

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 677
Tuesday, March 28, 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
------------------------	-----------------------	----------------------	-----------------------

Bolzle
Doverspike, Chairman
Turnbo
White

Abbott

Gardner
Beach
Moore

Linker, Legal
Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, March 27, 1995, at 10:18 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 March 14, 1995 (No. 676).

Comments and Questions:

In regard to Case No. 16998, Mr. Doverspike advised the applicant, Mr. Wright, that it has been reported that a church is located within 500' of the proposed sexually oriented business and, if in operation, would require additional advertising.

Mr. Wright stated that the building was utilized as a church, but is vacant at this time and is probably not an issue.

Mr. Linker stated that the church would have to be actively in operation to qualify as a church.

After discussion, Mr. Wright requested that Case No. 16988 be continued to April 11, 1995, to allow sufficient time for further investigation regarding the church and to advertise for additional relief if necessary.

MINOR VARIANCES AND EXCEPTIONS

Case No. 17006

Action Requested:

Minor Special Exception to amend a previously approved site plan (BOA-16712).

Presentation:

The applicant, **Jim Schwerts**, 13539 East 38th Place, was not present.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **DENY WITHOUT PREJUDICE** Case No. 17006, due to the failure of the applicant to appear.

NEW APPLICATIONS

Case No. 16980

Action Requested:

Variance of the required setback from South Memorial Drive to permit an addition to an existing building - **SECTION 903. - BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 17, located 3708 South Memorial Drive.

Presentation:

The applicant, **Howard Raskin**, 6809 South Canton, submitted a plot plan (Exhibit A-1) and informed that an addition is proposed to an existing building that was constructed over the setback line approximately 20 years ago. He noted that a 4' awning is attached to the building, which also encroaches.

Comments and Questions:

Mr. Bolzle asked if the expansion will encroach into the required zoning setback, and Mr. Raskin stated that it does not. He informed that the existing building is only over the building setback line because of the extra Memorial right-of-way..

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** a **Variance** of the required setback from South Memorial Drive to permit an addition to an existing building - **SECTION 903. - BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 17; per plan submitted; finding that the proposed addition will not encroach into the required setback, but is an existing building that

Case No. 16980 (continued)

was constructed over the platted setback line approximately 20 years ago; 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:

A part of Lot 1, Block 1, Dotson Center, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof; being more particularly described as follows to wit: Beginning at the SE/c of said Lot 1, Block 1, Dotson Center said point also being the NE/c of said Lot 2, Block 1, Dotson Center; thence N0 03'00"E and along the east line of said Lot 1, Block 1, for 154.67'; thence due west for 240.00'; thence S0 03'00"W and parallel to the east line of said Lot 1, Block 1, for 261.11' to a point on the south line of said Lot 1, Block 1, thence S64 40'07"E and along the south line of said Lot 1, Block 1, for 45.52'; thence N57 41'29"E and continuing along the south line of Lot 1, Block 1 for 235.50' to the POB and containing 54,411 sq ft more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16981

Action Requested:

Variance to permit an existing electronic message center located on a football scoreboard to remain in its present location and configuration - **SECTION 302.B.2. - Accessory Signs in the AG District** - Use Unit 2, located north of the northwest corner of East 71st Street and South Mingo Road.

Presentation:

The applicant, **Eric Nelson**, 525 South Main, stated that he is counsel for Union Public Schools, and requested that the existing electronic message center be permitted to remain at its current location. He submitted a plot plan (Exhibit B-1) and noted that the message center (2½' by 24') has been installed on top of the score board. Mr. Nelson pointed out that a hardship is demonstrated by the large size of the tract (50 acres) and the amount of street frontage (1720' on Mingo Road), which would permit several signs by right if divided into individual lots. The applicant stated that the message center is located more than 1000' from residential developments and is setback 200' from the centerline of Mingo Road. Photographs (Exhibit B-2) were submitted.

Comments and Questions:

In reply to Mr. Doverspike, the applicant stated that the scoreboard faces to the north and the message center faces both north and south.

Case No. 16981 (continued)

Mr. Gardner advised that the message sign in question faces the south and can be viewed by the public from both 71st Street and Mingo Road. He informed that the Code requires constant lighting, if lights are installed on the sign (no flashing of messages permitted).

