

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 703
Tuesday, May 14, 1996, 1 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 Bolzle Turnbo, Chair White	Box	Beach Gardner Huntsinger	Linker, Legal Department Parnell Code Enforcement Romig, Legal Department Ballentine, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Wednesday, May 8, 1996, at 09:33 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 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Box, "absent") to **APPROVE** the minutes of April 23, 1996 (No. 702)

UNFINISHED BUSINESS

Case No. 17343

Action Requested:

Special Exception to permit a mini-storage in an OL district. **SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** - a Variance of the required setback from the centerline of N. Lewis Ave. from 100' to 75' and a Variance of the required setback from the centerline of East 29th Street North from 50' to 40'. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 16, located 2905 North Lewis Avenue.

Presentation:

The applicant, **Ray Curl**, 2905 North Lewis Avenue, submitted a letter of recommendation from Dr. Schoenberg (Exhibit A-1), photographs (Exhibit A-2) and stated he is trying to put in a mini-storage. He advised the Board he has the approval of the zoning and now he is trying to get approval for the use and for the setback. He explained he needs to go back from the middle of Lewis 65' and 29th he will setback 40' from the centerline of the street. He stated he doesn't know why the protestants are objecting.

Interested Parties:

Lawrence Pete, 2104 North Cincinnati Avenue, stated last year he lived at 2401 North Lewis. He explained his home was right behind Mr. Curl's and wanted to give a testimony to the development Mr. Curl has done in the area. He further explained Mr. Curl has taken down old houses and buildings. He asserted Mr. Curl is doing a good job of developing the area and improving the neighborhood.

Florence Curl, 7 East Woodrow Place, stated she can not understand why anyone would protest Mr. Curl putting in a mini-storage. She explained the area was run down until Mr. Curl completely renovated the area.

Protestants:

Greg Robinson, stated he protests this issue because of the location being in a residential area. He explained a mini-storage is not appropriate for the area and does not add to the community.

Ms. Abbott in at 1:14 p.m.

Applicant's Rebuttal:

Mr. Curl asserted the area is not a residential area. He informed the Board that he is zoned office and next door to his property is Dr. Schoenberg who has been there 28 years, Mr. Curl stated there is not a mini-storage on the north side of town and it is greatly needed.

Comments and Questions:

Mr. Gardner advised the Board that Mr. Curl's property has been zoned OL by the City. Mr. Curl is the first to apply for an exception for mini-storage under the OL zoning. He stated the Dr.'s building is also zoned OL. He further stated that under the zoning code, chapter 6, pages 6-8 & 6-9, it states the minimum requirements that must be met to have a mini-storage. Mr. Gardner explained the requirements for any new buildings will have to be of quality construction concrete/masonry.

Case No. 17343 (continued)

Mr. Greg Robinson, 2307 East 29th Place North, after hearing the Code requirements for mini-storage in an OL district he withdrew his objection.

In response to Mr. White, Mr. Gardner responded that dwellings are permitted to go above 12' and Mr. Curl could go to 32' in height to accommodate a dwelling above the mini-storage per Code requirements. He stated Mr. Curl's dwelling however, will be in the existing facility along with the office and this is permitted.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-1 (Bolzle, Turnbo, White, "aye"; no "nays"; Abbott "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to permit a mini-storage in an OL district. **SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** - a **Variance** of the required setback from the centerline of N. Lewis Ave. from 100' to 65' to align with existing structures on the lot and the structure to the North per Section 211.C and a **Variance** of the required setback from the centerline of East 29th Street North from 50' to 40'. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 16, per plan submitted, subject to the Eastern most building being revised so that it sets back from 29th Street by 40' from the centerline and that the requirements under 604 H. shall apply, finding the approval of this application will not be injurious to the neighborhood or the spirit, purpose or intent of the Code; on the following described property:

Lots 12 & 13, Block 7, Amos T. Hall Addition, City of Tulsa, Tulsa County, Oklahoma

NEW APPLICATIONS

Case No. 17363

Action Requested:

Special Exception to permit a temporary tent for plant sales in a CS zoned district for 150 days per year in the spring and fall of 1996, 1997 and 1998. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** Use Unit 2, located 11102 East 21st Street.

Presentation:

The applicant, **Barbara K. Guinn**, 11102 East 21st Street, submitted a site plan (Exhibit B-1) and stated the tent will be erected in the back of the lot between Ryan's Steak House and Kentucky Fried Chicken restaurants.

Comments and Questions:

In response to Mr. White, she responded she has a temporary permit to erect the tent, which is already in existence. She stated another vendor, Mr. Jones, will be directly in front of her tent on the concrete slab and she will be on the graveled area.

In response to Ms. Turnbo, the applicant stated the dates of operation will be April 1, through June 30, and September 15 through October 31.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to permit a temporary tent for plant sales in a CS zoned district for 150 days per year in the spring and fall of 1996, 1997 and 1998. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** Use Unit 2, per plan submitted, subject to dates approximately April 1 through June 30 and September 15 through November 30, finding the approval of this request will not be injurious to the area or violate the purpose and intent of the Code; on the following described property:

A tract of land beginning at the NW/c Lot 3, Block 1, Amended Plat Garnett Acres, City of Tulsa, Tulsa County, Oklahoma; thence E 80', S 250', W 80', N 250' to POB.

