

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 680
Tuesday, May 9, 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
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Abbott
Bolzie
Doverspike, Chairman
Turnbo
White

Gardner
Beach
Moore

Jackere, Legal
Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, May 8, 1995, at 12:42 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Doverspike called the meeting to order at 1:00 p.m.

MINUTES:

On **MOTION** of **BOLZLE**, the Board voted 4-0-1 (Abbott, Bolzie, Turnbo, White, "aye"; no "nays"; Doverspike, "abstaining"; none "absent") to **APPROVE** the minutes of April 25, 1995 (No. 679)

UNFINISHED BUSINESS

Case No. 17010

Action Requested:

Special Exception to permit a Creek Indian community and cultural center in an RS-3 and CS zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located north of the NW/c of 81st Street South and South Union Avenue.

Presentation:

The applicant, **Muscogee Creek Nation**, PO Box 580, Okmulgee, Oklahoma, requested by letter (Exhibit A-1) that Case No. 17010 be withdrawn.

NEW APPLICATIONS

Case No. 17019

Action Requested:

Amendment to previously approved site plan for a public park - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located South 60th Street and Riverside Drive.

Presentation:

The applicant, **Joel Collins (City of Tulsa)**, 5319 South Lewis, Suite 211, was represented by **Ross Weller**, 707 South Houston, who submitted a master plan (Exhibit B-1) for proposed park improvements. He informed that the improvements consist of a new playground, basketball system and parking lot.

Comments and Questions:

Mr. Doverspike asked if the access point on Madison will remain the same, and Mr. Weller answered in the affirmative.

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** an **Amendment** to a previously approved site plan for a public park - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; finding the proposed improvements to be compatible with the surrounding area and in harmony with the spirit and intent of the Code; on the following described property:

Part of Lot 8, being the SW/4, SE/4, together with all riparian and accretion lands, lying adjacent on the west thereto, Section 36, T-19-N, R-12-E, IBM, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17020

Action Requested:

Special Exception to permit a public park in an RS-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 3003 East 56th Street.

Case No. 17020 (continued)

Presentation:

The applicant, **Joel Collins (City of Tulsa)**, 5319 South Lewis, Suite 211, was represented by **Ross Weller**, 707 South Houston, who submitted a master plan (Exhibit C-1) for proposed park improvements. He informed that swimming pool improvements will be made, a shelter constructed, spray pool and playground equipment added, and bridge ramps will be modified over Joe Creek.

Comments and Questions:

In response to Mr. Doverspike, Mr. Weller advised that there will be no additional lighting installed on the subject property.

Protestants:

None.

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 public park in an RS-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; finding the proposed park improvements to be compatible with the residential area; on the following described property:

SW/4, NE/4, Section 32, T-19-N, R-13-E, less and except that portion of said SW/4, included in Villa Grove Gardens Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17022

Action Requested:

Approval of amended site plan for a previously approved public park in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 5328 South Wheeling.

Presentation:

The applicant, **Joel Collins (City of Tulsa)**, 5319 South Lewis, Suite 211, was represented by **Ross Weller**, 707 South Houston, who submitted a master plan (Exhibit D-1) for proposed park improvements. Mr. Weller stated that driveway and parking will be upgraded and public rest rooms will be installed in the community center.

Case No. 17022 (continued)

Comments and Questions:

After discussion, it was the consensus of the Board that only the funded improvements should be considered for approval. (Board did not have the plot plan depicting the unfunded improvements.)

Protestants:

None.

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 **APPROVE** an amended site plan (funded projects only) for a previously approved public park in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; finding that the proposed funded park improvements will be compatible with the residential neighborhood and in harmony with the spirit and intent of the Code; on the following described property:

South 396' of SW/4, NE/4, Section 31, T-19-N, R-13-E, less west 30' thereof and SW/4, SW/4, NE/4, Section 31, T-19-N, R-13-E, and Lot 10 and 11, Block 1, Perry's Subdivision, City of Tulsa County, Oklahoma.

Case No. 17023

Action Requested:

Approval of an amended site plan for a previously approved public park in an AG zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 5804 East 91st Street South.

