

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 676
Tuesday, March 14, 1995, 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
Abbott		Gardner	Jackere, Linker,
Bolzle		Jones	Legal Department
Doverspike, Chairman		Moore	Parnell, Code
Turnbo		Beach	Enforcement
White			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, March 13, 1995, at 11:27 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 **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions; Abbott, "absent") to **APPROVE** the Minutes of February 14, 1995 (No. 674).

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions; Abbott, "absent") to **APPROVE** the Minutes of February 28, 1995 (No. 675).

Comments and Questions:

Mr. Jones advised that Cases No. 16939 and 16975 concern the same properties and the Board may determine that they should be heard together.

After discussion, it was the consensus of the Board that the cases be heard separately, but that Case No. 16975 should be directly after Case No. 16939.

UNFINISHED BUSINESS

Case No. 16939

Action Requested:

Variance of the livability space - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1731 South Madison and 1006 East 17th Place.

Presentation:

The applicant, **Michael Dankbar**, 8704 South Indianapolis, was represented by **Roy Johnsen**, 201 West 5th Street, who informed that the property in question is comprised of two existing lots zoned RS-3. A packet (Exhibit A-1), consisting of a plot plan and area data, was submitted. He informed that the inside east lot has a total square footage of 6294 sq ft and the corner lot has 5749 sq ft, with basic RS-3 standards being 6900 sq ft. Mr. Johnsen noted that the subdivision was platted in the early 1900s, with many 50' lots, and there is substantial noncompliance in regard to livability space (4000 sq ft required). He stated that 3648 sq ft of livability will be provided on the inside lot (352 sq ft deficiency), with the outside lot having 3753 sq ft (247 sq ft deficiency). Mr. Johnsen stated that, under the current Zoning Code, 50' lots would be permitted in an RS-4 zoned area, with the livability space requirement being 2500 sq ft. He noted that deficiency in livability space for the lots in question (RS-3) is minimal, and they exceed the livability space requirement for lots of this size in RS-4 developments. Mr. Johnsen pointed out that, without a reduction in the livability space requirement, a marketable house cannot effectively be constructed on the lots in question. He informed that the hardship finding for this application is the fact that the lots are nonconforming 50' lots, that there are numerous other 50' lots in the area, that his client will not have an economic use of his property without the requested relief and that the livability space provided is in compliance with the RS-4 zoning requirement for a 50' lot.

Protestants:

Randy Krehbiel, 1016 East 17th Place, informed that other 50' lots in the area are from 15' to 40' deeper than the lots in question. He stated that the west lot may be the smallest lot in the Maple Ridge Addition.

Hope Pinkerton, 1006 East 17th Place, submitted photographs (Exhibit A-2) and noted that numerous houses in the area have much more green space than is proposed on the lots in question.

Charles Martinez, 1003 East 18th Street, pointed out that abutting properties have significantly more livability space than is proposed on the subject lots.

Jan Krehbiel, 1016 East 17th Place, stated that she is concerned with the fact that reduced livability space will force the children to play in the street.

John Pinkerton, 1006 East 17th Place, submitted a letter (Exhibit A-3) and stated that he lives to the east of the subject property. He pointed out that the proposed construction on the lots does not comply with Historic Preservation Guidelines or the livability space requirements. He stated that the hardship is self-imposed and approval of the request will increase density and negatively impact the neighborhood.

Case No. 16939 (continued)

Applicant's Rebuttal:

Mr. Johnsen reiterated that the property consists of two lots of record and could have two different owners. He pointed out that the fact that both lots are owned by his client is totally irrelevant, and noted that numerous lots in the neighborhood are 50' wide and do not conform to current Code requirements. Mr. Johnsen informed that the lots in question can be compared to those with RS-4 zoning in regard to livability space, and it has been determined by the planners that 2500 sq ft of livability space is adequate for lots of this size.

Additional Comments:

Mr. Doverspike asked Mr. Linker if the Board is permitted to rule on the livability space issue without considering the fact that the property lies within a historical area, and he answered in the affirmative.

Ms. Turnbo stated that she is not opposed to varying the livability space, but is concerned with approving the house plans (per plot plan) before the case is heard concerning the appeal of the Historical Preservation Commission decision.

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 livability space - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; subject to Lot 7 having a minimum of 3648 sq ft of livability space, and Lot 8 having a minimum of 3753 sq ft of livability space; finding that there are numerous 50' wide lots in the area, and finding these lots to be similar in width and size to those in RS-4 Districts; finding that that approval of the request will not cause substantial detriment to the public good, or violate the spirit and intent of the Code; on the following described property:

Lot 7 and the east 50' of Lot 8, Block 2, less commencing at the NE/c of Lot 8, thence running southwesterly on a curve with a 50' radius through an arc of 90° to a point 50' south of the north line of Lot 8, thence north 50' thence east to POB in Maple Ridge Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16958

Action Requested:

Variance of the number of required parking spaces and a variance to permit parking on a lot other than the lot with the principal use - **SECTION 1208.D. OFF-STREET PARKING AND LOADING REQUIREMENTS** - Use Unit 8, located 1612 East 15th Street.

Case No. 16958 (continued)

Presentation:

The applicant, **Ronald Dean**, 1335 South Harvard, requested that Case No. 16958 be withdrawn.

MINOR VARIANCES AND SPECIAL EXCEPTIONS

Case No. 16987

Action Requested:

Minor variance of the required 25' rear yard in an RS-1 zoned district to 20' to permit an addition to an existing dwelling - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 6162 South Louisville.

Presentation:

The applicant, **Jon Vrooman**, 6138 South Louisville, submitted a plot plan (Exhibit B-1) and advised that an addition to an existing dwelling is proposed.

Comments and Questions:

In reply to Mr. Doverspike, the applicant stated that the roof height of the new addition will be comparable to that of the existing one-story dwelling.

