

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 790
Tuesday, February 22, 2000, 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

Dunham, Vice Chair	Perkins	Beach	Jackere, Legal
Cooper		Butler	Prather, Legal
White, Chair			Parnell,
Turnbo			Neighborhood Insp.
			Ballentine,
			Neighborhood Insp.
			Ackermann,
			Zoning Official

The notice and agenda of said meeting was posted in the Office of the City Clerk on Monday, February 21, 2000, at 10:34 a.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.

Case No. 18650

Action Requested:

Variance of side yard requirement from 5' and 10' to 1' and 4.7' to allow a lot-split.
SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL
DISTRICTS – Use Unit 6, located at 1516 E. 21st St.

Presentation:

The applicant, Mike Marrara, submitted a letter, February 21 to continue this case to redesign the lot configuration and possibly change the relief as needed.

Comments and Questions:

Mr. Beach stated that the applicant did not ask for a specific date for continuance. He suggested March 28th, in case there is a need for re-advertising.

Interested Parties/Protestants:

None.

Case No. 18650 (continued)

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a ***Continuance*** of Case No. 18650 to the meeting on March 28, 2000, for the following described property:

Lots 10 & 11, Block 2, Terwilleger Heights, City of Tulsa, Tulsa County, Oklahoma.

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Case No. 18651

Action Requested:

Variance to allow a gravel parking area in a CS zoned district. SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS – Use Unit 17, located: E of NE/c E. 11th St. & 107th E. Ave.

Presentation

Mr. Beach stated that a timely request was made by the applicant, for a continuance of Case No. 18651 to the meeting of March 28, 2000.

Interested Parties/Protestants:

One Interested Party present, and agreeable to a continuance to March 28, 2000.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a ***Continuance*** of Case No. 18651 to the meeting on March 28, 2000, for the following described property:

S 300' of Lot 8, Block 2, East Eleventh Park Sub., City of Tulsa, Tulsa County, Oklahoma

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Case No. 18655

Action Requested:

Special Exception to permit storage of cars, trucks, boats, and other motor vehicles excluding mobile homes, garbage trucks, gas and oil supply trucks. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 23; a Special Exception of required hard surface parking to allow gravel parking behind building setback line. SECTION 222. MOTORIZED VEHICLES; and a Special Exception to allow a 6' screening fence. SECTION 212.A. SCREENING WALL OR FENCE, Specifications, located at the, SE/c E. 11th St. & 129th E. Ave.

Case No. 18655 (continued)

Presentation

Mr. Beach stated that the applicant requested a continuance to the meeting on March 14, 2000.

Interested Parties/Protestants:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a **Continuance** of Case No. 18655 to the meeting on March 14, 2000, for the following described property:

Beginning at the NW/c of Section 9, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma; thence E a distance of 330.26' to a point; thence S a distance of 495.65' to a point; thence W a distance of 330.26' to a point; thence N a distance of 495.65' to the POB containing 3.76 acres more or less

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UNFINISHED BUSINESS

Case No. 18588

Action Requested:

Special Exception to permit off-street parking in a RM-2 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 10; and a Variance of required setback from centerline of Carson from 50' to 35'. SECTION 1302.B. SETBACKS, located SE of E. 15th St. & Carson.

Presentation

Robert Nichols, 111 West 5th Street, appeared on behalf of the American Association Petroleum Geologists. Mr. Nichols stated that the neighborhood association has reviewed the site plan submitted on February 8, 2000. He requests the Board to act on this request at this time.

Protestants:

Mike Tedford, 1628 S. Cheyenne, stated appreciation of the opportunity to review the revised site plan. The Riverview Association, by a vote, opposes the parking lot at the requested location. The neighborhood is being revitalized, with remodeling of numerous homes, rental properties are being reconverted to single-family dwellings, and young people with children are moving in. They oppose a parking lot within the neighborhood. He stated that lighting for the lot would bother the neighbors; no lighting would encourage a meeting place for transients; and the alley is not sufficient for the added traffic.

Case No. 18588 (continued)

Comments and Questions:

Mr. Cooper asked if there were any circumstances under which the neighborhood association would be willing to see the parking lot be constructed. Mr. Tedford replied that they see no need for a parking lot, since other parking lots in the area are empty much of the time.

Other members of the Riverview Neighborhood Association, appeared to oppose this case. They were in agreement with Mr. Tedford's statements.

Applicant's Rebuttal:

Mr. Nichols informed the Board that the applicant has lost leases to other parking lots, and that led to this request.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **DENY** a ***Special Exception*** to permit off-street parking in a RM-2 district; and a ***Variance*** of required setback from centerline of Carson from 50' to 35', finding that it would not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public welfare, for the following described property:

The N 20' of Lot 10 & all of Lot 11, Block 2, Stonebraker Heights Addition to the City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18626

Action Requested:

Appeal from the decision of the Neighborhood Inspector that a nightclub will not meet the off-street parking requirements at this location; or alternatively, Special exception pursuant to Section 1408.B.4. and/or Section 1212a.D.; or alternatively, Variance of Section 1408.B.4. to modify off-street parking and loading requirements applicable to a nonconforming night club (Use Unit 12A) and a Variance of Section 1212.a C.3 USE CONDITIONS to modify the 300 foot spacing requirement of a Use Unit 12A use from a church and from another Use Unit12a use, if applicable to a nonconforming night club (Use Unit 12a), located at 3340 S. Peoria.

Presentation

Roy Johnsen, an attorney, stated that he represents the lessees of the proposed facility. A permit was issued to his client for a U.U. 12.a, nightclub use. He stated that the applicants proceeded with that permit, and then received a notice of insufficient parking space for a U.U. 12.a. Mr. Johnsen submitted some

exhibits to the Board for review. Mr. Johnsen informed the Board that 96 spaces are required for this business. He also pointed out that his clients have leased another parking lot close to the subject property, which will provide another 33 parking spaces when it is cleaned up.

