

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 848
Tuesday, August 27, 2002, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

Dunham, Vice Chair
Cooper
Turnbo
White, Chair
Perkins

**MEMBERS
ABSENT**

**STAFF
PRESENT**

Beach
Butler

**OTHERS
PRESENT**

Boulden, Legal
Cox, Neighborhood
Inspections

The notice and agenda of said meeting was posted in the Office of INCOG, 201 W. 5th St., Suite 600, on Thursday, August 22, 2002, at 4:40 p.m., as well as at the City Clerk's office, City Hall.

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

*****.

Mr. Jim Beach read the rules and procedures for the Board of Adjustment Public Hearing.

CONTINUANCES and CASES WITHDRAWN

Case No. 19391

Action Requested:

Variance of maximum required rear yard coverage from 25% to 54% in an RS-2 district. SECTION 210.B.5. YARDS, Permitted Obstructions in Required Yards – Use Unit 6, located 1230 Hazel Blvd.

Presentation:

Mr. Beach informed the Board that the applicant withdrew the application.

Board Action:

No Board action needed.

Lot 7, Block 15, Sunset Terrace Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No.19411

Action Requested:

Variance of permitted signage in an OM district. SECTION 602.B.4. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions, located 2424 E. 21st St.

Presentation:

Mr. Beach stated the applicant asked for a continuance to the meeting on September 10, 2002.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 4-0-0 (White, Perkins, Cooper, Turnbo "aye"; no "nays"; no "abstentions"; Dunham "absent") to **CONTINUE** Case No. 19411 to the meeting on September 10, 2002.

*****.

Mr. Dunham arrived at 1:05 p.m.

MINUTES

The minutes of the meeting on August 13, 2002 will be presented for approval at the meeting on September 10, 2002.

UNFINISHED BUSINESS

Case No. 19413

Action Requested:

Variance of required side yard from 5' to 2'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; and a Variance of livability space from 4000 square feet to 3200 square feet. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 1631 S. Delaware Pl.

Presentation:

William Elliott, 1631 S. Delaware, stated this case was continued from July 23, 2002 for more relief. There are no changes in the site plan (Exhibit B-1).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required side yard from 5' to 2'; and a Variance of livability space from

4000 square feet to 3200 square feet, per plan, finding this is an older home in an older neighborhood, making it difficult to meet the current zoning requirements, on the following described property:

Lot 17, Block 6, Avondale Addition to City of Tulsa, Tulsa County, State of Oklahoma.

*****.

NEW APPLICATIONS

Case No. 19430

Action Requested:

Special Exception to permit a car wash in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located SE/c W. 61st St. & S. 33rd W. Ave.

Presentation:

Ronald Smith, Box 1106, Sapulpa, Oklahoma, he described the surrounding properties with a shopping center, grocery store with gas pumps, a convenience store with gas pumps, and a car wash. He believes the intended use would be consistent with the area. A site plan was provided (Exhibit A-1).

Interested Parties:

Marion Robinson, 5116 W. 64th St., stated that he owns the car wash across the street from the subject property. Last August an applicant was turned down for a car wash in the same area. He submitted a petition of opposition (Exhibit A-2), signed by about seventy neighbors.

Diana Wallace, 8086 S. Yale, stated she did some research of traffic in the area. She indicated the traffic has increased but not enough to support another car wash. She reminded the Board that a lot of people from the community came last year in protest of a second car wash. The business community is not in favor of this application. She added that she has taken out a loan to make improvements on the existing car wash.

Comments and Questions:

Ms. Turnbo asked why it would be injurious to the neighborhood. Ms. Wallace replied that access to the site would cause traffic problems. She suspected there might be problems with water pressure. Mr. White noted that approval for her car wash was granted in 1984, and asked if it has been in operation continuously since then. Ms. Wallace responded that it was out of service for 1 ½ to 2 years, maybe more. He asked if she was aware that a condition of the approval was that an attendant be present at the car wash. Ms. Wallace responded they plan to have an attendant. Ms. Turnbo explained to her that they must have one to comply with the condition to the approval. Ms. Perkins asked if there is a screening fence on

the east and north sides of her property. Ms. Wallace replied that there is and they are in the process of making improvements.

