

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 688
Tuesday, September 12, 1995, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF	OTHERS PRESENT
Abbott Bolzle Doverspike Turnbo, Chairman White		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 Monday, September 11, 1995, at 11:11 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the minutes of August 22, 1995 (No. 687)

UNFINISHED BUSINESS

Case No. 17087

Action Requested:

Appeal the decision of an administrative official that the applicant is conducting a home occupation of cooking and preserving and also that the applicant is tutoring more than one student at a time; and a Variance of the Home Occupations Permitted by Right to permit tutoring of more than one student at a time - **SECTION 402.A.6.a. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 2519 South Cincinnati.

Presentation:

The applicant, **Robert Tips**, 427 South Boston, Suite 509, advised that he is representing his former wife and informed that she began teaching music to more than one student at a time in 1967 and has continued to teach through the years.

Case No. 17087 (continued)

He stated that most students are brought to Ms. Tips home and picked up after the lesson, with no more than a five-minute wait. He contended that the use is nonconforming and permitted by right because it was existing in 1967 and has continued without interruption to this date. The applicant submitted letters of support (Exhibit A-3).

Ms. Tips advised that a complaint was filed as a result of too many cars parked in the street; however, at the time of filing, she was out of town and the cars could not be linked to her business. She informed that the late afternoon cooking classes have been moved to a church in order to protect the neighborhood, and her music students that are taught in the home arrive at non-peak periods. Ms. Tips stated that parties are occasionally held for her students on Saturday mornings, and a judging event was held at one time, which resulted in a complaint. Ms. Tips informed that she does not do commercial cooking in her home.

Comments and Questions:

In reply to Ms. Turnbo, Ms. Tips stated that classes are not held on Friday, Saturday and Sunday, except under very unusual circumstances.

Ms. Turnbo inquired as to available parking on the driveway, and Ms. Tips stated that there is limited parking on the driveway.

Interested Parties:

Susan Young, 2316 South Cincinnati, stated that she lives two blocks north of the applicant and has never observed traffic congestion in the area.

Protestants:

Joan Parker, president of Maple Ridge Homeowners Association, advised that the association is not supportive of the application. She pointed out that the applicant cannot provide off-street parking for her students and this creates a traffic hazard in the neighborhood. Ms. Parker noted that the street is heavily traveled and constantly used by joggers and cyclists, as well as emergency vehicles. A letter (Exhibit A-2) and petition (Exhibit A-1) of opposition were submitted.

Mr. Jackere advised that, if the business began prior to 1970, it could be nonconforming and a permitted use by right.

Andrea Kemendo, 2518 South Cincinnati, stated that the traffic across the street has been a problem since she purchased her home in 1986. She pointed out that emergency vehicles have a problem winding through the many vehicles parked along both sides of the street.

Case No. 17087 (continued)

Gregory Vilner, 2450 South Cincinnati, asked the Board to protect the integrity of the historical neighborhood and deny the requested business operation at this location.

Larry Parker, 2522 South Cincinnati, stated that he lives directly across the street from Ms. Tips, and vehicles are parked on both sides of the street at the beginning and ending of the applicant's classes. He stated that his driveway is occasionally blocked by parents waiting to pick up their children, and that he is opposed to Ms. Tips making a living at the expense of the neighborhood. Mr. Parker requested that the business be limited to one student at a time.

Applicant's Rebuttal:

Mr. Tips noted that Ms. Tips has been teaching music at this location for many years and the use is nonconforming.

Additional Comments:

Mr. Doverspike asked if the use has been conducted continually since 1968 and Mr. Tips answered in the affirmative.

Mr. Doverspike asked if the use has been expanded since 1968, and the applicant replied that the number of students has not changed over the years.

In reply to Mr. Doverspike, the applicant stated that Ms. Tips operates a commercial kitchen at another location, and the cooking portion of the application is no longer an issue.

In response to Mr. Bolzle, Mr. Tips stated that there are no more than three or four students in a group and they meet approximately three or four times each week.

Ms. Abbott asked if the groups have been meeting since 1967, and Mr. Tips answered in the affirmative.

In reply to Mr. Doverspike, Ms. Parnell stated that she was not given information concerning possible nonconformity of the use.

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 **OVERTURN** the decision of an administrative official and **APPROVE** the appeal that the applicant is tutoring more than one student at a time; and to **WITHDRAW** an appeal of the decision of an administrative official that the applicant is conducting a home occupation of cooking and preserving; finding the variance request to be moot; finding that additional information concerning nonconformity was presented that was not revealed to the administrative official, which confirmed that the occupant has

Case No. 17087 (continued)

been teaching music continuously to a student group (4 or 5 students) three or four times per week since 1967, making the use nonconforming if operated at the size of four or five students at a time, three or four times per week; and finding that the cooking operation has been moved to another location; on the following described property:

Lot 20, Block 7, Sunset Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17146

Action Requested:

Special Exception to permit an outdoor recreation facility (3 ball diamonds with lights, concession stand, rest rooms and accessory uses) - **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 20, located 10510 South Delaware Avenue

Presentation:

The applicant, **Willa Brantley**, 8604 East 120th Street South, was represented by **Sherry Pipkin**, 2898 East 51st Street, who advised that the application was continued to permit the Board to research the application. She noted that one protestant was concerned with stray balls falling on his property; however, it was discovered that the layout of the facility will be such that this will not occur. Photographs (Exhibit B-2) were submitted.

Comments and Questions:

In response to Mr. Doverspike, Ms. Pipkin stated that the days and hours of operation will be 5:30 to midnight on week days and 8 a.m. to midnight on weekends. She informed that maintenance will occur between 9 a.m. and 5 p.m., and noted that two all-night tournaments will be held each year. Ms. Pipkin stated that there will be no alcoholic beverages permitted on the premises and all parking will be hard surfaced.

Mr. Doverspike inquired as to ingress and egress, and Ms. Pipkin informed that the facility will be served by one wide entrance.

