

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 747
Tuesday, April 14, 1998, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS PRESENT
PRESENT**

Bolzle
Dunham
Turnbo
White, Chair

MEMBERS ABSENT STAFF PRESENT OTHERS

Cooper

Beach
Stump
Arnold

Parnell, Code
Enforcement
Ballentine,
Code
Enforcement
Romig, Legal
Department

The notice and agenda of said meeting was posted in the Office of the City Clerk on Thursday, April 9, 1998, at 2:21 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo White, "aye"; no "nays" no "abstentions"; Cooper "absent") to **APPROVE** the minutes of March 10, 1998 (No. 745).

On **MOTION** of **BOLZLE**, the Board voted 3-0-1 (Bolzle, Dunham, White, "aye"; no "nays" Turnbo "abstentions"; Cooper "absent") to **APPROVE** the minutes of March 24, 1998 (No. 746).

Case No. 17981

CASE WAS WITHDRAWN

UNFINISHED BUSINESS

Case No. 17805

Action Requested:

Special Exception to allow an existing auto body repair shop in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17** and a Special Exception to allow an auto paint shop in a CS district **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17** and a Variance of the 150' setback requirement from an abutting R district to 0 feet. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17** located 439 S. Sheridan Road.

Presentation:

The applicant, **Merl Whitebook**, represents Mr. and Mrs. Farrell, who began Sunbelt Automotive in 1986. In their business they developed a product called The Defender which is an anti-theft device. They moved to the present location in 1989. At all times the building has been used as an automotive related business, but it did not have appropriate zoning or exceptions required for the auto repair and body work and paint. Mr. Whitebook presented the Board with photos (Exhibit A-1) of the existing location and of the interior. Because of their paint booth, they have regular inspections by the fire marshal, EPA, and OSHA satisfying that there are not noxious odors being emitted, that the spray and dust is contained and that they are disposing of all chemical waste and byproducts in an appropriate manner. Mr. Whitebook stated that a majority of the surrounding area is CS zoned with medium intensity development. The area has been in flux and businesses have come and gone. The one constant in this area of Sheridan has been Sunbelt Automotive, not changing its sign or business since 1989. The applicant is asking that they be allowed to continue the existing use of an auto paint and body repair which has been there since 1989. They have filed both Special Exceptions, which are now allowed by the new ordinances. They have also asked for a Variance. Mr. Whitebook asked for a comment from Mr. Beach stating that the Staff report indicates it is Staff's opinion that the Variance is not needed because of the CS instead of CG zoning.

Comments & Questions:

Mr. White stated that the Staff comments reflected that a Variance for 150' setback is not needed because this pertains only to autobody repair and painting in the CG, CH and CBD zoned districts.

Mr. Beach stated that the Code places a condition on this use that says that when an automotive related use is located in a CG, CH or CBD district and it is within 150' of an R district, it requires a Special Exception from the Board, otherwise it is a use by right. This is a use condition, not a setback requirement. The advertised relief for a Variance of the required 150' setback is not needed.

Case No. 17805 (continued)

In this case it is a CS district and he needs a Special Exception regardless of the proximity to an R district.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Special Exception to allow an existing auto body repair shop in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17** and a Special Exception to allow an auto paint shop in a CS district **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17** and **STRIKE** the request for a Variance of the 150' setback requirement from an R district to 0 feet. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17** on the following described property:

Lots 16-18, Block G, Crest View Estates, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17906

Action Requested:

Variance of the required 1200' spacing from another outdoor advertising sign to 100' spacing. **SECTION 1221.F.2. USE CONDITIONS FOR OUTDOOR ADVERTISING SIGNS** located SW/c N. Detroit & E. Davenport.

Comments and Questions:

Mr. Dunham stated that this item has been on the agenda numerous times and mentioned that the Board should turn it down. Mr. Dunham asked Staff what the proper procedure was.

Mr. Beach stated that this was the fourth time it had been on the agenda and the applicant has not appeared on any of them.

Mr. Bolzle suggested denying it without prejudice.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **DENY** Case No. 17906 without prejudice on the following described property:

Lot 7, Block 19, North Tulsa Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17932

Action Requested:

Variance of the allowable height for a new sign in a CS zoned district from 40' to 60'. **SECTION 1221.D.1. CS DISTRICT USE CONDITIONS FOR BUSINESS SIGNS** located SE/c E. 27th St. & S. Memorial Dr.

The applicant was not present when the case was called.

Comments and Questions:

Mr. Beach stated that this application has been continued many times. This applicant has expressed some confusion as to how the process works.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **DENY** Case No. 17932 without prejudice on the following described property:

A tract of land lying in Lots 8-9, Block 2, Tri-Center, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, more particularly described as follows, to-wit: Commencing at a point on the N line of Lots 8-9, said Block 2, said point being the NE/c of said Lot 9 and the NW/c of said Lot 8, thence N 89°31'29" E along the N line of said Lot 8, for 250.01'; thence S 02°19'00" E, for 237.99 to a point on the S line of said Lot 8; thence S 48°34'50" W along the S line of Lots 8 & 9, for 511.52'; thence N 02°36'34" W for 573.49' to a point on the N line of said Lot 9; thence N 89°31'29" E along the N line of said Lot 9, for 150.00' to the POB

NEW APPLICATIONS

Case No. 17981

APPLICATION WAS WITHDRAWN

Case No. 17992

Action Requested:

Variance of landscaping requirements. **SECTION 1002. LANDSCAPE REQUIREMENTS – Use Unit 23** and a Variance of required setback from an R district, from 75' down to 36.85'. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** located 5525 E. Archer.

Presentation:

The applicant, **Jerri Mirecki**, submitted a folder containing various information (Exhibit B-2) and stated that she is requesting a Variance to permit a storage building. The lot is approximately 111.5' from Archer to the residence to the north. Since ordinance requires a 75' setback from a residential district and we have given a 15' easement to the City of Tulsa along the south line, the strip of land that is left is too small to be utilized. Allowing for the 15' easement and the 60' for the building and screening fence leaves only about 37' for the setback from the residential district. The residence that will be impacted is the residence to the North and the photos representing this are in the folder given to the Board. This house is surrounded by businesses on all sides. This neighborhood is a unique mix of businesses and residential houses. A screening fence will block the view of the industrial lot south of Archer. The vacant lot has permitted access to those who wish to dump trash there. A storage building on the lot will prohibit access to a free dump site. A storage building is a good addition to this lot because it will not increase the traffic or noise to the area and the screening fence will be an additional buffer. The applicant wants the landscaping requirement to be waived because the lot is planted with native grasses and since the storage building will not have any utilities, the landscaping would be impossible to maintain. Ms. Mirecki has letters of support from neighbors in the area (Exhibit B-1) who were not able to attend the meeting.

