

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 668
Tuesday, November 8, 1994, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT

Abbott
Bolzle
Doverspike, Chairman
Turnbo
White

MEMBERS ABSENT

STAFF PRESENT

Gardner
Moore
Russell

OTHERS PRESENT

Jackere, Legal
Linker, Legal
Parnell, Code
Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, November 2, 1994, at 4:12 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 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; White, "abstaining"; none "absent") to **APPROVE** the Minutes of October 25, 1994 (No. 667).

NEW APPLICATIONS

Case No. 16834

Action Requested:

Variance of the maximum 750 sq ft for a detached accessory building to permit the addition of a carport to an existing garage - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6, located 1707 South Columbia Place.

Presentation:

The applicant, **Ronald Elder**, 1707 South Columbia Place, submitted photographs (Exhibit A-1) and explained that the proposed carport will replace one that was destroyed by accumulation of water during a rain storm.

Case No. 16834 (continued)

Comments and Questions:

Mr. Doverspike asked if there are other carports in the area, and the applicant answered in the affirmative. He informed that the carport had been in place approximately seven years prior to its collapse. Mr. Elder informed that several neighbors are in attendance to support his application.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the maximum 750 sq ft for a detached accessory building to permit the addition of a carport to an existing garage - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6; per plan submitted; finding that the carport in question will replace one that was previously destroyed; 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:

Lot 11, Block 1, Wilson View II Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16835

Action Requested:

Appeal the decision of an administrative official that the use is a "family" and permitted by right in a residentially zoned district - **SECTION 1604. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 2, located 5419 South 79th East Avenue.

Comments and Questions:

Mr. Bolzle advised that he will abstain from hearing Case No. 16835.

Presentation:

The applicant, **Chris Laporte**, 5403 South 79th East Avenue, introduced **Ken Hietbrink**, 5415 South 79th East Avenue, who shared in the presentation.

Mr. Laporte stated that he is compassionate to the need of caring for homeless women; however, the use is not compatible with the residential neighborhood. He stated that this use does not fall within the Zoning Code definition of a family. Mr. Laporte pointed out that a family, as stated in the Code, is a home for independent living with support personnel that provides room and board, personal care and habilitation services in a family environment as a single housekeeping unit for not

Case No. 16835 (continued)

more than six resident elderly or disabled persons (mentally and/or physically impaired) with at least one, but not more than two resident staff persons. He informed that this use does not fall within these guidelines.

Mr. Hietbrink noted that the definition in the Zoning Code applies to elderly and disabled persons, and these women are neither elderly or disabled. He suggested that the use seems to be more like a protective shelter, which would require a special exception to begin operation in the neighborhood.

Protestants:

Jim Rusher, president of Youth Services of Tulsa, stated that the operation is called a transitional living center, because the language regarding the Federal grant refers to the service in this way. He pointed out that the transitional living center offers young homeless women the opportunity to develop overall learning skills, and is not the same type of transitional living center that is defined in the Zoning Code. Mr. Rusher stated that a maximum of five women from the age of 16 to 20 will live in the home, with one rotating staff member being present. He informed that the women are not in protective custody, but are merely homeless. Mr. Rusher stated that the definition of a family is that the number not exceed six, and the second portion of the definition is only to state that elderly and disabled persons are not to be excluded. He stated that the residents of the home will live in the dwelling from 30 to 180 days, and pointed out that the use would not be an emergency protective shelter because their stay is 30 days or less.

Comments and Questions:

Mr. Doverspike asked if rehabilitation or medical services are provided to the women, and Mr. Rusher replied that they do not receive this type of service.

Mr. Doverspike inquired as to screening to determine if the women have a history of delinquency or substance abuse, and Mr. Rusher replied that they cannot be women that are in protective custody under the Department of Human Services. He added that a previous history of juvenile problems would not disqualify an individual from participating in the program.

In reply to Ms. Abbott, Mr. Rusher explained that the federal grant refers to the program as a transitional living program, which is the transition of young people into society. He noted that the Zoning Code refers to a transitional living center as one that houses individuals with a history of juvenile delinquency, behavioral disorders, alcoholism or drug abuse.