Case No. 17365

Action Requested:

Variance of the requirement that a corridor development's access shall be principally from an internal collector street. **SECTION 804. ACCESS REQUIREMENTS** - Use Unit 14, located SE of 91st Street and South Memorial Drive.

Presentation:

The applicant, **Charles E. Norman**, 2900 Mid-Continent Tower, stated the property is South and East of 91st and South Memorial intersection directly across from the entrance to the Walmart Store and immediately east of the existing Sonic Drive-In. The property is a part of approximately 16 acre tract within the CO corridor district and the service station/mini-mart Texaco at the corner and Sonic have been previously approved under corridor district site plans. He stated this application is a part of a similar corridor site plan application for the location of a automobile parts/retail store. He further stated this application is on the agenda for the Planning Commission April 15, 1996. He explained the Staff has recommended the property is appropriate for the retail use similar to other uses in the immediate area and the intersection. The zoning district requires that the access be primarily from an internal collector street, however, the same chapter permits buildings to be located within 100' of the centerline of the street if they are within 500' of the corner. This property is within the 550' distance. Mr. Norman stated an internal mutual access easement has already been established on the two properties to the west and will be established on this property to enable an access from the Texaco store at the corner and the Sonic Drive-In to the internal service drive that will have to be established as a part of the development of the remaining property. This creates a situation within the terms of the ordinance where you could not have commercial type of development within the node and still have access from an internal street. This creates a hardship by the terms of the code, a minor inconsistency, and requested approval of the variance pursuant to the approval of the site plan by the Planning Commission and the City Council.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Variance** of the requirement that a corridor development's access shall be principally from an internal collector street. **SECTION 804. ACCESS REQUIREMENTS** - Use Unit 14, subject to the extension of the vehicular easement on the side of the property, subject to approval of TMAPC of the corridor site plan, finding extraordinary conditions to the land, the literal enforcement of the terms of the Code would result in unnecessary hardship; finding there is ample abutting land in which the corridor collector street can be established; finding the approval of this application will not be injurious to the area or to the spirit, purpose and intent of the Code; on the following described property:

Starting at the NW/c Sec. 24, T-18-N, R-13-E, I.B.M., City of Tulsa, Tulsa County, Oklahoma, thence N89°37'44"E for 505.85' to POB; thence N89°37'44"E for 29.15'; thence due south for 285.00'; thence S89°37'44"W for 150.00'; thence due north for 225.00'; thence N89°37'44"E for 121.24'; thence N 00°22'16"W for 60.00' to POB.

Case No. 17366

Action Requested:

Special Exception to permit a 6' high fence in the required front yard in an RS-3 zoned district. **SECTION 210.B.3. YARDS** - Use Unit 6, located 1011 East 37th Place.

Presentation:

The applicant, **C.W. Daimon Jacobs**, 1011 East 37th Place, submitted a site plan (Exhibit D-1) and General Warranty Deed (Exhibit D-2) and informed the Board the notice of hearing sent out to the property owners states an erroneous location. He stated he is concerned that the neighbors were not appropriately advised of this request before the Board. He requested the Board to decide if notice is adequate.

Comments and Questions:

Mr. Linker informed the Board that anytime the applicant has a question about the notice it should be continued to give proper notice to the surrounding property owners.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **CONTINUE** Case No. 17366 to May 28, 1996 at 1:00 p.m. to re-advertise and give proper notice.

Case No. 17367

Action Requested:

Variance of the previously approved setback from the centerline of 41st from 77' to 76' for an existing office building. **SECTION 210.B.3. YARDS** - Use Unit 6, located West of the SW/c East 41st Street and South Harvard Avenue.

Presentation:

The applicant, **David H. Sanders, Jr.**, 624 South Denver, representing Anderson Commercial Properties, L.L.C., submitted a plot plan (Exhibit E-1) and stated his client purchased the property on January 19, 1996. He further stated it is an office building known as the Wellington Office Building and is approximately 16,157' with ten (10) tenants in the building presently. He explained the as built survey for the building improvements are within the setback as a variance approved by the City of Tulsa, however the awning on the front of the building is 8.2' x 38.2' and exceeds the approved variance within 1'. He requested a variance to permit the 1' that exceeds the previous approved variance.

Case No. 17367 (continued)

Comments and Questions:

In response to Mr. Bolzle, the applicant responded the awning is masonry and part of the building.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Variance** of the previously approved setback from the centerline of 41st from 77' to 76' for an existing office building. **SECTION 210.B.3. YARDS** - Use Unit 6, per plan submitted, finding the building is constructed, that only the masonry awning extends an additional foot and that the literal enforcement of the terms of the Code would result in unnecessary hardship; finding the approval of this request will not be injurious to the area or to the spirit, purpose and intent of the Code, on the following described property:

Lot 1, Charles Teel Addition and the N. 110' of the E. 25' of Lot 7, Block 1, Sunnybrook Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17368

Action Requested:

Special Exception to permit a transitional living center in an IL zoned district. **SECTION 210.B.3. YARDS** - Use Unit 6, located 5624 South 107th East Avenue.