Presentation:

The applicant, **Joel Collins (City of Tulsa)**, 5319 South Lewis, Suite 211, was represented by **Ross Weller**, 707 South Houston, who submitted a master plan (Exhibit E-1) for proposed park improvements. Mr. Weller stated that a large picnic shelter, rest rooms, drainage control and a sports court will be constructed on the subject property.

Comments and Questions:

After discussion, it was the consensus of the Board that only the funded improvements should be considered for approval. (Board did not have the plot plan depicting the unfunded improvements.)

Protestants:

None.

Case No. 17023 (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** an amended site plan (funded projects only) for a previously approved public park in an AG zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; finding the proposed funded park improvements to be appropriate for the area and in harmony with the spirit and intent of the Code; on the following described property:

W/2, NE/4, Section 22, T-18-N, R-13-E, IBM, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17025

Action Requested:

Variance of the required side yard and a variance of the maximum building height in a residential district - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; variance to permit 2 dwelling units on one lot of record - **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6; and a special exception to permit the fence height to exceed the requirements in a residential district - **SECTION 210.B. Permitted Obstructions in Required Yards** - Use Unit 6, located 1841 East 27th Street.

Presentation:

The applicant, **William Doyle III**, 550 Oneok Plaza, submitted a plot plan (Exhibit F-1) and informed that the proposed dwelling is to be constructed across the lot line of two existing lots. He noted that the lot slopes to the north, which constitutes a hardship for the requests. Mr. Doyle pointed out that the previously proposed cul-de-sac, which was to serve the four lots, has been abandoned; however, the curve in this proposed street necessitates the variance of the required side yard. The applicant informed that a pool house will be constructed to the rear of the residence, which requires a variance to permit two dwelling units. He pointed out that the house will actually be constructed on two lots.

Comments and Questions:

Mr. White inquired as to the square footage of the proposed dwelling, and Mr. Doyle informed that the structure will contain approximately 10,000 sq ft of floor area.

In reply to Ms. Turnbo, Mr. Doyle explained that the fence follows the slope of the land and there are certain points in the fence that exceed the maximum 8' height.

Case No. 17025 (continued)

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required side yard and a **variance** of the maximum building height in a residential district - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; **variance** to permit 2 dwelling units on one lot of record - **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 6; and a **special exception** to permit the fence height to exceed the requirements in a residential district - **SECTION 210.B. Permitted Obstructions in Required Yards** - Use Unit 6; per plan submitted; finding a hardship demonstrated by the slope of the land and the fact that the proposed dwelling will be constructed across the lot line of two lots; and finding that approval of the requests will not be detrimental to the neighborhood; on the following described property:

Part of Lot 1, Block 1, Forest Hills, an Addition to the City of Tulsa, Tulsa County, Oklahoma being more particularly described as follows: Beginning at a point on the south boundary of said Lot 1, 71.31' due E. and 4.00' due S. from the SW/c thereof; thence N 0°38'28" E a distance of 177.65'; thence on a curve to the right a radius of 30' a distance of 32.16'; thence N 62°02'52" E a distance of 0.00'; thence N 89°59'00" E a distance of 149.35'; thence S 0°09'03" W a distance of 227.00'; thence N 78°47'42" W a distance of 0.00'; thence on a curve to the left a radius of 1462.50' a distance of 168.38' to the P.O.B. and beginning at a point 179.46' due E. and 46.64' due S from the NW/c of said Lot 1; thence S 63°36'49" E a distance of 79.51'; thence S 54°55'34" E a distance of 86.00'; thence N 59°20'41" E a distance of 42.00'; thence S 0°09'03" W a distance of 180.65'; thence S 89°59'00" W a distance of 180'; thence N 0°38'28" E a distance of 244.06' to the P.O.B. and beginning at a point on the south boundary of said Lot 1, 71.31' due E and 4.00' due S from SW/c thereof; thence N 0°38'28" E a distance of 177.65'; thence on a curve to the right a radius of 30' a distance of 32.1 thence S 89°59'00" W a distance of 43.65' to the NE/c of Tract A as described in that easement dated and filed of record January 31, 1986 in Book 4922, page 519 and refiled of record July 8, 1987, in Book 5037, page 2561; thence S 0°38'28" W a distance of 201.70' to a point on the S boundary of said Lot 1; thence E on a curve to the right a radius of 1462.50' a distance of 30.03' more or less to the P.O.B.