Ms. Turnbo inquired as to the method of selecting women for the program, and Mr. Rusher stated that some are recommended by school counselors, shelters and many other human service agencies. He informed that the women are required to pursue educational training and some type of employment.

Case No. 16835 (continued)

In response to Ms. Abbott, Mr. Rusher informed that the federal grant will not permit the women to live in the home for more than 180 days. In regard to the Zoning Code definition of a family, he stated that the request falls under the first sentence of the definition, which states that there cannot be more than six individuals living in the home.

In reply to Mr. Doverspike, Mr. Linker advised that non-related individuals can constitute a family without being elderly or disabled; however, if training, education, or treatment is provided the group may not be considered to be a family. Mr. Linker stated that the administrative official has made the determination that the use is a family.

Mr. Gardner stated that the sentence in the "family" definition regarding the elderly and disabled was included because they are protected under the Federal Fair Housing Law and cannot be excluded.

In response to Mr. Doverspike, Ms. Parnell stated that Paula Hubbard made the determination that this use is a family.

Mr. Gardner advised that the Board should determine if the use is a family, as defined in the Code, or if it is a short-term (30 days to 180 days) service facility, such as an emergency shelter.

Mr. Rusher explained that the facility is paid for by the federal government and provides these homeless women with a place to live and the opportunity to gain skills that will equip them to lead productive lives in the community.

Ms. Turnbo asked who is providing the learning skills, and he replied that they are taught how to balance a checkbook, ride the bus, etc.; however, there is no on-site counseling provided. Ms. Turnbo stated that she can envision the possibility of five drug addicts living in a home of this type and receiving the training mentioned by Mr. Rusher.

Mr. Rusher revised the information previously presented to reflect a maximum 18 month stay instead of 180 days.

Interested Parties:

Linda Christensen stated that she owns the subject property and lives in the neighborhood. She noted that the lot is well maintained by the women, and asked that they be permitted to live as a family at this location.

Sharon Terry stated that she is executive director of Youth Services and informed that the women participating in the program are permitted to live on the premises for a maximum of 18 months, with extended service being provided at other locations.

Case No. 16835 (continued)

Ms. Turnbo asked if there is a curfew for the women, and Ms. Terry stated that curfews vary with age and maturity. She informed that one staff person is assigned to the home at all times; however, this person may be away from the home during the day when it is necessary to transport the women to various appointments. Ms. Terry stated that the home will always be supervised throughout the night.

Ms. Abbott asked how many resident staff people are assigned to this location, and Ms. Terry replied that one person works each of the three shifts.

Applicant's Rebuttal:

Mr. Laporte stated that the use in question differs from a family in that the young women do not necessarily volunteer for this project and the person responsible for their oversight is paid. He added that the women also receive instruction at this location.

Additional Comments:

In reply to Mr. Doverspike, Mr. Gardner advised that the maximum time limit for a woman to live in the home was changed from 180 days to 18 months, which is a much longer stay. He stated that residential treatment centers, protective shelters, group homes and transitional living centers are permitted in a residential district by special exception. A family, as defined in the Code, is permitted as a matter of right.

Ms. Abbott inquired as to the number of women residing at this location, and Ms. Terry stated that there will be no more than five girls at any time.

Ms. Abbott remarked that a traditional family would have one adult that lived in the home, and Mr. Linker advised that the "family" as defined in the Zoning Code is not limited in that way.

Mr. Doverspike stated that this use falls outside the definition of a single housekeeping unit. He added that requesting the use by special exception would permit the Board to review density levels and determine the impact on the neighborhood.

Ms. Turnbo noted that there is no guarantee that women will not be rotated out every 30 days, and it appears that a precedent could be set if the use is permitted by right as a family. She was in agreement with the review of such uses and their being permitted in residential districts by special exception only.

Ms. Abbott voiced agreement with Ms. Turnbo and Mr. Doverspike.