Presentation:

The applicant, **H.O.W. Foundation**, represented by Keaton Rabon, Assistant Director, submitted a site plan (Exhibit F-1) and stated the H.O.W. Foundation is proposing to purchase this property and establish a transitional living center. He further stated the H.O.W. Foundation is an alcohol and drug rehabilitation center and have resided at their current address for 15 years. He explained the foundation is a non-profit, self supporting organization and is a well established organization. He stated the foundation is a viable asset to the community. He further stated the foundation has always had a good relationship with the City, Parks Department, DTU, PSO and other major companies in Tulsa. He told the Board that last year the foundation was able to establish three leases with the City lasting 5 years and it will project their current address into the 21st Century. He related the tenants in the transitional living center will be composed of graduates who have been through a six (6) month rehabilitation program. The tenants will be gainfully employed, quiet and live in a structured housing. He stated the locations of the body shop located at 105 North Boulder and the transitional living center at North St. Louis are projected to be used for other purposes and there is a need to move the facilities to a closer proximity to the rehabilitation center so that they can establish a permanency. He told the Board that the foundation recently spent over \$750,000 on the rehabilitation center on South Garnett to improve the appearances. He stated the proposed property will fit the needs of the foundation and will enable the foundation to move from the downtown area where a new transition for commercial use is occurring.

Comments and Questions:

In response to Mr. Bolzle, the applicant responded currently there are 12 men in the transitional living center and no more than 18 men are proposed for the facility.

In response to Mr. Bolzle, he stated the graduates continue their counseling.

Protestants:

Shirley Armstrong, 5662 South 107th East Avenue, stated she lives three blocks south of the proposed application. She explained the property has been a heliport and she understands the property only has room for eight (8) or nine (9) people. She stated the street is a 20' dead end street with 15 residents. She expressed some concerns on the number of men living at the proposed property. She related that Mr. Hawk told the neighborhood there would never be more than 12 men living on the proposed site and now Mr. Rabon is stating there will be 18 men there. She requested the Board to limit the number of men living in the transitional living center. She informed the Board that the neighborhood has been zoned industry since 1975.

Applicant's Rebuttal:

Mr. Rabon stated the building on the proposed property is large enough to house 18 men with further improvements. He further stated that currently they have 12 men living at the other center and the foundation has not talked about establishing more graduates at the program, but he knows they are in line as tenant status over at the resident center. He related the life style of the men is quiet and orderly with supervision.

Additional Comments:

Mr. Gardner informed the Board that he has personally used the H.O.W. Foundation on more than one occasion to come into his home to move furniture and to do things for him for payment. He explained they are self supporting by working in the community.

Ms. Turnbo concurred the foundation is a very good program.

Mr. Bolzle asked the applicant how long it would be before the need to expand the facility to 18 men? The applicant responded the transition will be approximately six (6) months from this date. He further responded the facility can house 12 men today.

Case No. 17368 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to permit a transitional living center in an IL zoned district. **SECTION 210.B.3. YARDS** - Use Unit 6, per plan submitted, subject to 12 residents at this time, finding the approval of this application will not be injurious to the neighborhood or to the spirit, purpose and intent of the Code; on the following described property:

Lot 1, Block 2, Golden Valley Addition, City of Tulsa, Tulsa County, Oklahoma LESS beginning at the SW/c said Lot 1, thence N01°22'02"W for 161.46'; thence N88°42'21"E for 352.35'; thence S05°15'01"W for 162.53'; thence S88°42'30"W for 333.62' to POB AND Lot 2, Block 2, Golden Valley Addition, City of Tulsa, Tulsa County, Oklahoma LESS beginning at the SW/c said Lot 2, thence N01°22'02"W for 161.46'; thence N88°42'30"E for 333.62'; thence S05°15'01"W for 162.53'; thence S88°42'36"W for 314.89' to POB.

Case No. 17369

Action Requested:

Special Exception to permit a fence in the required front yard to exceed 4 feet in height to 8 feet. **SECTION 210.B.3. YARDS** and a Variance of the Home Occupation Guidelines to permit a sign which is visible from outside the lot. **SECTION 404.B.3. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 6, located 2nd house East of 2744 East Admiral Court.

Presentation:

The applicant, **Richard Ravits**, 52 North Delaware Ave., submitted photographs (Exhibit G-1) and stated this location is presently a law office with a wood sign for advertising. He informed the Board he has a 6' fence for protection and to keep his dog in the yard. He explained the fence is located on the NE/c and that is the only area he would like to keep fenced. He further explained the fence also keeps people from throwing trash into his yard.

Comments and Questions:

Mr. Bolzle asked the applicant if the fence request has been reduced to 6'? The applicant stated the inspector told him to get an exception for a 6' fence in the front yard, which only permits a fence in the front yard to be 4'.