Case No. 17026

Action Requested:

Special Exception to permit the existing building to be renovated and the use changed to a self-service Laundromat - **SECTION 1402.F - NONCONFORMING USE OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION** - Use Unit 14, located 6308 East Pine Street.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, submitted photographs (Exhibit G-1) and informed that he is representing the owner of the subject property. Mr. Norman explained that the building was initially used for a grocery store in 1946 and was later converted to a furniture finishing and upholstery store. He stated that the property was zoned for medium office use in 1972 and a new Dairy Queen store was later constructed (1974). The applicant informed that his client is now proposing to convert the building to a coin-operated laundry; which is classified under a different use unit (Use Unit 14) than the Dairy Queen (Use Unit 13). He pointed out that the use is lawful non-conforming and could be changed by right if there was not a proposed change in use units. Mr. Norman informed that a car wash is in operation directly east of the subject property, with numerous commercial uses farther to the east.

Protestants:

Sue Treece, 6304 East Pine Street, stated that she lives next door to the subject property and is opposed to the laundry being open until 9 p.m. She pointed out that the Dairy Queen closed approximately 10 years ago and the restaurant that began operation in the building closed after lunch and was not open in the evening. Ms. Treece noted that the fence separating the two properties is in very bad repair.

Applicant's Rebuttal:

Mr. Norman pointed out that approval of the laundry would not increase incompatibility, and pointed out that restaurant or commercial retail use could begin operation at this location by right, with hours of operation being unlimited.

Additional Comments:

In reply to Mr. Doverspike, the applicant stated that he is representing the property owner and has not been advised of the operating hours for the business. In regard to screening, Mr. Norman stated that it is the responsibility of the property owner to provide and maintain screening on the lot line abutting the residential area.

In response to Mr. Bolzle, Mr. Jackere advised that any change in use units approved by the Board would prevent the return to the operation of a Dairy Queen or similar uses.

There was discussion concerning the change from a furniture refinishing business to a Dairy Queen, and whether or not the Dairy Queen was a legal operation.

In reply to Mr. Jackere, Mr. Norman stated that there is no record of Board of Adjustment relief; however, there is no evidence available that would prove the Dairy Queen was not a lawful use at this location.

Case No. 17026 (continued)

Ms. Turnbo voiced a concern with a late hour operation next door to a residence, and Mr. Norman noted that restaurants do not have a limitation on hours of operation.

Mr. Bolzle noted that all business activity will be inside the building.

Ms. Treece pointed out that her home is within 5' of the fence and all of the internal building lighting shines in her windows and all traffic noise on the lot can be heard. She requested that the hours of operation be limited.

Ms. Turnbo asked if food will be served at this location, and Mr. Norman stated that it is his understanding that vending machines will be available.

Mr. Bolzle remarked that the glass above the fence could be painted or replaced to prevent the interior lights from shining into the dwelling on the abutting lot.

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 the existing building to be renovated and the use changed to a self-service Laundromat - **SECTION 1402.F - NONCONFORMING USE OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION** - Use Unit 14; subject to screening being erected and maintained on west and south boundaries; subject to outside lighting being shielded and directed away from the residential property; and, if the business is operated later than 9 p.m., the west glass wall shall be replaced with a solid material or painted to prevent light from filtering to the residential lot next door; finding the proposed laundry use to be less intense than previous uses on the property; on the following described property:

East 112', west 167', Lot 5, Block 1, Exchange Acres Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 17027

Action Requested:

Variance of the required setback from Lakewood Avenue from 50' to 44.5' to permit an existing porch - **SECTION 403.A. - BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1719 South Lakewood Avenue.

Presentation:

The applicant, **Georgenia Brown**, 2431 East 61st Street, Suite 100, submitted a plot plan (Exhibit H-1) and informed that an existing porch extends 5.5' into the required front yard. She requested that the variance be approved to permit the porch.