Case No. 16835 (continued)

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-1 (Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; Bolzle, "abstaining"; none "absent") to **APPROVE** the Appeal and **OVERTURN** the decision of the administrative official that the use is a "family" and permitted by right in a residentially zoned district - **SECTION 1604. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 2; finding that the use is not a typical family, because residents could rotate every 30 days and counseling, supervision and other services are provided to residents; and finding that this type of facility permitted by right in residential neighborhoods could result in clustering, which would be detrimental to the area; on the following described property:

Lot 55, Block 10, Southern Plaza Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16836

Action Requested:

Minor Special Exception to reduce the required front yard to permit an existing structure - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 3423 South 149th East Avenue.

Presentation:

The applicant, **Jayne Martin**, 15 D Street, Inola, Oklahoma, was represented by **Steve Schuller**, 525 South Main, who informed that this case involves an attached garage that was constructed 8' over the required building setback line. He stated that a variance was requested and denied at a prior hearing. Mr. Schuller stated that his client is amenable to removing 3' from the front portion of the garage and requested that a 5' special exception be approved. He pointed out that the houses in the area do not align, due to the curvature of the street at this location, and approval of the request would not be detrimental to the neighborhood. Photographs (Exhibit B-1) and a plot plan (Exhibit B-2) were submitted.

Comments and Questions:

Mr. Bolzle asked if the lot to the north of the subject property is vacant, and Mr. Schuller answered in the affirmative. Mr. Bolzle pointed out that approval of the requested special exception would permit the house constructed on the vacant lot to the north to encroach into the required front yard by right.

Protestants:

Dean Luthey, Sunwood Hills Homeowners Association, stated that the spirit and intent of the Code has not been fulfilled in this case. He pointed out that the encroachment is significant and the builder willfully disregarded the ordinances, because he continued with the construction after the cease and desist order was issued. It was noted that, although counsel has been obtained and the original builder is no longer involved, the application is the same as the one previously denied.

Joy Jones, 3459 South 149th East Avenue, stated that she lives five houses from the structure in question. She pointed out that the builder placed the house in an east/west direction with 17' and a 20' side yards, while the other homes in the area are north/south. Ms. Jones stated that the house, as constructed, is detrimental to the neighborhood, and asked the Board to deny the application.

Wes Sirkis, 3431 South 149th East Avenue, stated that he has been here three times regarding this case, and asked for an explanation of the process. Mr. Linker advised that the previous denial of the application has been appealed to District Court, and Mr. Doverspike noted that a new application has been filed in an attempt to settle the issue. Mr. Sirkis emphasized that the house in question should have the same setback as others in the neighborhood, and the slight curve in the street should not be considered. He stated that the builder deliberately constructed the dwelling over the required setback, and asked the Board to deny the variance request.

Applicant's Rebuttal:

Mr. Schuller informed that the builder submitted the plans to the City for approval and they were approved with faulty information; therefore, construction began, per the plans, and later a cease and desist order was issued. He stated that approval of a 5' setback encroachment will permit completion of the dwelling, which will improve the appearance of the neighborhood. Mr. Schuller stated that other setback variances have been approved in the neighborhood, and pointed out that the 5' encroachment will not be detrimental to the area because of the curvature of the street.

Additional Comments:

Mr. Bolzle asked when the bank and the owner were made aware of the cease and desist order, and Mr. Schuller replied that it was probably shortly before the first application was filed with the Board.

Mr. Bolzle emphasized that the protestants have advised that the cease and desist order was issued early in the construction period, and that the work proceeded to near completion. He advised Mr. Schuller that he has difficulty in relieving the bank and his client of all responsibility regarding this problem.

Case No. 16836 (continued)

Mr. Schuller stated that he is relying on his clients report, but is highly doubtful that construction continued after the order was issued.

Mr. Gardner noted that it was stated by the protestants at the initial hearing that work continued after the order was issued, and this statement was not denied by the builder (the applicant).

