing to operate a photography studio on the subject property, and noted that a special exception for a ceramic shop was previously approved at this location. A plot plan (Exhibit L-1) and photographs (Exhibit L-2) were submitted.

**Comments and Questions:**

Mr. Bolzle inquired as to the size of the proposed sign, and the applicant stated that he has a 4' by 8' sign, and requested the maximum amount of signage the Board will permit.

Mr. Hightower informed that he has a full-time job and operates the photography studio by appointment only, with a few walk-in customers.

In response to Mr. Doverspike, the applicant stated that he has read the Home Occupation Guidelines.

Case No. 16807 (continued)

**Interested Parties:**

Ms. Russell informed that she received a call from a representative of the nearby church, who stated that the church is not opposed to the application.

**Protestants:**

**Wayne Staiger**, 5715 South Yorktown, voiced a concern that approval of this request could set a precedent for other businesses being approved in the neighborhood, and Mr. Doverspike pointed out that other businesses could not begin operation without Board approval.

In reply to Mr. Staiger, Mr. Gardner advised that the applicant is proposing to use the existing building that previously housed the ceramic shop, which slightly exceeds the square footage permitted for a home occupation (approximately 600 sq ft).

Mr. Doverspike pointed out that the ceramic shop was previously approve with no signage.

**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 home occupation, **variance** of the maximum 500 sq ft to 600 sq ft for a home occupation and a variance to permit a sign - **SECTION 404. HOME OCCUPATIONS** - Use Unit 11, subject to the sign being limited to a total of 8 sq ft; finding the use, per conditions, to be compatible with the surrounding neighborhood; finding that a home occupation ceramic shop was previously approved at this location; on the following described property:

North 144', east 275', west 300', SW/4, NW/4, SW/4, less the west 25' for road, Section 16, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16808**

**Action Requested:**

Special Exception to permit automobile service in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located 4600 South Peoria.

**Comments and Questions:**

Mr. Bolzle advised that Mr. Doverspike will abstain from hearing Case No. 16808.

Case No. 16808 (continued)

**Presentation:**

The applicant, **Roy Johnsen**, 201 West 5th, submitted a revised site plan (Exhibit M-1) for the proposed project. He explained that there are numerous zoning classifications in this area along Peoria Avenue and that the proposed Midas shop would be permitted by right in the CH and CG Districts across the street to the south. Mr. Johnsen noted that a new building will be constructed and the Midas shop, currently operating on leased property in the area, will be moved to the new location. The applicant stated that the plan previously submitted for the file has been changed slightly, in that the designated sign location has been moved from the south portion of the lot to the north to comply with ground sign spacing requirements. Mr. Johnsen informed that all activities will be conducted inside the building.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-1 (Bolzle, Turnbo, White, "aye"; no "nays"; Doverspike, "abstaining"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit automobile service in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, per revised plan submitted; subject to all work being completed inside the building, with no outside display or storage of materials; finding that there are similar business in the area, and the use would be permitted by right across the street in the CG and CH Districts; on the following described property:

Commencing at a point 47' south of the SE/c of Lot 4, Block 1, Brookside Center, thence west 190', north 140', east 190', south 140' to the POB, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16809**

**Action Requested:**

Special Exception to permit office warehouse and light manufacturing in a CG zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 25, located NE/c of East Pine and U. S. Highway 169.

**Presentation:**

The applicant, **Ron Henderson**, 1643 East 15th Street, informed that this area was zoned for commercial use approximately 15 years ago; however, the property has not developed commercial, and he requested that office warehouse uses be permitted. Mr. Henderson informed that the prospective buyer of the property has a conceptual plan for a proposed light industrial manufacturing plant and office warehouse.

Case No. 16809 (continued)

**Jim Moon**, Time Mark Corporation, 1140 East Pine Street, submitted a brochure (Exhibit N-1) and advised that the company is proposing to relocate the electronic equipment manufacturing business to the subject property. He informed that the business is an assembly operation and does not generate noise or emit fumes of any type.

**Comments and Questions:**

Mr. Doverspike inquired as to the number of available parking spaces, and Mr. Moon replied that 173 spaces will be provided. He informed that the new location will permit expansion of the business.

Mr. Doverspike asked if all work is done inside the building, and Mr. Moon answered in the affirmative.

In response to Mr. Bolzle, Mr. Moon stated that there will be no outside storage of materials.

In reply to Mr. Bolzle, Mr. Moon stated that the manufacturing business will occupy the structure nearest U.S. 169, and the other building will be built to suit the tenant. A conceptual plan (Exhibit N-2) was submitted.

Mr. Gardner advised that CG zoning was previously requested; however, the property abuts industrial zoned property and could have been zoned for industrial uses.

**Jim Doherty**, 616 South Boston, Chamber of Commerce, stated that he advised Mr. Moon to seek a special exception for the intended uses. He informed that Mr. Moon's business has outgrown his current facility and is in need of additional operating space. Mr. Doherty noted that the intended use will be compatible with the surrounding area, and could be rezoned to permit the use by right.

In response to Mr. Bolzle, Mr. Gardner noted that it would be as desirable, if not more desirable, to have CG zoning with a Use Unit 25 use than to have the property rezoned to IL.

**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 office warehouse and light manufacturing in a CG zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 25; per conceptual plan submitted; finding that there are mixed zoning classifications in the area; and finding the proposed use to be compatible with the surrounding businesses; on the following described property:

Case No. 16809 (continued)

Lots 2-5, Block 1, Wolf Point Business Center, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16810**

**Action Requested:**

Special Exception to permit an automobile sales office in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located 5330 East 31st Street.

**Comments and Questions:**

Chairman Doverspike advised that Ms. Turnbo will abstain from hearing Case No. 16810.