Case No. 17027 (continued)

Comments and Questions:

Mr. Bolzle asked if the porch will be enclosed and Ms. Brown replied that it will remain open.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from Lakewood Avenue from 50' to 44.5' to permit an existing porch - **SECTION 403.A. - BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; subject to the porch remaining unenclosed; finding that the structure in question aligns with other dwellings on the street; and finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit, purpose or intent of the Code; on the following described property:

Lot 5, Block 2, Gleason Village Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 17029

Action Requested:

Variance of required setback from an abutting R District from 75' to 49.5' from the south property line - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25, located 1300 North Garnett Road.

Presentation:

The applicant, **Carolyn Browning**, PO Box 691966, was represented by **Jake Floyd**, 2909 East 29th Street, who submitted a plot plan (Exhibit J-2) and requested permission to construct the proposed building 25' farther south and add a detention pond to improve drainage in the area. He pointed out that the location of the structure to the south would move the building farther from the residential area.

Comments and Questions:

Mr. Gardner advised that Mr. Floyd has stated that his reason for requesting permission to move the building 25' farther south is to allow sufficient space to create a detention pond in the parking lot and alleviate the drainage problem.

In reply to Mr. Jackere, Mr. Floyd stated that one small corner of the property is zoned OL.

Case No. 17029 (continued)

Ms. Abbott asked if Stormwater Management has made a recommendation concerning the proposed construction, and Mr. Floyd replied that a drainage plan is being considered at this time, but it has not been submitted to Stormwater Management.

Protestants:

Mr. Doverspike informed that the Board has received letters of protest (Exhibit J-3) from nearby residents.

Charles Allen, 11350 East Newton Place, stated that he lives to the north of the subject property and is concerned with water problems in the area. He informed that fill-dirt has been hauled in to elevate the property and this has caused additional water run-off in the neighborhood.

Rebecca Kirby, 11316 East Newton Place, resident to the north of the property in question, stated that water drainage has become a major problem around her home. She pointed out that additional construction on the subject tract would result in more flooding in the area. Ms. Kirby noted that the property is not properly maintained and tall weeds are growing up to the residential boundary line.

Applicant's Rebuttal:

Mr. Floyd informed that a smaller building can be constructed on the property by right, however, the proposed plan, with a detention facility, will contain run-off water and improve drainage problems in the area.

Additional Comments:

In reply to Mr. Doverspike, Mr. Jackere advised that the Board does not have the jurisdiction to decide that there be no waiver of platting requirements.

Mr. Floyd pointed out that the property owner must comply with Stormwater Management requirements before a building permit will be issued.

Mr. Bolzle remarked that the building, as proposed, will be moved farther from the residential properties than would be required by the Code.

In reply to Ms. Abbott's concern about drainage problems, Mr. Jackere advised that the applicant could spend a tremendous amount of money on engineering and hydrology studies, and would not have any indication as to whether or not the Board would then approve the variance request.

Ms. Turnbo asked if the subject property is located in a flood zone, and Mr. Gardner advised that the tract is not in a flood zone.

Case No. 17029 (continued)

Mr. Gardner advised that, if inclined to approve the application, the Board could require the installation of a detention facility instead of a fee in lieu of detention, finding that the hardship for the variance is based on the applicant's proposal to build a water detention facility to the north (use parking lot to detain water).

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-1-0 (Bolzle, Doverspike, Turnbo, White, "aye"; Abbott, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of required setback from an abutting R District from 75' to 49.5' from the south property line - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25; per plan submitted; finding that the building will be moved to the south to allow sufficient space to construct a detention pond in accordance with Stormwater Management requirements; finding that the hardship for the request is based on moving the building farther from the residential neighborhood to permit run-off water to be contained on the site; and finding that approval of the request, as presented, will not be detrimental to the neighborhood or violate the spirit, purpose or intent of the Code; on the following described property:

Lot 1 and the north 99' of Lot 2, Cooley's Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17030

Action Requested:

Variance of the required front yard from 65' to 58' to permit the expansion of an existing building - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25, located 5953 East 15th Street.

Presentation:

The applicant, **B. R. Hutson, Inc.**, 10842 East Newton Place, was represented by **Dana Hutson**, who submitted a plot plan (Exhibit K-1) and informed that Yale Cleaners is proposing an expansion of the existing building. He stated that a creek to the rear of the property limits construction in that area.

Comments and Questions:

Mr. Doverspike asked if the cleaners is proposing two additions, and Mr. Hutson answered in the affirmative.