Mr. Bolzle asked if the roof is existing, and Mr. Vrooman stated that a portion of the roof is currently covering a patio and will be expanded.

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 **Minor Variance** of the required 25' rear yard in an RS-1 zoned district to 20' to permit an addition to an existing dwelling - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the roof height will not be increased (one story) and approval of the request will not be detrimental to the neighborhood; on the following described property:

Lot 17 and the south half of Lot 18, Block 2, Braeswood Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16959

Action Requested:

Special Exception to permit automobile repair, automobile sales and residential use in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located 2621 North Boston Place.

Comments and Questions:

Mr. White noted that the legal description for the property should have been for Lot 1, as well as Lot 2.

Presentation:

The applicant, **Jose Ramirez**, 171 East Apache, was represented by **Wendell West**, 6515 South 107th East Avenue, who submitted a plot plan (Exhibit C-3).

Photographs (Exhibit C-1) and a zoning violation notice (Exhibit C-2) were submitted by Code Enforcement.

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. 16959 to April 11, 1995, to permit additional advertising.

Case No. 16960

Action Requested:

Special Exception to permit a Use Unit 15 use (distribution of coffee, other beverages, candy, chips, etc.) in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICT** - Use Unit 15, located southwest corner of East 11th Street and South 119th East Avenue.

Presentation:

The applicant, **W. P. Smith**, 820 West Skelly Drive, submitted a plot plan (Exhibit D-1) and requested that a coffee distribution business be permitted at the above stated location.

Comments and Questions:

Mr. White inquired as to the number and type of vehicles that will be distributing the merchandise, and Mr. Smith replied that routes will be run by 10 one-ton trucks.

In reply to Mr. White, Mr. Smith stated that there will be no outside storage.

Case No. 16960 (continued)

Mr. Gardner advised that the type of trucking is an important consideration, and noted that most of the truck traffic on the site consists of small trucks delivering merchandise.

In reply to Mr. White, the applicant stated that semi's will make some deliveries to the property, but the smaller trucks will make route deliveries.

In regard to parking, it was the consensus of the Board that this issue should be continued to allow the applicant to advertise for this relief, if needed.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a Use Unit 15 use (distribution of coffee, other beverages, candy, chips, etc.) in a CS zoned district, - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICT** - Use Unit 15; per plan submitted, with hard surface parking material being installed (additional relief would be required for gravel parking); finding that one-ton trucks will make all deliveries, except for incoming merchandise being delivered by semi trucks; finding the use, per conditions, to be compatible with the area.

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** the balance of the application to April 11, 1995, to allow sufficient time for the applicant to advertise for additional relief, if needed.

A tract of land in the North Half of the East Half of the West Half of the Northeast Quarter of the Northwest Quarter (N $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Eight (8), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, described as follows:

BEGINNING on the West line of the North Half of the East Half of West Half of the Northeast Quarter of the Northwest Quarter (N $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$), said point being Seventy (70) feet South of the North line of Section Eight (8); THENCE North 89° 43' 00" East, One hundred fifty (150) feet to the POINT OR PLACE OF BEGINNING; THENCE continuing North 89° 43' 00" East, One hundred sixty-nine and Eighty-four hundredths (169.84) feet; THENCE South 00° 25' 39" East, Two hundred sixty-six (266) feet; THENCE South 89° 43' 00" West, One hundred forty (140) feet; THENCE North 00° 25' 39" East Thirteen and Fifty hundredths (13.50) feet; THENCE South 89° 43' 00" West One hundred

Case No. 16960 (continued)

seventy-nine and Eighty-two hundredths (179.82) feet; THENCE North 00° 25' 50" West , Ninety-two and Fifty hundredths (92.50) feet; THENCE North 89° 43' 00" East One hundred (100) feet; THENCE North 00° 25' 50" West One hundred thirty-seven and Fifty hundredths (137.50) feet; THENCE North 89° 43' 00" East Fifty (50) feet; THENCE North 00° 25' 00" West Twenty-two and Fifty hundredths (22.50) feet to the POINT AND PLACE OF BEGINNING.

Case No. 16961

Action Requested:

Appeal from the decision of the Code Enforcement officer that the use in question is a Use Unit 15 use (upholstery) - **SECTION 1605** - Appeals from an administrative official, a special exception to permit home occupation - **SECTION 404 - SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 2829 East 21st Place.

Presentation:

The applicant, **Alice Porter**, 2829 East 21st Place, informed that she owns the subject property and requested that her daughter be permitted to operate a temporary home occupation in her garage.

Heather Smittle, 2829 East 21st Place, advised that she is currently operating her business in the garage. She informed that her business consists of sewing and installing head liners in vehicles, as well as seat covers and repairs. She stated that her business is operated no more than eight hours per day, and the vehicles are picked up and delivered, with no more than two cars in the garage at any given time. Ms. Smittle requested that the temporary use be permitted from six months to a year.

A letter of support (Exhibit E-2) was submitted.

Comments and Questions:

Mr. Doverspike asked if all equipment used in the operation is located inside the garage, and Ms. Smittle answered in the affirmative.

In reply to Mr. Doverspike, Ms. Smittle informed that the only equipment used in the business is an air compressor and a sewing machine.

Mr. White asked if all work is completed inside the garage, and Ms. Smittle stated that she removes and installs head liners outside.

Case No. 16961 (continued)

Protestants:

Paige Reeder, 2823 East 21st Place, stated that she would not be opposed to the home occupation if the work was limited to the garage; however, the garage door is always open and the car being worked on is in the driveway. Ms. Reeder pointed out that the business has already been operating at this location for a year.

A letter of opposition (Exhibit E-3) was submitted.