Mr. Bolzle explained the sign is a critical part of the maintenance of the Home Occupation Guidelines.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to permit a fence in the required front yard to exceed 4 feet in height to 8 feet. **SECTION 210.B.3. YARDS** - Use Unit 6; subject to the fence being limited to 6', finding the approval of this request will not be injurious to the neighborhood or violate the spirit and intent of the Code, and **DENY** a **Variance** of the Home Occupation Guidelines to permit a sign which is visible from outside the lot. **SECTION 404.B.3. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** Use Unit 6; finding the applicant failed to present a hardship unique to the property that would warrant the granting of the variance request for a sign; on the following described property:

Lot 1, Ozarka Place Addition, City of Tulsa, Tulsa County, Oklahoma

Case No. 17370

Action Requested:

Special Exception to permit a temporary tent for a fruit stand from May 1 through August 31 and from Thanksgiving through Christmas for 1996, 1997 and 1998. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, located 10926 East 21st Street.

Presentation:

The applicant, **Richard Jones**, 11944 East 15th Street, submitted a site plan (Exhibit H-1) and stated the correct address for the application is 11102 East 21st Street. He further stated he has been at the same location for five (5) years. He requested permission to erect a temporary tent for fruit and vegetable sales during the months of May 1 through August 31 and from Thanksgiving through Christmas for 1996, 1997 and 1998.

Comments and Questions:

Mr. Bolzle asked the applicant if his use has changed? He answered negatively.

Ms. Abbott requested the dates for Thanksgiving through Christmas? The applicant stated he sales fruit approximately three (3) months and Christmas Trees for approximately one (1) month. He further stated he is usually under the 150 days due to the weather.

Case No. 17370 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to permit a temporary tent for a fruit stand from May 1 through August 31 and Christmas Tree sales from Thanksgiving through Christmas for 1996, 1997 and 1998. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, per plan submitted, subject to dates May 1 through August 31 and Thanksgiving through Christmas for 1996, 1997 and 1998, finding the approval of this request will not be harmful to the area or to the spirit, purpose and intent of the Code; on the following described property:

Beginning at the NW/c Lot 3, Block 1, Amended Garnett Acres Addition, City of Tulsa, Tulsa County, Oklahoma; thence E 80'; S 250', W 80', N 250' to POB.

Case No. 17371

Action Requested:

Special Exception to permit temporary tents for Brush Creek Bazaar from Oct. 1 through Oct. 7 each year for 10 years beginning 1996. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**, a Variance to permit required off-street parking on a lot other than the lot containing the principal use. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING, GENERAL REQUIREMENTS** and a Variance of the all-weather surface requirement for required parking. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 2, located 10900 South Louisville.

Presentation:

The applicant, **Jim D. Furman**, represented by Leslie Pierce, 5220 East 105th Street, submitted a plot plan (Exhibit I-3), photographs (Exhibit I-6), zoning violation notice (Exhibit I-1), zoning plans review (Exhibit I-2) and stated this is an annual fund raising event for Brush Creek Boys Ranch in Jay, Oklahoma. He further stated the ranch does not receive State or Federal funds and the need for this fund raiser is critical. He explained the ranch is a 900 acre working ranch, which has served over 400 boys in the past who would otherwise be in prison and save the County, City and State millions of dollars. He stated the proposed property belongs to Ms. Carol McGraw who has permitted the use of this land for 17 years for the Bazaar. He requested approval for the special exception to continue the annual fund raising event. He informed the Board that the neighbors and various community groups are very supportive of this annual event and assist in the Bazaar.

Comments and Questions:

In response to Ms. Turnbo, the applicant stated the Bazaar uses County Sheriffs Department for security and the off-sight parking area is directly across the street in a neighbors front yard who has several acres.

Case No. 17371 (continued)

Ms. Turnbo explained that the letter of the across-street parking (Exhibit I-4) states the property will be available for the next five (5) years not ten (10). The applicant stated he understood it to be an indefinite length of time. He further stated he is sure the property owner would extend the length of time if it is contingent on getting the ten (10) year approval.

Mr. Bolzle asked the applicant if the October 1st through the October 7th dates are fixed? The applicant explained the Bazaar is always held the first weekend in October and it runs Thursday through Sunday.

Interested Parties:

Ms. Carol McGraw, 10900 South Louisville, stated she lives on the property where the event is held annually. She further stated it is a unique location with 18 acres of booths and wagon rides. She explained many people plan their vacations around this event and neighbors in the area have garage sales to add additional funds. She requested this application be approved. Submitted newspaper clipping about the event (Exhibit I-5).

