

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 724
Tuesday, April 8, 1997, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bolzle	Abbott, Chair	Gardner	Ballentine, Code
Dunham	Turnbo	Beach	Enforcement
White, Vice Chair		Huntsinger	Parnell, Code
			Enforcement
			Linker, Legal
			Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, April 4, 1997, at 12:00 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Bolzle, Dunham, White, "aye"; no "nays" no "abstentions"; Abbott, Turnbo "absent") to **APPROVE** the minutes of March 25, 1997, (No. 723).

Additional Comments:

Mr. White informed the audience and applicants that normally the Board consist of five (5) members. He explained that there are only three (3) members of the Board present today, which is the minimum number required for a quorum. He further explained that by the rules and regulations set up for the Board, in order for a motion to pass, all three (3) members must vote for a motion in an unanimous gesture.

UNFINISHED BUSINESS

Case No. 17634

Action Requested:

Consideration of a site plan that was required by the conditions of a previous approval of a public park, located NW/c of 5th Place and Columbia Avenue.

Presentation:

The applicant, **Greg Warren**, representing Tulsa Development Authority, 110 S. Hartford, Room 200, submitted a site plan (Exhibit A-1) and stated the site plan represents the new replacement park for the Kendall/Whittier area. Mr. Warren explained that the site plan is a phased site plan, which indicates the development of the park in phases. Mr. Warren stated that the first phase of the site plan is for the first phase of the park. All of the property included in the first phase is owned by the park. He explained the second phase property is still being acquired and he anticipates owning the entire property for the second phase in approximately nine (9) months. Mr. Warren indicated the TDA does not have the money to purchase the property for the third phase and the TDA is looking for the funds to buy the land. He requested approval for the first phase of the site plan submitted. Mr. Warren explained that the subject project has been a collective effort between the neighborhoods, parks, businesses, Tulsa University, Tulsa Public Schools, and the Mayor of Tulsa, Susan Savage. Mr. Warren stated he would like to start the first phase of development as soon as possible. He indicated that the Kendall/Whittier School will be breaking ground May 1997.

Comments and Questions:

Mr. Gardner explained to the Board that the Board has already approved the park, but required a detailed site plan. One of the conditions of the approval was that the TDA own all of the property being developed. Mr. Gardner explained that the park is being developed in phases as the property is acquired. Mr. Gardner reminded the Board, that at the previous hearing, the details of the development were not discussed, but this is a detailed plan and they are seeking approval of the park plan as submitted today for the development of the improvements.

Mr. Warren stated that the subject project has been a collaborative effort of the neighborhoods, businesses, etc., and the purpose is to rejuvenate the Kendall/Whittier neighborhood. He explained that the subject project is part of the Kendall/Whittier Master Plan, which was passed in May of 1991, and is part of the Kendall/Whittier Urban Renewal Plan, which was passed in June of 1994. He stated each plan recognizes the subject project as the primary component to the rejuvenation of the area.

Mr. Bolzle asked the applicant if there are residents abutting the north boundary? He stated that the residential area on the north boundary line is a solid neighborhood and it will remain.

Case No. 17634 (continued)

Mr. Bolzle asked the applicant if the locations of the baseball backstops have been discussed with the neighbors? Mr. Warren stated it has been discussed with the Kendall/Whittier Task Force, which is a neighborhood organization. He indicated that the site plan has been sent out to everyone in the subject area and there has not been any negative feedback. Mr. Warren explained that the backstop is a "pickup type" baseball stop and there are no lights around the baseball stop. Mr. Warren stated that neither ball field will be lighted and they are not intended for organized ball games.

Mr. Bolzle asked the applicant if the lights shown along the north leg of the walk (southside of the walk) will be shining into homes? Mr. Warren stated that the fixture is low and there are more fixtures, versus one large fixture to illuminate a large area. He explained that the lights are for security and security is a very important issue for the subject area. He further explained that the lights are globe lights that are not directed in any direction.

Mr. Bolzle asked the applicant if there is any fencing planned along the north boundary line? Mr. Warren stated that there is no fencing planned at this time.

Interested Parties:

Ross Weller, Park Planner for the City of Tulsa, 1717 Charles Page Boulevard, stated the backstops are not designed for any type of formal play, but is basically a 20' wing that will keep the baseballs from going into the residential area. Mr. Weller explained that the lights are one candle footed at 75'. Mr. Weller stated that typically it has been the policy of the parks department not to fence along neighbor's property lines.

Comments and Questions:

Mr. Bolzle asked Mr. Weller if Birmingham Avenue and Columbia stub into the subject property? Mr. Weller answered affirmatively.

In response to Mr. Bolzle, Mr. Weller stated that Birmingham Avenue and Columbia are considered feeder access points for the school and the park from the neighborhood.

Mr. Weller stated it is important to remember that this is a neighborhood park and not a community development park. He explained that the park will never be the home of a soccer field, ball park, or major sports complex.

Mr. Gardner stated that the City recently concluded hearings on street closings. He explained that Birmingham and Columbia will be closed, (north, south, east west, streets) through the complex.

Interested Parties:

Paul Thomas, 216 South Florence, President Kendall/Whittier Association, Tulsa School Board Member, stated that there has been some controversy about the continued implementation of the subject plan. He informed the Board that the meetings have occurred and a consensus has been arrived that this phase process is acceptable to the neighborhood association and to the task force. Mr. Thomas expressed concerns, that as the development implementation occurs, the TDA and the Park Department should continue to work with the neighborhood associations in the area. Mr. Thomas explained that Little Reed Park is scheduled to be turned over to TU in September and when that occurs the park will no longer be accessible to the public. He further explained that it is important to get the first phase of the park implemented and started so the neighborhoods will have access to a park.

Applicant's Rebuttal:

Greg Warren stated that in the second phase of development, the site plan indicates a gazebo, which is currently in Little Reed Park. The TDA would like to move the gazebo over into the new park in first phase of development. He explained that the location for the gazebo is on property that has been acquired. Mr. Warren informed the Board that the gazebo needs to be moved during the first phase because TU will be taking ownership of Little Reed Park September 30, 1997. Mr. Warren indicated that TDA owns the property around the gazebo location.