In response to Mr. Doverspike, Mr. Hutson stated that industrial development is to the east and west of the subject property.

Protestants:

None.

Case No. 17030 (continued)

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required front yard from 65' to 58' to permit the expansion of an existing building - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25; per plan submitted; finding a hardship imposed by the creek to the rear of the tract; 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 tract of land in the SW/4, NE/4, Section 10, T-19-N, R-13-E, described as follows: Beginning 40' north and 40.7' west of the SE/c of said SW/4; thence north 535' to the south line of railroad right-of-way; thence west 204'; thence south 535'; thence east 204' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17031

Action Requested:

Special Exception to amended a previously approved site plan (approved BOA 11112 amended BOA 16691) to permit construction of a new roof and the addition on 1448 sq ft of floor area, located 10901 South Yale Avenue.

Presentation:

The applicant, **Church of the Holy Spirit**, 10901 South Yale Avenue, was represented by **Stephen Schuller**, who submitted a site plan (Exhibit L-1) and explained that the church is proposing to construct a gable roof on the rear portion of an existing building. He informed that the roof will overhang the sidewalk and existing glass walls will be enclosed; however, the size of the sanctuary will not change.

Comments and Questions:

Mr. Doverspike asked if the height of the proposed roof will be consistent with the height of the existing building, and Mr. Schuller answered in the affirmative.

Mr. White asked if the additional floor space will replace the need for the mobile home on the property, and Mr. Schuller replied that the additional space would probably replace the need for the mobile home, but he is not sure.

Protestants:

None.

Case No. 17031 (continued)

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to amend a previously approved site plan (approved BOA 11112, amended BOA 16691) to permit construction of a new roof and the addition of 1448 sq ft of floor area; per plan submitted; finding the proposed construction to be consistent with the neighborhood and in harmony with the Code; on the following described property:

A tract of land in the SW/4, SW/4, Section 27, T-18-N, R-13-E, Tulsa County, Oklahoma, being more particularly described as follows: Beginning at the NW/c of said SW/4; thence S89°50'03"E a distance of 508.20'; thence S00°20'26"W a distance of 300'; thence N89°50'03"W a distance of 508.20'; thence N00°20'26"W a distance of 300' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17032

Action Requested:

Variance of the required setback from the centerline of Irvington Avenue from 50' to 26', and a variance of the required side yard setback from the north property line from 5' to 0' to permit a carport - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1006 North Irvington Avenue.

Comments and Questions:

Mr. Doverspike advised that Mr. White will abstain from hearing Case No. 17032.

Presentation:

The applicant, **Lyle Gwin**, 1006 North Irvington Avenue, submitted a plot plan (Exhibit M-3) and requested permission to construct a carport at the above stated location. He submitted photographs (Exhibit M-1) and noted that there are numerous carports in the neighborhood.

Comments and Questions:

Mr. Doverspike inquired as to the type of construction materials proposed, and the applicant replied that the carport will have a cedar exterior and a composition roof.

Mr. Doverspike informed that the Board has received one letter of support from an abutting neighbor who questioned if guttering will be installed to direct water run-off, and Mr. Gwin stated that he will install guttering on the carport.

Mr. Bolzle inquired as to the reason for a 34' deep carport, and Mr. Gwin stated that he has three cars that need to be covered.

Case No. 17032 (continued)

Mr. Gardner advised that the carport appears to encroach approximately 10' farther into the required setback than most of the other carports in the neighborhood, which are approximately 24' deep.

Protestants:

None.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 4-0-1 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; White, "abstaining"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of Irvington Avenue from 50' to 26', and a **variance** of the required side yard setback from the north property line from 5' to 0' to permit a carport (not enclosed) - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted and guttering required on the north side of the carport; finding that there are numerous carports in the area, and 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 29, Block 24, Maplewood Extended Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17033

Action Requested:

Variance of the required setback from the centerline of South Peoria Avenue from 50' to 41'6" to permit a sign - **SECTION 1221.C.6. GENERAL USE CONDITIONS FOR BUSINESS SIGNS** - Use Unit 21, located 306 South Peoria Avenue.