Applicant's Rebuttal:

Ms. Smittle stated that she is amenable to restricting the entire operation to the inside of the garage.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 4-0-1 (Abbott, Bolzle, Doverspike, White, "aye"; no "nays"; Turnbo, "abstaining"; none "absent") , and to **APPROVE** a **special exception** to permit a home occupation for **6 months** only (beginning March 14, 1995) - **SECTION 404 - SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; subject to all work and equipment being confined to the garage area only; subject to days and hours of operation being limited to Monday through Saturday, 8 a.m. to 6 p.m., subject to the garage door being 90% closed (work to be out of view of neighbors); subject to no more than two vehicles involved in the business being on the premises at any given time; and subject to no inoperable vehicles on the property; finding that the use is primarily sewing, with minor installation, and that the temporary use will not be detrimental to the neighborhood.

On **MOTION** of **BOLZLE**, the Board voted 4-0-1 (Abbott, Bolzle, Doverspike, White, "aye"; no "nays"; Turnbo, "abstaining"; none "absent") to **UPHOLD** the **decision** of the Code Enforcement officer that the use in question is a Use Unit 15 use (upholstery) - **SECTION 1605 - APPEALS FROM AN ADMINISTRATIVE OFFICIAL**; on the following described property:

Lot 16, Block 2, Wilshire Manor, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16962

Action Requested:

Variance of the required 50' setback from the centerline of North Cincinnati Avenue to 35' to permit the relocation of a sign to be moved due to street widening - **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS**, located 2101 North Cincinnati Avenue.

Case No. 16962 (continued)

Presentation:

The applicant, **R/W Acquisition Associates**, 2101 North Cincinnati, was represented by **Bob Ferguson**, City of Tulsa, who informed that the street is being widened, and a business sign for a convenience store is being relocated. He submitted a plot plan (Exhibit F-2) and informed that the sign would be against the store if required to comply with the current setback. A letter from Jim Garriott (Exhibit F-1), City Building Plans Examiner, was submitted.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; Doverspike, "abstaining"; none "absent") to **APPROVE** a **Variance** of the required 50' setback from the centerline of North Cincinnati Avenue to 35' to permit the relocation of a sign to be moved due to street widening - **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS**; per plan submitted; finding that the widening of the street necessitates the relocation of the existing sign, and finding that the sign would be in the driveway and against the building if required to comply with the current Code in regard to setbacks; on the following described property:

Lots 14 and 15, Block 1, Meadowvale, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16963

Action Requested:

Variance of the required number of off-street parking spaces from 48 to 40 - **SECTION 1212.a.D. Off-Street Parking and Loading Requirements** - Use Unit 12a, located 6339 East Tecumseh.

Presentation:

The applicant, **Sheila Gilliland**, 10956 East 3rd Street, submitted a drawing (Exhibit G-1) and informed that her business has 45 of the required 48 parking spaces.

Comments and Questions:

Mr. White asked the applicant if the fenced lot to the west is a part of her property, and she informed that Lots 12, 13 and 14 are included in the request.

Mr. White noted that Lot 14 was not advertised as a part of this application.

In reply to Mr. White, Ms. Gilliland stated that Lot 14 is covered with gravel.

Case No. 16963 (continued)

In response to Mr. Doverspike, Mr. Gardner advised that the gravel parking lot may be nonconforming.

Mr. White pointed out that there are only 18 parking spaces on Lots 12 and 13.

Protestants:

Jeannie Rose, 1917 North Norwood Place, stated that the use has changed from a machine shop to a pool hall and she is opposed to the application, because it will cause a parking and traffic problem in the neighborhood.

Robert Utley, 1004 East 76th Street North, Sperry, Oklahoma, informed that he owns property in the immediate area and pointed out that the use would not have sufficient parking even if Lot 14 is included.

Applicant's Rebuttal:

Ms. Gilliland stated that security will be provided at all times, and 45 parking spaces can be provided.

It was the consensus of the Board that Case No. 16963 should be continued to allow sufficient time for the applicant to prepare a parking plan and permit staff to readvertise to include Lot 14.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 16963 to April 11, 1995.

Case No. 16964

Action Requested:

Special Exception to permit outdoor sale of flowers for 150 days in 1995 and an indefinite number of years following - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2, located northwest corner of East 91st Street.

Presentation:

The applicant, **Craig Bay**, 1137 East 25th Street, submitted a plot plan (Exhibit H-1) and informed that he previously received approval for flower sales at this location and requested permission to continue the use.

Comments and Questions:

Mr. Doverspike asked if the sales operation is the same as last year, and Mr. Bay answered in the affirmative.

Case No. 16964 (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 **APPROVE** a **Special Exception** to permit outdoor sale of flowers **3 years only - SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2; per plan submitted; subject to days and hours of operation being March 15th through July 15th and September 15th through October 31st in 1995, 1996 and 1997; finding the use has previously operated at this location and approval of the request will not be detrimental to the area; on the following described property:

Lot 1, Block 1, Grand Point Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16968

Action Requested:

Variance of the required 50' setback from 5th Street to 30', a variance of the required 100' setback from South Utica to 60' and a variance of the required setback from the east property line, all to permit an addition to an existing car wash - **SECTION 703 - BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located 433 South Utica.

Presentation:

The applicant, **Mike Soetaert**, 9111 North Memorial Drive, Owasso, Oklahoma, submitted a plot plan (Exhibit J-1) and informed that the Car Wash is proposing to add two bays to an existing structure. He informed that the business has been in operation for 14 years and the entire facility will be refurbished.

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 50' setback from 5th Street to 30', a **variance** of the required 100' setback from South Utica to 60' and a **variance** of the required setback from the east property line, all to permit an addition to an existing car wash - **SECTION 703 - BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; finding that the addition to the existing car wash will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 14 and the south half of Lot 15, Block 12, Abdo's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16969

Action Requested:

Special Exception to permit a Use Unit 2 use (boys ranch) in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 203 West 28th Street North.