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to permit temporary tents for Brush Creek Bazaar from Oct. 1 through Oct. 7 each year for 10 years beginning 1996. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**, a **Variance** to permit required off-street parking on a lot other than the lot containing the principal use. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING, GENERAL REQUIREMENTS** and a **Variance** of the all-weather surface requirement for required parking. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 2, subject to tents erected the first Thursday through Sunday of October; subject to ten (10) years beginning 1996; subject to the availability of the off-street parking to the east; finding that the approval of this request will not be harmful to the neighborhood or violate the spirit and intent of the Code; on the following described property:

Commencing at the SE/c W/2, SW/4, Sec. 28, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, thence N00°05'43"W for 1307.18'; thence S89°17'47"W for 30.00' to POB; thence S89°17'47"W for 795.29'; thence along a curve to the left a radius of 150.00' for 163.80'; thence N63°15'14"W for 175.58'; thence S89°17'47"W for 190.43'; thence N33°53'00"E for 24.94'; thence N08°52'11"E for 701.75'; thence N89°23'17"E for 250.78'; thence S00°36'43"E for 50.00'; thence N89°23'17"E for 900.14'; thence S00°05'43"E for 660.70' to POB.

Case No. 17372

Action Requested:

Special Exception to permit sales office and showroom for a patterned concrete business in a CS zoned district and a waiver of the screening requirements on the south boundary. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 15; **SECTION 212. SCREENING WALL OR FENCE**, located SW of 11th Street and South 129th East Avenue.

Presentation:

The applicant, **E.A. Schermerhorn**, 2217 East Skelly Drive, stated he represents himself along with Wayne and Rose Higdon of Pattern Concrete. He submitted a Brochure (Exhibit J-2) and stated he had been to the City Council and Planning Commission to get prior approval for the CS zoning. He further stated the showroom and salesroom was approved by the council and commission and needs the Board of Adjustments approval with the site plan and the waiver of fence requirements (Exhibit J-1). He explained there is a creek that divides the proposed property from church property that is currently zoned RS-3 and is being used as a baseball field that will never be developed due to the low lying area. He stated the church informed him the property will remain as their recreational area. He further explained the creek is about 50' wide and is a substantial buffer with plans to plant more trees. He stated the Higdon's would prefer to plant trees rather than a fence, since fences tend to become unsightly. He informed the Board that Mr. Higdon will use this property strictly as a showroom and sales office, the manufacturing is performed at another location. He explained the property is close to the airport and will be an ideal location for Mr. Higdon's clients who fly in to view his patterns.

Comments and Questions:

Mr. Bolzle asked the applicant if there are three driveways into the building and if there are overhead doors? The applicant answered affirmatively.

In response to Mr. Bolzle, he stated patterns will be stored in the building for clients to view and select. He also stated hand tools, equipment, 1 ton truck, van and a small bobcat will be stored in the building. He explained the largest pattern would be 1' x 11' long.

In response to Mr. Bolzle, Mr. Gardner responded the sales office and equipment is in use unit 15 and the Board has approved similar uses near 21st and Garnett. Mr. Gardner explained use unit 15 does not allow manufacturing and this company is not doing the manufacturing on this site.

In response to Ms. Turnbo, the applicant responded there will not be any outside storage. He explained the equipment and forms cannot be left outside.

Case No. 17372 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to permit sales office and showroom for a patterned concrete business in a CS zoned district and a waiver of the screening requirements on the south boundary. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - SECTION 212. SCREENING WALL OR FENCE** Use Unit 15; per plan submitted, subject to no outside storage and screening requirements waived subject to the adjacent tract south not being developed for residential uses; finding the approval of this request will not be injurious or harmful to the area or spirit and intent of the Code; on the following described property:

Beginning at a point at a 250' S of the NE/c Sec. 8, T-19-N, R-14-E; thence S 410', W 300', N 410', E 300' to POB.

Case No. 17373

Action Requested:

Special Exception to permit a temporary shaved ice vendor in an IL district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 2, located 4222 South Memorial Drive.

Presentation:

The applicant, **James Short**, 4222 South Memorial, not present.

Comments and Questions:

Mr. Gardner stated the ordinances are written that Walmart could have shaved ice in their parking lot and sell it as an accessory use, but the applicant cannot have it as an accessory use because he has an automobile car wash. He stated from a Staff's standpoint there is no problem with the use, since 10' to the north it can be done as a matter of right. However, under the ordinance it is still an open air sales and has to come before the Board for approval. This is a unique situation.

In response to Ms. Turnbo, Mr. Gardner explained the Board could hear the application without the applicant present. He recommended the Board approve the Special Exception because of other Commercial uses in the area. The applicant has a temporary permit subject to the Board's approval.

Case No. 17373 (continued)

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to permit temporary sales of shaved ice (vendor) in an IL district (May 1 through September 30, 1996). **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 2, per plan submitted; finding the area is developed commercially and that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; on the following described property:

Lot 1, Block 2, Industrial Equipment Center, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17374

Action Requested:

Special Exception to reduce the parking requirements in a shopping center to permit expansion of an adult entertainment establishment. **SECTION 1408.B.4. NONCONFORMITIES; ADULT ENTERTAINMENT ESTABLISHMENTS** - Use Unit 12a, located 6214 South Sheridan Road.

Comments and Questions:

Mr. Beach informed the Board that a timely request for continuance of this case was received. The request is for a continuance to May 28, 1996, to allow the neighbors to meet with the applicant and discuss concerns relating to this application.

