

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 686
Tuesday, August 8, 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 Doverspike White	Bolzle Turnbo, Chairman	Gardner Beach Moore	Jackere, Legal Department Parnell, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Thursday, August 3, 1995, at 11:34 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Vice Chair Abbott called the meeting to order at 1:00 p.m.

MINUTES:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Doverspike, White, "aye"; no "nays"; no "abstentions"; Bolzle, Turnbo, "absent") to **APPROVE** the minutes of July 25, 1995 (No. 685)

UNFINISHED BUSINESS

Case No. 17111

Action Requested:

Approval of an amendment to a previously approved site plan, located 4th Place and South Jamestown Avenue.

Comments and Questions:

Ms. Abbott advised that a letter (Exhibit A-1) requesting a continuance has been received from a representative of a newly formed neighborhood association. She stated that the request was not timely and was received just before the meeting.

There were numerous interested parties in the audience and, after discussion, it was the consensus of the Board that the application should be heard as scheduled.

Case No. 17111 (continued)

Presentation:

The applicant, **City of Tulsa**, was represented by **Ross Weller**, 707 South Houston, Suite 201, who advised that the site in question was reconfigured as a stormwater detention facility in 1993 and the parking lot on 5th Place was moved out of the flood area on Jamestown (26 spaces). Mr. Weller noted that the park is in compliance with the Code in regard to parking, and informed that approximately 43,000 individuals visit the park per year. He stated that one tennis court is planned to be converted to basketball use, with no lights being installed on the court.

Comments and Questions:

Mr. Doverspike asked if lighting is in place on the tennis courts, and Mr. Weller replied that the courts do not have lights, and the only lights installed in the park are for security purposes.

Mr. Doverspike asked if the recreation center uses are those that generate overflow traffic in the area, and Mr. Weller answered in the affirmative. He replied that parking inside the 100-year floodplain could result in cars being washed away during the rapid rise of water.

In reply to Mr. Doverspike, Mr. Weller informed that the existing parking lot is outside the 100-year flood plain.

In response to Mr. Doverspike, Mr. Weller stated that there will be no expansions of buildings and that the only change is the conversion of the tennis court to a basketball court.

Protestants:

Carolyn Ross, 3518 East 4th Place, stated that her back yard abuts the park property and the changes that are proposed will be detrimental to the neighborhood. She pointed out that the basketball court will generate additional noise, and trash will become a greater problem. Ms. Ross suggested that funds allocated for park renovation could be put to better use in the community.

Jack Wall, 3503 East 4th Place, informed that he is opposed to a lighted basketball court, and advised that pedestrian traffic is already a problem in the neighborhood. He pointed out that the existing facilities in the park are poorly maintained, and the wading pool has been closed for two years. Mr. Wall stated that the neighborhood has been poorly informed by the City regarding the park improvements.

Robert Guthrie, 466 South Jamestown, stated that the park does not need the proposed improvements, and requested that the park remain as it currently exists.

Case No. 17111 (continued)

Applicant's Rebuttal:

Mr. Weller informed that a neighborhood survey regarding the park was mailed to area residents and only 95 of the 3297 letters were returned. He stated that a public viewing was also held (3297 letters mailed) on the site and four individuals attended. Mr. Weller advised that the jogging trail is the main item of interest at this time. He reiterated that the only real change to the site is the conversion of the tennis court to a basketball court.

Additional Comments:

In response to Ms. Abbott, Mr. Weller advised that the wading pool has been closed for two years because of a cutback in guard staff.

Ms. Abbott asked if houses will be acquired to build additional parking lots, and Mr. Weller replied that the City does not plan to acquire additional property.

Mr. Doverspike stated that he finds basketball courts to be a natural accessory use to a park facility.

Mr. White pointed out that the basketball court could generate more traffic in the neighborhood.

Ms. Abbott noted that the use complies with Code requirements in regard to parking.