In reply to Mr. Doverspike, Mr. Nelson stated that the message center will not be used for commercial purposes and will not be flashing.

Mr. Gardner noted that constant lighting was required to protect residential neighborhoods.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** a **Variance** to permit an existing electronic message center located on top of a football scoreboard to remain in its present location and configuration - **SECTION 302.B.2. - Accessory Signs in the AG District** - Use Unit 2; per plan submitted; finding a hardship demonstrated by the size of the tract and the large amount of street frontage; finding that the electronic message board will be used for school use only, with no commercial advertising; finding that the sign is removed from the residential area and will not have an adverse impact on the neighborhood, or violate the spirit and intent of the Code; on the following described property:

NE/4, SE/4, Section 1, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16982

Action Requested:

Special Exception to permit a public park in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICT** - Use Unit 2, located 2802 West 48th Street South.

Presentation:

The applicant, **City of Tulsa**, was represented by **Ross Weller**, 707 South Houston, who submitted a plot plan (Exhibit C-1) and advised that numerous park improvements are proposed throughout the City. He informed that proposed construction at this location consists of adding outdoor gym equipment and paving a gravel parking lot.

Case No. 16982 (continued)

Comments and Questions:

Mr. Doverspike asked if street access points will be changed, and Mr. Weller replied that all access points will remain the same.

Mr. Bolzle asked if there is a residence near the gym site, and the applicant stated that there is a residence to the south, but he is not sure if it is occupied.

In reply to Mr. Bolzle, Mr. Weller informed that the park has an 11 p.m. curfew, with the court lights being turned off at that time.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** a **Special Exception** to permit a public park in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICT** - Use Unit 2; per plan submitted; finding that the proposed improvements to the park will be compatible with the neighborhood; on the following described property:

Beginning at a point thirty (30) feet East, and Twenty-five (25) feet South of the Northwest corner of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW 1/4) of Section Twenty-seven (27), Township Nineteen (19) North Range Twelve (12) East, thence South Two Hundred Thirty-nine (239) feet, parallel to the West line of the above described forty (40) acres of land, thence East One Hundred Thirt-five (135) feet, parallel to the North line of same thence North Two Hundred Thirty-nine (239) feet parallel to the West line of said Forty (40) acres of land, thence West One Hundred Thirty Five (135) feet to point of beginning (the thirty (30) West and Twentyfive (25) North feet of this lot, to line of the Forty acres is for Road or Street purposes); and also Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), and Nineteen (19) in Block Two (2) Oak Grove Addition to Carbondale. Contains 2.599 acres

Case No. 16983

Action Requested:

Special Exception to permit a public park in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICT** - Use Unit 2, located 404 East 15th Street South.

Presentation:

The applicant, **City of Tulsa**, was represented by **Ross Weller**, 707 South Houston, who submitted a plot plan (Exhibit D-1) and advised that numerous park improvements are proposed throughout the City. He informed that proposed construction at this location consists of adding a gazebo, spray pool, swing sets and paving.

Case No. 16983 (continued)

Comments and Questions:

Ms. Turnbo asked if the City has met with the neighborhood concerning the project, and Mr. Weller answered in the affirmative.

Board Action:

On MOTION of TURNBO, the Board voted 4-0-0 (Bolzie, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** a **Special Exception** to permit a public park in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICT** - Use Unit 2; per plan submitted; finding the park improvements to be compatible with the neighborhood; on the following described property:

A strip, piece or parcel of land lying in Lots 1 to 4 inclusive and part of Lot 5 and part of Lots 14 and 15 and all of Lots 16 to 22, Block 1 and the vacated alley lying between Lots 1 to 4 inclusive and part of Lot 5 and Lots 18 to 22 inclusive, Block 1, Maple Park Addition to the City of Tulsa in Tulsa County, Oklahoma. Said parcels of land being described by metes and bounds as follows:

All of Lots 1 to 4 inclusive, Block 1.

Also: Beginning at the NW corner of said Lot 5, thence South along the West line of said Lot 5 a distance of 35.00 feet, thence N 57°30'07" E a distance of 67.53 feet to a point on the North line said Lot 5, thence West along North line of said Lot 5 a distance of 57.65 feet to point of beginning.