Presentation:

The applicant, **Bobby Daniel**, 1406 South Aspen, Broken Arrow, Oklahoma, submitted a plot plan and photographs (Exhibit N-1) and stated that the sign would be in the parking lot if installed at the required setback. He requested permission to move the structure 8½" to the east.

Comments and Questions:

Mr. Doverspike asked if the proposed location is farther from the centerline of Peoria Avenue than the existing building wall, and the applicant answered in the affirmative.

In reply to Mr. White, Mr. Daniel stated that the proposed sign will be 4' by 8'.

Mr. Doverspike inquired as to the height of the sign, and the applicant replied that the pole is 20' in height, with the total sign height being 24'.

Case No. 17033 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-1-0 (Abbott, Bolzle, Turnbo, White, "aye"; Doverspike, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of South Peoria Avenue from 50' to 41'6" to permit a sign (4' by 8', 24' in height) - **SECTION 1221.C.6. GENERAL USE CONDITIONS FOR BUSINESS SIGNS** - Use Unit 21; per plan submitted; subject to Traffic Engineering approval in regard to traffic light visibility; finding that a portion of the existing building is closer to the street than the proposed sign; and finding that the sign would be in the parking lot if installed at the required setback; on the following described property:

Lot 1 - 9, Block 18, Berry Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17034

Action Requested:

Variance of the required maximum floor area ratio (FAR) from .50 to .59 to permit a lot split - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 11, located 225' west of South Memorial Drive on 31st Court South.

Presentation:

The applicant, **Phil Tomlinson**, 1927 North Minnesota, Shawnee, Oklahoma, was represented by **Roy Johnsen**, 201 West 5th Street, who informed that the application involves the sale of a three-story office building located on a 2.4-acre portion of a 7-acre tract. He noted that the entire parcel contains three buildings. Mr. Johnsen requested a variance of the required floor area ratio from .50 to .57 to permit completion of the sale. He pointed out that OMH zoning to the west would require only 2.0 FAR and IL zoning to the south would have unlimited FAR. A plot plan (Exhibit P-1) was submitted.

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 maximum floor area ratio (FAR) from .50 to .57 to permit a lot split - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 11; per plan submitted; finding that the requirement for

Case No. 17034 (continued)

abutting OMH zoning to the west is 2.0 FAR and the requirement for the IL zoned property to the south is unlimited; finding that approval of the request will not be detrimental to the area; on the following described property:

ALL THAT PART OF LOT 3, INTERCHANGE CENTER, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA AS RECORDED BY PLAT NO. 2336, FILED OCTOBER 28, 1960 WITH THE COUNTY CLERK OF TULSA COUNTY, OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT IN THE SOUTH BOUNDARY OF SAID LOT 3 A DISTANCE OF 430.00 FEET FROM THE SOUTHEAST CORNER THEREOF; THENCE N 89°58'30" W ALONG THE SOUTH BOUNDARY OF LOT 3 A DISTANCE OF 65.00 FEET; THENCE N 0°01'30" W A DISTANCE OF 346.63 FEET; THENCE N 60°00'00" W A DISTANCE OF 80.92 FEET TO A POINT IN THE EAST BOUNDARY OF SOUTH 79TH EAST AVENUE; THENCE N 48°59'32" E ALONG SAID EAST BOUNDARY OF SOUTH 79TH EAST AVENUE A DISTANCE OF 0.00 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 190.00 FEET A DISTANCE OF 128.00 FEET; THENCE N 10°23'35" E A DISTANCE OF 158.19 FEET; THENCE N 55°23'35" E A DISTANCE OF 76.67 FEET TO A POINT IN THE SOUTH BOUNDARY OF EAST 31ST COURT SOUTH; THENCE S 89°56'29" E ALONG THE SOUTH BOUNDARY OF SAID EAST 31ST COURT SOUTH A DISTANCE OF 189.32 FEET; THENCE S 0°01'30" W A DISTANCE OF 286.50 FEET; THENCE N 89°58'30" W A DISTANCE OF 208.00 FEET; THENCE S 0°01'30" E A DISTANCE OF 408.75 FEET TO THE POINT OF BEGINNING; CONTAINING 2.44054 ACRES OR 106,310 SQUARE FEET, MORE OR LESS.