Comments and Questions:

Mr. White asked if there is going to be outside storage of salvage materials. The applicant answered that they are selling the lot to a man who is wanting to store his masonry equipment in the building. The building will be like a storage warehouse.

Mr. Dunham asked if the applicant was going to put a new building on the lot and she answered affirmatively.

Mr. Bolzle asked if they would be allowed outside storage. Mr. Stump answered no.

Mr. Dunham complemented the applicant on her application.

Mr. White made it known that the Board has 5 letters of support from area homeowners and businesses.

Mr. Beach stated that the uses that are in Use Unit 23 are all permitted without regard to setback from an R district.

Interested Parties:

Brad Radford, 5717 E. Archer, which is east of the property. Mr. Radford has several rental properties in the area. Mr. Radford asked what kind of storage is going to be on the lot. Is it going to be a U-Store it? There is some property just south of the lot in question that is in bad shape with cars stored on it, no privacy fence. There are two or three big warehouses. Mr. Radford stated that it is an eyesore and is concerned about what is going to go in on this lot.

Applicant's Rebuttal:

Ms. Mirecki stated that the lot that Mr. Radford is referring to is Exhibit F in the folders she gave to the Board. She agrees that it is an eyesore and assures the Board that their property will not be like that.

Comments & Questions:

Mr. Dunham asked the applicant if the screening fence was going to put on the north? Ms. Mirecki said yes and that screening fence will block the view of the industrial lot.

Mr. Bolzle asked if the screening is only on the north or the north and east. Mr. Stump answered no.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance of landscaping requirements **SECTION 1002. LANDSCAPE REQUIREMENTS – Use Unit 23** and a Variance of required setback from an R district, from 75' down to 36.85'. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** per plan submitted and provided that there be no outside storage on the following described property:

A tract of land in the SE/4 SE/4 SW/4 of Section 34, T-20-N, R-13-E, of the IBM, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, more particularly described as follows: BEGINNING at a point 523.6' S of the SE/c of Lot 10, Block 5, MARY ELLEN SECOND ADDITION; thence W 164.5' to a point; thence S 111.83' to a point; thence E 175.5' to a point; thence N 111.5' to place of Beginning, leaving the S 25' for Archer Street.

Case No. 17993

Action Requested:

Variance to exceed maximum 750 SF of floor area for detached accessory buildings comprising a pool cover of 1,080 SF, a storage building of 1,350 SF and an existing lawn storage building of 199 SF and horse barn of 204 SF on a lot of 2.5 acres. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6** located at 1640 E. 56th St. N.

Presentation:

The applicant, **Viola New**, 1640 E. 56th St. N., submitted a site plan (Exhibit C-2) and building plans (Exhibit C-3) stated that the horse barn and the lawn storage building have been on the property for years, it was there when they bought the property in 1985. They are not asking for any approval on that portion. Ms. New stated that she has presented the Board with two notarized letters from neighbors (Exhibit C-1) supporting building the pool cover and the storage barn, as well as some pictures (Exhibit C-4) showing many large barns in the neighborhood for livestock as well as equipment. Six houses west of her is a commercial property that does not look as nice as theirs will. The structures will be white with a gray trim and match the house. Mrs. New stated that since they have purchased the property in 1985, they have cleaned up and improved the property. The pool was built with a heater last summer because of Mrs. New's health problems. The pool is to be used year round by doctor's orders for exercise. Without the pool cover there would be several days that she could not do her exercises.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a Variance to exceed maximum 750 SF of floor area for detached accessory buildings comprising a pool cover of 1,080 SF, a storage building of 1,350 SF and an existing lawn storage building of 199 SF and horse barn of 204 SF on a lot of 2.5 acres. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6** per plan submitted finding the size of the lot would be in keeping with the remainder of the neighborhood

Comments and Questions:

Mr. Stump asked the Board if they wanted to include a condition of no commercial activity on the property. The Board answered yes.

Mr. White asked Mr. Stump if the Board should make this a standard condition for similar actions in the future. Mr. Stump answered yes, having this condition stated would be helpful if the case is appealed to the courts.

Case No. 17993 (continued)

Board Action:

On **AMENDED MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolze, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** a Variance to exceed maximum 750 SF of floor area for detached accessory buildings comprising a pool cover of 1,080 SF, a storage building of 1,350 SF and an existing lawn storage building of 199 SF and horse barn of 204 SF on a lot of 2.5 acres. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6** per plan submitted finding the size of the lot would be in keeping with the remainder of the neighborhood and subject to no commercial activity on the following described property:

Lot 17, Block 2, Grimes Heights.

Case No. 17994

Action Requested:

Special Exception to allow Use Unit 17 in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17** and a Variance to allow outdoor display of merchandise for sale within 300' of residential district **SECTION 1216.C 1&2. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions** and a Special Exception to waive the screening requirement along lot lines abutting an R district **SECTION 1217.C 1&2 AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions** located 2324 E. 3rd St.

Presentation:

The applicant, **Clarence R. McCutcheon**, 2324 E. 3rd St., Tulsa, OK 74104, stated that this property has been a used car lot for the last 27 years, but it has just now come before the Board to get approval.

Comments and Questions:

Mr. Dunham asked the applicant if the lot has been vacant. The applicant answered no, there has always been a car lot on the property.

Mr. Stump stated that what has happened is that to get their license renewed with the state they have to show that they comply with local zoning. If they have never had a Special Exception, they must obtain approval to be in compliance.

Mr. White asked how frequently they must renew the license? Mr. Stump replied that he did not know what the time limit was but this is a common request, especially along 11th and Admiral.