Mr. Bolzle noted that the garage could have been constructed elsewhere on the lot, and a 5' encroachment is as detrimental to the neighborhood as the previously denied 8' encroachment.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Variance** of the required front yard to permit an existing structure - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; finding that approval of the request would be detrimental to the neighborhood and violate the spirit and intent of the Code; on the following described property:

Lot 7, Block 6, Sunwood Hill Second, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16837

Action Requested:

Variance of the required setback from an abutting R District - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 13, located northwest corner of East 21st Street and South Harvard Avenue.

Presentation:

The applicant, **Dan Tanner**, 2202 East 49th Street, Suite 400, was represented by **Joe Westervelt**, 1250 East 26th Street, who informed that the Board previously approved the expansion of a canopy on the subject property. He stated that a small portion of the store expansion extends too close to the abutting R District. A plot plan (Exhibit C-1) was submitted.

Comments and Questions:

Mr. Bolzle asked if there are loading doors in the expanded area, and Mr. Westervelt replied that there are none.

Protestants:

None.

Case No. 16837 (continued).

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from an abutting R District - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 13; per plan submitted; finding that only a small portion of the building will encroach within the required building setback; and finding that approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lots 1, 2 and 3, Block 1, Florence Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16838

Action Requested:

Amended site plan approval and a variance of the previous conditions of approval to permit an additional drive through banking lane - Use Unit 11, located 4825 East 36th Street.

Presentation:

The applicant, **Ken Petty**, 3805 South 79th East Avenue, was represented by Robert Nichols, 111 West 5th Street, who informed that he has been retained by State Bank to present the application. He submitted a revised site plan (Exhibit D-1) and explained that his client is proposing to add an additional lane to accommodate a remote teller, which will relieve traffic congestion. Mr. Nichols stated that the property owners to the north are not opposed to the application.

Comments and Questions:

Mr. Gardner explained that the previous application was approved per plan submitted, and any deviation from that plan requires Board approval.

Mr. Bolzle stated that, at the previous meeting, the Board was somewhat concerned with the northernmost island that was to contain the ATM, and voiced a concern with the traffic, noise level and hours of operation.

Mr. Nichols noted that the ATM will remain in the third isle, and a remote teller is proposed, which will only be in operation when the bank is open. He pointed out that this is a quicker operation than the ATM, and is intended for overflow

Mr. Bolzle asked if one island and one lane, along with the canopy, will be extended to the north, and Mr. Nichols answered in the affirmative.

Case No. 16838 (continued)

Mr. Bolzle voiced a concern with the process of approving revised site plans that would automatically approve variances that were not specifically mentioned, such as the extension of the canopy, parking, etc.

Mr. Gardner stated that the notice received by property owners within 300' advised them that the operation is to be expanded and that variances of approved conditions were requested. He remarked that interested parties could call or attend the hearing for specific details.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-2-0 (Abbott, Doverspike, White, "aye"; Bolzle, Turnbo, "nay"; no "abstentions"; none "absent") to **APPROVE** an amended site plan and a **variance** of the previous conditions of approval to permit an additional drive through banking lane (remote teller) - Use Unit 11; per revised plan submitted; subject to 24-hour operation of automatic teller machine (ATM previously limited to 8 a.m. to 8 p.m. operation), and banking lobby hours being 8 a.m. to 8 p.m., Monday through Saturday (previously not open on Saturday), on the following described property:

Part of the S/2, S/2, SE/4, NE/4, Section 21, T-19-N, R-13-E, more particularly described as follows: Beginning 40' north and 24.75' west of SE/c of said S/2, S/2, SE/4, NE/4, thence north and parallel to east section line a distance of 140' thence N89°50'40"W 177.25' thence south 140' thence S89°50'40"E 177.25' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16839

Action Requested:

Variance of the number of required parking spaces - **SECTION 1212.c. Off-Street Parking and Loading Requirements** - Use Unit 12, located southwest corner of East 71st Street and South Sheridan Road.