Comments and Questions:

Mr. Bolzle asked Mr. Warren if he will be returning with a plan for the third phase? Mr. Warren stated that there is no development for the third phase. He explained that the third phase will be an open play area. Mr. Warren stated the third phase will be a green space with a sidewalk around the perimeter. He explained that the goal of the park is to be able to run exactly one mile within the confines of the park. He stated that when the new development at TU is completed, you will be able to run 1 1/2 miles without any interruption inside the Kendall/Whittier area.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Dunham, White, "aye"; no "nays" no "abstentions"; Abbott, Turnbo "absent") to **APPROVE** the site plan, per plan for the funded portions and in concept plan for the unfunded portions; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Case No. 17634 (continued)

A tract of land, Blocks 3-5, Highlands 2nd Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma, and also part of Blocks 1-5 of the Amended Plat of College View Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma, also being part of E 4th Pl. S., E 5th St. S., and S Birmingham Ave., also part of the alleyways within Blocks 3-4 of Highlands 2nd Addition and Blocks 4-5 of the Amended Plat of College View Addition, said tract of land being more particularly described as follows to-wit: Beginning at a Point that is the SE/c, Block 3, Highland 2nd Addition; thence S89°40'28"W along Sly line for 205.00', said point being the SW/c of Lot 16, Block 3; thence N00°03'00"E for 350.00' to a point on the Nly right-of-way line of E 5th St. S., said point also being the SW/c of Lot 16 in Block 4, Highlands 2nd Addition; thence N43°16'41"W for 218.60', said point being the SW/c of Lot 6, Block 4, Highland 2nd Addition; thence N68°52'43"W for 267.91' to a point on the Wly line of Lot 1, Block 4, Highlands 2nd Addition, 42.04' Sly, NW/c thereof; thence S89°40'28"W for 50.00' to a point on the Wly right-of-way line of S. Birmingham Ave., said point also being on the Ely line of Lot 1, Block 4, Amended Plat of College View Addition; thence S68°49'28"W for 275.21' to a point that is the SE/c, Lot 33, Block 4; thence S42°58'56"W for 109.94' to a point on the Ely Line, Lot 53, Block 4; thence S00°02'02"E for 130.00' to a point on the Nly line of Block 5, Amended Plat of College View Addition; thence S89°40'28"W along the Nly line, Block 5 for 75.00' to the NE/c of Lot 35, Amended Plat of College View Addition; thence S00°02'02"E for 300.00' to the SE/c of Lot 46, Block 5; thence S89°40'28"W along the Sly line for 200.00' to the SW/c, Block 5; thence N00°02'02"W along the Ely lines of Block 5, 4 and 1, Amended Plat of College View Addition, for 820.40' to a point that is the NW/c of said Block 1, Amended Plat of College View Addition; thence N89°40'28"E along the Nly lines of Block 1, Amended Plat of College View Addition, and Block 5, Highlands 2nd Addition, for 1262.00', NE/c, Lot 10, Block 5, Highlands 2nd Addition; thence S00°03'00"W along Ely line, Lot 10 and along the Ely lines of Blocks 4 and 3, Highlands 2nd Addition, for 820.40' to the POB.

Case No. 17641

Action Requested:

Variance of Section 1221.F. "Use Conditions for Outdoor Advertising Signs" for a previously approved sign and request a condition of approval that the sign is subject to **Section 1221.D. "CS District Use Conditions for Business Signs"**, located NW/c S. Memorial and East 31st Court South.

Presentation:

The applicant, **Phil Tomlinson/31st and Memorial L.L.C.**, 5780 South Peoria, stated he is requesting the variance as a condition of the approval by the Board on March 25, 1997.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Dunham, White, "aye"; no "nays" no "abstentions"; Abbott, Turnbo "absent") to **APPROVE** a **Variance** of Section 1221.F. "Use Conditions for Outdoor Advertising Signs" for a previously approved sign and request a condition of approval that the sign is subject to **Section 1221.D. "CS District Use Conditions for Business Signs"**, per plan submitted, finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

All that part of Lot 1 & 3, Interchange Center, An addition to the City of Tulsa, Tulsa County, Oklahoma, according to the official recorded plat thereof, situated in the NE/c, Sec. 23, T-19-N, R-13-E, I.B.M., Tulsa County, Oklahoma, according to the U.S. Government survey thereof, more particularly described as follows; to-wit: Beg. E boundary of said Lot 1 for 166.88' from the NE/c thereof; thence S00°01'30"E along the boundary of said Lot 1 & 3 for 299.81'; thence S45°01'01"W for 35.33' to a point in the N ROW of E 31st Ct S; thence N89°56'29"W for 185.00'; thence N0°01'30"W for 194.00'; thence N89°56'29"W for 10.00'; thence N0°01'30"W for 60.00'; thence S89°56'29"E for 10.00'; thence N00°01'30"W for 70.79'; thence S89°56'45"E for 210.00' to the POB, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 17589

Action Requested:

Approval of the site plan of Church of Christ as required by the Board of Adjustment as a condition of approval of a Special Exception for Use Unit 2 (Church Use) in a RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located East 27th Place and South Yale Avenue.

Presentation:

The applicant, **Phillip Smith**, represented by Robert Chaney, 29th & Yale (Church of Christ), submitted a landscape plan (Exhibit B-1) and a site plan (Exhibit B-2). Mr. Chaney explained that in regard to the Board's vote to approve a special exception for the use of Lot 1, for church use, it was subject to the church returning with a site plan. He indicated the site plan shows no entrance or exits out of Lot 1 along 27th Place and along Yale Avenue. Mr. Chaney stated that the driveway has been closed on 27th Place. There will be a 4' chain link fence along 27th Place on Lot 1 with landscaping of shrubs and one tree, which will be outside the fence. Mr. Chaney indicated that there will be three (3) small trees along Yale Avenue. He stated the interior of the lot will be black top and all entry and exists will be through the church's private drive. Mr. Chaney informed the Board that Lot 2 will be used for residential only, which will house the associate minister.

Comments and Questions:

Mr. Gardner reminded the Board that one of the reasons for the fencing was to deter parking on 27th street and being able to walk into the facility.

Applicant's Rebuttal:

William R. Davis, 4917 East 27th Place, stated he has visited with Mr. Chaney regarding the site plan and landscaping plans. He expressed concerns regarding the house remaining a residential facility and not used for youth activities. Mr. Davis wanted to make sure the landscape plans were the plans provided to him previously. He requested the information on what type of plant material the Church intends to use. Mr. Davis asked what time frame the Church has on completing the project? Mr. Davis requested information on what recourse he would have if the plans do not go as planned. Mr. Davis informed the Board that the home on Lot 2 is now vacant and the lawn is not being cared for and he wanted to let the Church know about the situation.

Comments and Questions:

Mr. Bolzle asked the Staff how the Board is to remove the approved church use for the residential home on Lot 2? If the Board is inclined to approve the site plan, the Board could specifically state that the house remain as a residential home.

Applicant's Rebuttal:

Mr. Chaney stated the neighbors can be reassured that the Church will take care of the residential lawn by the Church's lawn keeper. Mr. Chaney indicated the home will be used for a residential home and the Church has withdrawn any type of youth activity. He explained that the selection of shrubs will be the same as shown on the landscaping plan provided by Southwood Landscaping. He stated the Church will agree to work with the neighbors on what types of trees and shrubs are used.

Case No. 17589 (continued)

Comments and Questions:

Mr. Gardner stated that Jay Stump, of INCOG, reviewed the landscape plans for the applicant.

Mr. Chaney stated Mr. Stump did review the landscape plans and it conforms to Code.

Mr. White asked Mr. Chaney what the Church's time frame for completion will be? He stated that as soon as possible after receiving approval. He estimated the completion will be within the next 30 days.