Protestants:

Ms. Turnbo stated that letters of opposition (Exhibit B-1) have been received from nearby property owners.

Case No. 17146 (continued)

Cherrie Stunkard, 10717 South Delaware, informed that the proposed facility will be directly across the street from her home and submitted a location map (Exhibit B-3) depicting other residences in the neighborhood. She noted that this use is too intense for the area and would be in operation each evening. Ms. Stunkard requested that the application be denied.

Ray Volentine, 10727 South Delaware, informed that he lives approximately 400' from the property in question. He pointed out that the use would not have a negative impact on the nearby tennis club because they do not have the same hours of operation. He pointed out that the use, with closing time at midnight, is not compatible with the residential neighborhood.

Applicant's Rebuttal:

Ms. Pipkin stated that games start at 6:30 p.m. and four games, with a one-hour time limit, are played each evening. She pointed out that the games are fast moving and they should be over by 11 p.m., but the premises will definitely be cleared by midnight.

Ms. Abbott asked if weekend games have the same hours of operation as the games played during the week, and Ms. Pipkin answered in the affirmative.

Additional Comments:

Mr. Bolzle noted that the entrance roads for the soccer field and the proposed facility are directly across from each other and several additional soccer fields are proposed at this location. He pointed out that as many as 400 cars an hour could be traveling to the ball fields. Mr. Bolzle stated that the concentration of these uses, with the increase in traffic, would be detrimental to the area.

Mr. Doverspike stated that he is not overly concerned with the intensity of the use, but finds the hours of operation to be incompatible with the neighborhood.

In reply to Mr. Doverspike, Ross Weller, park planner, advised that the soccer fields on the City land are not lighted and all play ceases at dusk. He informed that approximately 20 soccer fields will be in place when the development project is completed.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Special Exception** to permit an outdoor recreation facility (2 ball diamonds with lights, concession stand, rest rooms and accessory uses) - **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS** - Use Unit 20; finding that the concentration of athletic playing fields in the area, with the additional traffic generated by these uses, and the late hour operation for the proposed use

Case No 17146 (continued)

would be detrimental to the neighborhood and violate the spirit and intent of the Code; on the following described property:

Beginning at a point 267.17' west of the NE/c Government Lot 5, Section 29, T-18-N, R-13-E, Tulsa County, Oklahoma; thence west 955.68'; thence southeasterly along the east bank of the Arkansas River to a point 433' south of the north line of said Lot 5; thence East for 1079'; thence north 29°3" west for 506.75 to the POB, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 17147

Action Requested:

Amendment to previously approved site plan - Use Unit 2, located 4141 East Virgin (Ute Park).

Presentation:

The applicant, **City of Tulsa**, was represented by, **Ross Weller**, 707 South Houston, Suite 201, who submitted a plot plan (Exhibit C-1) and informed that proposed improvements consist of a jogging trail, lighting, conversion of one tennis court to a basketball court, park benches and picnic tables, trees, cricket pitch resurfacing, a new playground and fencing.

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** an **Amendment** to previously approved site plan - Use Unit 2; per plan submitted; subject to approval being for funded items, with conceptual approval for unfunded items, with no further Board approval required; finding the improvements to be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

NW/4, NW/4, SE/4, Section 28, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17148

Action Requested:

Variance to permit a ground sign for a period of 14 months through October 1996 to announce The Tour Championship Golf Tournament, and a variance to permit the sign to exceed the maximum display surface area - **SECTION 402.B.4.a. and 402.B.4.b. Signs** - Use Unit 2, located 2636 East 61st Street.

Presentation:

The applicant, **Stan Brander**, 2636 East 61st Street, submitted a sign plan (Exhibit D-1) and requested permission to install a sign on Southern Hills Country Club property (southeast corner of 61st & Lewis) to advertise the 1995 golf tournament. He requested that the sign remain in place until the conclusion of the 1996 tournament (14 months).

Comments and Questions:

Mr. Bolzle asked if the sign has been installed, and Mr. Brander answered in the affirmative.

Protestants:

Ms. Turnbo advised that Staff received a phone call from **Nancy O'Neil**, who stated that she lives across the street from the country club property and is opposed to the sign remaining for 14 months.

Mr. White pointed out that there are no residences across the street from the sign location.

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 ground sign for a period of 14 months through October 1996 to announce The Tour Championship Golf Tournament, and a **variance** to permit the sign to exceed the maximum display surface area - **SECTION 402.B.4.a. and 402.B.4.b. Signs** - Use Unit 2; per plan submitted; finding that the sign is not near residential property; and finding that the sign location is setback from the street and does not obstruct the vision of motorists traveling in the area; on the following described property:

Part of the NW/4, Section 5, T-18-N, R-13-E, Tulsa County, Oklahoma, described as follows: East 10' of the west 50' of the south 685' of the north 709.75' and south 25.25' of the north 50' of the east 839' of the west 889' and a tract beginning 75' south and 50' east of the NW/c said Section 5; thence north 25'; thence east 25'; thence southwest for 35.36' to the POB, City of Tulsa, Tulsa County, Oklahoma

Case No. 17149

Action Requested:

Special Exception to permit a home occupation beauty shop in an RS-2 District - **SECTION 402.B. 6. b. .Home Occupations Permitted by Special Exception** - Use Unit 6, located 4161 East 45th Street.

Presentation:

The applicant, **Marilyn Hauglund**, 4161 East 45th Street, requested permission to continue the operation of a beauty salon in her residence. She informed that her part-time business has been in operation since May and it is necessary that she work in the home to supervise her children. Ms. Hauglund stated that she has been a beauty operator for 28 years and has previously had shops in her home.

Comments and Questions:

In reply to Mr. Doverspike, the applicant stated that she intends to operate the shop on Thursday and Friday.

Mr. White inquired as to the location of the shop and the access, and Ms. Hauglund replied that the shop is in one end of the dwelling and is accessed through the garage.

In reply to Mr. Jackere, the applicant stated that she keeps her grandchildren on Monday and Wednesday of each week.