Applicant's Rebuttal:

Mr. Smith informed the Board that the fact the existing car wash facility has been closed for around two years got his interest in opening a car wash. He did a lot of research and concluded there is enough business for both businesses. He spoke with the property owner that applied for a rezoning last year. The other businesses around are auto related. The exits and entrances are platted on the east and the south.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit a car wash in a CS district, per plan, 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, on the following described property:

Lot 1, Block 1, West Highlands Corner, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 19432

Action Requested:

Special Exception for church use and accessory use in an RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, located 1412 S. 75th E. Ave.

Presentation:

Greg Rusco, 7316 E. 91st Pl., stated the owner of the property intends to deed it to the church to build additional education space sometime in the future.

Comments and Questions:

Mr. White asked if the existing garage would be removed. Mr. Rusco replied the garage would remain and be used for additional education space. Mr. White noted there was a previous BOA action on this property.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** for church use and accessory use in an RS-3 district, subject to meeting all screening, landscaping and other requirements when the parking lot is

built, 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, on the following described property:

Lots 21 and 22, Block 14, Eastmoor Park, City of Tulsa, Tulsa County, State of Oklahoma.

*.*****.

Case No. 19433

Action Requested:

Special Exception to permit a scuba diving school as a home occupation in an RS-3 district. SECTION 402.B.6.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 11, located 7427 E. 74th St. S.

Mr. White abstained from Case No. 19433.

Presentation:

Nelson Johnson, 7427 E. 74th St., stated that he is the owner of Island Quest Dive Center. He explained that he would like to extend instruction to provide the students experience in the pool at his home. The classroom training takes place at his store at 71st and Memorial. The controlled water pool instruction would be at his home. The third section of the course is an open water dive at an area lake. The average class is eight students for five hours. He would be willing to limit the swimming pool session at his home to Saturdays from noon to 6:00 p.m., from April through September. He has employees but only he and his wife would teach at their home. He would be willing to transport the students to and from his home to control traffic problems in his neighborhood. He informed the Board there would be no increase in noise or other activity that would cause neighbors to be aware of the classes. He stated that he reviewed and meets all of the home occupation requirements. He does not believe it would be injurious to the neighborhood or otherwise detrimental to the public welfare.

Comments and Questions:

Mr. Cooper asked about transportation of the students. Mr. Johnson responded that he could transport them from the classroom in his Suburban or 18-passenger van and their equipment to his home. Mr. Boulden asked about advertising of his home as a location for the school. Mr. Johnson replied he would not. Mr. Beach asked if there would ever be employees at the home during instruction. Mr. Johnson replied that occasionally they might have some support staff present, but they would not be teaching. Mr. Beach informed him that would not be in compliance with the home occupation rules. Mr. Beach read a requirement that the home occupation would be conducted entirely within an enclosed residential structure or customary accessory building. He asked Mr. Johnson if the pool was enclosed, and he replied it is not. Mr. Johnson stated that when he applied he was

informed that it would probably be alright. Ms. Turnbo noted that he had not asked for that in the application.

Interested Parties:

Dwight Reinke, 7412 E. 74th St., read a petition of opposition (Exhibit C-3) to the Board. Some of the complaints include instruction will be outside the home; has conducted the classes on Saturdays and Sundays, morning and evening; business trailer parked on street, sometimes on the wrong side of the street; concern for danger from the compressed air tanks; and advertisement of business on the trailer.

Pam White, 7132 S. 77th E. Ave., expressed her concerns for the safety of senior citizens and children in the neighborhood. Complaints included numerous cars parked on the street during the classes; unfamiliar public in the neighborhood; emergency vehicles would not be able to get through; business trailer too large to be parked on the street;

Ruth Romero, 7401 S. 77th E. Ave., submitted photographs (Exhibit C-2). She was concerned for traffic problems.

A set of photographs and copy of a Zoning Notice of Violation (Exhibit C-1) were provided to the Board. A letter and signatures of interested parties present were submitted (Exhibit C-4).