Also: Beginning at the NW corner of Lot 15, thence East along the North line of said Lot 15 a distance of 70.00 feet, thence S 41°50'37" W a distance of 102.76 feet to a point on the West line of Lot 14, said point being 25.00 feet North of the SW corner of said Lot 14, thence North along the West line of Lots 14 and 15 a distance of 75.00 feet to point of beginning.

Also: All of Lots 16 to 22 inclusive, Block 1.

Also: A strip, piece or parcel of land lying in Lots 1 to 13 inclusive, block 2 and the vacated alley lying adjacent to the West line of Block 2, Maple Park Addition to the City of Tulsa in Tulsa County, Oklahoma. Said parcels of land being described as follows:

All of Lots 1 to 13 inclusive, Block 2.

Also: The vacated alley lying adjacent to the West line of said Block 2.

Also: A strip, piece or parcel of land lying in Lots 1 to 3 inclusive, block 3 and the vacated alley lying adjacent to the West line of Block 3, Maple Park Addition to the City of Tulsa in Tulsa County, Oklahoma. Said parcel of land being described as follows:

Case No. 16983 (continued)

Also: Beginning at the NW corner of said Lot 3, thence East along the North line of said Lot 3 a distance of 50.00 feet, thence S 29°49'02" W a distance of 58.38 feet to a point on the South line of said Lot 3, thence West along said South line of said Lot 3, a distance of 20.00 feet to the SW corner of said Lot 3, thence North along the West line of said Lot 3 a distance of 50.00 feet to point of beginning.

Also: Beginning at the NW corner of said Lot 4, thence East along the North line of said Lot 4 a distance of 20.00 feet, thence S 29°49'02" W a distance of 38.92 feet to a point on the West line of said Lot 4, thence North along said West line of said Lot 4 a distance of 33.34 feet to point of beginning.

Also: All of Lots 7 to 12 inclusive, Block 4.

Also: A strip, piece or parcel of land lying in Lots 1 to 5 inclusive, Block 8 and the vacated alley lying adjacent to the West line of Block 8, Maple Park Addition to the City of Tulsa in Tulsa County, Oklahoma. Said parcels of land being described as follows:

All of Lots 1 to 5 inclusive, block 8.

Also: The vacated alley lying adjacent to the West line of said Block 8.

Also: a strip, piece of parcel of land lying in part of vacated Detroit Avenue, vacated 16th Street, vacated Carolina Avenue and vacated 17th Street in the Maple Park Addition to the City of Tulsa in Tulsa County, Oklahoma. Said parcels of land being described as follows:

The vacated Detroit Avenue lying between Lots 14 to 22 inclusive Block 1 and Lots 1 to 9 inclusive Block 2, Maple Park Addition.

Also: The vacated 16th Street lying between Blocks 2 and 4, Maple Park Addition.

Also: The vacated Carolina Avenue lying between Blocks 3 and 4, Maple Park Addition.

Also: The vacated 17th Street lying between Blocks 3 and 8, Maple Park Addition.

Also: Beginning at the NW corner of Block 8, thence North along the West line of Carolina Avenue a distance of 60.00 feet to the SE corner of Block 3, thence East along the North line of 17th Street a distance of 60.00 feet to the SW corner of Block 4, thence Southwesterly on a curve to the left having a radius of 60.00 feet a distance of 94.33 feet to point of beginning.

Containing 8.44 acres, more or less.

Case No. 16984

Action Requested:

Special Exception to permit a head start program in an RM-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 2, located 5824 South Owasso Avenue.

Presentation:

The applicant, **Tulsa Community Action**, 531 East 36th Street North, was represented by **Sylvia Wilson**, who requested that a head start program be permitted at the above stated location. She advised that one of the apartments in the complex will be used for the teaching program.

Comments and Questions:

Mr. Doverspike inquired as to the hours of operation, and Ms. Wilson stated that the head start program will be conducted Monday through Friday, 8 a.m. to 4 p.m..

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** a **Special Exception** to permit a head start program in an RM-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit; subject to days and hours of operation being Monday through Friday, 8 a.m. to 4 p.m.; finding that approval of the request will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lot 1, Block 1, Broadview 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16985

Action Requested:

Special Exception to permit a public park in an RM-1 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICT** - Use Unit 2, located northeast corner of West 7th Street and 49th West Avenue.