Comments and Questions:

Mr. Dunham asked how this issue came up. Ms. Parnell stated that she received a complaint, and did an inspection, finding the business did not meet the parking requirement.

Protestants:

John Moody, attorney, stated he is representing Bud Barnes with the Bistro. Mr. Moody stated he came to address the policy of the Building Inspectors' Office, not the policy of the City, to not do a zoning clearance review on U.U. 12.12.a. when they apply for remodeling permits; that the appeal of the original issuance of the building permit be granted, and that the building permit be rescinded. He asks that the Board uphold Ms. Parnell's citation requiring the applicant to comply with the parking requirements.

Shannon Ramsey, 3348 S. Peoria, stated his only concern is the cleanliness of the parking lot. He stated that they would apply to be open until 11:00 or 11:30 p.m. on Friday and Saturday nights.

Jerry Dodson, with Schlotsky's, will be moving into their building with a ten-year lease. He has no opposition to the action requested. He anticipates needing 60 parking spaces at lunch and 30-40 for dinner.

Bill Elliot, 5549 S. Lewis, stated he is the property manager of the building that Schlotsky's wants to lease. He added that the owner has a vested interest and desires to be a good neighbor to everyone.

Nancy Apgar, 3914 S. Norfolk, president of the Brookside Neighborhood Association, stated that she has talked with Mr. Johnsen. The Brookside Neighborhood Association believes that the laws must be strictly enforced in the Brookside area. She stated that they are not opposed to businesses that conform but to a concentration of bars in this area. Ms. Apgar reminded the Board that parking is at a premium in the Brookside area.

Bud Barnes, 2302 S. Delaware Pl., stated he is the owner of the Bistro restaurant in Brookside. Mr. Barnes stated that he was familiar with the parking problem since he went through the process to open a business in that area. He expressed that his objection is not with the new business, but with the process that allowed this circumstance to come about. He made a point that the

requirements should be the same for everyone who opens a new business, including obtaining off-street parking, landscaping, and financial requirements.

Beverly Stewart, 3816 E. 111th St., co-trustee to the owner of the property, commented that Mr. Barnes interpretation of the events was not quite correct. She stated that they tried to lease the property, and parking was not discussed as a particular issue, but as a contingency that was discussed. Several of their three principals stated they would need a variance or special exception, and they did not think it would be a problem. They proposed wanted the option to purchase the property at the end of five years at a set amount. The owner of the property was not interested in the proposal and stopped the negotiations.

Jack Page, stated he is the Director of Development Services at the City of Tulsa, Public Works. He is over the Building Permit office and the Neighborhood Inspections office that pertains to this project. He explained to the Board that the literature and statements made regarding a zoning clearance not being performed, in his opinion is incorrect. A zoning clearance has been performed. Mr. Ackerman signed a permit as the zoning officer, which has reviewed and provided a zoning permit. The question arises as to what scope of a zoning clearance is performed when they do such a permit review. Mr. Page explained that the difference is the application for remodeling that would impact the means of egress, and some building code issues, but none of these would impact the parking. The use, occupancy load, and square footage, which would have pertained to parking, were not being changed. He stated that Mr. Ackerman checked the parking requirements available by INCOG records, which indicated there was sufficient parking after receiving notice of insufficient parking. Mr. Page stated they sought legal advice and found they did not need to revoke the permit that was issued. This property was not identified on the original list of bars that would not be in compliance when the ordinance was changed requiring parking spaces. This bar was simply overlooked, and was not questioned until a complaint was made.

Applicant's Rebuttal:

Roy Johnsen, pointed out that the business owner has spent a substantial amount of money to upgrade the property and make it a better facility. There are positive conditions with which to work, such as: adjoining parking, a good distance of separation from the neighborhood, a masonry wall and a willingness to share parking among the businesses.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **Uphold** the

Case No. 18626 (continued)

decision of the Neighborhood Inspector that this facility does not meet the parking requirements; to **APPROVE** a **Special Exception** to modify the parking requirements subject to the Use Conditions, as presented by the applicant; and to **Strike** the **Variances**, which are found not to be necessary, on the following described property:

All the N 49.5' of Lot 19 except the E 25' thereof, and an undivided 1//3 interest in Lot 21, all in Burgess Acres Addition, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 18612

Action Requested:

Appeal from Building Inspector's decision to issue a building permit for a nightclub that does not have required parking and does not meet the 300' spacing requirement from other adult businesses, located at 3340 S. Peoria.

Presentation

John Moody, 7146 S. Canton, stated he is representing the applicant in this case. He filed the appeal after the Building Inspector issued the permit. Mr. Moody stated that subsequent to that time the zoning code enforcement officer determined that they did not comply with the zoning, and issued a notice to comply with the zoning on the property located at 3340 S. Peoria.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **DENY** the **Appeal** from Building Inspector's decision to issue a building permit for a nightclub that does not have required parking and does not meet the 300' spacing requirement from other adult businesses for the property described as follows:

The N 49.5' of Lot 19, less the E 25', Block 2, Burgess Acres Amended, City of Tulsa, Tulsa County, Oklahoma

Case No. 18630

Action Requested:

Reconsideration of a Special Exception to allow an auto car wash (Use Unit 17) in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located at 4904 S. Union.

Presentation

Lawrence Taylor, 3223 E. 31st St., stated he is an attorney representing the owners of the subject property. He stated the property is in a CS zoned district

with numerous other businesses. He indicated that a screening fence would cut down on the noise; signs would be posted, asking people not to play their music loudly, and an attendant would be on hand. Mr. Lawrence stated that the carwash would be an enhancement to the neighborhood, and would be consistent with the other businesses there.