Presentation:

The applicant, **Tulsa Boys Ranch**, 1330 North Boston Place, was represented by **Dwight Morrison**, Route 2, Box 85, Sapulpa, Oklahoma, who requested permission to utilize the vacant Robert Frost Elementary School for a transitional housing and special schools program for 30 male children (ages 7 through 18). He noted that the targeted population served would not be substantially different from the students previously attending this school. Mr. Morrison stated that it is the goal of Tulsa Boys Ranch to identify and serve those children who are victims of circumstance. He advised that the residents of the facility will consist of those children with behavioral, emotional and social problems. Mr. Morrison informed that the children are referred from the Department of Human Services, health centers and psychiatric hospitals and prospective residents are screened by the intake director to determine the agency's ability to meet their individual needs. Violent or psychotic children are not accepted, nor are those that are addicted to drugs or delinquent, and the typical stay at the Boys Ranch is from 18 to 24 months. A packet (Exhibit K-1) containing statistics and the proposal was submitted.

Robert Crain, 3604 South Portland, Oklahoma City, Oklahoma, advised that he was raised in an abusive family and is in support of a home that is available to children that need to escape from a home-life that is intolerable. He stated that, had it not been for such a facility, he would not have been able to straighten out his life.

Interested Parties:

Richard Morton informed that he owns property at 223 West 28th Street North and is supportive of the application. He pointed out that there are no houses abutting the school property, and making use of the empty building would be an advantage to the neighborhood.

Comments and Questions:

Ms. Turnbo asked Mr. Morrison where the children are sent after their stay at the Boys Ranch, and he stated that it is their goal to build another facility to house these individuals.

In reply to Ms. Turnbo, Mr. Morrison stated that children must remain on the grounds unless supervised.

Mr. Doverspike asked if the southerly access is the only entrance to the facility, and Mr. Morrison answered in the affirmative.

Case No. 16969 (continued)

Ms. Abbott asked if the facility has been leased from the Tulsa School Board, and Mr. Morrison stated that plans have not been finalized.

Protestants:

Councilor Joe Williams stated that he is supportive of the concept, but is not supportive of the use at the proposed location. He pointed out that access to the building is through the nearby neighborhood, which is primarily comprised of elderly residents. Mr. Williams stated that he is also concerned that the operation of the facility would have a negative impact on economic development in the area. He stated that the Boys Ranch would serve many individuals that are considerably older than the elementary students previously attending the school. Mr. Williams requested that Mr. Morrison find a more suitable location for the Tulsa Boys ranch.

Edna Gibbs, 2815 North Boulder, stated that she is opposed to the Tulsa Boys Ranch at the proposed location.

Charlie Busby, 2808 North Boulder, stated that she lives near the school and is opposed to the Boys Ranch in the quiet residential neighborhood. She stated that the use would generate additional traffic and destroy property values.

Alvin Mays stated that he lives on the corner of 28th & Boulder and is opposed to the application because of limited access to the facility.

Johnny Asberry, 2726 North Main Street, asked the Board to protect the residential neighborhood and deny the application.

Harvey Anderson, 2720 North Cheyenne, stated that he is concerned with control of the residents living in the facility.

Virginia Rose, 2803 North Main, stated that a rural area would be a more appropriate location for the proposed use.

Applicant's Rebuttal:

Mr. Morrison stated that children that are capable of functioning in a residential area should be permitted to live there. He pointed out that early childhood assistance for these children will prevent them from becoming juvenile delinquents, and the property in question would be an ideal location for the proposed use. Mr. Morrison pointed out that the land to the north is a vacant field, on the west is a hillside, on the east a park, with a few residential properties located on the southeast end of the tract. He noted that the school yard is currently littered with beer bottles and other debris, and it appears that unlawful activities are being conducted on the premises. Mr. Morrison stated that the neighborhood will be safer if the building is occupied, and the proposed use would not generate as much traffic as the school that was previously at this location.

Case No. 16969 (continued)

Mr. White asked if visitation will be limited, and Mr. Morrison answered in the affirmative. He informed that visitors will be permitted only on Sundays.

Ms. Abbott stated that she is opposed to placing troubled children in a facility in this older established neighborhood. She pointed out that the elementary building has no recreational facilities for the boys and seems to be inadequate for the proposed use. Ms. Abbott stated that the applicant does not have a lease on the property, nor is a school representative present to address the issue.

Ms. Turnbo informed that she site-checked the area and it is her determination that the neighborhood is stable; however, the placement of this use in the vacant school building could cause the area to lose its stability. She pointed out that a facility of this type should be located on a major street; however, and noted that this building is tucked away in the residential neighborhood and has poor street access.

It was the consensus of the Board that the use would be injurious to the neighborhood.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Special Exception** to permit a Use Unit 2 use (boys ranch) in an RS-3 zoned district **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; finding that the use is not compatible with the surrounding area; and finding that approval of the special exception would be injurious to the neighborhood; on the following described property:

A portion of Lot 7, and a portion of the NE/4, SE/4, all in Section 23, T-20-N, R-12-E, Tulsa County, Oklahoma, more particularly described as follows: Beginning at a point 25' north and 80.83' west of the SE/c of said Lot 7, thence N 0° 06' 10" W a distance of 265.40'; thence due west a distance of 300'; thence N 0° 06' 10" W a distance of 808.08'; thence due east a distance of 474.33'; thence S 0° 06' 10" E a distance of 721.00'; thence S 29° 07' 12" W a distance of 147.38'; thence S 0° 06' 10" E a distance of 223.48'; thence due west a distance of 102.33' to the POB, containing 9.385 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16970

Action Requested:

Special Exception to permit a Use Unit 19 use (motel) in an IL zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** Use Unit 19, located 6730 East Archer.