Interested Parties:

Chris Smith, 543 S. Yorktown Ave., Tulsa, OK 74104, stated that he is the executive director of the Kendall-Whittier Ministry. Mr. Smith stated that he knows that the car lot has been there for a long time and he is concerned about the paper changes. This is Use Unit 17 going into the CS zoned district. That is a topic of concern of many people living in midtown and it is a concern that is being studied right now. As far as the first Special Exception is concerned, Mr. Smith asked that it be studied more fully in the context of the new study that is being done. The applicant presented photos to the Board (Exhibit D-1). The applicant mentioned that the photos are a sample of the landscape in the neighborhood. On the inside, there are very nice bungalow types houses with landscaping and a lot of remodeling, but the outside of the area looks like an industrial area. Pertaining to the Variance, the outdoor display of merchandise, this is a very visible part of the neighborhood and they have had problems with merchants displaying their wares on the easements. Pertaining to Special Exception, Third Street is very bad. None of the business have taken the time to screen themselves from surrounding residences. There are some improvements being made along the Lewis Ave. Corridor. The cul-de-sac improvements of portions of the neighborhood has helped to improve it.

Marvin Cook, planner with Tulsa Development Authority, 110 S. Hartford Ave., stated that they have a concern with the Special Exception to waive the screening requirement. The 1996 third penny sales tax contained funds for acquiring property along the west side of Lewis from 3rd St. to 6th St. to cul-de-sac 4th St., 4th Place and 5th St. to protect the residential area that abuts this property. The Authority has, over the last few years, acquired that property along the west side of Lewis. In two months they will begin construction of the cul-de-sacs. The purpose of this is to protect the residential area. In the residential area there are a few new homes and significant amount of home rehabilitation, which is totally consistent with the Urban Renewal Plan for Kendall-Whittier as well as the Master Plan. Therefore they feel that allowing a commercial entity to avoid screening with respect to a residential community is problematic and that the screening should be required, especially if the City is putting this kind of resources into protecting the existing residential area.

Applicant's Rebuttal:

Mr. McCutcheon stated that the cul-de-sacs have nothing to do with 3rd St. and the City of Tulsa has already torn down the property East of the lot that they want and it has nothing to do with 3rd St.

Comments and Questions:

Mr. Dunham asked what other uses are permitted in Use Unit 17. Mr. Stump answered auto body shops, car lot, auto repair, aircraft sales, etc. Mr. Dunham asked if it is appropriate in cases like this, if the Board were so inclined, to give a

Special Exception to permit a car lot, restricted to that use? Mr. Stump answered yes.

Mr. Beach stated that the Board might want to consider the fact that the applicant has advertised for a Special Exception to allow the use but also the Variance of the 300' setback because the lot is not large enough to meet that requirement. The Special Exception to allow and the use and the Variance are companions. You can't grant one without the other. The fact that the lot is too small to meet the setback requirement might be a factor when considering whether the use is appropriate in this location.

Mr. Stump stated that you could limit the display of outdoor merchandise to automobiles only or light trucks.

Mr. Dunham mentioned that he is very familiar with the area and he personally does not feel that a car lot is not inappropriate in this area. The only part of the application that he has a problem with is that he would not be inclined to waive the screening requirement. The other two parts of the application he would support with restriction to auto sales only.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolze, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Special Exception to allow Use Unit 17 in a CS zoned district, limited to auto sales only.

SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS

– **Use Unit 17** and a Variance to allow outdoor display of merchandise for sale within 300' of residential district **SECTION 1216.C 1&2. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions** finding that the size of the lot is the hardship and **DENY** a Special Exception to waive the screening requirement along lot lines abutting an R district **SECTION 1217.C 1&2 AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions** on the following described property:

S 135', Lots 9 and 10, Block 2, Hillcrest Ridge Addition.

Case No. 17995

Action Requested:

Variance to allow a replacement sign on a nonconforming sign of 57', no change in location or display surface area. **SECTION 1403.B. NONCONFORMING SIGNS – Use Unit 12** located 1115 S. Garnett.

Presentation:

The applicant, **Amax Sign Co.**, represented by Don Beatt, 9520 E. 55th Pl., , submitted a sign plan (Exhibit E-1) and represents Mazzio's Pizza who has had the sign for a number of years. In the last six months, Mazzio's has undergone an image change and redesigned their exterior signage. They are asking to be allowed to put up a new sign that matches the square footage and height of the one now.

Comments and Questions:

Mr. Bolzle asked the applicant if he has seen the Staff comments. The applicant answered no.

Mr. Bolzle read the Staff comments, the case that approved the sign stated that the sign was not to exceed 50' in height. Mr. Bolzle asked the applicant why it would be 57' now. Mr. Beatt answered that he did not know.

Mr. Beach stated that it is obvious from reading the minutes that the Board specifically stated, in 1968, that the sign was not to exceed 50'.

Mr. White stated that the 7' height difference is actually the round pipe section at the top of the two channels end.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 3-1-0 (Dunham, Turnbo, White, "aye"; Bolzle "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance to allow a replacement sign on a nonconforming sign of 57', no change in location or display surface area. **SECTION 1403.B. NONCONFORMING SIGNS – Use Unit 12** finding that the hardship is the condition surrounding the property on the following described property:

Beg 230S & 65E NW/c NW TH E175 N165 W148.13 TH on CRV SWly to PT 65E WL Sec S128.37 POB S Unplatted.

Case No. 17996

Action Requested:

Special Exception to allow soccer fields (Use Unit 20) and accessory uses, concession, etc. in an IL zoned district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** and a Variance of the hard surface parking for minimum of 10 years. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** located at 5400 S. 122nd E. Ave.

Presentation:

The applicant **Harold K. Irowet**, 5233 E. 97th St., submitted a site plan (Exhibit F-1) and stated that the soccer field will be hosted on the premises of Hilti Industries which has leased the land to the Tulsa Soccer Club. The Tulsa Soccer Club is a youth club from 10-18 years old, boys and girls. The Soccer Club is currently scrambling to find playable surfaces and fields to practice and play games on. Approximately one year ago, Hilti leased 38 acres of land not used for business activity to the Tulsa Soccer Club. The Club would like to develop this land into soccer fields. A few months ago, the Corps of Engineers and the City of Tulsa had expressed an interest in utilizing this land for a retention pond, etc. The Club does not have large financial means to develop blacktop roads at this time. Hopefully, over the years, through sponsorship they will be able to develop the area more fully.