Applicant's Rebuttal:

Mr. Johnson stated that it appeared the main concern is traffic flow problem. He responded that he could alleviate that by transporting the students to and from the house. He informed the Board that his trailer is stored at his store. Mr. Cooper asked about noise in the back yard on class days. Mr. Johnson replied the only noise is when he talks to the students.

Board Action:

On **MOTION** of **Perkins**, the Board voted 4-0-1 (Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; White "abstained"; no "absences") to **DENY** a **Special Exception** to permit a scuba diving school as a home occupation in an RS-3 district, finding 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, on the following described property:

Lot 18, Block 10, Quail Creek Blocks 9 through 13, City of Tulsa, Tulsa County, State of Oklahoma.

*.*****.

Case No. 19434

Action Requested:

Variance of amount of required rear yard an accessory building may occupy from 30% (322.5 square feet) to 36.2% (388.5 square feet). SECTION 210.B.5.a. YARDS, Permitted Obstructions in Required Yards, located 1716 E. 14th Pl.

Presentation:

Larry Faucett, 1716 E. 14th Pl., stated the garage was constructed on the existing slab of the original garage.

Comments and Questions:

Mr. White asked what happened to the original garage. Mr. Faucett responded that termites destroyed it and it was falling down, so he removed it.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of amount of required rear yard an accessory building may occupy from 30% (322.5 square feet) to 36.2% (388.5 square feet), finding the hardship to be that the garage was built on the existing slab, not enlarged and it was built before the code, on the following described property:

Lot 7, Block 3, Terrace Drive Addition, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 19435

Action Requested:

Special Exception to allow a U.U. 16, boat storage, in a CS zoned district. SECTION 701 – PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 16; and a Variance to waive the requirements of the landscape chapter. CHAPTER 10, LANDSCAPE REQUIREMENTS, located 1224 South Memorial.

Presentation:

Robert Sartin, 610 S. Main, Ste. 300, stated the proposed use is for boat storage. He informed the Board that the local homeowners' association supports the application. The waiver of the landscaping requirements stems from the nature of the property, since there is a 15' drive accessing the property and cannot landscape it. A site plan was provided (Exhibit D-1).

Comments and Questions:

Mr. White stated the Board received a letter from Al Nichols for the Mingo Valley Homeowners' Association in support of the application (Exhibit D-2). Mr. Sartin assured the Board all storage would be inside.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow a U.U. 16, boat storage, in a CS zoned district, per plan; and a **Variance** to waive the requirements of the landscape chapter, finding the hardship to be that the property is mostly isolated, and landscaping in this area would serve no purpose, on the following described property:

Lot 1, less N 150.00' E 270.35' thereof, Block 1, Torn Terrace Addition, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 19436

Action Requested:

Variance of required setback from abutting properties in an R zoned district. SECTION 404.F.4. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS – Use Unit 5, located 3040 N. Kenosha Ave.

Presentation:

Lynn Smith, 3040 N. Kenosha, stated she was representing Breakthrough Ministries. The ministry owns the property around the church and they propose to build an activity center behind the existing church building.

Comments and Questions:

Ms. Perkins asked for the types of activities, days and hours of operation. Ms. Smith stated Wednesday night for Bible study, Saturday it would be open for indoor games. She added that it would also have a computer lab. Mr. Beach noted the new building would only be two feet and 6 inches from the property line along Kenosha. Ms. Smith replied that they have the paperwork in place for that portion of Kenosha to be closed. Mr. Beach stated that as long as the street is open there the relief would be required.

Interested Parties:

Richard Jones, 3328 N. Garrison Pl., stated he represented his uncle that owns property nearby. He wanted to know what the application is about. Mr. White explained it is a variance for approaching the property lines in a different manner.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required setback from abutting properties in an R zoned district, finding that most of the properties are vacant; and to **CONTINUE** Case No. 19436 to the meeting on September 24, 2002 to advertise for additional relief, regarding the following described property:

Lots 1, 2, 3, 21, 22, 23 and 24, Block 10, Standard Heights Addition, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 19437

Action Requested:

Special Exception to permit the Center for the Physically Limited under Use Unit 5, in the IM and RM-3 zoning districts. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS and SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5; a Special Exception to permit required off-street parking to be located on a lot other than the lots containing the new Center building. SECTION 1301.D. GENERAL REQUIREMENTS; a Variance of the building setback required in an IM zoning district from the centerline of South Utica Avenue from 85' to 55' for approximately 75'. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS; a Variance of the building setback required in an IM zoning district from the centerline of East 8th Street in two locations from 50' to 30'. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS; a Variance of the building setback required in an RM-3 district from the centerline of East 8th Street from 50' to 30'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; a Variance of the building setback required in an IM district abutting an R district from 75' to 0'. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS; a Variance of the required off-street parking area setback of the off-street parking area in the IM district within 50' of an R district from 50' to 0'. SECTION 1302.B. SETBACKS; a Variance of the requirement that 15% of the required street yard on East 8th Street be established and maintained as a landscaped area. SECTION 1002.A.1. LANDSCAPE REQUIREMENTS, Frontage and Perimeter Requirements; and a Variance to permit the required number of trees within a street yard to be located throughout the Center site. SECTION 1002.C. LANDSCAPE REQUIREMENTS, Tree Requirements, located S side of E. 8th St. between Utica & Wheeling.

Presentation:

Charles E. Norman, 2900 Mid-Continent Tower, stated he represented the Center for the Physically Limited. He provided a site plan (Exhibit E-1) to the Board. He reviewed the zoning involved and the construction phases. The plan is to completely remove the structure built in the 1960's and to construct an entirely new

facility. He pointed out the one-way access for the benefit of the handicapped and multiple other accesses. He also pointed out a separate corridor with access to meeting rooms and other parts of the facility. The hardship is the particular needs of the residents. The facility at this location is the Murdock Villa, a multi-story apartment building constructed for the physically limited, is leased by the Tulsa Housing Authority. He further explained the needs for each relief requested and assured the Board it would not be incompatible with anything existing there or that would be in the IM district.

Interested Parties:

Maria Barnes, 2252 E. 7th St., stated she considers it a good plan and a major improvement for the neighborhood. She is in support of the application. She appreciated all of the trees and landscaping planned.

Mr. Norman stated that the property would be re-platted.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit the Center for the Physically Limited under Use Unit 5, in the IM and RM-3 zoning districts; a **Special Exception** to permit required off-street parking to be located on a lot other than the lots containing the new Center building; a **Variance** of the building setback required in an IM zoning district from the centerline of South Utica Avenue from 85' to 55' for approximately 75'; a **Variance** of the building setback required in an IM zoning district from the centerline of East 8th Street in two locations from 50' to 30'; a **Variance** of the building setback required in an RM-3 district from the centerline of East 8th Street from 50' to 30'; a **Variance** of the building setback required in an IM district abutting an R district from 75' to 0'; a **Variance** of the required off-street parking area setback of the off-street parking area in the IM district within 50' of an R district from 50' to 0'; a **Variance** of the requirement that 15% of the required street yard on East 8th Street be established and maintained as a landscaped area; and a **Variance** to permit the required number of trees within a street yard to be located throughout the Center site, per plan, finding this to be compatible with the neighborhood, with multiple hardships, and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

Lots 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, Block 3, Clover Ridge Addition, and Lots 1, 2, 3, 10, 11 and 12, Farmers Subdivision, a Subdivision of Lot 16, Block 3 Clover Ridge Addition, and Lots 4, 5, and 6, Block 1, and Lots 5 and 6, Block 2, Ferrell Addition, a Subdivision of Lot 15, Block 3, Clover Ridge Addition, all in the City of Tulsa, Tulsa County, State of Oklahoma.

..***.***.

Case No. 19438

Action Requested:

Variance of 300' setback to 163' from residential zoning to permit open-air storage of merchandise in back of building. SECTION 1217.C.2. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions; and a Special Exception to permit existing, Use Unit 17, tire store in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located 250' S of SE/c E. 46th St. N. & N. Peoria.