Case No. 16970 (continued)

Presentation:

The applicant, **Ernie Hartman**, 2017 West Detroit, submitted a plot plan (Exhibit L-1) and requested permission to construct a motel in an industrial district. He informed that there are other motels in the immediate area.

Comments and Questions:

Mr. Doverspike asked if the entrance to the motel will be on Archer, and the applicant answered in the affirmative.

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 **Special Exception** to permit a Use Unit 19 use (motel) in an IL zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 19; per plot plan submitted; subject to motel/hotel use only; finding the use to be compatible with the surrounding area, and in harmony with the spirit and intent of the Code; on the following described property:

Lot 1 and the east 36.25' of Lot 13, and the east 36.25' of Lot 12, less the south 11.2' of Lot 12, all of Lot 2, Polston Third Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16971

Action Requested:

Special Exception to permit a home occupation (insurance office, property management and attorney) in an RS-3 zoned district - **SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, and a variance to permit 6" signs to be attached to the mail box - **SECTION 402.B.6.2 HOME OCCUPATIONS**, located. 2522 South 109th East Avenue.

Presentation:

The applicant, **Doug Embry**, 2522 South 109th East Avenue, informed that he has had an office in his home for approximately 23 years and requested permission to continue the operation. He informed that he sells insurance, manages property and practices law in the area of insurance and property management. Mr. Embry informed that 90% of his business is conducted over the telephone and he has never received a complaint from a neighbor. The applicant informed that his hours of operation are 9 a.m. to 5 p.m., with no weekend work unless a tenant brings a lease payment to his home. He pointed out that there are several home offices in the neighborhood, along with two beauty shops and a machine shop. Mr. Embry stated that an average of eight clients visit his home each week, with each visit being approximately 45 minutes. He stated that the signs on the mail box are not essential, but were installed to prevent his clients from going to the wrong house.

Case No. 16971 (continued)

Photographs (Exhibit M-1) and a notice of violation (Exhibit M-2) were submitted.

Protestants:

Mr. Doverspike informed that the Board has received five letters of opposition (Exhibit M-3) to the application.

Wayne Anderson, 2531 South 110th East Avenue, informed that any approval for a business in the residential neighborhood would set a precedent. He asked that the Board preserve the residential character of the area and deny the request.

Warren Grove, 2521 South 110th East Avenue, asked the Board to eliminate the Code violation by denying the application.

Comments and Questions:

Ms. Abbott asked the applicant if he operates three businesses in his home, and he answered in the affirmative. He added that his businesses are not advertised, but are listed in the yellow pages of the phone book.

Ms. Turnbo inquired as to the amount of space devoted to the businesses, and he replied that the office is in a converted garage (approximately 420 sq ft).

In reply to Ms. Abbott, the applicant stated that the garage was converted to office space approximately 15 years ago and a glass front was installed to replace the garage door.

Ms. Abbott asked when the signs were placed on the mail box, and the applicant stated that the signs have been in place two years.

Ms. Turnbo inquired as to the number of clients that visit in the nighttime hours, and the applicant replied that some tenants occasionally bring lease money to his home at night.

Ms. Parnell asked the applicant if he has had an office on 21st Street, and he replied that he officed there approximately 23 years ago, and has also had an office on Garnett Road.

Ms. Parnell noted that there is no outward indication of other businesses being in operation in this area.

Mr. Bolzle remarked that the home (front of the garage) has the appearance of commercial property, which is in violation of the home occupation guidelines (Section 404.B.6), and it is evident that a business is in operation.

Case No. 16971 (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 **DENY** a **Special Exception** to permit a home occupation (insurance office, property management and attorney) in an RS-3 zoned district - **SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, and a **variance** to permit 6" signs to be attached to the mail box - **SECTION 402.B.6.2 HOME OCCUPATIONS**; finding the use to be a type of commercial activity that is incompatible with the residential neighborhood; finding that the exterior of the dwelling has been modified and has the appearance of a commercial building; and 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 31, Block 7, Magic Circle III, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16972

Action Requested:

Special Exception to permit a 30' by 50' tent for outdoor sale of flowers in a CH zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2, located 5340 East 41st Street South.

Presentation:

The applicant, **Craig Bay**, 1137 East 25th Street, submitted a plot plan (Exhibit N-1) and informed that he previously received approval for flower sales at this location and requested permission to continue the use.

Comments and Questions:

Mr. Doverspike asked if the sales operation is the same as last year, and Mr. Bay answered in the affirmative.

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 **Special Exception** to permit outdoor sale of flowers **3 years only** - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 2; per plan submitted; subject to days and hours of operation being March 15th through July 15th and September 15th through October 31st in 1995, 1996 and 1997; finding the use has previously operated at this location and approval of the request will not be detrimental to the area; on the following described property:

The east 225' of the west 410' of a tract beginning 1686' east and 90' south of the NW/c Section 27, T-19-N, R-13-E, thence south 249.91', east 770', north 249.53', west 770', to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16973

Action Requested:

Special Exception to permit a residential care home for 9 elderly residents, which is to be staffed 24 hours a day - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 5709 South 66th East Avenue.

Presentation:

The applicant, **Pamela Williams**, 5709 South 66th East Avenue, advised that she has been in residential home care for approximately 11 years and requested that she be permitted to care for nine elderly residents, instead of the permitted maximum of six. Ms. Williams stated that she has obtained a license from the State to care for nine residents (Exhibit P-2) and is currently caring for nine. She informed that the residents do not drive, and visitors come and go and there has not been a parking problem.

Comments and Questions:

In reply to Mr. Doverspike, the applicant stated that the screening fence has an opening for the sidewalk

Mr. Doverspike asked if the residents walk in the neighborhood, and Ms. Williams answered in the affirmative. She added that the residents are always assisted by an aide.