Protestants:

Ms. Turnbo informed that a petition (Exhibit E-1) and letters of protest (Exhibit E-2) have been received.

Robert Blood, 4140 East 45th Street, stated that he is representing numerous property owners in the area that are opposed to the application. He noted that street parking is an existing problem at this location and approval of a beauty shop in the interior of the established neighborhood would have a negative impact on property values.

William Leiter, 4051 East 44th Street, informed that 45th Street is heavily traveled and voiced a concern with increased traffic in the neighborhood.

Ann Kirst, 4131 East 45th Street, stated that the increased traffic generated by the beauty shop is a neighborhood problem and is hazardous to children in the area.

Case No. 17149 (continued)

Applicant's Rebuttal:

Ms. Hauglund agreed that 45th Street is a busy street, but stated that she will limit her days of operation to Thursday and Friday. She pointed out that her customers are always encouraged to park on the driveway, but they do occasionally park on the street.

Additional Comments:

Mr. Doverspike stated that, due to the amount of traffic and the number of vehicles parked on the street, he is opposed to the application.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-1-0 (Bolzle, Doverspike, Turnbo, White, "aye"; Abbott, "nay"; no "abstentions"; none "absent") to **DENY** a **Special Exception** to permit a home occupation beauty shop in an RS-2 District - **SECTION 402.B. 6. b. .Home Occupations Permitted by Special Exception** - Use Unit 6; finding that the street is heavily traveled and that street parking is hazardous; and finding that approval of the request would be detrimental to the neighborhood and in violation of the spirit and intent of the Code; on the following described property:

Lot 18, Block 5, Patrick Henry Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17151

Action Requested:

Appeal from the decision of customer services director of Department of Public Works in determining that sign permit would be issued to Reynolds Outdoor Advertising instead of the applicant - **SECTION 1605 APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 21, located 9510 East Broken Arrow Expressway.

Presentation:

The applicant, **Donrey Outdoor Advertising Company**, 7777 East 38th Street, requested by letter (Exhibit F-1) that Case No. 17151 be withdrawn.

Case No. 17152

Action Requested:

Special Exception to permit a church in an RS-3 District - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 25 South Atlanta.

Presentation:

The applicant, **Steve Olsen**, 324 East 3rd Street, submitted a plot plan (Exhibit G-1) and stated that the church in question has been at the current location for approximately 50 years. He informed that church use has never been requested on the tract, and asked that the application be approved.

Comments and Questions:

In reply to Mr. Doverspike, Mr. Olsen stated that no exterior changes are proposed.

Protestants:

None.

Board Action:

On **MOTION** of **DOVERSPIKE**, 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 church in an RS-3 District - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; finding that the church has been at the current location for many years and no exterior changes are proposed; on the following described property:

Lots 7 - 18, Block 6, East Highland Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17153

Action Requested:

Variance of the permitted floor area for a detached accessory building from 750 sq ft to 1080 sq ft - **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 11919 East 23rd Street.

Presentation:

The applicant, **Morton Building, Inc.**, Box 1388, Muskogee, Oklahoma, was represented by Jim Jones, contractor for the project.

Tom Martin, 11919 East 23rd Street, submitted a plot plan (Exhibit H-1) and requested permission to construct a storage building for his personal vehicles.

Case No. 17153 (continued)

Comments and Questions:

Mr. Bolzle asked the applicant if the structure will be used strictly for a garage, and Mr. Martin answered in the affirmative. He noted that the building will not have utilities.

In reply to Ms. Turnbo, Mr. Beach stated that he advised the applicant to apply for a building clearance permit to determine if additional relief is needed.

In regard to livability space, Mr. Jones advised that his application is currently being processed; but that he was not aware of the livability space issue.

Mr. Martin pointed out that there are numerous storage buildings in the area and one directly across the street.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-1-0 (Abbott, Doverspike, Turnbo, White, "aye"; Bolzle, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the permitted floor area for a detached accessory building from 750 sq ft to 1080 sq ft and **CONTINUE** the remainder of the application to September 26, 1995, to determine if additional relief is required - **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the building will be used for personal storage only (no commercial or dwelling purposes); finding the use to be consistent with the area and in harmony with the Code; on the following described property:

Lot 8, Block 6, Leslie Leigh II, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17154

Action Requested:

Variance of the required rear yard from 20' to 7.5' to permit the construction of a garage; and a variance of the required garage setback from 20' to 15.4' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 5950 East 55th Street South.

Presentation:

The applicant, **Joe Bohannon**, 5950 East 55th Street, submitted a plot plan (Exhibit J-1) and requested permission to add a new garage to an existing dwelling. He informed that the garage that was initially constructed was converted to a game room and the new addition will extend to within 7.5' of the rear lot line. Mr. Bohannon stated that the existing carport, which extends closer to the boundary line than the proposed structure, will be removed. The applicant advised that a similar variance was previously granted to one of his neighbors. Photographs (Exhibit J-2) were submitted.

Case No. 17154 (continued)

Comments and Questions:

In reply to Mr. Bolzle, the applicant stated that the small northeast accessory building will be removed.

Mr. White asked if the proposed construction will be comparable to that of the existing dwelling, and Mr. Bohannon informed that the architectural design of the new portion will be consistent with that of the existing home.

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 **Variance** of the required rear yard from 20' to 7.5' to permit the construction of a garage; and a **variance** of the required garage setback from 20' to 15.4' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; subject to the removal of the carport and the northeast storage building; finding a hardship demonstrated by the corner lot location, with major setbacks from two streets, and the irregular shape of the lot; on the following described property:

Lot 8, Block 10, Park Plaza Second, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 17155

Action Requested:

Special Exception to permit a temporary Halloween outreach as commercial recreation - **SECTION 1219.B. HOTEL, MOTEL AND RECREATION FACILITIES** - Use Unit 19, located 8171 East 44th Street.