Comments and Questions:

Mr. White asked the applicant about the Staff comments related to the unpaved parking service. Mr. White asked what they are currently proposing for the surface. Mr. Irowet answered gravel and that they would like to see 3" to 1½" gravel and then ½" gravel on top.

Mr. White asked the applicant if they are anticipating it taking years to raise the funds to pave the lot. Mr. Irowet mentioned that he did not have an answer at this time.

Mr. Dunham mentioned that he was inclined to approve the use and the variance but for only three years. Mr. Dunham stated that they just wanted to see what the impact of this would be in the area and give the neighbors an opportunity to make a change.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Special Exception to allow soccer fields (Use Unit 20) and accessory uses, concession, etc. in an IL zoned district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** and a Variance of the hard surface parking for minimum of 3 years. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-**

Case No. 17996 (continued)

STREET PARKING AREAS subject to a time limit of three years, per plan submitted on the following described property:

Lots 2, 3, 4, 5 & 6, Block, 1, Metro Park

Mr. Beach mentioned that in regard to an earlier case that was denied without prejudice, Case No. 17932, Carlos Paredes. Mr. Beach stated that he had been handed a note stating that the applicant had an emergency and was unable to attend and sent a representative who is in the audience now. There were no protestors or interested parties when the case was called, so he thinks it would be appropriate to reconsider that in this meeting.

Mr. White asked who made the Motion. Mr. Bolzle answered that he made the motion.

Mr. Bolzle asked Staff how many times the application had been continued. Mr. Beach answered that he believes that this is the third meeting. Mr. Bolzle mentioned that he was not inclined to allow the reconsideration but to let Mr. Paredes refile the application.

Mr. Dunham asked Mr. Beach what the circumstances were that the applicant could not attend. Mr. Beach answered that today the applicant had an emergency.

Mr. Bolzle asked the representative in the audience if he could explain why the applicant has not appeared for three meetings.

Ray Taroubi, 7531 E. 63rd Pl., stated that he is the President of the Craig Neon Sign Company and Carlos Paredes used to be a General Manager for them. Since then he has become employed by someone else. Mr. Paredes still wanted to present the application but had a conflict and could not attend and just informed Mr. Taroubi this afternoon.

Mr. Bolzle asked what the issues were for the previous two meetings. Mr. Taroubi answered that Mr. Paredes was supposed to be representing them and he just now decided that he couldn't.

Mr. Bolzle suggested that if the Board is willing to hear the case, they move it to the end of the agenda. Mr. Dunham agreed. Mr. Bolzle asked Mr. Romig if he should withdraw the previous motion. Mr. Romig and Mr. Stump answered that he could make a motion to reconsider.

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 ((Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **RECONSIDER** Case No. 17932 at the end of the agenda today.

Case No. 17997

Action Requested:

Variance to allow two dwelling units on one lot of record **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** and Variance of the allowable SF for accessory buildings from 1,280 SF to 1,449.4 SF **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions** located 3933 S. Union Ave.

Presentation:

The applicant, **Terry Berry**, 3933 S. Union Ave., submitted a site plan (G-2) and stated that what he wants to do is build a shed for a cover for a motor home. The east side of the property backs up to Highway 75, the south side of the property is adjacent to a commercial zoned lot. There are no residences in the immediate area. The pictures (Exhibit G-1) of the dwellings show that the second dwelling was built in 1928 and the house built up toward the front was built in 1940 (house toward the front).

Comments and Questions:

Mr. Bolzle asked if the frame building behind the original (1928) house is a garage. Mr. Berry answered that there is a detached garage. Mr. Bolzle mentioned that it is in the far northeast corner of the lot. Mr. Berry stated that the building is a storage building.

Mr. Berry presented the Board with a building plan (Exhibit G-3). Discussion at bench ensued. Mr. Berry pointed out everything on the plans.

Mr. Bolzle asked the applicant if the proposed building will have sides on it. The applicant answered that it would have only columns and a roof.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance to allow two dwelling units on one lot of record finding that they are nonconforming as to the Code **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** and Variance of the allowable SF for accessory buildings from 1,280 SF to 1,449.4 SF. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions** finding that the building will be open without sides and will not be detrimental to the neighborhood and the size of the lot, per plan submitted on the following described property:

Lot 12, Block 6, LESS AND EXCEPT a parcel of land lying in part of Lot 12, Block 6, INTERURBAN ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, said parcel of land being described by metes and bounds as follows, to-wit:

BEGINNING at the SE/c of said Lot 12; thence W along the S line of said Lot 12, a distance of 22.38'; thence N 12°23'59" W a distance of 112.35' to a point on the N line of said Lot 12; thence E along said N line a distance of 44.81' to the NE/c of said Lot 12; thence S along the E line of said Lot 12, a distance of 109.98' to the point of beginning.

Case No. 17998

Action Requested:

Appeal decision of the zoning officer that the proposed use is a duplex.
SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL located 5843 E. 35th St. S.

Presentation:

The applicant, **Rick Oberlender**, with Highlander Homes, 4504 East 67th St., Ste. 208, Tulsa, OK, passed out a packed to all of the Board members (Exhibit H-1). Mr. Oberlender is proposing to build a single family home for a mother and daughter. The mother is elderly and the daughter is developmentally disabled. The daughter is able to live in an assisted living situation with a live-in person to help with her daily needs. Mr. Oberlender read the descriptions of a duplex, a single family home and family unit from the Zoning Code book. Mr. Oberlender stated that this will not be a manufactured home but stick built and it will only occupy one home. The family description from the Zoning Code and they meet that requirement with a mother, daughter and one staff person.

Comments and Questions:

Ms. Turnbo asked the applicant if there is any way to get from one side of the house to the other without going outside. The applicant answered that you could get from one side of the house to the other through the garage. They did not put another entry anywhere because there was not a good way to do it. The needs of both the mother and daughter are rather specific and the house was designed with those needs in mind. The floor plan shows wider hallways near the bathroom and bedroom of the daughter.

Mr. Bolzle asked how the property would sell. Mr. Oberlender stated that they hoped it would be utilized in the same manner that they are using it for now. The Code says "intended use" and their intended use is to use it for single family.

Mr. Oberlender mentioned that the cost of healthcare for the elderly and disabled are rising steadily and we are seeing more and more families wanting to go back to the old values of taking care of their families and to live together. Often to do that they need specific designs in the home to accommodate them.