In reply to Ms. Turnbo, the applicant stated that some residents receive therapy in the home.

Protestants:

Mr. Doverspike informed that several letters of protest (Exhibit P-3) were submitted.

Paul Sullivan, 5731 South 68th East Avenue, informed that parking is a definite problem and the screening fence is in bad repair. Mr. Sullivan noted that there are no sidewalks in the neighborhood and that he has observed residents of the home walking aimlessly in the street. He pointed out that the garage has been converted to accommodate additional residents.

Robert Coke, 5742 South 68th East Avenue, informed that the house has small bedrooms and asked the Board to deny the request for three additional residents.

The residents at 6614 East 57th Place advised that large amounts of trash collect, which can be seen over the screening fence, and traffic is always a problem near the home.

Lloyd Hobbs, chairman for District 18, stated that there are children that walk to the nearby school and approval of the request could result in a safety problem in the neighborhood.

Case No. 16973 (continued)

Ken Adams, vice-chairman for District 18, noted that approval of the request could have an adverse impact on property values in the neighborhood.

Applicant's Rebuttal:

Ms. Williams stated that her business provides a quiet home-like setting for the residents and they are never permitted to walk in the neighborhood without a staff person.

Comments and Questions:

Mr. Bolzle advised that he is not supportive of increasing the intensity of this use, and stated that permitting more residents than are allowed by right would be injurious to the neighborhood.

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 **Special Exception** to permit a residential care home for 9 elderly residents, which is to be staffed 24 hours a day - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; finding that an expansion of the use (more than 6 elderly individuals) would be injurious to the neighborhood, and would violate the spirit and intent of the Code; on the following described property:

Lot 17, Block 4, Woodland View I Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16974

Action Requested:

Variance of the required livability space in an RS-2 zoned district from 5000 sq ft to 2859 sq ft - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located east of the northeast corner of South Norfolk and East 25th Street.

Presentation:

The applicant, **Terrell D. Palmer**, 1762 East 31st Street, submitted a plot plan (Exhibit R-1) and informed that he is proposing to construct a dwelling on a vacant 50' lot. He stated that all homes in this block have detached garages and, in order to construct a detached garage and comply with the character of the neighborhood, a variance of livability space is necessary.

Case No. 16974 (continued)

Interested Parties:

Emily Renberg, 2523 South Norfolk, stated that she is not concerned with the proposed dwelling, but is somewhat concerned with setting a precedent for granting variances of this type. She pointed out that a variance was granted for the construction of one home in the area with a garage in front, which is not in keeping with the style of the neighborhood. Ms. Renberg pointed out that there is another vacant lot across the street, and she voiced a concern that an undesirable dwelling might be constructed on that lot, with similar variances being approved.

Charles Biederman, 2522 South Norfolk, stated that there are numerous 50' lots in the area, and he is concerned that the approval of more and more variances would result in houses covering the entire lot. He voiced a concern that the character of the neighborhood will be changed.

Mr. Burns stated that he had confused the applicant with another individual with the same name, and advised that he is not opposed to the application.

Applicant's Rebuttal:

Mr. Palmer stated that the lot is nonconforming, and pointed out that the proposed dwelling will comply with all setback requirements. He informed that he is attempting to retain the integrity of the neighborhood by constructing a detached garage to the rear of the dwelling.

Additional Comments:

Mr. Bolzle stated that he is concerned with granting a 43% reduction in livability space.

Mr. Palmer noted that similar variances have already been granted on other lots in the area.

Mr. Gardner advised that this lot, as well as many other lots in the area, does not comply with RS-2 zoning requirements, but pointed out that, except for the driveway and the rear garage, livability space would exceed the required amount (5000 sq ft).

Mr. Palmer stated that he could redesign the house with a front garage; however, he has conferred with area residents and they are not supportive of this design.

Ms. Turnbo stated that she has site checked the area and the homes in this neighborhood consistently have rear garages.

Case No. 16974 (continued)

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-2-0 (Abbott, Turnbo, White, "aye"; Bolzle, Doverspike, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required livability space in an RS-2 zoned district from 5000 sq ft to 2859 sq ft - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding the lot is nonconforming and does not comply with RS-2 requirements; finding that the location of the garage in the rear to retain consistency with the neighborhood causes the livability space to be less than (2859 sq ft of livability space plus 2200 sq ft or more of garage and driveway) the required amount (5000 sq ft); and finding that the proposed construction adheres to all setback requirements and is consistent with area development; on the following described property:

Lot 13, Block 4, Sunset Terrace, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16975

Action Requested:

Appeal from the decision of the determination given by the Historic Preservation Review Board that the proposed dwellings do not meet the historic preservation guidelines - **SECTION 1055.F APPEAL OF PRESERVATION COMMISSION ACTION** - Use Unit 6, located 1731 South Madison and 1006 East 17th Place.

Presentation:

The applicant, **Michael Dankbar**, 8704 South Indianapolis, was represented by **Roy Johnsen**, 201 West 5th Street, who informed that the property in question is comprised of two existing lots zoned RS-3. He pointed out that a Certificate of Appropriateness (COA) is required for new construction, demolition or alteration of existing structures. Mr. Johnsen stated that the COA was issued for the demolition of an existing ranch style home and the Commission approved the retention of the brick wall around the property. He noted that his client then purchased the two lots and determined to construct a dwelling on each lot, both of which the Tulsa Preservation Commission found to be inappropriate for the neighborhood.

Comments and Questions:

Mr. Doverspike asked Mr. Linker if the Board is basically in a de novo setting in regard to the appeal, and he replied that this is his understanding.