Case No. 16985 (continued)

Presentation:

The applicant, **City of Tulsa**, was represented by **Ross Weller**, 707 South Houston, who submitted a plot plan (Exhibit E-1) and advised that numerous park improvements are proposed throughout the City. He informed that this application involves one of the older parks that has never been approved by the Board of Adjustment, and it is their intent to bring this park into compliance with City Code and install paving, along with an outdoor gym. A letter of support (Exhibit E-2) was submitted.

Comments and Questions:

Mr. Doverspike asked if the park curfew is 11 p.m. and if all lighting is directed away from the residences, and Mr. Weller answered in the affirmative.

In reply to Ms. Turnbo, Mr. Weller informed that an outdoor gym is usually a basketball court, but not limited to this use.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bolze, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** a **Special Exception** to permit a public park in an RM-1 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICT** - Use Unit 2; per plan submitted; finding that the proposed park improvements will be compatible with the neighborhood; on the following described property:

All of Lots 8, 9, 10, 11, 12, 13, 14 and 15, Block 9, Verndale Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16986

Action Requested:

Special Exception to permit a public park in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICT** - Use Unit 2, located south of the southwest corner of South Union Avenue and West 41st Street.

Presentation:

The applicant, **City of Tulsa**, was represented by **Ross Weller**, 707 South Houston, who submitted a plot plan (Exhibit F-1) and advised that numerous park improvements are proposed throughout the City. He informed that this application involves an addition to the existing facility, and noted that the neighborhood has been advised of the proposed construction.

Case No. 16986 (continued)

Comments and Questions:

After discussion concerning parking, it was the consensus of the Board that the application should be continued to allow the applicant to present additional details concerning the size of the building and the provided parking.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **CONTINUE** Case No. 16986 to April 11, 1995.

Case No. 16988

Action Requested:

Special Exception to permit a home occupation (hair salon) in an RS-1 zoned district - **SECTION 402.6. HOME OCCUPATIONS** - Use Unit 6, located 11341 South Erie.

Presentation:

The applicant, **Gary Yaeger**, 11341 South Erie, requested that his wife be permitted to operate a home occupation hair salon in their home. He explained that the clients will be seen by appointment only, and there will be no deliveries or exterior modifications to the dwelling. A plot plan (Exhibit G-1) was submitted.

Comments and Questions:

In reply to Mr. Doverspike, the applicant stated that the salon will be located in a utility room off the garage.

Ms. Turnbo inquired as to the anticipated number of clients per day, and Mr. Yaeger replied that they do not expect more than five or six customers each day.

In reply to Mr. Doverspike, the applicant stated that the days and hours of operation will be Monday through Thursday, 9 a.m. to 4 p.m.

Protestants:

Willis Tomsen, 4990 West 114th Place, and **Tom Madden**, 11313 South Erie, voiced an objection to the home occupation, stating that the restrictive covenants for the subdivision would be violated. Letters of opposition (Exhibit G-2) were submitted.

Additional Comments:

Mr. Bolzle informed that the Board does not consider private restrictive covenants when determining land use.

Case No. 16988 (continued)

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** a **Special Exception** to permit a home occupation (hair salon) in an RS-1 zoned district - **SECTION 402.6. HOME OCCUPATIONS** - Use Unit 6; subject to one chair only with no employees; subject to days and hours of operation being Monday through Thursday, 9 a.m. to 4 p.m.; subject to a maximum of 6 clients per day; subject to all other Home Occupation Guidelines and Health Department approval; finding the home occupation, per conditions, to be compatible with the neighborhood; on the following described property:

Lot 2, Block 4, Fieldstone Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16989

Action Requested:

Special Exception to permit a home occupation (beauty shop) in an RS-3 zoned district - **SECTION 402.6 - HOME OCCUPATIONS** - Use Unit 6, located 1843 South 128th East Avenue.

Presentation:

The applicant, **Carol Sadler**, 1843 South 128th East Avenue, advised that her garage has been converted to a beauty shop and requested permission to continue the part-time operation of her business. She advised that ample parking is available for the use.

Comments and Questions:

Mr. Doverspike asked Ms. Sadler if her business has only one chair, and she answered in the affirmative.