Case No. 17035

Action Requested:

Variance to permit a business sign on a lot other than the lot containing the use advertised on the sign - **SECTION 1221. BUSINESS SIGNS AND OUTDOOR ADVERTISING** - Use Unit 21, located east of the southeast corner of East 81st Street South and South Mingo Road.

Presentation:

The applicant, **John Moody**, 5555 East 71st Street, Suite 6230, submitted a plot plan (Exhibit R-1) and informed that his client is proposing to erect a business sign advertising businesses, services and products sold on his property in Meadow Brook Village. He stated that the property has been platted into four lots, which will remain under one ownership, and a Git-N-Go and a car wash are currently in operation. The applicant stated that the sign in question is to be located on a lot without improvements, which causes it to be classified an outdoor advertising sign. He pointed out that six signs (839 sq ft) would be permitted by right and Board of Adjustment approval would not be required if the property had remained as one lot. Mr. Moody stated that his client is amenable to the execution of a tie contract. The applicant noted that there are mixed zoning classifications on surrounding properties and approval of the request would not be detrimental to the area.

Case No. 17035 (continued)

Comments and Questions:

Mr. Bolzle asked if there are FAA height restrictions at this location, and Mr. Moody replied that his client has advised that the height of the sign will not violate FAA restrictions.

In reply to Mr. Bolzle, Mr. Moody stated that his client owns the Git-N-Go and it is his intent to use the sign, no more than 369 sq ft, to advertise the Git-N-Go, the car wash and the sale of Citgo fuel products.

There was discussion concerning the size and use of the sign at this location.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit a business sign on a lot other than the lot containing the use advertised on the sign - **SECTION 1221. BUSINESS SIGNS AND OUTDOOR ADVERTISING** - Use Unit 21; per plan submitted as to the location, and no more than 369 sq ft of display surface area; subject to the execution of a tie contract tying the four lots; subject to a maximum of 6 signs, with a maximum total of 839 sq ft of display surface area; and subject to advertising being limited to businesses, services or products sold on the 4 lots; finding that approval of the sign, per conditions, will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

Lots 1, 2, 3 and 4, Block 1, Meadow Brook Village, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 17036

Action Requested:

Variance of the required number of off-street parking spaces, and a variance to permit required parking on a lot other than the lot containing the principal use - **SECTION 1219.D. OFF-STREET PARKING AND LOADING REQUIREMENTS** and **SECTION 1301.D. GENERAL REQUIREMENTS** - Use Unit 19, located 3401-5 South Peoria Avenue.

Presentation:

The applicant, **3511 Limited Partnership**, 1325 East 35th Place, was represented by **Steve Schuller**, who submitted a plot plan (Exhibit S-1) and requested permission to operate a private athletic club in the limited space over the auto bank, which is not suitable for office use. He informed that the small 2880 sq ft club requires 9 additional parking spaces (from the approved 10 spaces for office to 19 spaces for the club), and noted that his client owns an interest in the parking lot across the street, which provides additional off-site parking. He pointed out that the club will be closed during the evening hours when the parking demand is greatest. Mr. Schuller advised that this type of facility is not specifically noted in the Zoning Code; however, a health club classification seems to closely resemble the intended use.

Comments and Questions:

Mr. Doverspike inquired as to the hours of operation for the club, and Mr. Schuller stated that the club will be open from 6 a.m. to 7 p.m.

Protestants:

Sue Maxey, 3321 South Peoria, informed that her business is across the street from the property in question. She pointed out that parking spaces on the off-site parking lot referred to by Mr. Schuller are taken on a "first come first served basis" and may not be available for the proposed use. Ms. Maxey stated that parking is an existing problem in the area and there is no way to regulate the club membership or the amount of parking spaces that will be needed.

Applicant's Rebuttal:

Mr. Schuller advised that residential lots to the rear of the building have been purchased by his client and the removal of the driveways has increased on-street parking.

Interested Parties:

Mr. Doverspike advised that the Board has received a letter of support (Exhibit S-2) from **Pam Deatherage**, planning chair for District 6.

Additional Comments:

In response to Ms. Turnbo, Mr. Bolzle noted that the spaces in the lot across the street to the north have never been considered as required parking for the applicant, even though he does own an interest in the lot.

In reply to Ms. Turnbo, Mr. Gardner advised that the applicant would be required to have 19 spaces for the intended use, and 10 spaces are available.