Presentation:

The applicant, **Guts Ministries**, PO Box 471393, was represented by **Bill Scheer**, who submitted a plot plan (Exhibit K-1) and requested permission to conduct a Halloween outreach on the subject property. He informed that the event will be conducted from the second week of October 1995 to November 15, 1995.

Comments and Questions:

Mr. Doverspike asked if the event will be the same as was conducted in 1994, and Mr. Scheer answered in the affirmative.

Case No. 17155 (continued)

Mr. White asked the applicant if tents will be erected on the site, and he replied that there is an awning on the building and a tent will not be needed.

Interested Parties:

David Monroe, 9334 South Vandalia, stated that he is the president of a business in the area and, due to the location of the proposed use at 8171 East 44th Street, is not opposed to the application.

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 temporary Halloween outreach as commercial recreation - **SECTION 1219.B. HOTEL, MOTEL AND RECREATION FACILITIES** - Use Unit 19; per plan submitted; subject to the event being conducted from the second week of October 1995 to November 15, 1995; finding that the temporary use will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

Lots 12 through 17 inclusive, Block 1, corrected plat of Memorial Industrial Park, a subdivision of the City of Tulsa, Tulsa County, Oklahoma and the north 150' of Lots 9, 10, 11, Block 1, Memorial Park, and addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 17156

Action Requested:

Variance of the required setback from the centerline of East 35th Place from 50' to 47' to permit the construction of a carport - **SECTION 403.A. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1012 East 35th Place South.

Presentation:

The applicant, **Leon Kubien**, 1408 North Dogwood, Owasso, Oklahoma, was represented by Russell Stumpff, 1012 East 35th Place, who requested permission to construct a carport at the above stated location. He noted that there is only a one-car garage on the property and two vehicles require a cover. A plot plan (Exhibit L-1) was submitted, and the applicant pointed out that there are numerous carports in the area that are closer to the street than the one proposed.

Comments and Questions:

In reply to Mr. Doverspike, Mr. Stumpff stated that there are several carports on 35th Place.

Case No. 17156 (continued)

Protestants

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of East 35th Place from 50' to 47' to permit the construction of a carport - **SECTION 403.A. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that there are numerous carports on the same street and in the immediate area; and that approval of the application will not be detrimental to the neighborhood; on the following described property:

West 75' of the N/2 of Lot 2, Block 4, Peoria Gardens, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 17157

Action Requested:

Variance of the setback from the centerline of East 32nd Street from 55' to 17' to permit an addition to an existing dwelling and garage - **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1815 East 32nd Street.

Presentation:

The applicant, **Jack Arnold**, 7318 South Yale Avenue, submitted a plot plan (Exhibit M-1) and informed that an addition is proposed to an existing dwelling. He stated that the one-story addition to the two-story structure will be an asset to the neighborhood. Mr. Arnold noted that the dwelling was constructed on an irregular pie-shaped lot. He pointed out that the requested setback is from 55 to 52.8' and not 55' to 17', as reflected on the case report.

Interested Parties:

Norma Lockwood, 1812 East 31st Place, stated that she lives directly to the rear of the property in question and is supportive of the application.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a Variance of the setback from the centerline of East 32nd Street from 55' to 52.8' to permit an addition to an existing dwelling and garage - **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per

Case No. 17157 (continued)

plan submitted; finding that the dwelling was constructed on an irregular shaped lot and is located on a curved street; and finding that approval of the request will not be detrimental to the neighborhood; on the following described property:

Lot 13, Block 3, Bren Rose Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17158

Action Requested:

Variance of required setback from the centerline of Main Street from 60' to 42' to permit a carport - **SECTION 403.A. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 2420 North Main Street.

Presentation:

The applicant, **H. L. Wright**, 2420 North Main Street, submitted a plot plan (Exhibit N-1) and requested permission to install a carport on his property.

Comments and Questions:

Mr. White advised that he has site-checked the property and found that there is a 50' drop in elevation directly behind the dwelling.

Protestants:

None.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Tumbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of required setback from the centerline of Main Street from 60' to 42' to permit a carport - **SECTION 403.A. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding a hardship demonstrated by the change in elevation of the rear portion of the lot; on the following described property:

Lot 5, Block 7, Reservoir Hill, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 17159

Action Requested:

Special Exception to permit a residence in a CS District - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 6, located 2621 North Boston Place.

Case No. 17159 (continued)

Presentation:

The applicant, **Warren Morris**, 1918 East 51, One East, was not present.

Comments and Questions:

Mr. Beach advised that Mr. Morris has requested that Case No. 17159 be continued to September 26, 1995, due to a death in the family..

In reply to Mr. Doverspike, Mr. Beach stated that the request for continuance was not timely.

Protestants:

Protestants were present and agreed to a continuance.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 17159 to September 26, 1995.

Case No. 17162

Action Requested:

Approval of amended site plan - Use Unit 2, located 3441 East Archer.

Presentation:

The applicant, **City of Tulsa**, 1555 North 77th East Avenue, was represented by **Aaron Peters**, who submitted a site plan (Exhibit P-1) and explained that an additional mobile classroom is proposed to comply with House Bill 1017, concerning student teacher ratio.

Comments and Questions:

In reply to Mr. White, Mr. Peters stated that the location of the classroom is not the same as depicted on the site plan, because the new principal required that it be moved to a different location on the property.

Mr. Bolzle asked if the new location for the mobile unit will be closer to the west property line, and Mr. Peters replied that it is farther back from that lot line.

Interested Parties:

Roscoe Turner, 3415 East Haskell Street, stated that he is not opposed to the mobile unit on the school property, but voiced a concern with the lack of yard maintenance during the summer months. He noted that the grass is not mowed during the time that school is not in session, which greatly detracts from the appearance of the neighborhood.