Mr. Johnsen advised that the Code states that the Board should utilize the design guidelines to determine the appropriateness or inappropriateness of the proposed work, and should strive to affect a fair balance between the purpose of the Code and the desires and needs of the property owner. He pointed out that there is not a consistent architectural style in the area, nor are the exterior coverings similar, with some being brick, stucco, asbestos shingle, etc. Mr. Johnsen also noted that there

Case No. 16975 (continued)

are some two-story homes and some with only one-story. He stated that a basis for denial of his client's plan is not apparent, and asked the Board to overturn the decision of the Tulsa Preservation Commission.

Protestants:

Wiley Parsons, Tulsa Preservation Commission chairman, advised that the Tulsa Preservation Commission does not consider style when deciding if a particular property complies with the guidelines. He stated that the Commission denied Mr. Dankbar's requests for a COA because of, but not limited to, its failure to meet the scale, proportion, rhythm and relationship to properties in the immediate area. A letter of support (Exhibit T-2) was submitted.

Mr. Bolzle inquired as to the definition of scale, proportion and rhythm, and **Herb Fritz**, who is the designated architect serving on the Tulsa Preservation Commission, stated that the scale of dwellings on abutting properties is much larger than those proposed and the rhythm or regularity of houses in the immediate area is interrupted by the proposed dwellings.

Mr. Doverspike asked Mr. Fritz if he can conceive of two dwellings that would be consistent with the above stated guidelines, and he replied that this is possible.

Mr. Doverspike noted that there are smaller houses in the neighborhood that are next to larger houses, and asked why the proposed houses would violate the guidelines. Mr. Fritz stated that the Commission took into consideration only the homes on the block where the proposed dwellings are to be constructed.

Ms. Abbott asked if there is a mixture of one-story and two-story homes from 17th Street to 18th Street, and Mr. Fritz answered in the affirmative.

In reply to Ms. Abbott, Mr. Johnsen stated that the dwelling to the east is 33' in height at grade and that the proposed eastern dwelling will be 31' in height, with the corner dwelling being 28'. He noted that there is a 4' difference in grade from the home to the east.

In reply to Ms. Turnbo, Mr. Fritz stated that it was determined by the Commission that the houses did not meet the guidelines, which state that the houses located within the same block should provide material, scale and design for new construction.

Mr. Bolzle asked if a destroyed house could be replaced with the same type of house, and Mr. Fritz replied that the Commission might not accept the same type of dwelling as a replacement.

Randy Krehbiel, 1016 East 17th Place, pointed out to the Board that expert Stai people have made a recommendation regarding this issue.

Case No. 16975 (continued)

Hope Pinkerton, 1006 East 17th Place, read a letter from the Maple Ridge Board of Trustees, which stated that they are supportive of the decision of the Tulsa Preservation Commission.

Mr. Doverspike asked Mr. Pinkerton if there was a recommendation to Mr. Dankbar as to changes that could be made to the plans that would correct the deficiencies they found in his proposal, and he replied that there was a discussion about building materials, but it was found that scale and rhythm were overriding issues.

Mr. Pinkerton stated that these two lots were tied together by one dwelling when the preservation guidelines were adopted and a brick wall was constructed around that dwelling. He stated that the rhythm and scale in the neighborhood would be interrupted if the two dwellings are approved.

Jan Krehbiel, 1016 East 17th Place, stated that it is the architect's responsibility to comply with the rhythm and scale of the neighborhood.

Marty Newman, 1107 East 19th Street, stated that he is the Maple Ridge representative to the Tulsa Preservation Commission, and noted that the lots in question are surrounded on three sides by large homes with large lots, with small bungalow homes being on the fourth side. He stated that the two proposed dwellings do not respect these large homes or the small homes.

Ms. Turnbo asked Mr. Newman if it his opinion that two dwellings can be constructed on the property that will satisfy the requirements of the Tulsa Preservation Commission, and he replied that two homes can be constructed on the lots, but not the two homes proposed by Mr. Dankbar.

Walter Rickel, 1023 East 17th Place, stated that he owns a dwelling to the north of the subject property.

Mr. Johnsen asked Mr. Fritz which neighborhood the proposed houses have to prove compatibility with, and he replied that the rhythm and scale of the block was considered in this case, rather than the houses across the street.

Applicant's Rebuttal:

Mr. Johnsen stated that the discussion indicates that the neighborhood is requesting that only one house be constructed on the property. He pointed out that rhythm and proportion is not evident in this neighborhood, because the houses vary in size, building materials and architecture. Mr. Johnsen noted that a single-story structure exists on the same block at the east end.

Additional Comments:

Mr. Doverspike asked if the adoption of the HP Ordinance gives the Board a basis for requiring that the two lots be treated as one, and Mr. Jackere replied that each lot is available for the construction of a dwelling.

Case No. 16975 (continued)

Ms. Abbott noted that several blocks in the area have two-story houses directly across the street from those that have only one story. She pointed out that, according to court house records she reviewed, the two proposed homes are consistent with the square footage of other homes in the block.

Mr. Doverspike remarked that it is the applicant's responsibility to submit plans that he feels will be compatible with the neighborhood, and it is the responsibility of the Commission to make a strong effort to reach a balance.

Mr. Bolzle stated that it seems appropriate to consider both sides of the street and there is an overall mixture in the neighborhood.

Ms. Turnbo noted that she is inclined to uphold the decision of the Tulsa Preservation Commission, because Mr. Fritz has stated that two acceptable houses can be constructed on the two lots in question.

Board Action:

Ms. Turnbo's motion to uphold the decision of the Tulsa Preservation Commission and deny the appeal died for lack of a second.