Presentation:

The applicant, **Bullwinkles Bar & Grill**, 6214 South Sheridan, submitted a plot plan (Exhibit L-1), site plan (Exhibit L-2) and stated it is a hardship for his application to be continued to May 28, 1996.

Protestants:

Mr. Doverspike, City Council District 7, submitted a letter requesting continuance (Exhibit L-4) and stated he has received calls from four (4) of the neighborhood associations asking to pass this application to May 28, 1996, to give each of them an opportunity to meet with the applicant to determine what is being requested.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Box, "absent") to **CONTINUE** Case No. 17374 to May 28, 1996 at 1:00 p.m. to allow the neighborhood associations time to discuss this application with the applicant.

Case No. 17375

Action Requested:

Variance of the allowable signage along Memorial from 895 SF to 1099 SF to replace 2 existing signs. **SECTION 1221.D.3. CS DISTRICT USE CONDITIONS FOR BUSINESS SIGNS** - Use Unit 21, located 5050 South Memorial Drive.

Presentation:

The applicant, **Bob Williams - Square Metal Signs**, represented by Lou Reynolds, 2727 East 21st, Suite 200, submitted a plot plan (Exhibit M-1), site plan (Exhibit M-2), sign permit application (Exhibit M-3), Letter from Jim Garriott, sign inspector (Exhibit M-4), and a brochure of the sign proposal (Exhibit M-5). Mr. Reynolds stated Fontana Shopping Center has recently went through a quarter million dollar renovation. He further stated the purpose of the request is to clean up the signage along Memorial Drive and 51st Street. He explained that at the present time Fontana has 1260' of existing signage and would like to reduce the square footage to make it more harmonious with the rest of the shopping center. He further explained the center could put new facial materials on the existing signs and reducing the display surface overage to 1099', but they would not be like new signage. He stated the signs are currently over present code by 365' and the new signage will reduce the overage to 204'. He expressed the new signs will be smaller and reduce the visual clutter along Memorial Drive.

Comments and Questions:

Ms. Abbott asked the applicant if the signage will be lighted? He answered affirmatively and pointed out the brochure shows the sign at night with lights.

In response to Ms. Turnbo, the applicant confirmed they are replacing two signs. He explained it is the two largest signs.

In response to Mr. White, the applicant explained there will be new frames and indicated the frames are shown in the brochure.

Ms. Turnbo asked the applicant which signs were being replaced? He responded the signs located at the north and south end of the center.

In response to Mr. White, the applicant stated the height of the new signs will be slightly lower and will not extend out any further than the old signs. He further stated the signs will be more than 80' from the centerline of the street.

In response to Ms. Abbott, Mr. Beach stated the total allowable signage along Memorial Drive is 895' total. He further stated the center currently has 1260' and this proposal will reduce it to 1099'. He informed the Board the 1260' was in existence before the code was established and the signs were grandfathered in.

Case No. 17375 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Variance** of the allowable signage along Memorial from 895 SF to 1099 SF to replace 2 existing signs.

SECTION 1221.D.3. CS DISTRICT USE CONDITIONS FOR BUSINESS SIGNS -

Use Unit 21; per plan submitted; finding the signs are already in existence; finding the signs will be reduced in height and size; finding the approval of this request will not be harmful to the area or spirit and intent of the Code; on the following described property:

All of Lot 1, Block 1 and part of Lot 2, Block 1, Fontana, City of Tulsa, Tulsa County, Oklahoma, said part of Lot 2 described as follows: commencing at the SE/c said Lot 2; thence due N for 488.39' to POB; thence S89°58'33"W for 135'; thence due N for 645.64'; thence along a curve to the right with an initial tangent bearing of S83°05'57"E, a radius of 741.55', a central angle of 10°41'21" for 138.34' to the NE/c said Lot 2; thence due S for 616.28' to POB.

Case No. 17376

Action Requested:

Variance of the required setback from the property line from 50' to 25.5' to permit an addition to an existing nonconforming building. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 8125 East Skelly Drive.

Presentation:

The applicant, **Resco, Inc./Ralph Smith**, 8125 East Skelly Drive, submitted a site plan (Exhibit N-1), photographs (Exhibit N-2) and stated he is the owner of Roto-Rooter. He requested approval to add to the front of the existing building. He explained a hardship exist since there is no access to the existing office on the north or west side and they are 1' from the property line on the east side. He further explained a structural engineer informed him the existing structure is not equipped to handle a second story without basically tearing the building down. He stated the three buildings adjacent to the property are over the 50' required setback. He explained that after the addition is completed the building will be 70' from the curb and 87' from the centerline. He further stated his neighbors support this application. He detailed there will be a circle drive and landscaping in front of the building and requested this application be approved.

Comments and Questions:

Mr. White stated the applicant has no other alternative to expand except to the front of the building.