Presentation:

The applicant, **Tina Marshall**, 3500 Eastern Boulevard, Montgomery, Alabama, was represented by Kevin McGlothlin, 3500 Eastern Boulevard, Montgomery Alabama, who requested that the number of parking spaces in the shopping center be varied to permit the operation of a restaurant. He explained that the proposed restaurant is a new tenant in the center; and this type of business is 70% carryout and does not need the amount of parking normally required for this use. A plot plan (Exhibit E-1, was submitted.

Case No. 16839 (continued)

Comments and Questions:

Mr. Doverspike asked if there are other restaurants in the center utilizing the same parking, and Mr. McGlothlin replied that there are other restaurants; however, this use is comparable to a retail use and should have similar parking requirements.

Ms. Abbott inquired as to seating capacity for the business, and Mr. McGlothlin stated that six tables, four chairs per table, are proposed.

Leslie Williams, 9506 North 133rd East Avenue, Owasso, Oklahoma, explained that the restaurant will serve as a training center for other restaurant operators, and only a small amount of dining space will be needed.

Ms. Turnbo asked if large groups of individuals will attend the training sessions, and Ms. Williams replied that only one person, or family, will be trained during a five-day period.

In reply to Mr. Doverspike, Ms. Williams stated that there will not be a bar.

Mr. Gardner advised that the shopping center is currently 78 parking spaces under the required amount, if this use is approved, and Staff is concerned with additional restaurants and future parking. He pointed out that not all of the parking originally approved on the plot plan was constructed (41 spaces not constructed).

In reply to Mr. Bolzle, Mr. McGlothlin stated that he was not aware that restaurant use required more parking than retail use.

Mr. Gardner advised that the parking requirements have changed since this shopping center was constructed, and restaurants now require additional parking spaces.

Protestants: None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-1-0 (Bolzle, Doverspike, Turnbo, White, "aye"; Abbott, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the number of required parking spaces - **SECTION 1212.c. Off-Street Parking and Loading Requirements** - Use Unit 12; per plan submitted; subject to a maximum of 6 tables, with a maximum of 4 chairs per table; and subject to approximately 70% of the restaurant business being carryout; finding that this type of restaurant will generate less traffic and require fewer parking spaces than a traditional restaurant; and finding that the use, per conditions, will not negatively impact the surrounding area; on the following described property:

Lot 1, Block 1, Summit Square Addition, City and County of Tulsa, Oklahoma.

Case No. 16840

Action Requested:

Variance of the number of required off-street parking spaces - **SECTION 1211.d. Off-Street Parking and Loading Requirements** - Use Unit 12, located 3101-05 South Peoria Avenue.

Presentation:

The applicant, **Stephen Schuller**, 525 South Main, submitted a plot plan (Exhibit F-1) and explained that his client has previously received a variance of the required number of parking spaces, and pointed out that all available land for parking was acquired at that time. He informed that, since that time, additional land has become available and will be purchased to provide 10 additional spaces for the project. Mr. Schuller noted that approximately 5800 sq ft of space above the theater was initially allocated for storage and, with the additional parking, the same amount of space can be used for office purposes. He pointed out that his client will lack approximately 7 required parking spaces.

Comments and Questions:

Mr. Bolzle asked Mr. Schuller to state the number of parking spaces required for 6300 sq ft of office space, and he replied that 21 spaces are required.

In response to Mr. Bolzle, **Jim Glass**, 1325 East 35th Place, owner of the property, informed that he complied with all Code requirements at the prior meeting, with the exception of the motor bank. Mr. Glass noted that 10 additional parking spaces will be provided when the land is purchased and, according to his calculations, a variance of 7 parking spaces would be required to allow the balance of the building (approximately 2000 sq ft) to be used for office space.

Ms. Russell informed that Pam Deatherage, Planning District 6, advised by letter (Exhibit F-2) that the planning team is supportive of the application.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the number of required off-street parking spaces - **SECTION 1211.d. Off-Street Parking and Loading Requirements** - Use Unit 12; per plan submitted; subject to the required number of parking spaces be reduced by 7 spaces, finding that the area was developed prior to current Zoning Code requirements in regard to parking, and that limited space is available for parking; and finding that approval of the variance 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:

Lots 4 and 5, Block 2, Oliver's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16841

Action Requested:

Variance of lot width, lot area and land area to permit a lot split - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2424 East 16th Street.