Mr. White stated that he is supportive of the application, except for the conversion of the tennis court.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Abbott, Doverspike, White, "aye"; no "nays"; no "abstentions"; Bolzle, Turnbo, "absent") to **APPROVE** an amendment to a previously approved site plan; per plan submitted; subject to funded items only, with the exclusion of the conversion of a tennis court to a basketball court; subject to no lighting being installed except for security lights (unfunded items not considered at this hearing); finding the proposed improvements to the park, as amended by the Board, to be compatible with the neighborhood and in harmony with the spirit and intent of the Code; on the following described property:

That portion of the E 1/2 of the SW 1/4, Sec. 4, T-19-N, R-13-E, as follows: beginning at a point 25' S of the NW/c of said quarter and 959.4' E at an iron pipe; thence N81°50'E, 260' to an iron pipe; thence S8°05'E, 791' to an iron pipe; thence S20°35'W, 80.6' to an iron pipe; thence S39°30'E, 280.20'; thence S81°20'W, 150.88'; thence N39°35'W, 640.47' to a PC; thence curving to the right along a curve of radius 716.34' a distance of 389.20' to a point; thence N7°55'W, 75.16'; thence N81°50'E, 234.38'; thence N7°55'W, 146.03' to the P.O.B. and all of Block 4, Chula Vista 1st, an Addition to the City of Tulsa; and that portion of a street vacated by Ordinance Number 4845 on May 5, 1944

NEW APPLICATIONS

Case No. 17106

Action Requested:

Approval of an amendment to a previously approved site plan - Use Unit 2, located 8525 East 23rd Place.

Presentation:

The applicant, **City of Tulsa**, was represented by **Ross Weller**, 707 South Houston, Suite 201, who informed that improvements (Exhibit B-3) include the resurfacing of the parking lot, improvements to aid the handicapped, addition of a drinking fountain, swings, sidewalks, picnic tables, a modern playground and security lighting. He informed that future improvements (unfunded items) are also proposed at this site.

Interested Parties:

Gary Sievers, 2222 South 85th East Avenue, stated that the existing improvements are not maintained and additional expense is not necessary. A photograph (Exhibit B-1) was submitted. He informed that fast moving traffic is a problem in the neighborhood, and increased improvements to the park would also increase traffic.

Sarah Kroboth, 8534 East 23rd Place, submitted a petition of support (Exhibit B-2) and stated that she is in agreement with the proposed park improvements.

Additional Comments:

Mr. Doverspike asked Mr. Weller if he has conferred with the Street Department concerning traffic flow on South 85th East Avenue, and he replied that they have not investigated this issue.

Mr. Doverspike advised that he is supportive of the funded portion of the project.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Abbott, Doverspike, White, "aye"; no "nays"; no "abstentions"; Bolzle, Turnbo, "absent") to **APPROVE** an amendment to a previously approved site plan - Use Unit 2; per plan submitted for the funded items only; finding the proposed improvements to the park to be compatible with the neighborhood; on the following described property:

North 263.26', W/2, SE/4, NW/4 and south 1 acre of the W/2, NE/4, NW/4, less west 30' of said one acre, Section 13, T-19-N, R-13-E, Tulsa County, Oklahoma and west 267.84' of Lot 14, Block 3, Clover Ridge Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17114

Action Requested:

Approval of an amendment to a previously approved site plan - Use Unit 2, located northeast corner Columbia Avenue and 33rd Street North.

Presentation:

The applicant, **City of Tulsa**, was represented by **Ross Weller**, 707 South Houston, Suite 201, who informed that the only funded improvement for this park is a one-half court basketball facility at the south end of the community center.

Comments and Questions:

Mr. Doverspike asked if lights will be installed, and Mr. Weller replied that lighting will not be a part of this project.

In response to Ms. Abbott, Mr. Weller advised that there are currently no outdoor basketball courts at this location.

Protestants:

Birdie Brown, 3330 North Delaware, stated that the park is used by small children and the installation of the basketball court would attract undesirable individuals that would interfere with their activities. She noted that an indoor basketball facility is existing.

In reply to Ms. Abbott, Ms. Brown stated that her property abuts the park and surrounding lights produce sufficient lighting to allow basketball to be played after dark.

Applicant's Rebuttal:

Mr. Weller advised that it is the responsibility of the Park and Recreation Department to provide recreational opportunity to people of all ages. He stated that they rely heavily on input from counselors at the recreation centers and they have noted the need for a basketball facility at this location.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Abbott, Doverspike, White, "aye"; no "nays"; no "abstentions"; Bolzle, Turnbo, "absent") to **APPROVE** an amendment to a previously approved site plan to permit an outdoor basketball court - Use Unit 2; per plan submitted; finding the use to be appropriate for the park, and in harmony with the Code; on the following described property:

Case No. 17114 (continued)

Lots 8, 9, 10, 11, 12, 13 and 14, Block 6, Rouzeau Court Addition, City of Tulsa, Tulsa County, Oklahoma; and a tract of land in said Rouzeau Court Addition labeled as "Rouzeau Park (for public use)" on the officially recorded plat thereof and the S/2 of 34th Street North vacated by Ordinance No. 12128 on 5/28/71, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17115

Action Requested:

Special Exception to permit a public park to be located in an RS-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located southwest corner 7th Street and Erie Avenue.