Comments and Questions:

Ms. Turnbo asked what the hours of operation would be. Mr. Taylor stated that the attendant would be there until dusk, but the carwash is open 24 hours per day. Mr. Cooper asked how the attendant could enforce the rule on loud music if he is not there. Mr. Lawrence replied that he couldn't. Mr. White wanted to know how he would enforce it if he were there. Mr. Lawrence stated that the signs would be up and he would encourage people to keep the music volume down. Mr. White asked if the applicant had spoken with the neighbors to the west. Mr. Lawrence replied he had a couple of telephone conversations with some neighbors, but not the ones to the west. Mr. Gibson went to the residence of one woman who had a complaint to talk with her about it, but she chose not to discuss it.

Protestants:

Karen Harris, 4831 S. Vancouver, stated she was also representing Ms. Anna Mae Bratt at 4825 S. Vancouver, which is directly behind the subject property. She stated that she had a signed letter from Ms. Bratt. Ms. Harris submitted a photo of the back of her own house that is only 50' away from the subject property. She stated her complaint is an increase in the noise level. She indicated that she does not believe that the noise level could be controlled.

Joseph Davidson, 4815 S. Vancouver, stated that he lives north and west corner from the subject property to the back of his own house. There is already a carwash. The carwash had to put up shields to deflect the lighting. He stated that the vacuums to be used in the new carwash are the same as the ones in use. He informed the Board that the vacuums are just as loud, and have not changed in the last five years.

Chuck Cline, 4849 S. Union, stated that he has had the carwash across the street since the mid-60's. and does not believe there is a need for another carwash in the area.

Bill McConnell, 6905 S. 32nd W. Ave., stated he has been a resident of west Tulsa for 30 years. He stated that since November 1999 he has run the existing carwash, and had plans to buy the business. He stated that he has seen two carwashes go under in the time he has lived there. He included that there are three carwashes in the area.

Case No. 18630 (continued)

Comments and Questions:

Mr. Dunham reminded Mr. McConnell that the Board couldn't consider the economic issues.

Applicant's Rebuttal:

Mr. Lawrence stated that Mr. Gibson is from this neighborhood, and would like to return and make an investment. He indicated that the only problem here is that the business blend in with the neighborhood and the noise problem. He stated it is his belief that both of those items can be managed.

Comments and Questions:

Mr. Cooper asked if the applicants would be willing to close the operations when there is no attendant. Mr. Lawrence replied if the Board made that condition, the applicants would comply.

Board Action:

On **MOTION** of **Dunham**, the Board voted 3-1-0 (White, Turnbo, Cooper "aye"; Dunham "nay"; no "abstentions"; Perkins "absent") to **DENY a Reconsideration of a Special Exception** to allow an auto car wash (Use Unit 17) in a CS zoned district on the following described property:

N 205' of Lot 2, Block 2, Greenfield Acres, City of Tulsa, Tulsa County, Oklahoma

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Case No. 18635

Action Requested:

Variance to allow two dwelling units on one lot of record. SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 6; a Variance of the required land area per dwelling unit from 8,400 square feet to 4,525 square feet; a Variance of the required livability space per dwelling unit from 4,000 square feet to 2720 square feet; a Variance of the required side yard from 5 feet to 4.5 feet. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6; and a Variance of the required width for off-street parking spaces from 8.5 feet to 8.0 feet. SECTION 1303.A. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located at 4739 E. 6th St.

Presentation:

David Martin, 11605 E. 25th St., stated that the garage has been an apartment since the mid-1940's. He indicated that there are six apartments within a two-block area. He requested approval by the Board.

Glenn Bynum, 4731 E. 6th St., stated this is the second time he has appeared regarding this application. He stated that he comes representing himself and those who signed the petition that he submitted to the Board. He stated that Roy

Case No. 18635 (continued)

Ballentine, a Code enforcement officer told the applicant not to proceed because this could happen. Mr. Bynum stated that there is not a garage apartment in use on Sixth Street in the 4700 block. The lot in question is Lot 23. On this block Lots 19, 20, 21, and 24 also would have space to build another unit in front of the house. The driveway is currently full, without use of the apartment, with four cars.

Douglas Deckard, 4727 E. 6th St., stated concern for depreciation his property value, and the parking issue. There are cars in front of each of the houses every evening, and he expressed concern that the number of cars would increase.

Applicant's Rebuttal:

Mr. Martin informed the Board that he did not receive any notice from Mr. Ballentine until he had already spent over \$10,000. He stated that two girls live in the front apartment and have one car each.

Board Action:

On **MOTION of Cooper**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **DENY a Variance** to allow two dwelling units on one lot of record; a **Variance** of the required land area per dwelling unit from 8,400 square feet to 4,525 square feet; a **Variance** of the required livability space per dwelling unit from 4,000 square feet to 2720 square feet; a **Variance** of the required side yard from 5 feet to 4.5 feet; and a **Variance** of the required width for off-street parking spaces from 8.5 feet to 8.0 feet, finding there is no hardship, regarding the property described as follows:

Lot 23, Block 5, Kendall View Addition, City of Tulsa, Tulsa County, Oklahoma

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Case No. 18637

Action Requested:

Variance of the required setback for church uses in an R district from 25' to 10'5" on the west, 23'8" on the north, and 20' on the south SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located at 2124 E. 31st Pl. N.

Presentation:

Mr. Beach read the applicant's request.

Comments and Questions:

None.

Interested Parties/Protestants:

None.

Case No. 18637 (continued)

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a **Variance** of the required setback for church uses in an R district from 25' to 10'5" on the west, 23'8" on the north, and 20' on the south, finding it conforms to 1607.C, on the following described property:

Lots 4-6, Block 7, Beauty Rest Addition, City of Tulsa, Tulsa County, Oklahoma

NEW APPLICATIONS

Case No. 18652

Action Requested:

Variance of Section 1219.C.1. which requires a screening fence where a commercial use and lot are abutting an R zoned district SECTION 1219.C. USE UNIT 19. HOTEL, MOTEL AND RECREATION FACILITIES, Use Conditions – Use Unit 19, located at the NW/c Martin Luther King Exp. & Garnett.