Mr. Bolzle stated that the living condition of the occupants of the home does not pertain to the issues before us. The issues before us are how is the house constructed and what is the likelihood of them being used in the manner as the Code describes as a duplex. Mr. Bolzle mentioned that he could not imagine how one could look at the plans and for any other reason, other than the fact that the occupants of both sides are related to each other, say that this is not a duplex. Mr. Oberlender answered that he is going by what the City Code says. The description of a duplex simply states that a building containing two dwelling units designed for occupancy by not more than two families. The description of a dwelling unit is simply a room or group of rooms arranged, intended or designed as a habitable unit containing kitchen, bath and bedroom facilities for not more than one family living independently of each other. Mr. Oberlender feels that they have met the intended use, and have met the Code as far as what the group of rooms must be and they have also put only one set of utilities in the home to make sure it always has one water meter and one electric meter, etc. The only thing they cannot vouch for is what someone would do with it 10 or 15 years down the road and the Code doesn't really address that.

Mr. White stated for the record that there are a few petitions against the proposed application and they total 49 signatures of area residents that do not support the application.

Interested Parties:

Betty Steinmier, 3518 S. Joplin, stated that she has lived there for approximately 35 years and has been before the Board several times before for issues such as this. There are duplexes in the area now. Ms. Steinmier asked the Board if they had the letter and petition that she sent to them (Exhibit H-2). The Board answered yes. The third paragraph of the letter sent to the Board explains everything. They have had duplexes now and they look like duplex row. Past experience with the duplexes, they have no interest in how the place looks and the neighborhood has had to call the police. Ms. Steinmier mentioned that this duplex would be between two residential house, one of which is new. The neighborhood has no assurance how long the current residents will live there and what will happen to the house after they move.

Jim Dawson, 3523 S. Joplin Place, stated that he has lived there for 25 years and the particular lot is within view of his house. Mr. Dawson mentioned that he believes that this will be a duplex and opposes it.

Applicant's Rebuttal:

Mr. Oberlender stated that he could appreciate the 49 signatures on the petition but they are not here to challenge the City's Code but to say whether it meets the Code or not. The fact that this home has two kitchens defies conventional thinking for a single family home. But he knows of \$300,000 homes in Greystone

that have two kitchens. Some must have two kitchens because of religion, such as Jewish. In their particular instance, the mother and daughter cannot share the same kitchen. The daughter is under some state benefits and therefore she must have her own separate kitchen, under State law. Mr. Oberlender mentioned that he has not purchased the property yet, only contracted to purchase it contingent upon his getting a permit. They want a ruling from the Board saying that this residence does meet single family residence requirements. Mr. Oberlender reminded the Board that single family residence requirements are that its intended use is for a single family, he thinks that a mother and a daughter fit that description. It does not say that you cannot have two kitchens, it does not say that you can have only one front door and one back door, he has built homes that have six doors on them. The Code does not say anything about even passing from one kitchen to the next. You do not have to go outside to get to the other side, just go through the garage. The fact that they are only putting one set of meters in stresses the fact that their intended use is as a single family residence.

Comments and Questions:

Mr. Bolzle asked the applicant to explain where he sees the phrase "intended use" in the Code. The applicant replied that it says that it was designed for occupancy by not more than one family and that their intended use is for one family.

Mr. Bolzle asked the applicant if he was a builder or an architect. The applicant answered yes he was a builder and a designer not an architect. Mr. Bolzle asked the applicant if it would be his opinion that a person or family could live independently in one side of this property from the group living on the other side. Mr. Oberlender answered that because there is a separate bath, kitchen and laundry facilities, yes a family could live independently in one side of the property.

Ms. Turnbo mentioned that the description of a family it is one or more persons occupying a single dwelling unit as a single housekeeping unit. This is not a single housekeeping units. There are two separate housekeeping units.

Mr. Dunham stated that he thinks that you get into an enforcement problem on this if this family ever moves out.

Mr. Bolzle stated that he understands his clients needs but the Code never intended them to be solved this way in a single family zoning district. Mr. Bolzle mentioned that the dwelling unit definition is very clear, a dwelling unit is a group of rooms that can be occupied by a family living independently and it is clear that in this building two families could live independent of one another, and it is clearly a duplex.

Case No. 17998 (continued)

Ms. Turnbo stated that she has friends that have two kitchens in their homes, but the homes flow smoothly.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **UPHOLD** the decision of the zoning officer and to **DENY** the Appeal decision of the zoning officer that the proposed use is a duplex. **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** on the following described property:

Lot 15, Block 1, Cherry Hills Addition

Case No. 17999

Action Requested:

Variance of separation requirement of 1,200' from another outdoor advertising sign, down to 1,135'. **SECTION 1221.F.2. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, Use Conditions for Outdoor Advertising Signs** and a Special Exception to waive the screening requirement from an R district on west side of property, facing Hwy 75 to permit a mini storage. **SECTION 1216.C.1. USE UNIT 16. MINI-STORAGE, Use Conditions** located 1615 W. 37th Pl.

Presentation:

The applicant, **Rick D. Block**, represented by **John Moody**, 7146 S. Canton, submitted a site plan (Exhibit I-1) and stated that there are two parts to this application but both are related to the same hardship or reason. Everything in the area is zoned Industrial except for one little area immediately to the south that is still zoned RS-3. Because that zoning exists means that they cannot move the sign any farther to the south because they bump into the 200' spacing requirement from a residential area for a sign. They have placed the sign as far south from the other sign (1,135') as they can without infringing on the 200' setback from the residential district. Mr. Moody thought it was important to note that it is really an industrial area. The second request relates to whether or not they should be required to erect a screening fence on the west boundary of the property. The west boundary of the property abuts U.S. 75, which is elevated at that point and there is no residential lot there. You would be erecting a screening fence to screen the expressway and the cars driving by could see over the screening fence.

Comments and Questions:

Mr. Beach stated that the recent amendments to the Zoning Code have done away with the screening next to a highway, Section 224 in the Zoning Code.

Case No. 17999 (continued)

Mr. Moody mentioned that the Building Inspector needed to be made aware of that.

Mr. Beach stated that the Special Exception to waive the screening requirement from an R district on west side of property, facing Highway 75 is not needed.