In reply to Mr. Doverspike, the applicant stated that business hours are Tuesday through Friday, 9 a.m. to 5 p.m., with no more than four customers per day. She added that a business sign is in place, but can be removed.

Protestants:

Eugene Briley stated that the exterior of the garage has been altered and the dwelling has the appearance of a commercial building in the residential neighborhood.

Karen Langdon, District 17 chairperson, requested by letter (Exhibit H-1) that the application be denied.

Letters of opposition (Exhibit H-1) were submitted.

Case No. 16989 (continued)

Applicant's Rebuttal:

Ms. Sadler stated that the sliding glass door was installed in the garage approximately 16 years ago and she has been operating her business since that time. She reiterated that the business sign can be removed

In reply to Mr. Doverspike, Mr. Gardner advised that the dwelling, in its present state, is not in compliance with home occupation Code requirements.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** a **Special Exception** to permit a home occupation (beauty shop) in an RS-3 zoned district for **one year only - SECTION 402.6 - HOME OCCUPATIONS** - Use Unit 6; subject to days and hours of operation being Tuesday through Friday, 9 a.m. to 5 p.m., with a maximum of 5 customers per day; subject to no signage; subject to the glass doors being replaced with a conventional garage door to retain the character of a residential dwelling; subject to one chair only; and subject to all other Home Occupation Guidelines; finding that approval of the request, per conditions, will not be detrimental to the neighborhood; on the following described property:

Lot 9, Block 7, Stacy Lynn Third Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16990

Action Requested:

Special Exception to permit a Use Unit 17 use (automobile sales) in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located 10863 and 10865 East Admiral Place.

Presentation:

The applicant, **Michael Hodges**, 404 South 122nd East Avenue, was represented by **Jim Brown**, 10810 East 45th Street, who informed that the prospective buyers of the subject property are proposing to operate a used car business.

Comments and Questions:

Mr. Doverspike asked if the existing structures will be utilized as office space, and Mr. Brown answered in the affirmative. He noted that the area in front of the buildings will be paved and used for parking vehicles.

In reply to Mr. Doverspike, Mr. Brown informed that that each buyer is proposing to have approximately 30 cars displayed on the property.

Case No. 16990 (continued)

Mr. Gardner advised that the property owner to the east has voiced a concern regarding the type of operation proposed and the amount of property used for the business.

Mr. Brown pointed out that the business in question would be compatible with the mobile home sales and rental equipment business in the area.

Mr. Gardner pointed out that the applicant has not requested a waiver of fencing requirements, and noted that without this relief the 600' boundary abutting residential property would require screening.

After discussion, it was the consensus of the Board that the case should be continued to allow the applicant to prepare a plot plan depicting the layout for parking and the amount of property utilized for automobile display.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **CONTINUE** Case No. 16990 to April 11, 1995, to allow the applicant sufficient time to prepare a detail site plan for Board review.

Case No. 16991

Action Requested:

Special Exception to permit a dental office in an RM-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 11; and a Variance of the required 55' setback from the centerline of South Rockford Avenue to 41' to permit an addition to an existing building - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 11, located 1421 East 13th Street South.

Presentation:

The applicant, **Robert Johnson**, 2121 South Columbia, Suite 710, was represented by **Bill Holloway**, who submitted a plot plan (Exhibit K-1) and requested permission to convert a vacant church building to a pediatric dental clinic. He informed that a 14' waiting room is proposed on the east side of the building, which would result in a setback of 41' from Rockford Avenue.

Comments and Questions:

Mr. Doverspike asked if the building will be expanded to the north, and Mr. Holloway answered in the affirmative.

Case No. 16991 (continued)

Mr. Doverspike asked if the building will have adequate parking after the proposed expansions, and Mr. Holloway stated that these details have not be finalized, and only the east expansion is requested at this time.

Ms. Turnbo asked if adequate parking is currently available, and Mr. Holloway stated that he does not have that information.