Presentation:

The applicant, **Jeff Hughes Building Company**, was represented by **Jeff Hughes**, 2423 East 22nd Street, who stated that he is proposing to split the property and construct two single-family dwellings.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of lot width, lot area and land area to permit a lot split - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; subject to lot-split approval by TMAPC; finding that there are similar size lots in the area, and approval of the request will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Part of Lot 11, Block 1, Glen Acres Lynn Lane, beginning at the NE/c thence south 106.15', west 150', north 106.40', east 150' to POB, less the east 20' thereof for street, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16842

Action Requested:

Variance of the required setback from the centerline of South Harvard to permit a sign, and a variance of the number of signs permitted - **SECTION 1221.C.6. AND 9. GENERAL USE CONDITIONS FOR BUSINESS SIGNS** - Use Unit 12, located southeast corner of East 51st Street and South Harvard Avenue.

Presentation:

The applicant, **Richard Craig**, 509-A North Redbud, Broken Arrow, Oklahoma, submitted a sign plan (Exhibit G-2) and explained that his client is proposing to change the signage on an existing pole. He informed that the new tenants will remove a rotating unit from the top of the sign; therefore, the height will be reduced from 33' to 29' and the size will also be reduced. Photographs (Exhibit G-1) were submitted.

Case No. 16842 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of South Harvard to permit a sign, and a **variance** of the number of signs permitted - **SECTION 1221.C.6. AND 9. GENERAL USE CONDITIONS FOR BUSINESS SIGNS** - Use Unit 12, per plan submitted; finding that the new sign will be installed on the existing pole, with both size and height being reduced; and finding that approval of the variance request will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lot 3, Block 1, Southern Hills Mall Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16843

Action Requested:

Variance of the required 300' spacing from an R District to permit a youth club - **SECTION 1219.C.2. Use Conditions** - Use Unit 19, located 3741 South Peoria.

Presentation:

The applicant, **Chad Sandberg**, 1349 Riverside, #2, was not present.

Protestants:

Numerous area residents were present to protest the application.

Tom Olzawski, 5314 East 27th Place, stated that the neighborhood is not sure of the extent of the proposed use.

Dorothy Watson, 4108 South St. Louis, stated that she represents the Brookside Neighborhood Association and requested that she be notified of applications concerning properties in the area.

Ms. Turnbo suggested that Ms. Watson contact the planning district chairman for information regarding current applications.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** without prejudice Case No. 16842, due to the applicant's failure to appear.

Case No. 16843 (continued)

West 305' south 165.57' of Lot 3, Section 19, T-19-N, R-13-E, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 16844

Action Requested:

Variance to permit a two-story detached accessory building, variance of the maximum 750 sq ft for a detached accessory building and a variance of the required livability space - **SECTION 210. YARDS, SECTION 402.B.1.d. Accessory Use Conditions and SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1518 South Owasso.

Presentation:

The applicant, **Diane Smith**, 1518 South Owasso Avenue, was represented by **Dean Smith** of the same address. Mr. Smith informed that he has removed a dilapidated two-story garage and requested permission to replace it with a similar structure (Exhibit H-1).

Comments and Questions:

Mr. Bolzle inquired as to the use of the upstairs portion of the garage, and Mr. Smith stated that it is used for storage.

Mr. Bolzle asked if kitchen or bathroom facilities will be installed, and Mr. Smith replied that there will be none.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit a two-story detached accessory building, **variance** of the maximum 750 sq ft for a detached accessory building and a **variance** of the required livability space - **SECTION 210. YARDS, SECTION 402.B.1.d. Accessory Use Conditions and SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; subject to no kitchen or bathroom facilities; finding that the structure will replace a dilapidated two-story garage that was demolished; finding that the area contains similar detached structures, and was developed prior to current Code requirements, and finding that approval of the request will not be detrimental to the neighborhood; on the following described property:

Lot 2, Block 23, Second Amended Plat of Morningside Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 16845

Action Requested:

Variance of the required frontage in a CS zoned district to permit a lot split - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 13, located northwest corner East 61st Street.