Presentation:

Jerry Lazore, 1010 N. Garnett Rd., stated he is the general manager of the Holiday Inn in Tulsa. He informed the Board that the small section of fence required is less than 100 linear feet. The property immediately north, the Days Inn, received a variance for the same required fence on the west end of their property. Mr. Lazore believes there is no purpose for the fence.

Interested Parties:

Nancy Craton, president of Western Village Neighborhood Association, and also the East Mingo Valley Neighborhood Association, which includes District 5 and 6 came before the Board. She stated that the associations' concern is that if so many variances to the zoning rules, they will not have much zoning left. If the residential area should develop as residential, would they be required at that time to put up the fence. Ms. Craton expressed the desire of the association to keep everything in that area to a higher standard so that when development does begin, they will be attracted to the good things.

James Mautino, 14628 E. 12th St. appeared before the Board. He stated that they would like the area to develop with good neighbors, and to keep the zoning.

Applicant's Rebuttal:

Mr. Lazore stated he would still like to obtain the variance, but if the residential area was developed, he does not object to putting up a fence.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a **Special Exception** to eliminate the screening requirement on the western most boundary of the north property line, with the condition that if the adjacent RS-3 property to the north develops residentially that the applicant will install a screening fence at that time, finding it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, regarding the following described property:

Lots 10 & 11, Block 2, Terwilliger Heights, City of Tulsa, Tulsa County, Oklahoma

Case No. 18654

Action Requested:

Special Exception to allow auto repair in a CS zoned district SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located at 2120 N. Harvard.

Presentation:

The applicant, **Charlie Carter**, 605 E. Queen, stated he is currently operating the auto repair on the subject property.

Mr. Ballentine stated that Mr. Carter is operating an auto repair facility. Photos of the property were submitted to the Board. He stated that complaints were filed on this property last year, and Mr. Carter was advised and given notice, as well as the property owner, Mr. Lane. They were to make applications to the Board for the auto repair facility at this location. This was an old filling station, and the pumps were removed. The structure on the property is used for office space and small tools and equipment. There are no bays for auto repair, so it is all out in the open. Mr. Carter has done some cleanup since the notice.

Protestants:

Rosco Turner, City Council District 3, stated that the property appears to be a salvage yard, and that should be zoned IM. He indicated to the Board that they are trying to turn District 3 back into a viable neighborhood. He requests that the appeal be denied.

Comments and Questions:

Ms. Turnbo stated that he does not have all-weather surface.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **DENY** a **Special**

Case No. 18654 (continued)

Exception to allow auto repair in a CS zoned district, on the property described as follows:

E 100' of Lot 1, Block 4, Becky Gaile's Addition, City of Tulsa, Tulsa County, Oklahoma

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Case No. 18656

Action Requested:

Special Exception to allow a surface parking lot in an RM-2 zoned district to be utilized in conjunction with the adjacent International Plaza office building to the east of the subject property. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 10; and a Special Exception to allow partial waiver of the screening fence requirement along the east side of Lot 4, Block 5, and along the south line of Lot 5, Block 5. SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located South of southwest corner E. 13th St. & Cheyenne.

Presentation:

Mr. Beach explained to the Board that his map and the one Mr. Ackerman used show different zoning lines for Lot 4, but the notice given was sufficient to cover either condition, and allow the case to be heard.

Daren Ackerman, 6111 E. 32nd Pl., stated that since he and Mr. Beach discussed this discrepancy in zoning, he has received a letter from Jim Dunlap of INCOG staff, concerning a binding of Lots 2,3,5 and 6 on the east side of Cheyenne being the zoning as Mr. Ackerman's office had projected. He is asking for a special exception, to allow a surface parking lot with partial screening fence along the alley to protect adjacent residential properties.

Interested Parties:

Elaine Bergman, 1611 S. Carson, stated that she lives four blocks from the proposed site. She expressed her view of this case as a gateway into the neighborhood from downtown. She was concerned when the three or four houses on that block were demolished, and that Paul Coury planned residential or mixed use on that site. She is not fond of this type of land use for surface parking. She has heard that the uptown residents are working toward structured parking for all the tenants, including a Master Plan to site such a structure. Ms. Bergman stated she is trying to preserve the neighborhood and the character of the neighborhood. The physical gateway to the neighborhood is one block west of this site.

Comments and Questions:

Ms. Turnbo asked if the uptown group has financing for the structured parking that Ms. Bergman mentioned. Ms. Bergman replied that she believes it is a study at this point, to locate a common site to serve all of the dependent buildings within that group. Ms. Bergman thought that they would be on some public funding.

Tuoia Cardoso, president of Riverview Neighborhood Association, stated that they have not received a copy of the plans for the parking lot. She pointed out that these kinds of situations are happening in the neighborhood. At the time of the demolition of the three houses, the association was told that Coury Properties did not plan on using it as a surface parking lot. She stated her concern for the continued use of the land in this area. This is a street that has more of a commercial side, but she requests caution in approval of this case.

Protestants:

Mike Tedford, 1628 S. Cheyenne, stated that the Riverview Neighborhood Association has taken the stand that they do not want to see any more parking lots in the neighborhoods. He asked that the Board deny this request. He stated that if it is approved, then he wants to see site plans. Mr. Tedford stated that appropriate screening needs to be in place to protect the neighbors, and some landscaping to insure that it is not intrusive to the neighborhood.