After review of the plot plan, it was determined that approximately 18 parking spaces are currently available.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** a **Special Exception** to permit a dental office in an RM-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 11; and a **Variance** of the required 55' setback from the centerline of South Rockford Avenue to 41' to permit an addition to an existing building - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 11; per plan submitted; finding the use to be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

Lots 19, 20 and 21, Block 7, Orchard Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16992

Action Requested:

Variance of the maximum permitted size for a detached accessory building from 750 sq ft to 2496 sq ft to accommodate a 3-car garage, workshop and storage - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6, located 10617 South 70th East Avenue

Presentation:

The applicant, **Lynn Ricks**, 10617 South 70th East Avenue, submitted a plot plan (Exhibit L-1) and requested permission to construct a storage facility for the storage of automobiles, lawn equipment, motorcycles, etc. He stated that the existing three-car garage will be enclosed and used as a game room. Mr. Ricks pointed out that he owns approximately one and one-half acres, and the new construction will be of the same style and quality as the existing dwelling. He noted that there are similar structures in the neighborhood.

Case No. 16992 (continued)

Comments and Questions:

Mr. Doverspike asked the square footage of the existing dwelling, and the applicant replied that it contains 5000 sq ft of floor space.

Mr. Bolzle asked if the new accessory building will have bathing and kitchen facilities, and Mr. Ricks replied that there will be no plumbing in the new building.

In reply to Mr. Doverspike, Mr. Gardner informed that a covenant can be filed of record to ensure that the building is not used for a second dwelling unit.

Ms. Turnbo asked if any type of commercial activity is proposed on the property, and the applicant stated that the building will only be used for personal activities and storage.

Protestants:

Kelli Langston, 7520 East 106th Street, stated that she lives to the east of the property in question and is concerned with the construction of a 2500 sq ft workshop at this location. She pointed out that the building will be one-half the size of the existing dwelling and is not appropriate for the neighborhood. Ms. Langston noted that there is an existing drainage problem in the area, and the added construction will add to the problem.

Alyne Eiland, 7515 East 107th Street, informed that she shares the concerns of Ms. Langston, and voiced a concern with the hours the shop would be used and the possible noise problem. Ms. Eiland stated that she is concerned with the precedent that will be set by approving the large accessory building. She voiced a concern with possible septic problems in the neighborhood.

Applicant's Rebuttal:

Mr. Ricks noted that the proposed building will not be visible to the neighbors during the summer months because of the separation and green belt. He stated that the building will have air-conditioning and the doors will be closed during most of his working hours. In regard to flooding, Mr. Ricks advised that he is not aware of an existing problem in the area, and a sewer is currently being installed.

Additional Comments:

In reply to Ms. Turnbo, Mr. Ricks stated that he will operate various saws in the building.

Mr. Bolzle noted that, according to the size of the dwelling (5200 sq ft), the applicant would be permitted to construct a 2080 sq ft (40% of residence) accessory building by right.

Case No. 16992 (continued)

Jimmy Johnston, 3003 Woodward Boulevard, designing architect for the project, stated that the accessory building will have a stucco finish with cedar trim to match the exterior of the existing dwelling. He informed that the accessory building will have a pitched roof and will be compatible with existing construction on the property.

In reply to Mr. Bolzle, Mr. Johnston stated that the roof of the accessory building will have a 9-12 pitch.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** a **Variance** of the maximum permitted size for a detached accessory building from 750 sq ft to 2496 sq ft to accommodate a 3-car garage, workshop and storage - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6; per plan submitted; subject to exterior finish of the building being similar to the existing dwelling and roof pitch being 9-12; subject to no plumbing or kitchen facilities being installed; subject to the execution of a covenant prohibiting any type of commercial activity; subject to lighting as presented; finding a hardship demonstrated by the size of the dwelling and the tract; and finding that approval of the request will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lot 3, Block 8, Forest Trails Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16994

Action Requested:

Variance of the required 50' setback on 31st Street to 36' to replace an existing sign - **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS**, located 3535 East 31st Street.

Presentation:

The applicant, **Oklahoma Neon**, 6550 East Independence, was represented by **Terry Howard**, who informed that the name of the gas station has changed and requested that the existing sign be replaced. He pointed out that the distance between the poles of the old sign is 14' and the new sign has a 6' separation; therefore the existing poles cannot be utilized for the new sign. A sign plan (Exhibit M-1) was submitted.

Comments and Questions:

Mr. Bolzle inquired as to the height of the new sign, and Mr. Howard stated that the height is 25', which is not taller than the one in place. He added that the new sign will extend no closer to the street than the one currently on the property.