Mr. Moody stated that if you measure along the actual right-of-way, they are more than 1,200' from the next sign.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance of separation requirement of 1,200' from another outdoor advertising sign, down to 1,135'. **SECTION 1221.F.2. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, Use Conditions for Outdoor Advertising Signs** finding the hardship being the existing residential development to the south, per plan submitted on the following described property:

All of Lots 10 & 11, Block 2, Berry-Hart's resubdivision of Block 3, Interurban Addition and the S 20' of vacated W. 37th St., adjacent and contiguous to the N line of said Lot 10; and all of Lots 12, 13, 14, 15, 16 & 17, Block 3, Interurban Addition, an addition to the City of Tulsa, County of Tulsa, State of Oklahoma according to the recorded plat thereof

Case No. 18001

Action Requested:

Variance of the required 10' side yard to 3' to allow construction of a carport. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** located 1368 e. 27TH St.

Presentation:

The applicant, **Ralph Smith**, 2844 E. 26th St., Resco Construction Co., submitted photos and a site plan (Exhibits J-1 and J-2), stated that he is wanting to put a carport on the lot. The photos represent houses within 300' of his that have already done this. Mr. Smith stated that there is a single car garage on this lot now that will not hold a full size car. The existing drive will not allow for two cars to parked side by side in the back yard. The roof line of the existing garage will not allow for a carport to be added. This is a standard problem in many of the older neighborhoods before families had two cars and the cars are larger now. Mac Nawman, who owns the house, would like this addition to add more cover for his mother, who lives with him, to enter the house. The house already has a single shingle apron around it and they are extending this apron out. They want

Case No. 18001 (continued)

the carport to look like it has always been attached to the house. The addition is being built the back of the house. They are asking for a 3' clearance and many of the houses have either 1' or 0' clearance.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance of the required 10' side yard to 3' to allow construction of a carport. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** finding that it is a typical condition found in the surrounding neighborhood, subject to the addition being open on all three sides, per plan submitted on the following described property:

West 37.5' of Lot 8 and East half of Lot 9, Block 2, Sunset View Addition.

Case No. 18002

Action Requested:

Variance of livability space in an RM-1 district from 600 SF per dwelling unit, down to 386.2 SF; Variance of rear yard setback requirement of 20' down to 11'; Variance of land area per dwelling unit from 3,000 SF, down to 2,357 SF. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** and a Variance of parking requirement of 108 spaces, down to 102 spaces. **SECTION 1207a. Use Unit 7a. TOWNHOUSE DWELLING, Off-Street Parking and Loading Requirements** located SE/c of S. Garnett Rd. & E. 23rd St. S.

Presentation:

The applicant, **David Z. Forrest**, 1213 Hampton Court, Edmond, OK., submitted photos and a site plan (Exhibits K-1 and K-2) and stated that he has a 54 unit apartment community that is on the SE/c of 23rd & Garnett. The property was built in 1983 and is all two-story, two bath townhomes. Mr. Forrest mentioned that he is the real estate agent representing the owner in the sale of the property. During the sale process, it was discovered that it was nonconforming with many zoning issues. They are wanting to sell the property to investors and they will put nonrecourse financing on the property and they need to have all the zoning clear.

Case No. 18002 (continued)

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 3-0-1 (Bolzle, Dunham, Turnbo "aye"; no "nays", White "abstentions"; Cooper "absent") to **APPROVE** Variance of livability space in an RM-1 district from 600 SF per dwelling unit, down to 386.2 SF; Variance of rear yard setback requirement of 20' down to 11'; Variance of land area per dwelling unit from 3,000 SF, down to 2,357 SF. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** and a Variance of parking requirement of 108 spaces, down to 102 spaces. **SECTION 1207a. Use Unit 7a. TOWNHOUSE DWELLING, Off-Street Parking and Loading Requirements** per plan submitted on the following described property:

Lot 1, Block 1, Village Walk

Case No. 18003

Action Requested:

Special Exception to permit church uses and accessory church uses (bus barn) in an RM-1 and RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5** located 2000 Block of S. 131st E. Ave.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **CONTINUE** Case No. 18003 to the Board of Adjustment meeting of April 28, 1998 due to misadvertisement of the property.

Case No. 18004

Action Requested:

Variance of the required setback from centerline of Lawton Ave. from 50' to 31.2" and a Variance of the required side yard setback from 5' to 3" for construction of a carport. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** located 4951 S. Lawton Ave. W.

Presentation:

The applicant, **David W. Jones**, 4951 S. Lawton Ave. W., submitted photos and a site plan (Exhibits M-1 and M-2) stated that he is requesting a variance because when he bought the property it had a two car drive and he is wanting to cover the drive and walk to the porch.

Case No. 18004 (continued)

Comments and Questions:

Mr. White asked the applicant when the carport was built. The applicant replied that it was built in July of 1997.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance of the required setback from centerline of Lawton Ave. from 50' to 31.2" and a Variance of the required side yard setback from 5' to 3" for construction of a carport. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** per plan submitted finding the hardship to be the existing conditions of the neighborhood on the following described property:

Lot 10, Block 5, Winnetka heights Addition

Case No. 18005

Action Requested:

Variance to allow required parking on a lot other than the lot containing the principal use. **SECTION 1301.D. GENERAL REQUIREMENTS – Use Unit 5** located 2331 E. 5th Pl.

Presentation:

The applicant, **John Ford**, represented by **Raymond Call** of Urban Design Group, 9 East 4th St. Ste. 500, Tulsa, submitted a site plan (Exhibit N-1). Mr. Call is representing John Ford and Grace Lutheran Church. They are asking for a variance to allow them to use the new lot that they built south of the existing church facility to meet the parking requirements for the new addition of a social hall and expanded education facilities to the west of the existing church. With the new lot they can provide 97 parking spaces, under the Zoning Code they are required to provide 90.

Comments and Questions:

Mr. Bolzle and Mr. Dunham made mention to the fact that they approved this last time. Mr. Ford replied that last time they asked for a change in use to be allowed to build the expansion on the existing lot, but they did not actually tie the parking across the street to the facility itself and they were informed by the building department that they needed Board approval.

Mr. Beach stated that on 4-22-97, they were before the Board and the Board approved a Special Exception to permit church use on the south property.