Mr. Gardner explained to the Protestants that anytime the Board approves an application with conditions, then the conditions are enforced by Code Enforcement. He informed the Protestants that should they have any problems to call Code Enforcement.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Dunham, White, "aye"; no "nays" no "abstentions"; Abbott, Turnbo "absent") to **APPROVE** the site plan of Church of Christ as required by the Board of Adjustment as a condition of approval of a Special Exception for Use Unit 2 (Church Use) in a RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; subject to the house on Lot 2, Block 10 being used for single family residential purposes; subject to the landscape plan provided by Southwood Landscape & Nursery, subject to an additional three trees along South Yale Avenue; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lots 1 & 2, Block 10, Grandview Manor Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17635

Action Requested:

Appeal decision of Code Enforcement Officer's determination that the off-street parking must be an all-weather surface, that the initiation of the use as a facility for teaching martial arts constituted a change of use requiring a zoning clearance permit and that the use as a facility for teaching martial arts is not permitted in the RS-3 district. **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL**, or in the alternative, a Special Exception to permit a change of non-conforming use (rezoning pending) to a martial arts school. **SECTION 1402.F. NONCONFORMING USE OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION** and a Variance of the required all-weather surface. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, located 7311 South Lewis Avenue.

Case No. 17635 (continued)

Presentation:

The applicant, **Roy Johnsen**, submitted a letter (Exhibit C-1) requesting Case No. 17635 be continued to March 22, 1997, at 1:00 p.m. Mr. Johnsen stated the reason for the continuance is because of a scheduling conflict. He explained that the subject property has been approved by the TMAPC for OL zoning and now it must go before the City Council for hearing on April 17, 1997. Mr. Johnsen stated it is irrelevant and untimely to hear this case until the City Council has determined the zoning. Mr. Johnsen indicated he contacted the Homeowner's Association Manager to explain the continuance request.

Protestants:

Julius Bankoff, 2424 East 72nd Place, stated that the request for delay was filed April 7, 1997, and the request should have been filed April 4, 1997. He commented that the request was not filed in a timely manner and the case should be heard today.

Comments and Questions:

Mr. Beach informed the Board that a timely continuance is considered to be submitted by noon on Thursday preceding the meeting. He stated the Board has a policy that the request will be granted if filed in a timely manner. Mr. Beach explained that there is no requirement that the continuance request be made by the Thursday preceding the meeting.

Mr. Bolzle stated that the Board does not have jurisdiction to grant either uses in a RS-1 district. He commented that it is not proper for the Board to act on this request on the basis of anticipating a favorable approval of the OL zoning by the City Council. Mr. Bolzle stated that it would be reasonable to wait until the City Council hears the zoning change before the Board of Adjustment acts on Case 17635.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Dunham, White, "aye"; no "nays" no "abstentions"; Abbott, Turnbo "absent") to **CONTINUE** Case No. 17635 to April 22, 1997, at 1:00 p.m.

Case No. 17663

Action Requested:

The applicant requested this application to be withdrawn.

Presentation:

The applicant, **Bruce Anderson**, submitted a letter, by mail, requesting Case No. 17663 to be withdrawn (Exhibit D-1).

Case No. 17664

Action Requested:

Variance of side yard from 10' to 1' to allow construction of a new garage. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS**, located 2137 East 24th Street.

Presentation:

The applicant, **Tony Harris**, represented by Ron Harris, 2137 East 24th Street, submitted a site plan (Exhibit E-1), architectural drawing (Exhibit E-2) and photographs (Exhibit E-3). Mr. Harris stated the subject home was built in 1932 and the actual garage was built before zoning was in place. Mr. Harris explained that the existing garage is violating the Code concerning the required side yard. He indicated that there have been eight (8) exceptions granted in the immediate area for homes to be built on or close to the property line. Mr. Harris stated he discussed his plans with some of his neighbors and they had concerns that the garage will front the house. He indicated the garage will be back 2' further than the existing garage in order to keep a 75 year old tree from being removed. The existing garage's foundation is broken and lifted up on one end by the tree's roots. He commented that he can no longer use the garage. Mr. Harris stated it will be necessary to go back a few feet and over 1' closer to the side yard to build a two car garage. He commented the garage will be consistent with the neighborhood with regard to the esthetics. Mr. Harris informed the Board that the subject property is one of the few houses that has not been updated in the neighborhood.

Comments and Questions:

Mr. White asked the applicant if he had considered building a detached garage setting further back on the lot? He stated he did consider a detached garage, but the current plan will be more cost feasible. He explained that the current plan will leave more room in the backyard for his children to play in. He expressed concerns that the neighbors behind him would have a large garage to look at if he built the detached garage.

Interested Parties:

Brad Heckenkemper, stated he represents the Castles, who are the next door neighbors to the west side of the subject property. He commented that the Castles are an elderly couple that has lived in their home since 1968. Mr. Heckenkemper stated that his clients are extremely concerned with what the proposed use and variance will do to their property. He commented that the plans he has seen indicate the house property setback line on the east side to 6' or less and to the west side to 1' or less. He explained that the proposed plan will cause a restrictive access to the back yard. He stated the only access will be through the home because of the proposed wall for the east side and there will be no access on the west side. Mr. Heckenkemper stated that it is his understanding that the variance is to remodel the existing structure and that there is no damage or uniqueness to put any unnecessary hardship on the owners. He requested that the variance be denied.

Applicant's Rebuttal:

Ron Harris stated he had talked with the Castles and the only concern they voiced was regarding the tree. Mr. Harris commented he will work with the Castles to satisfy their concerns. Mr. Harris reiterated that the garage is not functional at the present time because of the foundation being broken. He stated that there will still be access to the backyard as there is presently.

Comments and Questions:

Mr. Dunham asked the applicant if the current setback is 2 1/2' to 3'? Mr. Harris agreed and stated the current garage frontage is on the major root of the tree. He explained that he wanted to save the tree and that is the reason he wanted to move the proposed garage back 3' to 5'.

Mr. White asked the applicant what the front of the width of the proposed garage will be? Mr. Harris stated the front width will be 19'.

Interested Parties:

Arthur Hardy, 8908 North 22nd West Avenue, stated he is the builder for the proposed garage. Mr. Hardy explained that the garage will have to be built back farther on the lot because the lot is on an angle. He further explained that 2' of the fireplace will be removed and cut the garage door down to a 15' wide door and the total width of the front will be 19'. Mr. Hardy stated that presently the driveway is not accessible and they are having to park on the street. He commented the owners are going to a great expense to bring this home up to look like the homes in the neighborhood.

Comments and Questions:

Mr. Harris commented that the subject property is at a slope. He stated he did not see any problem with accessing the backyard via a side gate.

Mr. Bolzle asked the applicant if the garage will have siding? He answered affirmatively.

Mr. Hardy stated that a door could be installed in the back of the garage to make another access to the back yard.

Mr. White asked the applicant if he will secure a maintenance agreement with his neighbors? Mr. Hardy stated he understands the Boards concerns. He agreed that a maintenance agreement will have to be secured to maintain the west side of the garage.

Mr. Beach informed the Board that the subject lot is 10' narrower than the standard RS-2 lot.

Case No. 17664 (continued)

In response to Mr. White, Mr. Beach stated that it is possible to move the garage to the back of the property. If the garage is detached, it has to stay 3' off of either property line.