Case No. 16994 (continued)

Protestants:

None

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** a **Variance** of the required 50' setback on 31st Street to 36' to replace an existing sign - **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS**; per plan submitted; finding that the new structure will not extend closer to the street than the existing sign; and finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit and intent of the Code; on the following described property:

E/2 of Lot 20 and all of Lots 21 and 22, Block 8, Bellaire Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16995

Action Requested:

Variance of an existing gravel lot which provides access to a storage building - **SECTION 1303.D. Design Standards for Off-Street Parking**, located 6944 East 11th Street.

Presentation:

The applicant, **Gale Plummer**, 11018 East 51st Street, submitted a plot plan (Exhibit N-1) and informed that the existing building on the property was used for tractor and large equipment storage and had a gravel lot. He explained that the current owner is proposing the construction of an additional building to be used for the storage of boats and recreational vehicles. Mr. Plummer stated that he is aware of the provision in the Code that requires a hard surface parking area; however, was told that the gravel parking could remain as it exists. He informed that it was not until the building was constructed and the final inspection was made that it was determined that the area had to be hard surface. Mr. Plummer noted that the traffic is limited on the fenced lot (12 storage stalls) and requested that the area surrounding the building be permitted to remain gravel.

Comments and Questions:

Mr. Bolzle remarked that the Board has previously approved gravel on lots that are used primarily for storage, with very limited traffic.

Mr. Plummer noted that the entry into the fenced area is from the hard surface parking lot of the adjacent business.

Case No. 16995 (continued)

Mr. Doverspike pointed out that the property in question is not near a residential district and dusting would not be an issue.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** a **Variance** of an existing gravel lot which provides access to a storage building - **SECTION 1303.D. Design Standards for Off-Street Parking**; per plan submitted; subject to the approval being limited to the west 95' of the subject property; finding that the area is for storage only, with limited traffic; and finding that approval of the request will not be detrimental to the area; on the following described property:

Lots 1, 2 and 3, Block 2, Sheridan Industrial District, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16996

Action Requested:

Special Exception to permit a mobile home in a CG zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 9, located 3245 North Wilshire Drive.

Presentation:

The applicant, **Beth Tingle**, 3235 North Wilshire Drive, was represented by **Bob White**, 320 South Boston, who submitted a plot plan (Exhibit P-1) and stated that his client is proposing to purchase the subject property for mobile home use. He informed that there are mixed uses in the area and the installation of the mobile home for residential purposes will not be detrimental to the neighborhood. Mr. White informed that his client's sister lives to the south of the subject property.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** Special Exception to permit a mobile home in a CG zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 9; per plan submitted; subject to the mobile unit being skirted and tied down; and subject to a building permit and Health Department approval; finding that there are mixed zoning classifications in the area and mobile home use will not be detrimental to the neighborhood; on the following described property:

Case No. 16996 (continued)

Lot 3, Block 6, Wilshire Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16997

Action Requested:

Variance of the required setback from 100' to 85' to permit the enclosure of an existing canopy on a proposed restaurant - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 12, located 432 South Sheridan.

Presentation:

The applicant, **Rick West**, 1908 South 69th East Avenue, was not present.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **DENY WITHOUT PREJUDICE** Case No. 16997, due to the failure of the applicant to appear.

Case No. 16998

Action Requested:

Special Exception to permit a sexually oriented business in an IL zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** ; and a Variance of the number of required parking spaces - **SECTION 1212a.D. Off Street Parking and Loading Requirements**, located 10321 East 47th Place.

Presentation:

The applicant, **Marcus Wright**, 4815 South Harvard, Suite 447, requested that Case No. 16998 be continued to permit further investigation concerning a nearby church building, and the possible need for readvertising.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **CONTINUE** Case No. 16998 to April 11, 1995

OTHER BUSINESS

Case No. 16795

Discussion of possible appeal.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-1 (Bolzle, Doverspike, Turnbo, "aye"; no "nays"; White, "abstaining"; Abbott, "absent") to **DETERMINE** that the Board will not appeal the District Court's decision to overturn a previous Board approval for Case No. 16795.

There being no further business, the meeting was adjourned at 3:20 p.m.

Date Approved 25 April 95



Vice Chairman