Case No. 18005 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance to allow required parking on a lot other than the lot containing the principal use. **SECTION 1301.D. GENERAL REQUIREMENTS – Use Unit 5** subject to the execution of a tie contract on the following described property:

Hillcrest Addition, Block 3, Lots 1-6, and E 20' Lot 7 (Hillcrest Addition, Block 4, Lots 1-3 and E 25' Lot 4)

Case No. 18006

Action Requested:

Special Exception to permit church and accessory church uses in an RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5** located at 1714 W. 40th St. S.

Presentation:

The applicant, **Trinity Baptist Church**, represented by Mark Benton, 5740 S. 31st W. Ave., submitted a site plan (Exhibit O-1) and stated that the property is a house that the church has owned for approximately nine years. When the church originally bought the house it was used for housing for missionaries, a few years ago it began being used for Sunday school classes. Mr. Benton stated that when they started a renovation project on the house they learned it was not properly zoned.

Comments and Questions:

Mr. Bolzle asked if the Board granted this would it be per plan? Mr. Bolzle stated that he was confused about the parking lot designation south of the two houses. Is the parking lot on both of the lots south of the house or just the easternmost lot. Mr. Benton replied that the church bought that area about 12 years ago and tore down the houses and used it for parking. In 1990, the church bought two more houses. Mr. Bolzle asked if there was screening. Mr. Benton answered yes.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Special Exception to permit church and accessory church uses in an RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5** per plan submitted on the following described property:

Lots 7 & 8, Block 6, Clinton Homesites and Lots 1-6, 25-26, Block 6, Clinton Homesites.

Case No. 18007

Action Requested:

Special Exception to allow an auto wash in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** and a Special Exception to modify the screening requirements to allow only screening on South half of back of proposed development area. **SECTION 1217.C. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions** located SW/c E. 41st St. & S. U.S. 169.

Presentation:

The applicant, **Vance Henderson**, 7825 N. 173rd E. Ave., Owasso, submitted a site plan and photos (Exhibits P-1 and P-2) and stated that the property is currently undeveloped. It is in a flood zone/plain and is 2 acres in size with the South Fork Creek running through the middle. The development will take place on the north acre and the south acre will be used for compensatory storage of the waterway. Mr. Henderson has done a hydrology study and Paul Zachary at the City has signed off and is going to FEMA and he anticipates approval of that shortly. Mr. Henderson is asking for a Special Exception so that a Use Unit 17-Car Wash can be done in a CS zoned property and he is asking for a Variance of the screening requirement because the property is surrounded by residential on all three sides and Highway 169. The second half of the south acre, which will remain undeveloped will have a mobile home park on the south and west boundaries. The north half, where the development will take place, it is merely the entrance to the mobile home park and the business to the west of the mobile home park does not have any screening there. Mr. Henderson is asking that the Board approve the site plan, as is, with the screening being erected on the south half of the north acre, where it is depicted on the site plan.

Comments and Questions:

Mr. Bolzle asked the applicant if it will be gated at the access to the billboard. The applicant responded that he had not planned to gate it so that he could provide access to that area for the sign company.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Special Exception to allow an auto wash in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** and a Special Exception to modify the screening requirements to allow only screening on South half of back of proposed development area. **SECTION 1217.C. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions** per plan submitted on the following described property:

Lot 1, Block 1, Cojac Addition.

Case No. 18008

Action Requested:

Variance of the off-street parking design standards to permit a 22' drive aisle.
SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS
– **USE UNIT 10.** located E of the SE/c 15th St. & S. Trenton.

Presentation:

The applicant, **Carl S. White**, Carl White Construction, submitted a site plan (Exhibit Q-2) representing St. Louis Bread Co., they have already been before the Board for other reasons. They did not know at the time that they did not have enough area to back out of a parking space. The Code requires 24' behind the 18' parking space and they only have 22' because of the width of the lot. The cars would be backing out partially into an alley. There is not anything behind the 22' area to restrict the cars from backing up another 2' further, it would just be into the actual alley. The other concern that they had was that according to City Code you have to have a tree every 50' for a parking area. Because of the size of this lot there is no way to do that, there is no way to put a tree on each end of the lot. Mr. White stated that St. Louis Bread Co. proposes to put two trees in the landscape area in the front to try to meet the spirit of the Code.

Comments and Questions:

Mr. Stump mentioned that if you do not have wall where you are backing into, it works fine because you can overhang that area.

Mr. Bolzle asked about the edge of paving mentioned on the site plan. The applicant replied that only half of the alley is paved and that they would be willing to pave it if they had permission. They didn't think that when they drew the site plan they had the authorization to pave the City's alleyway.

Mr. Bolzle asked what would be additional requirements. Mr. Romig said that they would have to call public works and work it out.

Interested Party:

Paul Atkins, IV, President of Swan Lake Neighborhood Association, stated that they are for this project.. Mr. Atkins wanted to clear up the question about the alley stating that the alley is actually asphalted all the way from 15th to 16th Street and there is no gravel that he is aware of. Mr. Atkins owns property on the corner of 16th & Trenton that abuts to the alley and that end of the alley is asphalted. The neighborhood association is for this variance and they feel that St. Louis Bread has fulfilled the requirements that the neighborhood would have requested.

Comments and Questions:

Mr. White stated that there is one letter of protest (Exhibit Q-1) stipulating that they have some sort of curb on the alley side of the property. Mr. Stump stated that the only need for that would be if there was a grade change and that he believes there isn't any need for the curbing. Mr. White also pointed out that the letter made reference to screening. Mr. Stump advised that there is no need for screening since it abuts OL.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance of the off-street parking design standards to permit a 22' drive aisle. **SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS – USE UNIT 10.** Provided that the paving surface of the new parking lot be continued all the way through to the existing paving of the alleyway so that the drive aisle be the maximum possible and subject to per plan submitted on the following described property:

E 40' of Lots 15 & 16, Block 3, Orcutt Addition.

Case No. 18009

Action Requested:

Variance of required front yard of 30' down to 25'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** located 4136 E. 53rd Pl.

Presentation:

The applicant, **Thomas D. Mansur**, 1648 S. Boston, submitted a site plan (R-2) and stated that he was hired as the engineer for Mrs. Edwards who split the lot and last month the Board approved a variance on the other tract, Tract B. The requested variance is similar to the previous one because of the shape of the lot. This property is a smaller lot with a smaller house on it.

Comments and Questions:

Mr. White stated for the record there is one letter of support for the application from a neighbor (Exhibit R-1).