Comments and Questions:

Mr. White asked the staff if landscaping and screening have to be approved before they could get a building permit. Mr. Beach stated that he made a quick check of this, and it appears there is sufficient space for landscaping, but they would have to ask for relief, if there is not enough space. Mr. Stump pointed out that in the Code there is a setback requirement on parking lots that pertains to accessory use parking lots but this would be a principal use parking lot. Mr. Cooper asked for more explanation. Mr. Stump replied that if this were accessory to a church in an RM-2 district, they would have a setback for parking spaces of fifty feet from centerline of that street. He commented that by their layout, it appears that they are not proposing more than thirty-five feet. So they would have to have more green space adjacent to Cheyenne if the Board chose to impose a similar standard.

Applicant's Rebuttal:

Mr. Ackerman stated that the site plans were submitted to INCOG about a month ago. The site plan shows the screening and landscaping for anyone who has concerns. He stated that what they purpose with the parking lot use, landscaping, screening, context and use are appropriate and will help remedy a real problem in that area.

Case No. 18656 (continued)

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a **Special Exception** to allow a surface parking lot in an RM-2 zoned district to be utilized in conjunction with the adjacent International Plaza office building to the east of the subject property. **Special Exception** to allow partial waiver of the screening fence requirement along the east side where it abuts residential zoning, and along the south line of Lot 5, Block 5, per plan submitted.

Lots 2 - 5, Block 5, Friend Addition, City of Tulsa, Tulsa County, Oklahoma

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Case No. 18657

Action Requested:

Special Exception to allow a manufactured home in an R zoned district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS Use Unit 9; and a Variance to allow it there permanently. SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located on the Southwest corner E. 30th St. & N. New Haven.

Presentation:

Ketrena Stanley, 3251 N. Hartford Ave., stated it is not a mobile home, but a modular home. It would be a permanent foundation.

Comments and Questions:

Mr. Cooper asked if it would have an all-weather surface driveway, and be subject to all building permits. Ms. Stanley replied that it would. Mr. White asked if this would be a new manufactured home. Ms. Stanley replied that it would be new.

Interested Parties:

Terrance Stewart, 1813 N. Maybelle Ave., stated he owns seven lots in the area of the subject property. He stated that he does not oppose this case.

Protestants:

Katherine Young, 1140 N. Denver Ave., stated that the subject property has been in the family for years. She stated that the family hopes she will be able to build there.

Wayne Stanley, 3251 N. Hartford Ave., stated that Ketrena is his wife, and they found a less expensive way to buy a house because of the size of their family.

Case No. 18657 (continued)

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a **Special Exception** to allow a manufactured home in an R zoned district; and a **Variance** to allow it there permanently, subject to construction on a permanent foundation with a paved driveway wide enough for two cars and subject to meeting all building permits, finding that the requirements for 1607.C. have been met.

Lots 1 - 3, Block 10, Mohawk Heights Addition II, City of Tulsa, Tulsa County, Oklahoma

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Case No. 18658

Action Requested:

Special Exception to allow motorcycle sales in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17; and a Variance to allow open-air storage or display of merchandise offered for sale within 300' of an adjoining R district. 1217.C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions, located at 4910 E. 21st St.

Presentation:

Roy Johnsen, stated he is representing Russ Hackman, the owner of Honda Motorcycles of Tulsa, at 21st and Yale. Mr. Johnsen stated that the application was originally filed by the builder, that included the request for relief to permit motorcycle sales within a CS district, and made reference to a setback for an outdoor display from the adjoining residential property. Mr. Hackman owns Lots one, two, three and four. Mr. Johnsen is presenting a revised site plan that is more current on the details of parking and landscaped areas. He informed the Board that Lots three and four were approved for motorcycle sales in 1972. The service station and a Laundromat on Lots one and two were abandoned. The owner wants to build a showroom for the motorcycle business on Lots one and two. Mr. Johnsen submitted photos of the existing structures.

Comments and Questions:

Mr. Dunham asked if the request is for the use, variance to allow open-air storage. Mr. Johnsen answered affirmatively. Mr. Dunham asked for a hardship for the variance. Mr. Johnsen answered that there has been open-air activity has been present on the subject property for years. Mr. Johnsen stated that the applicant would screen the property from the residential property.

Interested Parties/Protestants:

None.

Case No. 18658 (continued)

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a **Special Exception** to allow motorcycle sales in a CS district; and a **Variance** to allow open-air storage or display of merchandise offered for sale within 300' of an adjoining R district, with the condition that merchandise be confined to the area under the canopy, and construction of a screening fence from residential property, per plan submitted on the following described property:

Lots 1 - 2, Block 1, Gracemont First Addition to the City of Tulsa, Tulsa County, Oklahoma

*****.

Case No. 18660

Action Requested:

Special Exception to permit an automobile wash only. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit ¹⁷ (1) a Variance of the required building setback from the centerline of E. 45th Pl. from 50' to 38' and from the centerline of E. 46th St. from 55' to 38'. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS; and a Variance of the screening requirement along the E. 45th Pl. property line from the multi-family residences on the north side of E. 45th Pl. in an ^{CS} (RM-2) zoning district SECTION 1214.C.2. USE UNIT 14. SHOPPING GOODS AND SERVICES, Use Conditions and SECTION 1217.C.1. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions, located at E side Peoria between E. 45th Pl. & E. 46th St.