Case No. 17162 (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** the amended site plan to allow an additional trailer (north side of the pre-existing trailer) in order to comply with House Bill 1017 student/teacher ratio; finding that the new unit will align with existing mobile units; on the following described property:

E/2, SW/4, SW/4, SW/4, Section 33, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17165

Action Requested:

Approval of amended site plan - Use Unit 2, located 2510 East Pine Street

Presentation:

The applicant, **Tulsa Public Schools**, 1555 North 77th East Avenue, was represented by **Aaron Peters**, who submitted a site plan (Exhibit R-1) and explained that an additional mobile classroom is proposed to comply with House Bill 1017, concerning student/teacher ratio.

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** the amended site plan to allow an additional trailer in order to comply with House Bill 1017 student/teacher ratio; finding that approval of the request will not be detrimental to the area; on the following described property:

W/2, NE/4, NW/4, NW/4, Section 32, T-20-N, R-13-E, Tulsa County, Oklahoma.

Case No. 17166

Action Requested:

Special Exception to permit a school in an RS-3 zoned district - Use Unit 2, located 1127 South Columbia (Wilson School).

Presentation:

The applicant, **Tulsa Public Schools**, 1555 North 77th East Avenue, was represented by **Aaron Peters**, who submitted a site plan (Exhibit S-1) and explained that an additional mobile classroom is proposed to comply with House Bill 1017, concerning student/teacher ratio. Mr. Peters informed that the school was constructed prior to the adoption of the current Zoning Code.

Comments and Questions:

Mr. Peters advised that setback relief is required for the trailer, and that portion of the application can be continued to the next scheduled meeting.

Board Action:

On **MOTION** of **DOVERSPIKE**, 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 school in an RS-3 zoned district - Use Unit 2; and to **CONTINUE** the remainder of the application to September 26, 1995; per plan submitted; finding that the school was constructed prior to the adoption of the current Zoning Code and the use had never been approved at this location; on the following described property:

NE/4, NE/4, NW/4, Section 8, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17167

Action Requested:

Approve amendment to previously approve site plan for a City of Tulsa Police Station - Use Unit 4, located 7515 Riverside Drive.

Presentation:

The applicant, **Blaine Imel (City of Tulsa)**, 5200 South Harvard, #5E, submitted a plot plan (Exhibit T-1) and advised that the City of Tulsa Police Department is proposing to construct an additional parking area and install an egress on Riverside Drive.

Protestants:

None.

Case No. 17167 (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 amendment to previously approve site plan for a City police station - Use Unit 4; per plan submitted; finding the addition of a parking lot and egress will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Beginning at the SE/c Lot 1, Block 3, River Grove Addition, thence S88°36'50"W for 72.89'; thence N37°46'15"W for 545.06'; thence on a curve to the left a radius of 44,939.56'; a central angle of 0°16'10" for 211.34" thence N88°17'18"E for 521.54'; thence S1°25'42"E for 611.60' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17168

Action Requested:

Variance of setback from the centerline of Lewis Avenue from 100' to 27.5' and a variance of the required setback from an abutting R District from 75' to 34' to permit an existing building and a variance of the required screening from an abutting R District - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** and **SECTION 1223.C. WAREHOUSING AND WHOLESALING** - Use Unit 23, located north of northeast corner South Lewis Avenue and East 13th Street.

Comments and Questions:

Ms. Turnbo advised that she will abstain from hearing Case No. 17168.

Presentation:

The applicant, **Craig Paine**, 4138 East 85th Street, submitted a plot plan (Exhibit U-1) and explained that Tulsa Greenhouse is proposing to relocate their wholesale business to the property in question. He stated that two buildings are existing (G and F), and were initially constructed over the current setback line. Mr. Paine noted that building J will contain a part of the old lumber shed used by the lumber yard that previously occupied the property, and buildings I and H will be newly constructed greenhouses. He informed that building A was an open shed with a roof and this area will be enclosed and used for sales. Photographs (Exhibit U-2) were submitted.

Comments and Questions:

In reply to Mr. Doverspike, the applicant stated that buildings C, D and E will be greenhouse additions, with buildings A, B and J will be remodeled.

Case No. 17168 (continued)

In response to Ms. Abbott, Mr. Paine stated that buildings I and H are located on leased railroad property. He added that the row of existing lumber sheds will be demolished.

Bill Arnett, owner of Tulsa Greenhouse, advised that his business sells to other retail florists, decorators, etc.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 3-1-1 (Bolze, Doverspike, White, "aye"; Abbott, "nay"; Turnbo, "abstaining"; none "absent") to **APPROVE** a **Variance** of setback from the centerline of Lewis Avenue from 100' to 27.5' and a **variance** of the required setback from an abutting R District from 75' to 34' to permit an existing building and a **variance** of the required screening from an abutting R District - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** and **SECTION 1223.C. WAREHOUSING AND WHOLESALING** - Use Unit 23; per plan submitted; finding the use to be compatible with the area; and finding that the existing buildings were constructed prior to the current Zoning Code requirements; on the following described property:

North 50', west 130', Lot 3 and all of Lot 4, Block 3, Fair Acres Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 17170

Action Requested:

Special exception to permit a telecommunications building expansion in an RS-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 4, located northeast corner West Young Street and North Osage Avenue.

Comments and Questions:

Ms. Turnbo advised that Councilor Williams has requested that the application be continued to allow sufficient time for a neighborhood meeting concerning the project.

Presentation:

The applicant, **Don Chambers Sr.**, 600 Civic Center, was represented by **Dale LeSturgeon**, who submitted a site plan (Exhibit V-1) and informed that any delay would have a significant impact on the project. He stated that there has been a meeting with the neighborhood and the replacement of the 20-year-old structure is considered to be an improvement to the area.

Case No. 17170 (continued)

Protestants:

Joan Ryan, 2270 North Denver Place, president of the Reservoir Hill Neighborhood Association, stated that she is not sure if the area residents are opposed to the application and requested that the case be continued to allow sufficient time a neighborhood meeting.

After a brief discussion with Mr. LeSturgeon and Mr. Chambers, the residents of the area and Ms. Ryan determined that they were not opposed to the replacement of the existing building.