Mr. Dunham mentioned that the Staff comments suggested that it would be appropriate to make this a 27½' setback. Mr. Mansur replied that his clients could live with that.

Mr. White stated that the 25' that was approved last time was because of the cul-de-sac and the creek.

Case No. 18009 (continued)

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance of required front yard of 30' down to 25'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** finding that the configuration of the lot and the drainage to the south are the hardships, per plan submitted on the following described property:

Tract A, Lot 9, Norvell Woods.

Case No. 18010

Action Requested:

Special Exception to amend a previously approved site plan to permit the addition of carports. **SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** located 1703 S. Jackson Ave. W.

Presentation:

The applicant, **Eldon Peaster**, represented by Lisa Grau, Architects Collective, 4200 E. Skelly Drive, Suite 750, Tulsa, OK 74135, submitted a site plan (Exhibit S-1) and stated that the property they are here about today is the currently existing Westport apartments. It was originally allowed in an OM zoned district by a Special Exception and today they are asking for approval for improvements and renovation to this property including the addition of carports and covered entrances to the apartment buildings and an addition of approximately 400 SF in the clubhouse.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance of required front yard of 30' down to 25'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** per plan submitted on the following described property:

Lot 1 and 2, Block 1, Westbank.

Case No. 17932

Action Requested:

Variance of the allowable height for a new sign in a CS zoned district from 40' to 60'. **SECTION 1221.D.1. CS DISTRICT USE CONDITIONS FOR BUSINESS SIGNS** located SE/c E. 27th St. & S. Memorial Dr.

Presentation:

The applicant, Ray Tarobi, 7531E. 63rd Pl., submitted a site plan (T-1) and stated that his company was hired to install a sign for Ramada Inn which is located on Skelly Dr. and Memorial. The property used to be Holiday Inn. They have decent exposure from the highway but very little exposure by Memorial. The property sits back .4 of a mile from Memorial and the Northwest corner of the property is situated in a way that if you put a sign at 60' in height it would have visibility from Memorial. The property sits at least 10' lower than Memorial, as a result, the 50' that is allowed by the City is not sufficient for the sign to be seen from Memorial. Mr. Tarobi mentioned that they meet all the setback requirements.

Comments and Questions:

Mr. Dunham asked if there were any other signs on the property. The applicant answered yes, there are signs on the front, facing I-44 but there are no other signs at this end of the property.

Mr. White asked the applicant if the sign on the expressway side will stay in place. Mr. Tarobi replied yes.

Mr. Bolzle asked if the sign in question is existing. Mr. Tarobi answered that this sign was permitted to be installed and was installed at 40' and Mr. Tarobi said that the sign will not work at 40'.

Mr. Stump addressed Staff's concern is that they are allowed to go from 40' to 50' if they abut an expressway and they do. This expressway is basically at the same grade as the hotel and that is usually the rationale for going higher. Here we are talking about Memorial Drive which is a quite a distance to the west and what is the rationale for the variance?

Mr. White mentioned that the other option is an off-premise sign on Memorial at 27th. Mr. Stump replied that he did not know if there was any space available but it could be done.

Mr. Beach asked if there was any reason why the sign couldn't be moved closer to the expressway. Mr. Tarobi answered that the visibility that the client is looking for is not from the expressway but from Memorial Drive.

Case No. 17932 (continued)

Mr. Dunham asked Staff if the applicant could go 50' by right. Staff answered yes.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **DENY** Variance of the allowable height for a new sign in a CS zoned district from 40' to 60'.
SECTION 1221.D.1. CS DISTRICT USE CONDITIONS FOR BUSINESS SIGNS on the following described property:

A tract of land lying in Lots 8-9, Block 2, Tri-Center, an addition to the City of Tulsa, Tulsa county, Oklahoma, according to the recorded plat thereof, more particularly described as follows, to-wit: Commencing at a point on the N line of Lots 8-9, said Block 2, said point being the NE/c of said Lot 9 and the NW/c of said Lot 8, thence N 89°31'29" E along the N line of said Lot 8, for 250.01'; thence S 02°19'00" E, for 237.99 to a point on the S line of said Lot 8; thence S 48°34'50" W along the S line of Lots 8 & 9, for 511.52'; thence N 02°36'34" W for 573.49' to a point on the N line of said Lot 9; thence N 89°31'29" E along the N line of said Lot 9, for 150.00' to the POB

Case No. 17976

Action Requested:

Request for reconsideration of BOA condition of previous approval.

Presentation:

The applicant, **Wendell Edd** 2558 N. Madison Ave., stated that he was approved for a variance to build a garage but was denied to enter in off of Apache.

Comments and Questions:

Mr. Beach mentioned that on March 24, 1998 the Board approved the building but denied access from Apache based on cars backing onto a secondary arterial street and there was a letter from the traffic engineer which said he would not permit that driveway access. Letters from traffic engineers were submitted as Exhibits U-1 and U-2.

Mr. Bolzle asked if the traffic engineer has now withdrawn that letter. Mr. Beach answered yes and as he understands it Mr. Edd has come up with a plan that has a turn around that would allow the car to pull straight out onto Apache. The traffic engineer approves this plan.

Mr. Romig mentioned that anyone could make the motion who voted on the positive side.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **RECONSIDER** Case No. 17976 at the May 12, 1998 hearing of the Board of Adjustment.

OTHER BUSINESS

Request for Refund

James R. Lang, the request for refund is based on the finding that the application was not needed shortly after he filed it but after INCOG cashed the check. INCOG is recommending a full refund.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Request for Refund to James R. Lang.

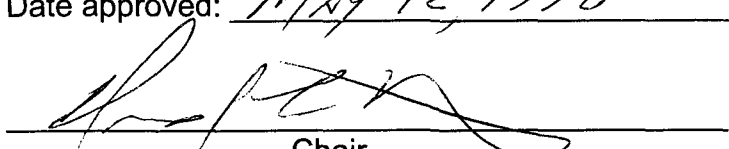
Request for Refund

Tom C. Garner, the request for refund is based on the applicant withdrawing the application after INCOG had cashed the check. INCOG is recommending a full refund.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Request for Refund to Tom C. Garner.

There being no further business, the meeting was adjourned at 3:20 p.m.

Date approved: MAY 12, 1998

Chair