Case No. 17376 (continued)

Mr. Bolzle commented with encroachments on either side he has no alternative but to add on the front.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Variance** of the required setback from the property line from 50' to 25.5' to permit an addition to an existing nonconforming building. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding extraordinary circumstances which are peculiar to the land and building involved; finding that granting this request will not cause substantial detriment to the public good or impair the purposes, spirit and intent of the Code, or the Comprehensive Plan, on the following described property:

Beginning at a point 141' E and 103.9' S of the NW/c SW/4, SW/4, Sec. 13, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma; thence N and parallel to the W line Said Sec. 13 for 57'; thence Nely for 110' to a point 54.22' S and 224.27' E of said NW/c SW/4, SW/4; thence Sely for 150' to a point on the Nely R/W line I-44 167.77' S and 322.28' E of said NW/c SW/4, SW/4; thence Swly along Nely R/W line I-44 for 150.96'; thence N and parallel to the W line said Sec. 13 for 83.54'; thence W and parallel to the S line said Sec. 13 for 67' to POB.

Case No. 17377

Action Requested:

Variance of the required front yard from 25' to 14' to permit an addition to an existing dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 43 South Vandalia Avenue.

Presentation:

The applicant, **Bullock Construction**, represented by Mary Gregory, 43 South Vandalia, submitted a plot plan (Exhibit O-1) and Letter from Public Works (Exhibit O-2). Ms. Gregory stated she owns the home at 43 South Vandalia Avenue and she would like to build a living room on to the front of the existing home. She further stated the setback would change from 50' to 39'. She explained there are only three houses on the street, which is a dead-end. She further explained that there are already two homes that setback at the same distance she is proposing. She requested the Board to approve this variance.

Case No. 17377 (continued)

Comments and Questions:

Mr. Beach informed the Board that on the site plan submitted it appears that what they need is 17.6' and the request is for 14'.

In response to Ms. Turnbo, the applicant responded the room is only suppose to come out about 12' from the house and it may take 14'.

Mr. Beach indicated the site plan shows a 12' x 18' addition, which would be located 17.6' away from the front property line. He reminded the applicant that the request for relief is to 14' from the front property line, so there are 3.6' unaccounted for. The applicant stated she didn't know where the discrepancy is.

In response to Ms. Abbott, the applicant explained she could not build in the back of her home because there are large trees and an air conditioning unit that would have to be moved. She stated the cost would be too high.

Protestants:

Ms. Turnbo stated the Board received a letter from Maxine Vandiver, 47 South Vandalia, who strongly objects the request to change the front building line from 25' to 14' (Exhibit O-3).

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 3-0-1 (Abbott, Turnbo, White, "aye"; no "nays"; Bolzle "abstentions"; Box "absent") to **DENY** a **Variance** of the required front yard from 25' to 14' to permit an addition to an existing dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the applicant failed to present a hardship unique to the property that would warrant the granting of the variance request; on the following described property:

N/2 Lot 7, Block 2, Stanford Heights, a resub. of Lots 16, 17, 18, 19 and 20, Block 2, Rogers Heights Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17378

Action Requested:

Special Exception to permit a mobile food trailer in an IM zoned district and a Special Exception to permit temporary firewood and Christmas tree sales in an IM zoned district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 12 and 2, located 1650 East 6th Street.

Presentation:

The applicant, **Don Wood**, 7026 East 32nd Street, submitted photographs (Exhibit P-1), site plan (Exhibit P-2) and a zoning violation notice (Exhibit P-3). Mr. Wood stated he is test marketing the area with a mobile food trailer. He explained the proposed property is for sale and he is considering purchasing the property. He stated he is currently setting up his mobile food trailer in front of one of the buildings. He requested the approval to operate the food trailer from this location.

Comments and Questions:

In response to Ms. Turnbo, the applicant stated the dates for selling firewood would be during the winter season. He further explained it would be from Thanksgiving to Christmas.

Ms. Turnbo asked the applicant to state his hours of operation. He stated the hours would be 11:00 a.m. to 7:00 p.m. He further explained there would be times he would move the mobile food trailer to special events.

In response to Ms. Turnbo, the applicant stated he had no problem with the approval being limited to one year since this is a test market.

Mr. Bolzle suggested the Board act only on the temporary use of the mobile food trailer and continue the balance of the request to the June 11th meeting, since Mr. Wood has expressed the desire to sell produce and he is not properly advertised for the request. He further explained Mr. Wood will need to have a plan outlining his sales, parking, dates and hours for the firewood and Christmas tree sales as well as selling produce.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to permit a mobile food trailer in an IM zoned district **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 12 and 2; subject to one year of operation, finding the approval of this request will not be injurious or harmful to the area or spirit and intent of the Code; and **Continue** the **Special Exception** to permit temporary firewood and Christmas tree sales in an IM zoned district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 12 and 2; to June 11, 1996 at 1:00 p.m.; to permit the applicant to re-advertise and add produce sales; on the following described property:

E 20.5' Lot F and all Lot G and Lot H less E 10.5' and N 6.3', W 110', E 120.5' Lot 8, Block 4, Glass Factory Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17379

Action Requested:

Variance of the required number of parking spaces for a retail clothing store from 6 to 4, a Variance of the required number of parking spaces for an antique/furniture store from 5 to 4. **SECTION 1214.D. USE UNIT 14. SHOPPING GOODS AND SERVICES** and a Variance to permit all required parking for both operations to be located on a lot other than the lot containing the principal use. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING - GENERAL REQUIREMENTS** - Use Unit 14, located SW/c 15th Street and South Florence Avenue.