Presentation:

John Moody, 1924 S. Utica, stated he represented Don and Susie Hux, owners of the property. Mr. Hux bought the property as vacant and abandoned property about nineteen years ago. The public had been dumping all kinds of things on the property. He cleaned up the property and started a tire recycling business. He had a contract with the City of Tulsa to clean up tires from illegal tire dumps, and sell them across the country to people who used them for various products. When the operation first started, he was not aware of the need for special zoning. Neighborhood Inspections cited him. He has cleaned up a substantial portion of the property. He is presently paving with asphalt. Neighborhood Inspections cited him for storing large truck tires in an area surrounded by a cyclone fence. He pointed out that large trees and vegetation completely screen the property from the R zoned district. There is no residential development in the R district. They have scheduled to move the old tires on semi-trailers out next week. They have listed the north portion of the property for sale. Dwain Midget came to this hearing to be sure this application would not conflict with the improvements they are trying to make in the area. He was satisfied with the application and gave Mr. Moody permission to say so. Mr. Hux made contact with the North Peoria Association and will continue to work with them to improve the area with his business. The hardship is that the property is an irregular shaped tract and narrow. A site plan was provided (Exhibit F-1).

Interested Parties:

Kevin Cox, 111 S. Greenwood, with Neighborhood Inspections, stated that the BOA Case No. 13800 was not listed as a previous action. Mrs. Hux applied for a Special Exception for U.U. 17, and a variance for outside storage of tires. The outside storage was denied in October 1985. They have received numerous complaints on the property. He stated that he has been working this property since October 2000 until last month, and yet it is still in violation of the 300' of outside storage. He noted that a lot of clean up has been done. He questioned what type of storage would be allowed in the 50' x 90' outside storage, if it would be randomly thrown in or stored on racks.

Photographs were provided to the Board (Exhibit F-2).

Comments and Questions:

Ms. Turnbo asked the applicant if the tires would be stored on racks and how long the tires would be stored outside, if approved. Mr. Hux stated they would be moved out every thirty days. Ms. Turnbo asked if there was anything to insure that all the tires would be rotated out and not become breeding grounds for insects and rodents. Mr. Moody replied they do have a procedure to insure this. Ms. Turnbo questioned how often the tires would be shipped out for recycling. Mr. Hux responded that the tires to be recycled go on trucks and are shipped out daily, five days per week.

Mr. White asked Mr. Hux to state his name and address.

Don Hux, 2025 W. Xyler, Tulsa, Oklahoma.

Mr. Cox stated he was comfortable that as long as this process is followed it will not become a problem again. He also felt comfortable that the manager will comply with the zoning code. Mr. Cox stated that he would be checking it regularly.

Board Action:

On **MOTION** of **Perkins**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of 300' setback to 163' from residential zoning to permit open air storage of merchandise in back of building; and a **Special Exception** to permit existing, Use Unit 17, tire store in a CS district, with conditions that the storage area be confined to the 50' x 90' per plan, and the chain-link fence must remain to designate the area for storage, the tires for sale must be on stored racks, and the tires for recycling should be stored in truck trailers and distributed in a timely manner, on the following described property:

The S 200.00' N 450.00' E 190.00' W 240.00' of Government Lot 1 and the N 615.26' S 1036.50' W 219.45' E 249.45' W 14.86 acres of Government Lot 1, all in Section 18, T-20-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 19439

Action Requested:

Variance of parking from 31 (required) to 18. SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Off-Street Parking and Loading Requirements; a Variance of setback (east, 25' to 14'; south, 25' to 8') to expand a non-conforming structure. SECTION 1402.A. NONCONFORMING USE OF BUILDINGS, OR BUILDINGS AND LAND IN COMBINATION; a Variance of all-weather-surface parking to allow gravel (3 years). SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS; and a Variance of required 5' landscape strip on north property line to be on city right-of-way. SECTION

1002.A.1. LANDSCAPE REQUIREMENTS, Frontage and Perimeter Requirements; located SE/c of E. Virgin St. & N. St. Louis

Presentation:

Stephen Olsen, 324 E. 3rd St., stated he is an architect for the Church of God of Prophecy. They propose to add a hall and kitchen to their facility. The property is small. They have contacted the neighbors and they were in support. He stated they have ample parking for the maximum of ten to twelve vehicles that park there.