Presentation:

Charles Norman, representing the applicant, submitted some photographs of the subject property. He stated that an existing duplex and a duplex converted to an office have been abandoned and would be removed. The applicant plans to convert the existing gasoline service station to a three-bay lubrication/oil change facility, with a car wash and detail shop, as indicated on the site plan. He stated that the proposal is to add to the existing structure on the south side toward the east for about 40' and on the north side by 34' for the lube and oil change bays. This is an unusual piece of property in that it has public streets on both sides and only 130' of frontage between the two streets. Mr. Norman explained the existing CS zoning allows the lube and oil bays, and the former service station had a one-bay car wash, but a special exception is needed because it will not be accessory to a service station. He informed the Board that an attendant would operate this business, and it would not be a coin-operated self-serve facility. Mr. Norman stated that there would be parking space and screening provided on the east side for the residence. He included that the resident of this home, Ms. Root, is in agreement with this plan, and the landscaping with trees. Mr. Norman stated that

the property directly south in an RM-2 zoned district, is a multi-family structure has been converted to condominiums. He added that one of the owners of this property on the south has met with the Board of Directors has indicated support of this project. The applicant requests to keep the old service station building, which is 13' from the south property line at the back wall, and extend the wall to the east. Mr. Norman stated that the converted duplex to office is 17' out, and will be removed and eliminated. Likewise, he stated a similar variance of the setback to 13' from the property line on the north side to allow the 3-bay auto and lube facility. Mr. Norman pointed out that since this property abuts property in an R district, a screening fence would be required along the entire north boundary without the third variance of that screening requirement.

Interested Parties:

Nancy Apgar, 3914 S. Norfolk, president of the Brookside Neighborhood Association, stated that the members agree with everything Mr. Norman has presented. Ms. Apgar stated that the owner of the subject property has gone to the owner of the condominium association, the resident that abuts his property, and to herself to take the plans to the association board. She stated that the neighbors in that area indicated their approval of this action.

Protestants:

Name inaudible, 4517 S. Peoria, #19, stated he resides in the condominium facing to the north side of the property. He objects to the proposal to change the zoning for car wash. He does not oppose the business if it meets current requirements, but in asking for the special exception he thinks there is some problem. On his side of the subject property he thinks that the setback requirement remain unchanged. He listed concerns of noise, odors, and safety factors close to the residence. He added that the variance of screening would be a safety hazard for neighborhood traffic and children walking to school.

Applicant's Rebuttal:

Mr. Norman, stated that Ms. Apgar asked about the lighting, and on the plan are two light fixtures on the east boundary that are twelve feet high with double fixtures on each pole pointing to the east. He informed the Board that this was explained to the Board of Directors of the condominium association and to Ms. Root. Mr. Norman made a point to the protestant that the old service station could be opened, as it presently exists. He explained that the use change is requested to eliminate gasoline sales. He stated that the variance of 34' of the north boundary would allow them to extend the back wall of the existing service station building.

Comments and Questions:

Mr. Stump stated that the site plan shows two existing drives at the east end of the property. Mr. Norman replied that those are the curb cuts heading straight

into the duplex and the building on the south. Mr. Stump commented that they are probably not a 30' wide curb cut. Mr. Norman suggested that the driveways could be moved to the west side of the parking spaces. Mr. Stump stated his concern about the new commercial curb cut onto 45th Place on the east end. Mr. Norman stated that there is a driveway there presently. Mr. Stump explained that it is not on the lot with the duplex. Mr. Norman stated that the driveway could be moved or widened slightly to the west. Mr. Stump stated that on the north side the eastern entrance onto 45th Place could be deleted or moved significantly further west onto the lot that is currently commercially used.

Board Action:

On **MOTION** of Dunham, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a **Special Exception** to permit an automobile wash only; a **Variance** of the required building setback from the centerline of E. 45th Pl. from 50' to 38' and from the centerline of E. 46th St. from 55' to 38'; and a **Variance** of the screening requirement along the E. 45th Pl. property line from the multi-family residences on the north side of E. 45th Pl. in an RM-2 zoning district per plan, finding the hardship to be the two streets that are abutting this property and the short distance between those two streets, on the property described below: CS

Lots 18 - 20, Block 4, Wilder Addition, City of Tulsa, Tulsa County, Oklahoma

* * * * *

Case No. 18661

Action Requested:

Variance of minimum required spacing between outdoor advertising signs from 1200' to 800'. SECTION 1221.F.2. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, Use Conditions for Outdoor Advertising Signs – Use Unit 21, located W of N. 145th E. Ave. & N. of I-44

Presentation:

William LaFortune, 2900 Mid-Continent Tower, stated that he is representing Fine Outdoor Advertising. They request a variance of the spacing for advertising signs. He described the property as two large contiguous tracts of land that run parallel to I-44 along the northern side, and is zoned IL, which allows outdoor advertising signs as a matter of right. He explained that the properties abutting the north is an industrial park, there is also a creek along the northern boundary where the site of signs is proposed, on the west there is vacant industrial zoned land, on the east it is abutted by 145th West Avenue, and the entire property on the south abuts I-44. He informed the Board that prior to filing this application, the property contained four lawful non-conforming outdoor advertising signs. He stated that the signs were grossly non-conforming as to configuration and spacing. Mr. LaFortune submitted photos, including aerial photos. The new

owner removed the four non-conforming signs. The applicant proposes to place two conforming signs, with relief of the spacing requirement.

Comments and Questions:

Mr. Stump stated it appears that there are five outdoor advertising signs in one of the photos. Mr. LaFortune responded that to his knowledge the signs have been removed. Mr. LaFortune agreed to come before the Board again for a variance if there is still a billboard standing.

Interested Parties/Protestants:

None.

Board Action:

On **MOTION** of **Cooper**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **Approve a Variance** of minimum required spacing between outdoor advertising signs from 1200' to 800', finding the hardship to be the overpass, creek, and the topography of the land in general, per plan, on the following described property:

Two tracts of land lying in Section 33, T-20-N, R-14-E of the IBM, City of Tulsa, Tulsa County, Oklahoma, said tracts being more particularly described as follows:
Tract A: The SW of the SE less the following described portion thereof: a tract of land beginning at the SW/c of the SW SE; thence N 00°07'31" W for 1321.73' to the NW/c of the SW SE; thence N 89°38'43" E on the N line of the SW SE for 396.79'; thence S 48°47'23" E for 124.85'; thence S 13°47'09" E for 758.46'; thence S 41°21'53" W for 65'; thence S 48°38'07" E for 116.19'; thence S 80°21'43" E for 250.03'; thence S 09°38'17" W for 195.42' to the N right-of-way of I-244; thence N 89°45'36" E on said right-of-way for 401.13' to the E line of the SW SE; thence S 00°11'16" E for 138.98' to the SE/c of the SW SE; thence S 89°39'28" W for 1328.18' to the POB **AND** Tract B: The S/2 of the NE of the SE of the SE and the S/2 of the SE of the SE less the following described portion thereof: a tract of land beginning at the SE/c of the SE SE; thence S 89°39'28" W for 1328.18' to the SW/c of the SE SE; thence N 00°11'16" W on the W line of the SE SE for 138.98' to the N right-of-way of I-244; thence N 89°39'28" E on said right-of-way for 447.67'; thence S 00°11'16" E on said right-of-way for 38.98'; thence N 89°39'28" E on said right-of-way for 810.40' to a point which is 70' perpendicularly distant from the E line of the SE SE; thence N 00°15'00" W parallel with the E line of the SE SE for 891.72' to the N line of the S/2 NE SE SE; thence N 89°38'54" E for 70' to the NE/c of the S/2 NE SE SE; thence S 00°15'00" E for 991.73' to the POB.

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Case No. 18662

Action Requested:

Special Exception to modify the allowable fence height in a front yard from 4' to 8' to allow a wrought iron decorative fence. SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards, located at 1111 E. 60th St.

Presentation:

Ted Gibson, 5569 S. Lewis, stated he represents the owner of Fairmont Terrace Apartment complex. The complex is located at 1111 E. 50th St.

Interested Parties/Protestants:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** the **Special Exception** to modify the allowable fence height in a front yard from 4' to 8' to allow a wrought iron decorative fence, finding it would be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the property described as follows:

Lot 1, Block 1, Broadview Heights 2nd Addition, City of Tulsa, Tulsa County, Oklahoma

*****.

Case No. 18663

Action Requested:

Special Exception to allow church and accessory uses in an AG district. SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT; SECTION 1205. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES; and SECTION 1608, located N of E. 101st St. & E of Yale.

Mr. White announced that **Mr. Dunham** abstains in this case.

Presentation:

Steve Schuller, 100 W. 5th St, stated that he is representing Redeemer Covenant Church. He pointed out that there are about 15 acres wrapping around the existing church property on the west and north sides. The property came available, and the church opted to buy it if a Special Exception is available for the property, subject expressly to a detailed site plan that would be presented for approval at a later date. The applicant had a positive meeting with representatives of the two neighborhoods on the north and west side, including some property owners at Leisure Estates.

Protestants:

Ann Wood, 5210 E. 99th St., expressed her concern about the request stating that she bought her property because it was on a dead end street, and a rural setting. She expressed concern that through traffic would be increased near her home.

Applicant's Rebuttal:

Mr. Schuller, stated that the planning process in Tulsa has historically called for the stub streets in subdivisions to stub into undeveloped areas for future development and traffic patterns. Mr. Schuller stated that the philosophy has been to maintain this kind of circulation through future neighborhoods. He added that if her street was opened to through traffic, it would have to be brought before this Board when a detailed site plan is submitted for approval.

Comments and Questions:

None.

Board Action:

On **MOTION** of **Cooper**, the Board voted 3-0-1 (White, Turnbo, Cooper "aye"; no "nays"; Dunham "abstained"; Perkins "absent") to **APPROVE** a ***Special Exception*** to allow church and accessory uses in an AG district, subject to a future approved detailed site plan, at the following described property:

The W/2 of SE of SW less the E/2 of SW of SE of SW of Section 22, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma

Case No. 18664

Action Requested:

Variance to allow outside storage of semi-trailer (vehicle), which is used for equipment and material storage. SECTION 1217.C. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions – Use Unit 17; and a Request to remove the condition of Special Exception granted under BOA 11221 that prohibited outside storage. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located at 13110 E. 11th St.

Presentation:

Charlotte Sumner, 13110 E. 11th St., stated they own Charlie's Transmission, and have been at this location since 1967. She stated that they replaced a very old building with a new one in 1983, and improved the looks of the neighborhood. She stated that they had a portable building on the property, and they received notice that a portable building was not allowed there. She stated that the storage is essential to their business. Ms. Sumner submitted photos to the Board. There is a trailer behind the fence.

Protestants:

James Mautino, 14628 E. 12th St., stated he is on the Board of Tower Heights Homeowner's Association. He submitted photos to the Board. He stated that the property started out as a CS zoning. He described to the Board a fenced type of compound with outside storage on one side of the building. There are residences within 300' of this outside storage. He stated that when neighborhood inspectors try to enforce the codes, the applicant comes to the Board to get approval for something they have done, which is illegal. The applicant has only all-weather surface parking for about six parking spaces, and a building that size requires 16.8 parking spaces. The homeowners are asking that they comply with the current code requirements.

Nancy Craten, 245 S. 120th E. Ave., comes before the Board as a representative of the East Tulsa Mingo Valley Association. The members want Ms. Sumner's business to prosper, but the outdoor storage has become such a problem in the area, with new growth. They want an opportunity to help plan for the growth to make maintain the code requirements. The Sumner's are long-term neighbors and the association wants to work with them to make the neighborhood look good. If this case is approved, Ms. Craten, asked that the Board set strict stipulations. She also thought that a temporary period of time to comply was a good idea.

Comments and Questions:

Mr. Dunham asked if the Board was to approve the case, would the neighborhood association have any objection to allow one year to comply. Ms. Craten stated that would be agreeable.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Turnbo, Cooper, Dunham "aye"; no "nays"; no "abstentions"; Perkins "absent") to **DENY** a **Variance** to allow outside storage of semi-trailer (vehicle), which is used for equipment and material storage; **Request to remove the condition of Special Exception** granted under BOA 11221 that prohibited outside storage, that the applicant remove the trailer for outside storage, and be given a year to comply, on the following described property.