Presentation:

The applicant, **Donald Winningham**, 8438 South 36th West Avenue, informed that a lot split is pending and that he is proposing to purchase a building on one of the lots. A description plat (Exhibit J-1) was submitted.

Comments and Questions:

Mr. Bolzle asked if the lot containing the building will be attached to the lot to the north, and the applicant answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a Variance of the required frontage in a CS zoned district to permit a lot split - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 13; per plan submitted; subject to the execution of a tie contract on tract 3 and 4; and subject to TMAPC approval of the lot split; finding that approval of the request, per conditions, will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

South 118.4' of Tract 1, Howard Tracts, being a part of the SE Section 33, T-19-N, Range 12, IBM, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16851

Action Requested:

Variance of the required setback from the centerline of North Quincy to permit a carport - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2122 North Quincy Street.

Presentation:

The applicant, **Jed Beavers**, Route 387-B, Cleveland, Oklahoma, requested that a carport be permitted to allow wheelchair access. He informed that the garage is not wide enough to accommodate the wheelchair. A site plan and elevations (Exhibit K-1) were submitted.

Case No. 16851 (continued)

Harry VanDyke, 2122 North Quincy Avenue, informed that he is the property owner and that the garage is currently used for storage, because it is not large enough for his wife to enter the car from her wheelchair.

Comments and Questions:

Mr. Doverspike asked if there are other carports in the area, and Mr. Beavers answered in the affirmative.

In reply to Mr. Doverspike, the applicant stated that the carport will be 10' by 23' and will be 18' from the curb.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-1-0 (Abbott, Bolzle, Turnbo, White, "aye"; Doverspike, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of North Quincy to permit a carport - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the houses in the older area of the City were constructed on narrow lots with one-car garages, finding that there are other carports in the area; and finding that approval of the request will not be detrimental to the neighborhood; on the following described property:

Lot 9, Block 3, Woodrow Park, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 16866

Action Requested:

Amended site plan approval - Use Unit 2, located north and east of the NW/c of East 11th Street and South Memorial Drive.

Presentation:

The applicant, **Arlin Vancuren**, 111 West 5th Street, Suite M-100, submitted a design report (Exhibit L-1) and a site plan (Exhibit L-1) for the project in question. He explained that a water slide, additional deck space and an expansion to the concession area are proposed for McClure Park. Mr. Vancuren informed that the neighborhood has been consulted concerning the improvements and there have been no objections to the proposal. He asked that the amended site plan be approved.

Case No. 16866 (continued)

Comments and Questions:

Mr. Bolzle inquired as to the height of the water slide, and Mr. Vancuren replied that the total height is 18'. He informed that the neighborhood did not voice a concern with the height of the slide.

Protestants:

None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** an amended site plan to include a water slide - Use Unit 2; per amended plan submitted; finding the request to be in harmony with the spirit and intent of the Code; on the following described property:

Part S/2, SE/4 beginning 334.78' north SE/c SE/4 thence west 1915.33', north 30', west 767', north 954.34', east 2641', south 984.34' POB, less TR beginning 343' north and 60' west SE/c SE/4, thence west 15', north 15', south 15' POB and less west 40', less east 60' less north 35' thereof for strs, Section 2, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16438

Action Requested:

Detail Site Plan approval - Use Unit 2.

Presentation:

The applicant, **Joy Lutheran Church**, 9940 South Yale Avenue, was not represented.

Comments and Questions:

Ms. Russell suggested that the application be continued, because there may have been some confusion on the part of the applicant as to the need for being present for the hearing.

Case No. 16438 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 16438 to November 22, 1994.

There being no further business, the meeting was adjourned at 4:17 p.m.

Date Approved November 22, 1994


Chairman