Mr. Bolzle informed Mr. Harris that he will vote against this application, which means the case will fail. He stated he would be happy to request a continuance to enable him to work on a better proposal.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Dunham, White, "aye"; no "nays" no "abstentions"; Abbott, Turnbo "absent") to **CONTINUE** Case No. 17664 to April 22, 1997, at 1:00 p.m.

Additional Comments:

Mr. Bolzle stated he would like to know more about where the applicant's house sets in relationship to the neighbor's house (the distance).

Mr. White asked the staff that if the applicant decided to make the proposed garage a detached garage will he need to come back before the Board? Mr. Beach stated he would not need to come before the Board if he meets all the setbacks for a detached garage. Mr. Beach further stated the applicant cannot cover more than 20% of the required rear yard without Board of Adjustment approval.

Case No. 17665

Action Requested:

Special Exception to allow automobile and allied activities (Use Unit 17) in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 2107 North Sheridan.

Presentation:

The applicant, **John P. Rough, Jr.**, represented by Gerald Agee (property owner), submitted a site plan (Exhibit F-1) and stated the property has been used for automobile maintenance for the last 40 years. He explained that when his tenant decided to expand the facility, it was discovered that the use had never been approved.

Comments and Questions:

Mr. Bolzle asked the applicant if he intended to use the subject property that is in the CS district? He answered affirmatively.

Case No. 17665 (continued)

Mr. Agee stated the building will not be used for any different uses then before, but the tenant is adding a 20' x 40' storage building.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Bolzle, Dunham, White, "aye"; no "nays" no "abstentions"; Abbott, Turnbo "absent") to **APPROVE** a **Special Exception** to allow automobile and allied activities (Use Unit 17) in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; subject to the improvements and use being limited to the CS zoned property; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

A part of W/2, NW/4, Sec. 26, T-20-N, R-13-E, I.B.M., Tulsa County, Oklahoma, according to the U.S. Government survey thereof, being more particularly described as follows, to-wit: Beg. SW/c, W/2, NW/4, Sec. 26; Thence N 1°18'08" W, 755' S of NW/c, S/2, NW/4, NW/4; thence E 35'; thence N 6°31'53" E for 68.22'; thence S 80°28'11" E along the Sly ROW line of the Gilcrease Dr. Expwy, for 138.92'; thence S 71°51'38" E, for 343.49' more or less to the NW/c of property conveyed to the City of Tulsa by Warranty Deed recorded in the office of the County Clerk, Tulsa County Court House, Book 3864, Pg. 411; thence S 10°23'18" W for 982.88'; thence S 88°08'32" E for 988.80' more or less to a point 25' W of the E line of said W/2, NW/4, Sec. 26; thence S, parallel to and 25' W of the E line of said W/2, NW/4, to a point on the S line of said W/2, NW/4; thence W along the S line of W/2, NW/4, Sec. 26, to the SW/c thereof and the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17667

Action Requested:

Special Exception to reduce the 30' required front setback to 29.8'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 10957 South Richmond Avenue.

Presentation:

The applicant, **Anthony & Irma Moreno**, was not present at the meeting.

Comments and Questions:

Mr. Beach stated that the application is before the Board to clear the title.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Bolzle, Dunham, White, "aye"; no "nays" no "abstentions"; Abbott, Turnbo "absent") to **APPROVE** a **Special Exception** to reduce the 30' required front setback to 29.8'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that this approval is to allow an existing nonconforming residence; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lot 1, Block 2, High Field Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17668

Action Requested:

Variance of the major street plan right-of-way setback from 50' to 44'-9". **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS**, Special Exception to waive the screening requirement along the west boundary abutting an RS-3 district. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** and a Variance of the required setback from centerline of an abutting street. **SECTION 1302.B. SETBACKS** - Use Unit 10, located 1530 South Peoria.

Presentation:

The applicant, **Tim S. Clark**, 4129 South Peoria, stated he is representing Orcutt Development along with Lincoln Plaza. Mr. Clark submitted a site plan (Exhibit H-1) and explained that he has obtained two (2) commercial lots with a CS zoning. The proposal is to remove a structure (Clark Photography) and create a parking lot on the subject property. Mr. Clark stated that he is requesting a waiver on the screening fence requirement on the west boundary. He explained that the west boundary abuts an existing alley and there is approximately 12' at the end of the parking lot. He felt that the fencing may create an unsafe condition for someone parking on the lot at night. He expressed concerns that someone could hide behind the fence. Mr. Clark stated there are lights proposed for the site and landscaping will be fairly open. He explained that there will be a 2' retaining wall on the west boundary as well as both sides. Mr. Clark stated the request for the setback from the street will still be well within the boundaries of the abutting properties. He indicated that a neighboring building is 14'-9" from the street and he is proposing approximately the same.

Comments and Questions:

In response to Mr. Dunham, Mr. Clark stated the lights will be a standard parking lot fixture that is all inward lighting on steel poles. He indicated that PSO will be installing the lights.

Case No. 17668 (continued)

Mr. Dunham asked the applicant if there will be any lights on the west boundary of the parking lot that will shine over onto the residents to the west? Mr. Clark stated he does propose to have a light in both back corners of the lot, but the lights will face Peoria.

Mr. Bolzle asked the applicant if the alley is currently being used to access the garages of the residents? Mr. Clark stated that the alley is grass and is not being utilized as an access to the garages. He explained that PSO has a substation in the alley and the alley is not accessible by car.

Mr. Bolzle asked the applicant if the alley had been vacated? Mr. Clark stated that to his knowledge the alley is still existing and in force.

In response to Mr. Dunham, Mr. Clark stated he will continue to maintain the alleyway as he has been doing for the last 1 1/2 years. Mr. Clark indicated that the parking lot will be an extension of the Lincoln Plaza parking and the same grounds crew will maintain the alleyway.

In response to Mr. Dunham, Mr. Beach stated the alleyway appears to be 20' wide.

Mr. Clark stated that it appears that the residential property owners are over into the alley by 8' to 10'. He explained that there will only be 12' that will be maintained between the end of the parking lot and the west property owner's fence line.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Dunham, White, "aye"; no "nays" no "abstentions"; Abbott, Turnbo "absent") to **APPROVE** a **Variance** of the major street plan right-of-way setback from 50' to 44'-9". **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS, Special Exception** to waive the screening requirement along the west boundary abutting an RS-3 district. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** and a **Variance** of the required setback from centerline of an abutting street. **SECTION 1302.B. SETBACKS** - Use Unit 10; per plan submitted; subject to the parking lot lighting be situated to shine away from the abutting residential property; subject to the applicant including the alleyway portion (from his lot line to the abutting residential fences) in his landscaping and maintain the alley as if it were his property; finding that the abutting properties extend into the major street plan right-of-way setback and the required setback from the centerline of an abutting street; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lots 3-6, Block 6, Second Amended Plat of Morningside Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17669

Action Requested:

Variance to allow a sign 50' from Memorial Drive. **SECTION 1221.C.6. GENERAL USE CONDITIONS FOR BUSINESS SIGNS** - Use Unit 21, located 4404 South Memorial Drive.