Presentation:

The applicant, **City of Tulsa**, was represented by **Ross Weller**, 707 South Houston, Suite 201, who informed that this park has a small lake and general neighborhood facilities. He informed that improvements will be made to comply with specifications concerning the handicapped, the port-a-john area will be renovated and a floating fountain will be installed, along with a picnic table slab, sidewalks and a concrete drive.

Protestants:

None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Abbott, Doverspike, White, "aye"; no "nays"; no "abstentions"; Bolzle, Turnbo, "absent") to **APPROVE** a **Special Exception** to permit a public park to be located in an RS-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted (funded and future improvements); finding the use to be compatible with the neighborhood and in harmony with the spirit and intent of the Code; on the following described property:

Lot 1, Block 24, White City Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 17116

Action Requested:

Special Exception to permit a public park to be located in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located northeast corner 21st Street and Florence Avenue.

Case No. 17116 (continued)

Presentation:

The applicant, **City of Tulsa**, was represented by **Ross Weller**, 707 South Houston, Suite 201, who requested that a park and improvements be approved at the above stated location. A plot plan (Exhibit E-1) was submitted.

Comments and Questions:

In reply to Mr. Gardner, Mr. Weller advised that a new fence is proposed along 21st Street.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Doverspike, White, "aye"; no "nays"; no "abstentions"; Bolzle, Turnbo, "absent") to **APPROVE** a **Special Exception** to permit a public park to be located in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; finding that the future unfunded items are not major and require no further Board of Adjustment approval; and finding that the park is existing and proposed improvements will be compatible with the neighborhood; on the following described property:

Lots 1, 2, 3, 4, 21, 22, 23 and 24, Block 5, Florence Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17118

Action Requested:

Special Exception to permit a public park to be located in an RM-1 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located northeast of 66th East Avenue and Latimer Place.

Presentation:

The applicant, **City of Tulsa**, was represented by **Ross Weller**, 707 South Houston, Suite 201, who submitted a plot plan (Exhibit F-1) and informed that the park is small and improvements will be made to the ball field and a playground. He explained that the playground will be relocated to the rear of the backstop, a vehicle barrier will be constructed, screening will be installed and handicapped parking and sidewalks will be constructed.

Comments and Questions:

In reply to Mr. White's question concerning parking, Mr. Weller informed that the small park is used primarily by the neighborhood and most users walk to the site.

Case No. 17118 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Doverspike, White, "aye"; no "nays"; no "abstentions"; Bolzle, Turnbo, "absent") to **APPROVE** a **Special Exception** to permit a public park to be located in an RM-1 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan for funded items; finding that unfunded items are not major and require no further Board of Adjustment approval; and finding that the public park is existing and approval of the proposed improvements will not be detrimental to the neighborhood; on the following described property:

Lot 11, Block 3, Aviation View Subdivision, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 17125

Action Requested:

Variance of the required setback from the centerline of South Florence from 65' to 55' to permit an existing structure - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 3144 East 33rd Street South.

Presentation:

The applicant, **Steve Herrin**, 3048 East 38th Place, was not present.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Abbott, Doverspike, White, "aye"; no "nays"; no "abstentions"; Bolzle, Turnbo, "absent") to **CONTINUE** Case No. 17125 to August 22, 1995.

Case No. 17126

Action Requested:

Variance of the required setback from the west side property line from 10' to 7.5' to permit an addition to an existing structure - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 12, located 6102 South Sheridan Road.

Case No. 17126 (continued)

Presentation:

The applicant, **Mike Hughes**, 8301 East 51st Street, Suite 203, advised that he is the architect for the project and explained that the existing structure is to be used for a restaurant and is in need of a kitchen addition. Mr. Hughes pointed out that the placement of the building on the lot causes the corner of the addition to encroach into the required setback. A plot plan (Exhibit G-1) was submitted.