Board Action:

On **MOTION** of **DOVERSPIKE**, 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 telecommunications building replacement in an RS-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 4; per plan submitted; subject to the existing building and tank being removed from the site and replaced with a new structure; finding that approval of the request will not be detrimental to the area; on the following described property:

Commencing at the SE/c Government Lot 4, Section 26, T-20-N, R-12-E, N01°19'02"W for 575'; thence N47°00'00"W for 10" to POB; thence S43°00'00"W for 26'; thence N47°00'00"W for 26' N43°00'00"E for 26'; thence S47°00'00"E for 26' to POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17171

Action Requested:

Special Exception to permit a university housing facility under Use Unit 2 in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; variance of the required setback from East 4th Place from 25' to 19' for one building; variance of the required setback from South Evanston from 25' to 20' for one building; variance of the maximum building height from 35' to 41' - **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 2; variance to permit required off-street parking to be on a lot other than the lot containing the principal use - **SECTION 1302.B. OFF-STREET PARKING AND OFF-STREET LOADING SETBACKS** - Use Unit 2; and a variance to permit unenclosed parking areas to be less than 50' from the centerline of abutting streets - **SECTION 1302.B OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS** - Use Unit 2; and a variance of the required landscaped area abutting East 3rd Street from 5' to 0' - **SECTION 1002.A.2. LANDSCAPE REQUIREMENTS** - Use Unit 2, located East 3rd Street to 4th Place and South Delaware to South Evanston Avenue.

Presentation:

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, submitted a plot plan (Exhibit W-1) for housing that is proposed on the northwest corner of the University of Tulsa (TU) campus. He informed that the housing is a part of the TU Master Plan, which was approved in 1987, and noted there has been a major demand for this type of housing. The applicant stated that occupancy will be limited to students, faculty and employees, with priority being given in the order listed. He submitted photographs (Exhibit W-3) of structures that will be removed for this project, and noted that the closure of 4th Street is being considered by the City Council. Mr. Norman advised that TU will dedicate to the City an additional 5' of right-of-way on the Delaware side and the entire site will be moved slightly to the east. He stated that 3rd Street will be also be straightened to improve site lines. Mr. Norman noted that a 6' encroachment occurs on East 4th Place because of the additional right-of-way that was dedicated to permit a right-turn lane out of the campus onto Delaware. He pointed out that a similar variance is required on Evanston. Mr. Norman stated that portions of the structures (Exhibit W-2) will have three stories (41' height), which will exceed the 35' height limitation. He requested that some parking will be on a lot other than the one containing the principal use; however, TU is amenable to the execution of a tie contract to prevent the sale of one lot without the other. Mr. Norman requested that the unenclosed parking area be permitted less than 50' from the centerline of the street, and noted that a 6' sidewalk will be in place, with a landscaped space 5' or more between the sidewalk and the parking area. He informed that one angle in the property line causes the 5' landscaped area to be reduced to retain three parking spaces that would otherwise be displaced.

Comments and Questions:

Mr. Bolzle asked why the club will not have an interior location, and Mr. Norman replied that the entry to the campus would be more pleasing if a smaller building and open area were at this location. Mr. Norman informed that hours of operation for the pool can be limited if this is a Board concern.

Mr. Bolzle inquired as to the reason for having the three-story units overlooking the residential area on the north and west, and Mr. Norman stated that there are major setbacks at these locations.

Ms. Turnbo informed that a letter (Exhibit W-4) from **Michael Murphy** states that he owns property included in the application, and Mr. Norman advised that all properties included are either owned by TU, under contract to Tulsa Development Authority (TDA) or are being condemned by TDA. He noted that Mr. Murphy's property is the subject of a condemnation action. Mr. Norman advised that TU has agreed to buy the properties acquired by TDA in the area.

Case No. 17171 (continued)

Protestants:

Bill Castor, 1918 East 51st Street, informed that he is representing **Michael Murphy** and stated that a private entity cannot acquire property by condemnation, either directly or indirectly. He requested that the item be tabled until this constitutional issue be determined.

Gracie Cary, 1147 South Evanston, stated that she is the chairman of the Kendall Homeowners Association, and also requested that the item be tabled until the constitutional issue has been determined.

Captola Thomas, 3016 East 2nd Street, submitted a petition of opposition (Exhibit W-5) and voiced a concern with modifying the street near the Child Development Center, and also the construction of proposed parking. Ms. Thomas requested that traffic not be permitted to flow onto 3rd Street or Delaware Avenue.

In reply to Ms. Thomas, Mr. Gardner advised that a sidewalk will be installed along 3rd Street.

Ms. Thomas stated that the neighborhood has been poorly informed regarding this issue and requested that the item be tabled at this time and heard at a future meeting.

Ms. Turnbo suggested that, in order to conserve time, Mr. Norman and the protestants briefly discuss the item outside the meeting room and return to conclude the hearing.

After discussion, Mr. Norman stated that he explained the nature of the application to the protestants and suggested that the hearing resume.

Shirley Morton, 2737 East 4th Street, stated that she was told that there would be no traffic directed onto Delaware or 3rd Street. She informed that the noise and traffic are a problem in the area and asked that TU develop their property in a way that will have the least impact on the neighborhood. She stated that the project could be redesigned to move the pool and clubhouse to another location on the campus.

Comments and Questions:

In reply to Mr. Doverspike, Mr. Norman and Mr. Beach stated that a request for continuance was not made prior to this meeting.

Mr. Doverspike stated that hearing notices were sent out in a timely manner and he is not inclined to continue the application.

Case No. 17171 (continued)

Mr. Abbott asked if the proposed apartments were a part of the TU Master Plan, and Mr. Norman replied that the area was identified as housing, but the design was completed in June of this year.

A previous speaker stated that she was not aware that she was to contact Mr. Norman in order to request a continuance.