Presentation:

The applicant, **Rick Walker**, 312 West Beaver, submitted a site plan (Exhibit I-1) and stated that there is an existing sign with the leading edge of the sign being 50' from the centerline of Memorial Drive. He indicated the existing pole is 56' from the centerline of Memorial Drive. Mr. Walker stated his client proposes to install a 6' x 8' sign below the existing sign, which will extend out from the pole. He explained that his client requests the sign to be install on either side of the pole, which ever is approved.

Comments and Questions:

In response to Mr. White, Mr. Walker stated the new sign will be installed on the existing pole.

Mr. Bolzle asked the applicant if the new sign will extend further toward the street than the existing sign? Mr. Walker stated that if the Board approves the sign to be installed on the front side of the pole, it will be 2' closer to the centerline.

In response to Mr. Bolzle, Mr. Walker stated the sign does not need to sit on the front of the pole, but it is preferable by his client.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Dunham, White, "aye"; no "nays" no "abstentions"; Abbott, Turnbo "absent") to **APPROVE** a **Variance** to allow a sign 50' from Memorial Drive. **SECTION 1221.C.6. GENERAL USE CONDITIONS FOR BUSINESS SIGNS** - Use Unit 21; finding that the new sign would align with the existing sign which set at 50' feet and that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

S 100', E 260', NE, SE, NE, Less 50', ROW, Sec. 26, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17670

Action Requested:

Special Exception to permit a produce tent for 150 days per year for 5 years from April 15, 1997 through 2001. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, located 536 South Sheridan.

Presentation:

The applicant, **Tommy Dotson**, P.O. Box 853, Inola, requested the Board to approve his application. Mr. Dotson stated he has been at the subject location for six (6) years.

Protestants: None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Bolze, Dunham, White, "aye"; no "nays" no "abstentions"; Abbott, Turnbo "absent") to **APPROVE** a **Special Exception** to permit a produce tent for 150 days per year for 5 years from April 15, 1997 through the year 2001. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2; per plan submitted; subject to the same site plan (BOA Case No. 16642) and conditions as the previous approval; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

E 85' of S 152.5', Block 29, Glenhaven Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17671

Action Requested:

Variance to allow 2 dwelling units on one lot of record. **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** and Special Exception to allow 2 manufactured homes in an AG zoned district. **SECTION 301. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** - Use Unit 9, located SW/c East 81st Street and Arkansas River.

Presentation:

The applicant, **Bill Garrison**, 6705 South Houston, submitted an elevation survey (Exhibit J-1), site plan (Exhibit J-2) and photographs (Exhibit J-3). Mr. Garrison stated he will be growing flowers on the subject property and will need security for his property. Mr. Garrison informed the Board that recently he had a front end loader, ("Bobcat"), stolen from his property. He is proposing to move the trailer onto the subject property in order to have someone live on the property for security reasons. Mr. Garrison explained that previously there was a 3,000 SF home, 2,400 SF building and junk cars on the subject property that have been removed. He stated that he has trouble with people dumping on the subject property and he needs someone living on the property for security.

Comments and Questions:

Mr. Dunham asked the applicant if the subject property is in the flood plain? He answered affirmatively.

Mr. Garrison stated he has had an elevation survey done for the subject property.

In response to Mr. Bolzle, Mr. Garrison stated that he would like to put a mobile home on the backside of the subject property at a later time. He indicated he has had elevation surveys done on both locations indicated on the site plan. Mr. Garrison stated he requested for both mobile homes today, so that he would not have to come back before the Board in six (6) months or one (1) year for the second mobile home.

Mr. Dunham asked the applicant if the trailer will be a storage unit or a dwelling for someone to live in? He stated it will be a trailer for someone to live in. He explained he has already applied for a permit allowing the one trailer. He further explained that it is his plan, at this time, to move in one mobile home. He stated that later (6 months to 1 year) he would like to move another mobile home in for storage.

In response to Mr. Dunham, Mr. Garrison stated the mobile home will be the one shown on the NE/c of the site plan.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Dunham, White, "aye"; no "nays" no "abstentions"; Abbott, Turnbo "absent") to **DENY** a **Variance** to allow 2 dwelling units on one lot of record. **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** - Use Unit 9; finding that the applicant failed to present a hardship unique to the property that would warrant the granting of the variance request.

AND

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Dunham, White, "aye"; no "nays" no "abstentions"; Abbott, Turnbo "absent") to **APPROVE** a **Special Exception** to allow 1 manufactured homes in an AG zoned district. **SECTION 301. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** - Use Unit 9, per plan submitted; subject to the approval of the Corp. of Engineers, Health Department and Stormwater Management; subject to tie downs and skirting; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Case No. 17671 (continued)

A Tract of land NE/4, Sec. 13, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma, more particularly described as: Beg. at NE/c, Sec. 13; thence S 446', thence on a curve in NWly direction to a point 200' W of said NE/c, thence E 200' to POB and a Tract of land in Lot 2, Sec. 18, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, more particularly described as: Beg. at NW/c, Sec. 18, thence S 446', thence N 14°6'00" W, 221', thence W 101.4' to POB.

Case No. 17672

Action Requested:

Special Exception to permit temporary produce & Christmas Tree sales from May 1, 1998 for 120 days & from Thanksgiving day through Christmas day for 2 years and Review conditions of previous approval of dust free all-weather surface granted 4/9/96 and seeking an extension of time to coincide with Special Exception. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, located 3212 East 91st Street.

Presentation:

The applicant, **Jeff Ogilvie**, 7845 South 30th West Avenue, requested the Board to re-approve his special exception as they have in the past.

Comments and Questions:

Mr. Dunham stated he drives by the subject property every day and there is no one affected by the gravel surface.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Bolzle, Dunham, White, "aye"; no "nays" no "abstentions"; Abbott, Turnbo "absent") to **APPROVE** a **Special Exception** to permit temporary produce & Christmas Tree sales from May 1, 1998 for 120 days & from Thanksgiving day through Christmas day for 2 years and extend conditions of previous approval of dust free all-weather surface granted 4/9/96 to extend the time to coincide with Special Exception. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, subject to the same conditions and site plan as approved previously (BOA Case No. 17346); finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

NE, NE, NE, Sec. 20, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17673

Action Requested:

Special Exception to permit church use (accessory parking). **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** and **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 2331 East 5th Place.

Presentation:

The applicant, **Raymond Kahl/UDG, Inc.**, was not present at the meeting.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Dunham, White, "aye"; no "nays" no "abstentions"; Abbott, Turnbo "absent") to **CONTINUE** Case No. 17673 to April 22, 1997, at 1:00 p.m. to enable staff to contact the applicant.

Case No. 17674

Action Requested:

Special Exception to approve an amended site plan to construct an addition to Hawthorne School. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located East 33rd Street North and North Peoria.

Presentation:

The applicant, **Stephen E. Brown/Dewberry Design Group**, 717 South Houston, Suite 200, submitted a site plan (Exhibit L-1) and stated the existing school is 41,200 SF and the new addition is approximately 13,000 SF. Mr. Brown indicated the school is within the parking requirements with the new addition. He explained that the addition is to expand the library, create a new office area and add eleven (11) classrooms to the existing facility.