Protestants: None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Abbott, Doverspike, White, "aye"; no "nays"; no "abstentions"; Bolzle, Turnbo, "absent") to **APPROVE** a **Variance** of the required setback from the west side property line from 10' to 7.5' to permit an addition to an existing structure - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 12; per plan submitted; subject to the new addition being one story only; finding a hardship demonstrated by the elevation of the property and the placement of the building on the lot; and finding that only the corner of the building will extend over the setback line; on the following described property:

Beginning at the NE/c Section 3, T-18-N, R-13-E, IBM, Tulsa County, Oklahoma, thence west 250'; thence south 250'; thence east 250'; thence north 250' to the POB less and except that portion either dedicated or conveyed for road purposes to establish either 61st street or Sheridan Road, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17127

Action Requested:

Special Exception to permit a beauty salon as a home occupation - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 7821 East 21st Place.

Presentation:

The applicant, **Bill Glenn**, 3804 East 21st Place, submitted a packet and plot plan (Exhibit H-1) concerning the proposed home occupation and explained that his wife is proposing to relocate her beauty salon to the new residence they have purchased. He stated that the former occupant of the house operated a bookkeeping service; however, there is no evidence that the use was approved by the Board. Mr. Glenn informed that the shop is open Wednesday through Saturday, 10 a.m. to 6:30 p.m., with the exception of special holidays. He stated that the business will comply with the home occupation guidelines and any restrictions imposed by the Board. The applicant noted that the driveway has sufficient parking for four vehicles, which will eliminate street parking

Case No. 17127 (continued)

Comments and Questions:

Mr. Doverspike asked if the driveway is large enough to accommodate all personal and customer vehicles, and the applicant answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Abbott, Doverspike, White, "aye"; no "nays"; no "abstentions"; Bolzle, Turnbo, "absent") to **APPROVE** a **Special Exception** to permit a beauty salon as a home occupation - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted and home occupation guidelines; subject to days and hours of operation being Wednesday through Saturday, 9 a.m. to 7 p.m., with a 15-minute interval between all appointments; and subject to all customer parking being on the paved driveway, with no street parking; finding the use, per conditions, to be compatible with the residential neighborhood and in harmony with the spirit and intent of the Code; on the following described property:

Lot 2, Block 17, Michael Hts. Ext. Resub., City of Tulsa, Tulsa County, Oklahoma.

Case No. 17128

Action Requested:

Appeal of the decision of an administrative official that expansion of a lawfully nonconforming use is illegal, located 8160 South Elwood.

Presentation:

The applicant, **Mark Sharp**, 632 West Main, Jenks, Oklahoma, was represented by **Joe Fears**, who informed that his client, Mr. French, owns an 820' strip of land that contains a use that was previously found to be nonconforming by the District Court. He informed that equipment used by Mr. French is currently stored outside; however, he is proposing to construct an additional building (70' by 75') on the west 490' of the property to house the equipment. Mr. Fears noted that a 50' by 50' storage building is existing; however, there will be no geographical expansion of the use, and the nature of the use will not change. He informed that a small addition will be constructed to cover a waste oil disposal facility. A copy of a previously issued building permit (Exhibit J-1) and plot plan (Exhibit J-2) were submitted.

Comments and Questions:

Ms. Abbott asked if the proposed site is in the nonconforming area, and Mr. Fear answered in the affirmative.

Case No. 17128 (continued)

Mr. Gardner advised that the Zoning Code does not permit the expansion of a nonconforming building, much less build a new building. He noted that the applicant is appealing the decision of the building inspector in not issuing a building permit for the proposed new building.

Mr. Jackere informed that the existing 50' by 50' building was permitted for residential use, although it may have been utilized for other purposes. He pointed out that the property owner had a dirt removal operation which grew and additional pieces of larger equipment were added to those already kept on the lot. Mr. Jackere noted that the District Court judge ruled that this was not an unlawful expansion, since the landowner was continuing the same type of dirt digging operation. He advised that the issue before the Board today is whether or not the administrative official erred in refusing to issue a building permit to build a building for this business. Mr. Jackere agreed that Mr. Gardner's statement is correct concerning an expansion of a nonconforming use, and noted that a building devoted to a nonconforming use cannot be enlarged. He pointed out that the request appears to be for a use variance, which is no longer permitted by State law.

Applicant's Rebuttal:

Mr. Fears stated that it is his position that the construction of the building is not an expansion of a nonconforming use, because it does not change the use.

Mr. Jackere pointed out that there is an absolute prohibition in the Zoning Code stating that a building cannot be constructed to expand a nonconforming use.