On **MOTION** of **ABBOTT**, the Board voted 4-1-0 (Abbott, Bolzle, Doverspike, White, "aye"; Turnbo, "nay"; no "abstentions"; none "absent") to **APPROVE** the **Appeal** and **OVERTURN** the decision of the Historic Preservation Review Board that the proposed dwellings do not meet the historic preservation guidelines - **SECTION 1055.F APPEAL OF PRESERVATION COMMISSION ACTION** - Use Unit 6; per plans and construction details submitted; finding that the proposed homes do meet the Historic Preservation Guidelines, because the homes in the neighborhood vary in size, building materials and architectural design, and that the proposed dwellings, as presented, are compatible with the area, and in harmony with the spirit and intent of the Code; on the following described property:

Lot 7 and the east 50' of Lot 8, Block 2, less commencing at the northeast corner of Lot 8, thence running southwesterly on a curve with a 50' radius through an arc of 90° to a point 50' south of the north line of Lot 8, thence north 50' thence east to POB in Maple Ridge Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16976

Action Requested:

Special Exception to permit church and school use in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 2, located 1323 East 49th Street.

Case No. 16976 (continued)

Comments and Questions:

Mr. Doverspike advised that he will abstain from hearing Case No. 16976.

Presentation:

The applicant, **Gregory Meier**, 3800 First National Tower, stated that he is representing the existing church and school, and requested permission to operate an after-school program in a residential dwelling owned by the church. He informed that access to the building will be from the church parking lot, with no access being provided on 49th Street. Mr. Meier submitted a plot plan (Exhibit U-1) and stated that the program will serve 22 students.

Comments and Questions:

In response to Mr. Gardner, the applicant stated that the church owns four dwellings; however, only one structure will be used for the program. He informed that the other dwelling are rented for residential purposes.

Mr. White asked if Lot 6 is the only property being used for the after-school program, and the applicant answered in the affirmative.

Mr. Bolzle asked if the exterior of the dwelling will be modified, and Mr. Meier replied that there will be no exterior changes, except for the addition of a ramp at the rear to comply with disability requirements.

In reply to Mr. Bolzle, the applicant stated that fencing is in place.

Mr. Bolzle inquired as to the days and hours of operation for the program, and Mr. Meier replied that the facility will be open on school days from 3 p.m. to 6 p.m.

Ms. Turnbo asked if children will be picked up in front of the dwelling, and the applicant stated that it is planned that all children will be picked up from the church parking lot.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-1 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; Doverspike, "abstaining"; none "absent") to **APPROVE** a **Special Exception** to permit church and school use in an RS-3 zoned district on **Lot 6 only - SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS -** Use Unit 2; subject to a maximum of 22 children; subject to the operation being limited to school days only, 3 p.m. to 6 p.m.; subject to all access being from the church parking lot, with only the back door of the residence being used for entry; finding that the area is in transition 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:

Case No. 16976 (continued)

Lots 6, Block 17, Bellaire Acres Second Ext., City of Tulsa, Tulsa County, Oklahoma.

Case No. 16977

Action Requested:

Variance of the required off-street parking spaces - **SECTION 1214.D - OFF-STREET PARKING AND LOADING REQUIREMENTS** - Use Unit 14, located 7215 South Memorial Drive.

Presentation:

The applicant, **Kevin Coutant**, 320 South Boston, submitted a packet (Exhibit V-1) containing a plot plan, photographs and additional data regarding the application. He informed that his client is proposing to enlarge the existing furniture store and use the additional space for warehouse purposes (approximately 16,000 sq ft), with no consumer traffic. Mr. Coutant stated that the existing building and expansion will total approximately 71,000 sq ft, (28,000 sq ft warehouse). He informed that the parking lot has been extended to provide 16 additional spaces; however, two spaces on the north were displaced by an access point on that boundary, and a total of 250 spaces will be available for the use.

Comments and Questions:

Mr. Gardner noted that the additional space will be limited to warehouse use only.

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 off-street parking spaces - **SECTION 1214.D - OFF-STREET PARKING AND LOADING REQUIREMENTS** - Use Unit 14; per plan submitted, with the modification to delete two spaces for access; subject to the 28,000 sq ft addition being restricted to warehouse use only; finding that approval of the warehouse will not be open to the public and will not create a need for additional parking; on the following described property:

Lot 3, Block 1, El Paseo, less and except the north 430' thereof, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16979

Action Requested:

Special Exception to permit a 1983 sq ft dry cleaning facility in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 15; located 6630 South Lewis.

Presentation:

The applicant, **Cynthia Woodson**, 1519 East 75th Street, was represented by **Tod Sanders**, owner of Comet Cleaners, who submitted a plot plan (Exhibit W-1) and requested permission to operate a cleaners at the above stated location.

Comments and Questions:

In reply to Mr. Bolzle, Mr. Sanders replied that the cleaning establishment will be located on Spaces 4 and 5.

Mr. Bolzle asked if this location will be limited to pick-up and delivery, and Mr. Sanders stated that a dry cleaning plant will be in operation.

Mr. Gardner advised that the cleaning industry has changed considerably since the last Code revision, and another revision is being considered that will permit additional square footage by right.

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 **Special Exception** to permit a 1983 sq ft dry cleaning facility in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 15; per plan submitted (Spaces 4 & 5); finding the use and size of the cleaning establishment to be compatible with the area; on the following described property:

A tract of land lying in the SE/4, Section 6, T-18-N, R-13-E of the IBM, Tulsa County, Oklahoma, according to the United States Government Survey thereof, described as follows: Beginning at a point on the east line of said Section 6 a distance of 2092.20' north of the SE/c of said Section 6, thence due north a distance of 292', thence N 89° 59' W a distance of 250', thence due south a distance of 390', thence S 89° 59' E a distance of 10', thence due north a distance of 98', thence S 89° 59' E a distance of 240' to the POB, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 16951

Action Requested:


The applicant, **Rod Smith**, 5424-B South Memorial Drive, requests a refund of fees.

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 refund of fees in the amount of \$206.00.

There being no further business, the meeting was adjourned at 6:45 p.m.

Date Approved MARCH 28, 1995


Chairman