Comments and Questions:

In response to Mr. White, Mr. Brown stated the school will be removing four (4) pre-fabricated structures.

Protestants: None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Bolzle, Dunham, White, "aye"; no "nays" no "abstentions"; Abbott, Turnbo "absent") to **APPROVE** a **Special Exception** to approve an amended site plan to construct an addition to Hawthorne School. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Case No. 17674 (continued)

Tract "A": Beg. at a point 20' N, 50' W, SE/c, NE/4, NE/4, Sec. 24, T-20-N, R-12-E, Tulsa County, Oklahoma; thence W, parallel to the S line for 822.96'; thence N, parallel to the E line for 712.50'; thence E, parallel to the S line for 822.96'; thence S, parallel to the E line for 712.50' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17675

Action Requested:

Special Exception to allow an expansion to an existing school (Webster High School). **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, and a Variance of required parking for stadium use (1,000 spaces required), located 1919 West 40th Street.

Presentation:

The applicant, **Stephen E. Brown/Dewberry Design Group**, 717 South Houston, Suite 200, submitted a site plan (Exhibit M-1) and stated that the addition is to the annex building of Daniel Webster High School. Mr. Brown indicated that the addition will include six (6) classrooms and two (2) laboratories, which is funded by the Tulsa Public School Bond Issue money. He indicated that with this addition the school will be removing three (3) pre-fabricated structures. Mr. Brown stated the stadium and field house will not be expanded with this addition. He explained that with the addition, existing school building, field house and auto shop, there is a requirement for 172 parking spaces on site. He stated that currently there are 285 parking spaces on site, which are all-weather surfaced. Mr. Brown explained that if the school was being built today, the required parking would be 1315 parking spaces to accommodate the stadium and the basketball field house. He reiterated that there is no expansion of the stadium or field house in this request.

Comments and Questions:

Mr. Gardner stated that apparently the school is non-conforming with regard to parking. He explained that with the stadium, the school cannot meet the parking requirement. Mr. Gardner stated that with this application, the school is asking that the variance be granted for the stadium that already exists.

Mr. Brown stated that over the years the parking has been accommodated in the neighborhood and that is not an excuse or justification, but that is the way it has been over the past years. He commented that the neighbors know that they can contact the school if there are any problems with people parking in their driveways. Mr. Brown indicated that the school hires extra security during sporting events at the subject property.

Mr. Bolzle asked the applicant what the use for the site in the northwest corner between the parking for the stadium and the school is used for? Mr. Brown stated that the area mentioned is open area and in the future it will be used for the expansion of a Performing Arts Center or a new field house.

Mr. Gardner stated that there is quite a difference in topography because of the creek that runs through the property. Mr. Gardner informed the applicant that the Board is wanting to know if there are any flat surfaces on site that could be paved for parking?

Mr. Bolzle stated he has attended football games at the subject site and the parking is inadequate. He commented that vehicles park on the street, in the ditches, across resident's driveways, etc. Mr. Bolzle stated he cannot support the variance request with regard to the required parking.

Mr. Brown stated that technically he is not talking about the parking for sporting events, but parking for daytime activities for the school itself.

Mr. Brown stated that staff's recommendation is 12 additional spaces for this particular expansion.

Protestants:

Earl Wescott 1764 West 37th Place, stated that when the larger schools play sporting events at the subject facility he cannot get in or out of his driveway. He explained that vehicles park in his yard and across his drive. Mr. Wescott stated that there was a rumor in the neighborhood that the school was going to buy everyone out and build parking for the stadium. Mr. Wescott requested information regarding any plans to buy out the neighbors.

Comments and Questions:

Mr. Bolzle asked the protestant if he had a problem with the request for expansion? He answered negatively.

In response to Mr. Bolzle, Mr. Wescott stated he will be glad to see the pre-fabricated structures removed and he understands that the school cannot meet the required parking.

Mr. Gardner informed the Board that he reviewed the notice and the notice stated a variance of the required parking with the requirement being 1,000 parking spaces. He stated the notice did not state that the school was going to add 1,000 parking spaces.

Applicant's Rebuttal:

Mr. Brown reiterated that the sport facilities are not being expanded. He stated the expansion is for the educational facilities. He detailed the expansions to include six (6) classrooms, two (2) science labs and other small areas.

Comments and Questions:

Mr. White asked staff if the two requests have to go together? Mr. Gardner informed the Board that if they denied the variance and approved the expansion, then the school will still be non-conforming, with regard to parking for the stadium, but they will be able to continue with the expansion if they add 12 parking spaces.

Mr. Dunham stated he did not have a problem with the expansion and there is no way the school can come close to meeting the parking requirements in the near future.

Mr. Bolzle stated that the school has not made an attempt to address the parking issue as part of the application. Mr. Bolzle commented that if there is a good engineering reason why the school cannot meet the parking requirement, then the Board should hear that reason. Mr. Bolzle continued that the school system should have the same responsibility to their neighbors as any developer or property owner has, which is to be a good neighbor. Mr. Bolzle concluded the school should review this issue and determine whether, in this re-design, they can provide additional parking for the stadium.

In response to Mr. Bolzle, Mr. Gardner stated that there is a provision in the Code that deals with expanding a non-conforming use. The use may be enlarged or extended and the parking must be provided for the enlargement or extension, but they do not have to meet the required parking for the existing non-conformity.

Mr. Linker agreed with Mr. Gardner's statement.

Mr. Beach informed the Board that the school will have to provide 12 parking spaces with the expansion.

Mr. Gardner asked the applicant if he is prepared to tell the Board how the school can meet the required 12 parking spaces for the expansion? Mr. Brown stated that the 12 parking spaces could be in the parking area at the northwest corner of the site. He commented that the new 12 parking spaces can be used for stadium events when they take place.

Mr. Gardner explained to the applicant that if he withdrew the variance for the required parking, then he would have to provide the required 12 parking spaces.

Case No. 17675 (continued)

Mr. Brown stated he is prepared to meet the 12 required parking spaces and he will withdraw the variance of the parking.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Bolzle, Dunham, White, "aye"; no "nays" no "abstentions"; Abbott, Turnbo "absent") to **APPROVE** a **Special Exception** to allow an expansion to an existing school (Webster High School). **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, per plan submitted; subject to twelve (12) required parking spaces being provided; subject to the three (3) pre-fabrication buildings being removed; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lots 4-23, Block 1, Lots 7-26, Block 2, all of Block 3 & 4, Lots 8-27 of Block 5, of Clinton homesites addition to Red Fork, Tulsa County, Oklahoma, including: W 38th St., vacated from E side of S Yukon Ave. to center line of alley of E property line. W 39th St., vacated from E side of S. Yukon Ave. to center line of alley at E property line. S Waco Ave. from N line of W 38th St. to N line of W 40th St. and all easements in Blocks 1-2-3-4 and 5 as shown on plat, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17676

Action Requested:

Special Exception to permit a produce stand in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS**, a Variance of the setback from centerline of South Sheridan Road from 100' to 56'. **SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS** - Use Unit 2, and a Variance of the time to permit 3 years of operation from May 1 to September 1, and days November 25 through December 25th, 8:00 a.m. to 8:00 p.m. **SECTION 1202.B. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES; Use Conditions**, located 8104 South Sheridan.