Ms. Abbott stated that rezoning of the property may be appropriate, and Mr. Doverspike stated that he finds the construction of a building to be a clear expansion of a nonconforming use.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Abbott, Doverspike, White, "aye"; no "nays"; no "abstentions"; Bolzle, Turnbo, "absent") to **DENY** the Appeal and **UPHOLD** the decision of an administrative official that expansion of a lawfully nonconforming use is illegal; finding that the property owner is proposing to construct a new building to serve a use that was previously found to be nonconforming by the District Court; and finding the construction of a new building to be an unlawful expansion of a nonconforming use and a violation of the Code; on the on the following described property:

Beginning at the SE/c, S/2, N2/3, N/2, NE/4, Section 14, T-18-N, R-12-E, IBM, thence north 150.86"; thence west 330', thence north 100', thence west 490', thence south 250', thence east 820' to the POB, less and except the east 50' thereof, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17129

Action Requested:

Variance of the required 30' setback from the centerline of South Fulton Avenue to 12' to permit an addition to an existing encroaching dwelling - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 3619 South Fulton Avenue.

Presentation:

The applicant, **Bob DeBolt**, 10615 South 33rd West Avenue, submitted a plot plan (Exhibit K-1) and informed that he is representing the owner of the subject property, who is proposing to construct a 12' addition to an existing dwelling. He stated that the corner of the existing building wall has a 16' setback and the new addition will be 17', and will not extend farther toward the street (east) than the existing dwelling. Mr. DeBolt noted that the curvature of the street causes the corner of the dwelling to encroach into the required setback.

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Doverspike, White, "aye"; no "nays"; no "abstentions"; Bolzle, Turnbo, "absent") to **APPROVE** a **Variance** of the required 30' setback from the centerline of South Fulton Avenue to 17' to permit an addition to an existing encroaching dwelling - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding a hardship demonstrated by the existing dwelling and the curvature of the street; and finding that the addition will not extend farther into the required setback than the existing dwelling; on the following described property:

Lot 7, Block 5, Highview Estates Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 17130

Action Requested:

Variance to permit an accessory building larger than 750 sq ft - **SECTION 402.B.1.d ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; and a variance to permit a two story accessory building which has existed for two years - **SECTION 210.B.5 YARDS** - Use Unit 6, located 3038 East 49th Street.

Case No. 17130 (continued)

Presentation:

The applicant, **Barbara McBride**, 3038 East 49th Street, was represented by **Trent Holman**, who submitted a plat of survey (Exhibit L-1) and stated that City representatives advised that a permit was not required for the construction of the accessory building in question. Photographs (Exhibit L-4) of the completed building and letters of support (Exhibit L-3) were submitted.

Comments and Questions:

Mr. Gardner advised that he has received a phone call regarding this request, and inquired as to the use of the building.

Mr. Holman replied that the top portion of the structure is used for storage and the downstairs section is used for a shop. He informed that an office located in the dwelling was approved by the Board.

Mr. Doverspike inquired as to the portion of the residence used for an office, and he replied that the east side is used for business purposes.

Mr. Doverspike asked if the shop is used in connection with the home occupation, and Mr. Holman replied that it is not used in his business.

Mr. Gardner advised that the building in question was in place when the home occupation (office) was approved, and it was stipulated in the conditions of approval that the building could not be used in connection with the home occupation.

In reply to Ms. Abbott, Mr. Holman stated that he and the applicant are accountants, disadvantaged small business vendors, private investigators and also do accident reconstruction.

In response to Mr. Gardner, Mr. Holman informed that electricity is the only utility in the upper floor of the building.

Mr. Doverspike inquired as to the total height of the building, and Mr. Holman stated that it is approximately 13'.

Protestants:

A letter of protest (Exhibit L-2) from **Dorothy Tramontana** was received by the Board.

Case No. 17130 (continued)

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Abbott, Doverspike, White, "aye"; no "nays"; no "abstentions"; Bolzle, Turnbo, "absent") to **APPROVE** a **Variance** to permit an existing accessory building larger than 750 sq ft - **SECTION 402.B.1.d ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; and a **variance** to permit a two story accessory building which has existed for two years - **SECTION 210.B.5 YARDS** - Use Unit 6; per survey submitted; subject to no previously approved home occupations or other commercial use being permitted in the accessory building; subject to no utilities (only electricity currently installed) being added that would make the building adaptable for residential use; finding that the building has only a partial story (approximately 5' in height) with an outside stairway that causes the building, which is otherwise allowed, to exceed the permitted square footage; on the following described property:

Lot 10 less the south 150' thereof, Block 2, Villa Grove Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17134

Action Requested:

Special Exception to permit a car wash as an accessory use to a convenience grocery in an IL zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 13, located southeast corner East 51st Street and South Mingo Road.