Pastor Wilbert Gilmore, 2567 E. 28th St. N., stated they have eighteen spaces and a lawn where they could park more.

Comments and Questions:

Ms. Turnbo asked if the parking is graveled. Pastor Gilmore replied that it was graveled. She informed him that it is not permitted to park on the grass. Mr. Beach stated that it appears the five foot landscape requirement along Virgin St. could be met if the northerly parking spaces were moved south. Mr. Olsen replied they planned it this way because of the existing curb cut and it would interfere with the entrance to the parking lot.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of parking from 31 (required) to 18, per plan, for three years; a **Variance** of setback (east, 25' to 14'; south, 25' to 8') to expand a non-conforming structure, per plan; a **Variance** of all-weather-surface parking to allow gravel for one year; and a **Variance** of required 5' landscape strip on north property line be reduced down to 3', finding the site to be small, that at the time no additional parking is needed, and it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

Lots 1 and 2, Block 1, Bullette Heights 3rd, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19440

Action Requested:

Variance of required parking spaces for shopping center from 421 spaces to 244 actual parking spaces, to allow a restaurant use. SECTION 1212.D. USE UNIT 12. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS, Off-Street Parking and Loading Requirements – Use Unit 12, located 11330 E. 21st St. S.

Presentation:

Charles Evans, 1612 E. Independence, stated they propose to open a restaurant in a strip mall. He reviewed the hours of operation of the businesses in the mall to show how the existing parking is sufficient for their needs. He informed the Board that they planned to have flexible hours of operation, opening from 11:00 a.m. to 2:00 p.m., 4:00 p.m. to 7:00 p.m., and 9:00 p.m. to 2:00 a.m.

Comments and Questions:

Ms. Turnbo asked about the four vacant retail shops. Mr. Evans stated that he included those in his figures for parking.

Sorono Moreno, 10429 E. 137th St., stated that most of the time the parking spaces are empty.

The Board determined there would be two pool tables and an accessory bar. Mr. Beach recommended that they talk with Kurt Ackermann with all of these specifics because it could make a difference in the Zoning Clearance Permit. Ms. Perkins asked what days of the week they plan to be open. Mr. Evans responded they would be open Monday through Friday 11:00 a.m. to 2:00 p.m.; 4:00 p.m. to 7:00 p.m.; and 9:00 p.m. to 2:00 a.m.; and Saturday and Sunday 11:00 a.m. to 2:00 p.m.; and 4:00 p.m. to 7:00 p.m.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-1-0 (White, Dunham, Perkins, Cooper "aye"; Turnbo "nay"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required parking spaces for shopping center from 421 spaces to 244 actual parking spaces, to allow a restaurant use, with conditions that the proposed business in the 6,000 space have the hours of operation of 11:00 a.m. to 2:00 p.m.; 4:00 p.m. to 7:00 p.m. Sunday through Saturday; and 9:00 p.m. to 2:00 a.m. Monday through Friday, and limited to two pool tables, per site plan attached, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

Beg. at the NE/c of Lot 2, Block 1, Richard Henry Addition; thence due W along the N line of Lot 2, a distance of 429.01' to the NE/c of Lot 1, of said Block 1; thence S 00°04'18" E along the E line of Lot 1, Block 1, a distance of 200.00' to the SE/c thereof; thence due W along the S line of Lot 1, a distance of 200.00' to the SW/c thereof; thence S 00°04'18" E along the W line of said Lot 2 a distance of 137.24' to a point; thence S 79°05'39" E a distance of 341.23' to a point; thence N 00°04'18" W a distance of 73.80' to a point; thence due E a distance of 206.07' to a point; thence N 00°04'59" W a distance of 47.56' to a point; thence N 44°44'53" E a distance of 124.83' to a point on the E line of said Lot 2; a distance of 191.78' to the POB, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

OTHER BUSINESS

Election of Officers

On **MOTION** of **Perkins**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") that the slate stay the same.

*****.

There being no further business, the meeting was adjourned at 3:23 p.m.

Date approved: SEPTEMBER 10, 2002


Chair