Presentation:

The applicant, **Mike McLearn**, 8104 South Sheridan, stated that the subject property is basically the same as it has been for the past five (5) years. He requested the Board to approve his application.

Comments and Questions:

Mr. White asked the applicant if he is in a permanent building or in a tent? He stated he is in a tent, but he does have a small building for a rose shop

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Bolzle, Dunham, White, "aye"; no "nays" no "abstentions"; Abbott, Turnbo "absent") to **APPROVE** a **Special Exception** to permit a produce stand in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS**, a **Variance** of the setback from centerline of South Sheridan Road from 100' to 56'. **SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS** - Use Unit 2, and a **Variance** of the time to permit 3 years of operation from May 1 to September 1, and days November 25 through December 25th, 8:00 a.m. to 8:00 p.m. **SECTION 1202.B. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES; Use Conditions**, subject to the site plans and the conditions of the previous applications (BOA Case No. 17011); finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lots 1 & 2, Block 1, Lucenta Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17677

Action Requested:

Special Exception to allow a produce stand in a CH zoned district, beginning May 1 through September 31, approximately 150 days. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, located East of SE/c East 41st Street and South Darlington.

Presentation:

The applicant, **Mark Rosenberger**, 7224 South Lakewood, submitted a site plan (Exhibit N-1) and stated the subject property is a vacant parking lot. He requested the Board to approve this application.

Comments and Questions:

Mr. White asked the applicant how many years he had been using the subject property for a produce stand? He stated that this will be his first year on the subject property.

Mr. Beach reminded the Board of previous temporary uses they have approved on the subject property.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Bolze, Dunham, White, "aye"; no "nays" no "abstentions"; Abbott, Turnbo "absent") to **APPROVE** a **Special Exception** to allow a produce stand in a CH zoned district, beginning May 1 through September 31, approximately 150 days. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2; per plan submitted; subject to a limit of 3 years; subject to seven (7) days a week with hours of operation from 8:00 a.m. to 8:00 p.m.; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

A tract of land that is part of the NW/4, Sec. 27, T-19-N, R-13-E, I.B.M., City of Tulsa, Tulsa County, Oklahoma, according to the U.S. Government survey thereof, said tract of land being more particularly described as follows, to-wit: starting at the NW/c, said Sec. 27; thence S89°58'18"E along the Nly line of Sec. 27 for 1740.00' to the POB; thence continuing S89°58'18"E along said Nly line for 200.00'; thence due S. for 339.78' to a point on the Nly ROW line of E 42nd St. S; thence due W along said ROW for 200.00'; thence due N for 339.88' to the POB.

Case No. 17678

Action Requested:

Special Exception to allow auto sales in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located West, NW/c East 31st Street South and South Yale.

Presentation:

The applicant, **Jody Allen Fetters**, submitted a letter, by facsimile, requesting Case No. 17678 be withdrawn.

Case No. 17679

Action Requested:

Special Exception to allow sales of yard furniture; produce, misc. retail and flowers in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, located 2102 South Yale.

Presentation:

The applicant, **Sandra Harmon**, 5756 East 28th Street, stated she would like to be approved for retail sales through December.

Case No. 17679 (continued)

Comments and Questions:

Mr. Bolzle asked Ms. Harmon if the second vendor on the subject property is still operating? She answered negatively.

In response to Mr. Bolzle, Mr. Harmon stated she will be the only vendor on the subject property.

Mr. White asked the applicant if she will be erecting a tent? She stated she will be under the existing canopy and there will not be a tent.

Mr. Dunham asked the applicant for her days and hours of operation? Ms. Harmon stated her hours will be 8:00 a.m. to 6:00 p.m., seven (7) days a week.

Mr. Beach informed the applicant that she is limited to 150 days a year under the Code.

In response to Ms. Harmon, Mr. Beach stated she would need a variance to permit the sales of the yard furniture year round and she is not advertised for that request.

Mr. Gardner informed the applicant that if the use is more than 150 days then it becomes a permanent use and it is no longer considered temporary. He stated she would have to state a hardship to be granted a variance to allow year around sales.

Interested Parties:

John Nidifer, 4720 East 21st Place, stated he is the owner of the subject property. Mr. Nidifer expressed concerns that the approval of this application will deny him the option to re-develop the site.

Comments and Questions:

Mr. Gardner stated that the approval of this application does not prohibit him from the option of re-developing the subject property if he includes such language in his lease or agreement to use the land. Mr. Gardner commented that the lease of the subject property is between Mr. Nidifer and Ms. Harmon.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Bolzle, Dunham, White, "aye"; no "nays" no "abstentions"; Abbott, Turnbo "absent") to **APPROVE** a **Special Exception** to allow sales of yard furniture; produce, misc. retail and flowers in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2; subject to the hours 8:00 a.m. to 6:00 p.m., seven days a week and not to exceed 150 days a year; subject to a limit of 3 years; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, **AND CONTINUE** Case No. 17679 to May 13, 1997, at 1:00 p.m. for re-advertisement, on the following described property:

Case No. 17679 (continued)

Mayo Meadow except part Block 1, beg. 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.

Case No. 17680

Action Requested:

Special Exception to permit auto sales on the W 120' of subject tract. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17 and a Variance of the required setback of 300' from an R district to permit open air storage and display of merchandise offered for sale. **SECTION 1217. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES;** User Conditions, located SE/c 46th Street North and Peoria.

Interested Parties:

Dwain Midget, Mayor's Office, submitted a letter (Exhibit P-2) requesting Case No. 17680 be continued to March 22, 1997, at 1:00 p.m. Mr. Midget is out of town on business and would like to be present to address this application.

Comments and Questions:

Mr. Beach explained that Dwain Midget requested the continuance because he has worked on the North Peoria Corridor Study and he would like to be present to address the Board on this application. Mr. Beach informed the Board that the continuance was made in a timely manner.

Presentation:

The applicant, **John Basolo**, 4561 North Peoria, submitted a site plan (Exhibit P-1) and stated that the request for a continuance is creating a hardship for his business.

Comments and Questions:

Mr. Gardner informed the Board that Mr. Midget is in San Diego at the annual Planning Conference and he cannot be present at this meeting.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Dunham, White, "aye"; no "nays" no "abstentions"; Abbott, Turnbo "absent") to **CONTINUE** Case No. 17680 to April 22, 1997, at 1:00 p.m.

Case No. 17681

Action Requested:

Variance of structure setback from centerline of abutting street from 50' to 40' to permit new sign head on existing pole. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING** and a Variance of maximum allowable height from 25' to 35'. **SECTION 1221.E.1. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**, located 2233 East 11th Street.

Presentation:

The applicant, **Christina Jones**, 6550 East Independence, submitted a site plan (Exhibit Q-1) and an architectural drawing (Exhibit Q-2). Ms. Jones proposes to take down the existing sign and remove one of the poles (pole closest to the road). She stated she will leave the remaining existing pole and erect a new sign. The setback is 50' and she would like approval for a 40' setback for the new sign. The existing sign height is 35' and the applicant is requesting to remain at 35' with the new sign.