**Presentation:**

The applicant, **Dollar Rent-A-Car**, was represented by **Kathy Ellison**, 5330 East 31st Street, who stated the special exception is needed in order for the business to acquire a used vehicle dealers license. She explained that the lease cars will not be sold at this location, however, they are sold in surrounding states and the Oklahoma license is required to complete these sales.

**Additional Comments:**

Mr. Bolzle asked Ms. Ellison if the license can be obtained if automobile storage and sales are prohibited on the lot, and she answered in the affirmative. She informed that the business currently leases 60 to 70 thousand automobiles in the United States, with none of them being in Oklahoma. Ms. Ellison stated that the business is only in need of an Oklahoma mailing address for an administrative office.

**Protestants:**

**Wayne Ferguson**, 5321 East 31st Street, stated that he is opposed to any type of operation at this location that would generate additional traffic.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 3-0-1 (Bolzle, Doverspike, White, "aye"; no "nays"; Turnbo, "abstaining"; Chappelle, "absent") to **APPROVE** a **Special Exception** to permit an automobile sales office in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17; subject to no actual display or sale of automobiles on the property; finding that the use, per conditions, will not be detrimental to the area; on the following described property:

Case No. 16810 (continued)

All of Lots 1, 2 and 3, Block 1, City Plaza, a resub of part of Midwestern Center, an addition in Section 22, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16811**

**Action Requested:**

Variance to permit a low landscape wall 32' from the centerline of East 15th Street and 43' from the centerline of South Quincy Avenue - **SECTION 207. STRUCTURE SETBACK - Use Unit 11**, located 1345 East 15th Street.

**Presentation:**

The applicant, **Charles Faudree**, 1345 East 15th Street, was represented by **Jack Arnold**, 7318 South Yale Avenue, who submitted a drawing and site plan (Exhibit R-1). He explained that the applicant is proposing to resurface the exterior of the building and construct a landscape wall on the front portion of the lot. Photographs (Exhibit R-2) were submitted.

**Comments and Questions:**

In reply to Mr. Doverspike, Mr. Arnold stated that all construction will occur on the applicant's property, and will not replace parking spaces.

Ms. Turnbo inquired as to the dimensions of the wall, and Mr. Arnold replied that the wall will be 3'6" high, with columns being approximately 8" taller. He informed that the 8" wide wall and will have landscaping on both sides and will form a closure for the front entry to the business.

Mr. Gardner advised that any such enclosure, if ever used for outdoor seating or display of merchandise, would be treated as a roofed area and additional parking would be required.

**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 to permit a low landscape wall 32' from the centerline of East 15th Street and 43' from the centerline of South Quincy Avenue - **SECTION 207. STRUCTURE SETBACK - Use Unit 11**; per plan submitted; finding that structures in the older area were constructed prior to the current setback requirements, and approval of the request will not be detrimental to the neighborhood; on the following described property:

Lots 10-12, Block 7, Bellview Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16813**

**Action Requested:**

Variance of the required side yard to permit a carport - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 3015 East 83rd Street.

**Presentation:**

The applicant, **Millie Ballard**, 3015 East 83rd Street, submitted a drawing (Exhibit S-1) and requested that a carport be permitted on her property. She noted the house was constructed toward the rear of the lot, with limited space to construct a garage or carport. Ms. Ballard informed that the proposed structure will have a roof, brick columns and security lighting, and will replace a dilapidated carport that has been removed.

**Comments and Questions:**

Mr. Doverspike asked if there are other carports in the neighborhood, and Ms. Ballard replied that she is not aware of others in the immediate area.

Mr. Gardner asked if the drive to the carport will be paved, and the applicant answered in the affirmative.

In response to Mr. Doverspike, Ms. Ballard stated that the location of the house to the rear of the property is the hardship.

Mr. Bolzle asked Ms. Ballard why the carport cannot be constructed to comply with the current setback requirements, and she replied that compliance with the Code would result in the destruction of several mature trees.

**Protestants:**

Mr. Doverspike advised that one letter of protest (Exhibit S-4) was received by **Dave Graves**.

A zoning violation notice (Exhibit S-2) was submitted.

**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 side yard to permit a carport - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding a hardship demonstrated by the location of the house on the lot; and finding that several large trees will be destroyed if the carport is constructed to comply with the required setback; on the following described property:

Lot 8, Block 6, Walnut Creek III, City of Tulsa, Tulsa County, Oklahoma.

## **OTHER BUSINESS**

### **Case No. 16829**

#### **Action Requested:**

Amended site plan approval

#### **Comments and Questions:**

Ms. Russell informed that school use, per plot plan, was previously approved at this location; however, the addition of a mobile classroom is proposed, which requires an amendment to the previously approved plan.

#### **Presentation:**

The applicant, **Tulsa Public Schools**, was represented by **Aaron Peters**, 1555 North 77th East Avenue, who requested that the previously approved plan be amended to include a mobile classroom. An amended plot plan (Exhibit T-1) was submitted.

#### **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** an amended site plan, as submitted.

### **Case No. 16830**

#### **Action Requested:**

Amended site plan approval

#### **Comments and Questions:**

Ms. Russell informed that school use, per plot plan, was previously approved at this location; however, the addition of a mobile classroom is proposed, which requires an amendment to the previously approved plan.

#### **Presentation:**

The applicant, **Tulsa Public Schools**, was represented by **Aaron Peters**, 1555 North 77th East Avenue, who requested that the previously approved plan be amended to include a mobile classroom. An amended plot plan (Exhibit W-1) was submitted.

#### **Protestants:**

None.

Case No. 16830 (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** the amended site plan, as submitted.

There being no further business, the meeting was adjourned at 3:35 p.m.

Date Approved

October 11, 1994

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

Chairman