Ms. Turnbo inquired as to the number of club members, and Mr. Schuller advised that less than 200 members are anticipated. He noted that the high membership fee will probably limit the number of members.

Case No. 17036

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 number of off-street parking spaces from 19 spaces to 10 spaces, and a **variance** to permit required parking on a lot other than the lot containing the principal use - **SECTION 1219.D. OFF-STREET PARKING AND LOADING REQUIREMENTS** and **SECTION 1301.D. GENERAL REQUIREMENTS** - Use Unit 19; per plan submitted; subject to the health club being limited to 2880 sq ft on the east end of the second floor; and subject to hours of operation being 6 a.m. to 7 p.m.; finding that the proposed use (health club) will not be open in the evening when the parking demand is greatest; and finding that approval of the request, per conditions, will not be detrimental to the area; on the following described property:

Lot 4, Block 2, Olivers Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 17037

Action Requested:

Special Exception to permit a physical therapy office in an RM-2 District - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 11, and a special exception to modify the screening requirements - **SECTION 212.C. Modification of the Screening Wall or Fence Requirements** - Use Unit 11, located 1829 South Boston Avenue.

Presentation:

The applicant, **Deldee Anderson**, 4620 South Winston, was represented by **Mary Pruitt**, 1235 East 29th Street, who submitted a plot plan (Exhibit T-1) and informed that she is proposing to purchase the subject property and use one of the existing units for a business office. She noted that the required screening to the east would only screen the abandoned railroad and parking lots are located to the north. Ms. Pruitt informed that screening will be installed on the south property line and off-street parking would be provided. She noted that the exterior of the structure will not be changed.

Comments and Questions:

Ms. Turnbo asked Ms. Pruitt if she would be amenable to installing a screening fence on the north property line if those lots are developed residentially in the future, and she answered in the affirmative.

Protestants:

None.

Case No. 17037 (continued)

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a physical therapy office in an RM-2 District - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 11, and a special exception to modify the screening requirements - **SECTION 212.C. Modification of the Screening Wall or Fence Requirements** - Use Unit 11; subject to screening being waived on the east lot line; and subject to the screening requirement being waived on the north boundary as long as the property remains vacant; finding that the property across the street is zoned for office use, and the intended use will be compatible with those in the area; on the following described property:

Lot 22, Block 2, Boston Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 15538

Action Requested:

Reconsideration of Case No. 15538.

Presentation:

The applicant, **Marc Susman**, 810 North York Street, Muskogee, Oklahoma, submitted photographs (Exhibit W-1) and explained that a previously approved sign (Case No. 15538) for an adjacent apartment complex is in place in the City right-of-way abutting his property and requested that this Board action be rescinded. He noted that the sign has not been installed at the approved location.

Comments and Questions:

Mr. Jackere advised that the property owned by Mr. Susman was at one time included in the tract owned by the apartment complex, and the sign was approved long before Mr. Susman acquired the property and prior to the hearing of Case No. 15538. He informed that the sign was partially destroyed and this application merely permitted the reconstruction of the sign. He stated that the Board could determine to hear Mr. Susman's request to rescind and could rescind the previous approval based on the fact that the application was improperly made by someone that had no interest in the property.

Mr. Doverspike asked if the Board has ever rescinded an approval, and Mr. Jackere stated that he is not aware of this type of action by the Board.

Case No. 15538 (continued)

Mr. Doverspike stated that he is skeptical of rescinding a Board action, because the applicants are not sworn to tell the truth and the Board cannot be assured that all information presented is factual. He remarked that the person that feels they are harmed by any decision can resolve the matter in District Court.

Ms. Abbott remarked that the City should have the right to remove the sign if it was not installed at the location approved by the Board.

After discussion, Mr. Doverspike and Ms. Turnbo advised that they would not be inclined to rescind the previous approval.

Mr. Jackere stated that Tooman Collins might remove the apartment complex sign if they were made aware of the issue.

The Board requested that Staff write a letter to the Building Inspector and the apartment owner in an attempt to clarify the previous application and resolve the matter.

There being no further business, the meeting adjourned at 4:30 p.m.

Date Approved

May 23, 1995


Chairman