Applicant's Rebuttal:

Mr. Norman informed that many informal meetings have been conducted concerning the TU Master Plan, and the university has worked in an effort to upgrade the area. He pointed out that the traffic from the proposed housing units will move toward the center of the campus and away from the residential neighborhood. In regard to Mr. Castor's remarks, Mr. Norman stated that the Urban Renewal Project Plan was adopted by the Tulsa Development Authority, reviewed by the Planning Commission and approved by the City Council. He pointed out that the property can then be taken and redeveloped for private use. Mr. Norman informed that 24-hour security will be provided for the housing development and the project will be an asset to the neighborhood.

Board Action:

On **MOTION of DOVERSPIKE**, 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 university housing facility under Use Unit 2 in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; variance of the required setback from East 4th Place from 25' to 19' for one building; variance of the required setback from South Evanston from 25' to 20' for one building; variance of the maximum building height from 35' to 41' - **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 2; variance to permit required off-street parking to be on a lot other than the lot containing the principal use - **SECTION 1302.B. OFF-STREET PARKING AND OFF-STREET LOADING SETBACKS** - Use Unit 2; and a variance to permit unenclosed parking areas to be less than 50' from the centerline of abutting streets - **SECTION 1302.B OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS** - Use Unit 2; and a variance of the required landscaped area abutting East 3rd Street from 5' to 0' at one point - **SECTION 1002.A.2. LANDSCAPE REQUIREMENTS** - Use Unit 2; per plan submitted; subject to the execution of a tie contract on the lot containing the apartments and the parking lot; finding that the use was included as a part of the adopted TU Master Plan; and finding that the housing development will be compatible with the neighborhood and in harmony with the spirit and intent of the Code; on the following described property:

Case No. 17171 (continued)

A tract of land that is part of Block 10 and 11, Pleasant View Addition, and part of Block 1, college Addition and part of East 4th Street South and South Evanston Avenue, more particularly described as follows: Beginning at the SE/c said Block 1, college Park Addition; thence S89°42'58"W for 282'; thence N87°25'15"W for 80.08'; thence S89°42'58"W for 125'; thence N45°09'21"W for 11.29'; thence N00°01'41"W for 573'; thence N89°42'58"E for 395'; thence S80°37'43"E for 106.43'; thence S00°01'41"E for 567.15'; thence S89°42'58"W for 5' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17172

Action Requested:

Variance of the maximum 3000 sq ft floor area to 6000 sq ft for a dry cleaning/laundry business - **SECTION 1215.B.3. - USE UNIT 15. OTHER TRADES AND SERVICES**, located 8246 East 73rd Street.

Comments and Questions:

Ms. Turnbo advised that Mr. Doverspike will abstain from hearing Case No. 17172.

Presentation:

The applicant, **Thomas Williams**, 9051 East 26th Court, submitted a plot plan (Exhibit X-1) and informed that a dry cleaning/laundry business is proposed on the subject property. He pointed out that the dry cleaning industry has changed over the years and the additional space is needed in order to have equipment that allows the facility to comply with the Clean Air Act and to keep up with the work flow of the business. Mr. Williams pointed out that similar variances to allow additional square footage for cleaning establishments have been approved by the Board.

Comments and Questions:

Mr. Gardner advised that the limitation previously placed on dry cleaning businesses was to distinguish between industrial cleaning/laundry and commercial facilities that clean personal items.

Mr. Williams noted that the business in question is a retail personal service operation, with no large industrial or business accounts. He added that the operation is odorless and compatible with all retail businesses.

Protestants:

None.

Case No. 17172 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-1 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; Doverspike, "abstaining"; none "absent") to **APPROVE** a **Variance** of the maximum 3000 sq ft floor area to 6000 sq ft for a dry cleaning/laundry business for personal cleaning items - **SECTION 1215.B.3. - USE UNIT 15. OTHER TRADES AND SERVICES**; per plan submitted; finding the use to be a commercial business, with no industrial or commercial accounts; and finding that approval of the use will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 4, Block 1, Randall Plaza Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17173

Action Requested:

Variance to permit 7 of the required 24 off-street parking spaces for a family billiard center to be located on a lot other than the lot containing the principal use and the remaining spaces to be located so that vehicles must back into the street right-of-way - **SECTION 1219.D. USE UNIT 19. HOTEL, MOTEL AND RECREATION FACILITIES**, located 6339 East Tecumseh.

Presentation:

The applicant, **Shiela Gilliland**, 10956 East 3rd Street, was represented by **Doug Bauer**, 2420 South Marion, who informed that he sold the property in question to the applicant and advised her that she should inquire as to required parking for the proposed business. He stated that she acquired legal counsel and continued with the purchase of the property; however, Ms. Gilliland failed to acquire proper permits for the business before closing. Mr. Bauer informed that the applicant had previously made application to operate a billiard center, with alcoholic beverages being served. He stated that this application was denied by the Board, due to lack of required parking. He stated that Ms. Gilliland has now determined she will not serve alcohol, which will lower the parking requirement for the business. Mr. Bauer advised that it appears that, with the change of use, Ms. Gilliland is now in compliance with the parking requirements. A letter (Exhibit Y-2) from **Jon Eshelman**, Traffic Engineering, stated that he would not strongly object to the parking arrangement for the business.

Sheila Gilliland, 6339 East Tecumseh, stated that she has operated a similar business at another location, which was open from 11 a.m. to approximately 5 a.m.

Case No. 17173 (continued)

Ms. Turnbo asked if it would be necessary to have a 24-hour-a-day operation for a family oriented business, and Ms. Gilliland replied that she anticipates that customers would visit her establishment during all hours. She informed that security is always provided during hours of operation.

Protestants:

Laverne Reiswig, 1936 North Oxford, stated that sufficient parking is not available for the proposed use.

Judy Rose, 1917 North Norwood Place, stated that employee parking will reduce the number of customer parking spaces to 21, which will result in parking in the neighborhood. She noted that existing businesses in the area are nonconforming and any new businesses will be required to conform to current parking requirements. Ms. Rose pointed out that Tecumseh is a heavily traveled street and parked cars at this location will block the line of sight at the intersection. She noted that a hardship has not been presented that would warrant the granting of a variance request.