Presentation:

The applicant, **Roy Johnsen**, 201 West 5th Street, submitted a plot plan (Exhibit M-1) and explained that an existing Git-N-Go convenience store is located on a tract that has two zoning classifications, with the store being located in the CS portion and a car wash proposed in the eastern IL portion (approximately 40'). He stated that the zoning clearance officer has made the determination that the car wash is accessory to the convenience grocery and in need of a special exception. Mr. Johnsen noted that a car wash would be permitted by right as a principal use in the IL zoned district.

Comments and Questions:

Mr. Jackere asked if the entire car wash is located in the IL District, and Mr. Johnsen answered in the affirmative. Mr. Jackere questioned if the car wash would be an accessory use to a convenience store and whether or not the requested relief is needed.

Mr. Gardner advised that a multiple-bay car wash (more than three bays) would be permitted by right in an industrial district. He noted that one-bay car washes are traditionally constructed along with convenience stores and considered accessory.

Case No. 17134 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-0-0 (Abbott, Doverspike, White, "aye"; no "nays"; no "abstentions"; Bolzle, Turnbo, "absent") to **APPROVE** a **Special Exception** to permit a car wash as an accessory use to a convenience grocery in an IL zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 13; per plan submitted; subject to the car wash being limited to one bay only; 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:

Starting at the NW/c Section 31, T-19-N, R-14-E, thence S0°08'45"E for 366.90'; thence N89°51'75"E for 60' to POB; thence N0°08'45"W for 286.78'; thence N44°54'36"E for 42.39'; thence N89°57'57"E for 202.06'; thence S0°08'45"E for 101.45'; thence southerly and southwesterly along a curve to the right with a central angle of 55°28'04' and a radius of 105' for 101.65'; thence S55°19'30"W for 226.48' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17137

Action Requested:

Variance to permit the approved accessory sign to be used for identification of the stadium and a corporate sponsorship with the acknowledgment of the corporate sponsorship occupying no more than 20% of the display surface area - **SECTION 302.B.2. ACCESSORY USES PERMITTED IN THE AGRICULTURAL DISTRICT** - Use Unit 2, located South Mingo and East 66th Street.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, submitted a sign plan (Exhibit N-1) and noted that a scoreboard and electronic message center for the stadium were previously approved by the Board. He stated that the south face of the scoreboard only contained the words "Boatmen's Bank", as sponsorship recognition; however, this has since been interpreted as a commercial message. He requested that the name of the stadium and the sponsor, Boatmen's Bank (60 sq ft of signage), be permitted on the south face of the scoreboard. Letters of support (Exhibit N-2) were submitted.

Comments and Questions:

Mr. Doverspike asked the applicant if his client would be amenable to restricting the 20% usage to reflect only the corporate sponsor to eliminate the possibility of its use for advertising purposes, and Mr. Norman answered in the affirmative.

Case No. 17137 (continued)

Protestants:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Doverspike, White, "aye"; no "nays"; no "abstentions"; Bolzle, Turnbo, "absent") to **APPROVE** a **Variance** to permit the approved accessory sign to be used for identification of the stadium and a corporate sponsorship with the acknowledgment of the corporate sponsorship occupying no more than 20% of the display surface area - **SECTION 302.B.2. ACCESSORY USES PERMITTED IN THE AGRICULTURAL DISTRICT** - Use Unit 2; per plan submitted; subject to the 20% portion of the sign designated for the corporate sponsor be restricted to that use only, with no use for advertising purposes; finding that approval of the request, per conditions, will not be detrimental to the area, 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.

* * * * *

ADDENDUM

OTHER BUSINESS

Interpretation regarding children's nursery/pre-schools.

Mr. Gardner advised that the Department of Human Services will not permit pre-school classes that exceed 15 hours per week to be held in park community centers without zoning approval. He informed that the Board could make a finding that pre-schools are permitted as an accessory use to an approved park community center and not a Use Unit 11.

Mr. Beach noted that there are numerous community centers in the City of Tulsa providing the pre-school usage as part of their total program.

Interpretation (continued)

After discussion, it was determined that the item should be discussed at the August 22 meeting to allow Mr. Jackere and the Board members to review the issue.

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

Date Approved 8.22.95

Norma Turso

Chairman