Comments and Questions:

In response to Mr. Bolzle, Ms. Jones stated the proposed sign will be farther back from the street than the existing sign.

Ms. Jones stated that the proposed sign will be smaller in length than the existing sign, but it will be at the same height of 35'.

In response to Mr. Bolzle, Mr. Beach stated the legal description describes where the sign is located and the approval will be tied to the sign.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Dunham, White, "aye"; no "nays" no "abstentions"; Abbott, Turnbo "absent") to **APPROVE** a **Variance** of structure setback from centerline of abutting street from 50' to 40' to permit new sign head (approximately 10' x 15') on existing pole. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING** and a **Variance** of maximum allowable height from 25' to 35'. **SECTION 1221.E.1. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**; per plan submitted; subject to a removal contract with the City of Tulsa; finding that the new sign will be smaller in size and the same height and will not extend as close to the street as the existing sign; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lot 14, Block 1, Hillcrest Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17682

Action Requested:

Variance of the number, height and display surface area of signage within a PUD in an OM and OL district. **SECTION 1221. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**, located South of SE/c East 61st Street and South Yale Avenue.

Presentation:

The applicant, **Roy D. Johnsen**, 201 West 5th Street, Suite 440, submitted a site plan (Exhibit R-2) and a zoning public hearing approval (Exhibit R-3). Mr. Johnsen stated he is appearing on behalf of the William K. Warren Medical Research Center. The subject property has been developed over the years. Mr. Johnsen stated that the recent PUD approval, for the garage parking complex, was approved with existing signage. He commented the signage consisted of signs on the building walls and directional signs within and along the perimeters of the complex. Over time the directional signage has been determined to be inadequate and the Warren Medical Center is proposing to revise their signs to direct people to the correct buildings. Mr. Johnsen described the parking signs as 4' x 6', a cube in some instances, but in most instances only two sign faces. He informed the Board that the proposal was before the TMAPC for an amendment to the PUD. He indicated the staff reviewed the amendment and recommended approval. Mr. Johnsen stated the proposal before the Board is the same as the proposal that was presented to TMAPC and approved. He indicated that since the TMAPC approval, some of the signs have been deleted and they are indicated on the site plan. He commented that the site plan is more restrictive than what the TMAPC approved as an amendment to the PUD.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Bolzle, Dunham, White, "aye"; no "nays" no "abstentions"; Abbott, Turnbo "absent") to **APPROVE** a **Variance** of the number, height and display surface area of signage within a PUD in an OM and OL district. **SECTION 1221. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**; per plan submitted; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Case No. 17682 (continued)

All Lot 1, Part Lot 2, Block 1, William K. Warren Medical Research Center and part of Lot 1, Block 1, Warren Medical Professional Center, Additions in Tulsa, Tulsa County, Oklahoma, according to the official recorded plats thereof; more particularly described as follows, to-wit: Beg. NW/c, said Lot 1, Block 1, Warren Medical Professional Center; thence S 89°57'12"E along the N boundary for 1,021.16'; thence S 0°07'32"E for 60.00'; thence N 89°57'12"W for 86.40'; thence S0°07'32"E for 279.03'; thence S89°58'34"E for 205.75'; thence S0°07'32"E for 75.00'; thence N89°58'34"W for 273.00'; thence S0°07'32"E for 69.68', S Boundary of said Lot 1, Block 1, Warren Medical Professional Center (N Boundary of said Lot 2, Block 1, William K. Warren Medical Research Center 402.65' from the SE/c thereof; thence S0°07'32"E for 157.32'; thence S89°58'34"E for 173.06', E boundary of said Lot 2, 157.32', NE/c thereof; thence along the E boundary of said Lot 2 as follows: S0°07'32"E for 157.87'; thence S42°45'20"W for 102.87'; thence S0°07'32"E for 371.83', SE/c thereof; thence along the Sly boundaries of said Lots 1&2, Block 1, William K. Warren Medical Research Center as follows: N79°09'39"W for 0.00'; thence on a curve to the right having a radius of 688.24' for 244.22'; thence N58°49'46"W for 137.87'; thence on a curve to the left having a radius of 519.04' for 17.82' to the common corner of said Lots 1&2; thence on a curve to the left having a radius of 519.04' for 385.17'; thence S76°41'06"W for 77.96'; thence on a curve to the right having a radius of 396.79' for 92.55'; thence N89°57'03"W for 60.10' to the SW/c of said Lot 1; thence N0°08'39"W along the W boundary of said Lot 1, Block 1, William K. Warren Medical Research Center. A distance of 572.12' to the NW/c thereof; thence N89°58'34"W along the S boundary of said Lot 1, Block 1, Warren Medical Professional Center for 10.00'; thence N0°08'39"W along the W boundary of said Lot 1, Block 1, Warren Medical Professional Center for 484.08' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17683

Action Requested:

Variance of required side yard from 20' to 14' and a Variance of required rear yard from 25' to 9' to permit extension of garage. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located SE/c East 58th Street South and East 58th Place South.

Presentation:

The applicant, **Roy D. Johnsen**, 201 West 5th, Suite 440, submitted a plot plan (Exhibit S-1) and stated he is representing Mr. & Mrs. Bill Manley. Mr. Johnsen stated that 58th Street South forms the north boundary and 58th Place South forms the southwest boundary. He explained that the two boundaries come together at a point. Mr. Johnsen indicated that when your lot is on a corner, the owner can select his front yard, which is a 35' requirement in an RS-1 district. He stated the Manleys have selected the 58th Place South boundary and the 35' requirement exists. The other street frontage then becomes a side yard on a corner and if it is non-garage, the requirement is 15' and if it is a garage opening, it is 20'. Mr. Johnsen stated the present garage is 14' back from right of way line or 26' from paving line. Mr. Johnsen explained that the rear yard is the southern most boundary and parallels with 58th Place South. He indicated that the garage is being extended into the designated rear yard and the requirement in a rear yard is 25'. Mr. Johnsen commented that he does not agree that this yard is the designated rear yard, but the side yard. He explained that the designated rear yard gives the appearance of a rear yard, but it is not usable as a rear yard in the normal sense. Mr. Johnsen stated the neighbor to the east, Mrs. Torr, who is an elderly woman, did not have any objections to this application. Mr. Johnsen concluded that the request will not have a detrimental effect on the neighborhood, nor harmful to the Code. He stated that the lot is an irregular shaped lot and causes a hardship for expanding the garage.

Comments and Questions:

Mr. Gardner stated the lot is a unique pie shaped lot.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Dunham, White, "aye"; no "nays" no "abstentions"; Abbott, Turnbo "absent") to **APPROVE** a **Variance** of required side yard from 20' to 14' and a **Variance** of required rear yard from 25' to 9' to permit extension of garage. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the lot is unique in shape and the literal enforcement of the Code will result in unnecessary hardship; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lot 11, Block 1, Fairway Manor, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:43 p.m.

Date approved: April 22, 1999


Chair