Presentation:

The applicant, **Chad Burris**, 3016 East 15th, submitted a site plan (Exhibit Q-1) and stated he re-measured the lot for the retail required parking use and it did allow nine (9) spaces. He amended his request for parking spaces to be from six (6) to five (5) instead of six (6) to four (4).

Comments and Questions:

In response to Ms. Turnbo, the applicant stated the proposed property has two glass front stores. He stated the parking is located across from Florence on a vacant lot east of the subject property.

Mr. Gardner informed the Board a previous applicant came before the Board to use the two buildings for a different use and there was a limit of one year with a review on off-street parking, because it was not a hard surface. He stated the buildings basically go to the property line on the north and the east and so all of the property on the north and east belongs to the City and the only area where there would be potential parking is the alley. The cars would have to parallel park to stay out of the alley and there would only be room for four (4) cars. Mr. Gardner further stated that basically there is no off-street parking provided and the only parking available is on the lot next door. He stated there is no way you can have nine spaces and meet the zoning code. He pointed out that the Board had previously approved a use with parking across the street.

In response to Ms. Turnbo, the applicant stated he did not have a contract with the owner of the lot for parking, but has a verbal agreement. He further stated the owner agreed to write a contract if it is required by the Board.

Mr. Beach asked the applicant if the lot was going to be paved? He answered affirmatively.

Interested Parties:

Jim Park, 1708 South Delaware, stated the buildings in question are located at 3016 and 3018 East 15th, which is two doors down. He further stated it is not the corner building nor the one next to it, it is the third and fourth doors west of Florence.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Variance** of the required number of parking spaces for a retail clothing store from 6 to 4, a **Variance** of the required number of parking spaces for an antique/furniture store from 5 to 4. **SECTION 1214.D. USE UNIT 14. SHOPPING GOODS AND SERVICES** and a **Variance** to permit all required parking for both operations to be located on a lot other than the lot containing the principal use. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING - GENERAL REQUIREMENTS** - Use Unit 14; subject to off-street parking being an all weather surface; subject to a written lease agreement with the owner of the lot for off-street parking; subject to uses being retail clothing sales and antique/furniture store; finding the commercial building is non-conforming as to parking, but parking will be provided on an adjacent; finding the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; on the following described property:

Lots 8 & 9, Block 1, Avondale Addition, City of Tulsa, Tulsa County, Oklahoma

Case No. 17380

Action Requested:

Special Exception to permit a tent for the sale of landscape materials. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, located 2102 South Yale

Presentation:

The applicant, **J. Devon Jones**, 2102 South Yale, submitted a site plan (Exhibit R-1), plot plan (Exhibit R-2) and stated he would like to erect a tent to sale landscape materials and bedding plants.

Comments and Questions:

Mr. Bolzle asked the applicant the size of the tent? He responded it measured 20' x 30'.

In response to Mr. White, the applicant stated there will be sales under the existing canopy as well as the tent.

Ms. Turnbo asked the applicant if he sold anything packaged such as peat moss. He answered negatively.

Case No. 17380 (continued)

Ms. Abbott asked the applicant if this is located in front of the shopping center at 21st and Yale? He stated it is a corner lot that was formerly a filling station directly across from Big Splash.

In response to Mr. Bolzle, the applicant responded his days and hours would be seven (7) days a week from 8:00 a.m. to 7:00 p.m. He stated the dates would be May 15 to August 1 and August 15 to October 31.

Interested Parties:

John Nidiffer, 4720 East 21st Place, stated he is the property owner of the shopping center. He further stated his center is family oriented and he tries to keep detrimental elements out of the center. He expressed the proposed application would be a benefit to the neighborhood and the neighbors do not object.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to permit a tent for the sale of landscape materials. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2; per plan submitted, subject to one year; subject to 150 days during May 15 through October 31, 1996; subject to any bulk landscape materials such as peat moss, soil, mulch, etc. be sold in packages and not loose; subject to the tent measuring 20' x 30'; and **Continue** the balance of the application to sell produce to June 11, 1996 at 1:00 p.m.; finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; on the following described property:

Mayo Meadow Extended part Block 1 Beginning 20'S NE/c thence S 199', W 72', NW 267.7', N 63.3' thence E to Pt. SE 31.35' POB Block 1, City of Tulsa, Tulsa County, Oklahoma

OTHER BUSINESS

Action Requested:

Request for new Board of Adjustment policy regarding certain temporary tents.

Comments and Questions:

Mr. Beach informed the Board that Councilman Doverspike requested a continuance to enable the City Council to review this item and offer opinions.

Other Business (continued)

Board Action:

The Chair, Ms. Turnbo, advised that this item will be heard May 28, 1996 at 1:00 p.m.

There being no further business, the meeting was adjourned at 3:16 p.m.

Date approved: 5-28-96


Chairman