Beg. at the NW/c E/2 NE NW NW; thence E 128' S 229' W 128' N 229' to the POB,
Section 9, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma

* * * * *

Case No. 18665

Action Requested:

Appeal from the decision of the sign inspector in denying a sign permit; **OR** a Variance of the allowable display surface area of 418.09 square feet to permit a

business sign. SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs and SECTION 1221.F.3.(a) and (b) USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, Use Conditions for Outdoor Advertising Signs; **OR** in the alternative combine the allowable display surface area for two parcels (Tracts 6 & 7) per legal description, located SE/c Gilcrease Exp. & E. Virgin.

Presentation:

John Moody, stated that they could combine the frontage of Memorial with the frontage on the expressway. The sign is visible from Memorial. The sign inspector has taken the position that you can only combine the frontage of the street it is actually located on. Mr. Moody informed the Board that they withdraw the appeal from the decision of the building inspector in denying a sign permit.

Mr. Moody stated that his client would like to build a new message board sign for Fine Airport Parking. He stated there is an existing sign at the intersection of Gilcrease Expressway and Virgin Street, which would be removed and replaced by this new sign. Mr. Moody made a point that under the current code his client would be allowed to put up over 3,000 square feet of wall signs. He explained that the client does not intend to do that, but they could reduce the amount of allowable wall signs by the amount of this display surface area as a trade-off.

Comments and Questions:

Mr. Dunham asked for clarification of where the sign would be located. Mr. Moody replied that it will be located ten feet from the right-of-way or the property line on Virgin and ten feet from the Gilcrease Expressway, and a little over 30 feet north of existing billboard. Mr. Dunham asked if the allowable footage is increased for this sign, then to footage would be reduced for wall signs, other signs on Memorial, or both. Mr. Dunham asked if the applicant would have any problem with the condition that the existing sign in the northwest corner be removed. Mr. Moody stated that the removal of the existing sign would be a condition of the approval.

Interested Parties/Protestants:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Turnbo, Cooper, Dunham "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** the **Variance** of the allowable display surface area of 418.09 square feet to permit a business sign, per plan submitted, on conditions that the existing business sign in the northwest corner of property be removed, and that this allowable footage be deduced from the remaining allowable footage for signs along Memorial and

Case No. 18665 (continued)

Gilcrease Expressway, and the ***Appeal*** and ***Variance option*** were found to be unnecessary, on the property described as follows:

Part of the NE of the NE of the SE of Section 26, T-20-N, R-13-E of the IBM, being more particularly described as follows, to-wit: Beg. at a point on the E line of said Section 26, 40' S of the NE/c of the NE NE SE; thence S and along said E line of said Section 26 for 270'; thence W and parallel to the N line of said NE NE SE for 221.50'; thence S for 229.27' to a point on the N right-of-way line of said St. Louis-San Francisco mainline railroad, said point lying 221.60' W of the E line of said Section 26; thence S 84°47'15" W and along said railroad right-of-way for 164.12' to the center line of said railroad spur; thence along a compound curve to the right and along the center line of the railroad spur for 593.01' more or less to a point 40' S of the N line of said NE NE SE; thence E for 614.12' to the POB, less and except the E 50' thereof and less and except the W 15' of the E 65' thereof (Tract 5).

* * * * *

Case No. 18666

Action Requested:

Special Exception for an antique shop and other retail sales in an IL zoned district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 13 & 14, located at 5417 S. Mingo Rd.

Presentation:

William R. Grimm, 610 S. Main, Suite 300, stated he is the attorney for the applicant, that has filed an application seeking Special Exception for U.U. 13 and U.U. 14. He stated that the use unit 14 is for antique sales and use unit 13 is for gift and novelty items, in the nature of little dolls, bears, beanie babies. He reminded the Board that the property is currently zoned IL with a special exception for a use unit 14 for a veterinary hospital, which has been in operation for the last 25 – 26 years. He added that the applicants' work activity and interests have changed, and they would like to add sales as stated above.

Comments and Questions:

Mr. Dunham asked if they will continue to operate the veterinary clinic. Mr. Grimm responded affirmatively. Ms. Turnbo asked how many parking spaces they have. Mr. Grimm stated that currently there are twenty-four parking spaces. He added that use unit 14 requires one for every 300 square feet. The building is 4,815 square feet, which requires 16.

Interested Parties/Protestants:

None.

Case No. 18666 (continued)

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Turnbo, Cooper Dunham "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** the **Special Exception** for an antique shop and other retail sales as permitted in use units 13 and 14, in an IL zoned district, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the property described as follows:

The Sly 125' of Lot 1 and the Sly 125' of the Wly 12' of Lot 2, Block 4, Tulsa Southeast Industrial District, Block 4 Inclusive an addition in the City of Tulsa, Tulsa County, Oklahoma.

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Case No. 18667

Action Requested:

Variance of display surface area for a business sign from 59' SF to 132.92 SF, located at the Northwest corner E. 54th St. & Yale.

Presentation:

John Moody, stated he is representing First United Bank. He stated that because of the scale, and irregular shape of the building the applicant is not able to count all of the wall face of the building. He informed the Board that the sign would face LaFortune Park and not the residential area.

Comments and Questions:

None.

Interested Parties/Protestants:

None.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Turnbo, Cooper Dunham "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** the **Variance** of display surface area for a business sign from 59' SF to 132.92 SF, per plan, finding the hardship to be the other existing signs in the area and the shape of the land on the following described property:

Lot 1, Block 1, LaFortune Park Plaza, City of Tulsa, Tulsa County, Oklahoma

There being no further business, the meeting wise adjourned at 5:54 p.m.

Date approved: March 28, 2000

A handwritten signature in dark ink, appearing to be "R. L. Chen", written over a horizontal line.

Chair