Marilyn Neal, 1942 North Oxford, informed that this case has been heard four times and each time parking has been noted as the major issue for denying the use.

John Dotson, 1939 North Norwood Place, requested that the Board preserve the integrity of the neighborhood by denying the variance request.

Everett Neal, 1942 North Oxford, requested that the neighborhood not be penalized because the applicant made a bad business deal. He pointed out that sufficient parking is not available for the proposed use and requested that the application be denied.

Applicant's Rebuttal:

Mr. Bauer stated that the use to the east began operation within the last two years and pointed out that the same regulations that governed it should be applied to the applicant's business. He informed that Ms. Gilliland intends to asphalt over the sidewalk and install parking barriers approximately 2' in front of the building. Mr. Bauer stated that he does not feel that vehicles parked in front of the building will block the line of sight at the intersection.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **DENY** a **Variance** to permit 7 of the required 24 off-street parking spaces for a family billiard center to be located on a lot other than the lot containing the principal use and the remaining spaces to be located so that vehicles must back into the street right-of-way - **SECTION 1219.D. USE UNIT 19. HOTEL, MOTEL AND RECREATION FACILITIES**; finding the parking to be inadequate for the use; and finding that

Case No. 17173 (continued)

approval of the request would be detrimental to the neighborhood; on the following described property:

Lots 12, 13 and 14, Block 2, Houston Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17174

Action Requested:

Special Exception to amend a previously approved site plan to permit expansion of a police station to include an addition to the main building, addition of a storage building, gas pumps with canopy and car wash with canopy - Use Unit 2, located southwest corner North Delaware and 36th Street North.

Presentation:

The applicant, **Brian Jeffers**, 1717 South Houston, Suite 200, submitted a plot plan (Exhibit Z-1) and informed that he is representing the City of Tulsa. Mr. Jeffers stated that an addition to the police station, along with a car wash and accessory building, will alter the previously approved plan.

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 amend a previously approved site plan to permit expansion of a police station to include an addition to the main building, addition of a storage building, gas pumps with canopy and car wash with canopy - Use Unit 2; per plan submitted; 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:

All of Blocks 2 and 3, Rouzeau Court Addition, City of Tulsa, Tulsa County, Oklahoma, less the north 60' Lots 1 and 24, Block 2 and less the north 40' Lots 1 and 24, Block 3.

Case No. 17175

Action Requested:

Special Exception to permit auto rental and sales in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located southwest corner East Queen Street and North Sheridan Road.

Case No. 17175 (continued)

Presentation:

The applicant, **Billie Cox**, 3109 South Lewis, submitted a site plan (Exhibit AA-1) and stated that he has a tenant that is proposing to lease the property for auto rental and sales. He informed that the property will be upgraded to City specifications.

Comments and Questions:

Ms. Turnbo asked the applicant if the business will have outside storage of merchandise and Mr. Cox answered in the affirmative.

After discussion, it was determined that the applicant needs additional relief in order to store merchandise for sale within 300' of a residential district.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 17175 to October 10, 1995 for readvertising

Case No. 17176

Action Requested:

Special Exception to permit a paint and body shop in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 502 East 36th Street North.

Presentation:

The applicant, **Paul Washington**, 807 North Union Place, informed that he is operating an automobile repair shop and requested permission to also paint automobiles at this location. Mr. Washington advised that the Code requires Board of Adjustment approval to operate a paint booth.

Comments and Questions:

In reply to Ms. Turnbo, the applicant informed that the paint booth is operated in conjunction with his repair business.

Mr. Gardner noted that this type of painting is customarily permitted as an accessory use to an auto body shop.

Ms. Turnbo asked the applicant if his primary business is repairing cars, and Mr. Washington answered in the affirmative.

Protestants:

None.

Case No. 17176 (continued)

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** a **Special Exception** to permit a paint and body shop in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; subject to the principal use being automobile repair, with painting as an accessory use; and finding that approval of the request will not be detrimental to the area; on the following described property:

Lot 2, Block 1, Carl's Green Valley Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17177

Action Requested:

Special Exception to permit a mobile home in an RM-1 zoned district and a variance of the one-year time limit to permanent - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located 2024 North Joplin.

Presentation:

The applicant, **Aval Reser Jr.**, HC 64, Box 1413, Locust Grove, Oklahoma, was represented by Roberta Reser, who submitted a plot plan (Exhibit BB-1) and requested permission to install a mobile home on property at the above stated location. She informed that the old house has been removed from the lot.

Comments and Questions:

Mr. Gardner asked if the area to the west was previously a mobile home park, and Ms. Reser answered in the affirmative.

Mr. Doverspike asked if there are other mobile homes on Joplin, and Ms. Reser replied that there are other units in the area.

In reply to Ms. Abbott, Ms. Reser stated that the mobile unit will be installed on a permanent foundation if the variance of the one-year time limitation is approved.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RM-1 zoned district and a **variance** of the one-year time limit to permanent - **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; per plan submitted; subject to skirting and tie-downs; finding mobile home use to be compatible with the area; on the following described property:

Case No. 17177 (continued)

Lots 1 and 2, Block 5, Original Townsite of Dawson, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17181

Action Requested:

Amendment to a previously approved site plan, located east of the southeast corner East 111th Street and South Yale Avenue.

Presentation:

The applicant, **Jack Cox**, 7935 East 57th Street South, was represented by Steve Olsen, who submitted a plot plan (Exhibit CC-1) for the expansion of an existing church.

Comments and Questions:

Mr. Gardner advised that the applicant is not expanding the sanctuary portion of the church, therefore, additional off-street parking is not required.

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; per plan submitted; finding that the proposed construction will not alter the size of the sanctuary; on the following described property:

Lot 1, Block 1, St. James United Methodist Church, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 5:35 p.m.

Date Approved Sept. 26, 1995

Norma Turnbo
Chairman