

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 531  
Thursday, January 19, 1989, 1:00 p.m.  
Francis F. Campbell Commission Room  
Plaza Level of City Hall, Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Bradley Chappelle, Chairman Quarles Smith White		Gardner Jones Moore	Jackere, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, January 17, 1989, at 1:20 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Chappelle called the meeting to order at 1:04 p.m.

**MINUTES:**

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; Quarles, "abstaining"; none "absent") to **APPROVE** the Minutes of January 5, 1989 (No. 530).

**UNFINISHED BUSINESS**

**Case No. 14988**

**Action Requested:**

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow for a cultural center and church uses in an RM-2 zoned district, located southeast corner 6th Street and Birmingham Avenue.

**Presentation:**

The applicant, Muhammond Asad, was not present.

**Comments and Questions:**

Mr. Taylor advised that the case was previously continued to allow the applicant to advertise for additional relief.

Ms. Hubbard informed that she has spoken to the applicant on the phone on three different occasions, but he has not supplied the needed information.

Case No. 14988 (continued)

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White "aye"; no "nays"; no "abstentions"; none "absent") to **STRIKE** Case No. 14988; finding that the applicant has failed to appear at two consecutive hearings.

**Case No. 15017**

**Action Requested:**

Special Exception - Section 420 - Accessory Uses in Residential Districts - Use Unit 1211 - Request a special exception to allow for a life insurance/brokerage office as a home occupation in an RS-3 zoned district, located 6680 South Oxford Avenue.

**Presentation:**

The applicant, Robert Nichols, 111 West 5th Street, Tulsa, Oklahoma, stated that he is representing Gary Kroll, owner of the subject property. He informed that his client resides at the above stated address and is in the insurance brokerage business, which he is proposing to operate from his home. It was noted that Mr. Kroll's business consists primarily of direct mail, approximately 10,000 pieces per month, and of some home contact with prospective customers. Mr. Nichols explained that his client formerly conducted his business at a previous location, but has closed that office, and now has one personal secretary that works out of her home. He pointed out that the secretary does come to Mr. Kroll's home on occasion, but does not maintain an office there. Mr. Nichols stated that his client currently has three licensed agents that work out of their homes. Mr. Nichols pointed out that property to the east of the subject tract is zoned for office use. Photographs (Exhibit A-3) were submitted.

**Comments and Questions:**

Ms. Bradley inquired as to the method of delivery for the 10,000 pieces of mail, and Mr. Nichols informed that his client contracts with a direct mailing firm for bulk mailing, and that the mail is not actually delivered to the subject property.

Ms. Bradley remarked that the Home Occupation Guidelines state that employees not living at the home are not allowed in a home occupation, either full-time or part-time. Mr. Nichols pointed out that the secretary does not office on the property, but rather organizes the mail-outs for Mr. Kroll.

Ms. Bradley asked if Mr. Kroll resides on the subject property, and Mr. Nichols answered in the affirmative.

Mr. Jackere inquired as to the number of hours Mr. Kroll's personal secretary spends at the residence, and Mr. Nichols stated that she brings in layouts and is there between five and twenty hours per week. Mr. Jackere asked if the secretary has other duties she performs while at Mr. Kroll's home, and the applicant stated that

Case No. 15017 (continued)

she does accounting for the firm and coordinates concerns with attorneys. Mr. Nichols explained that his client is also involved in real estate investments and other types of business operations in addition to his insurance business, and the secretary is general errand person and coordinator for Mr. Kroll.

Mr. Jackere asked if the insurance agents visit Mr. Kroll's home, and the applicant replied that they do come to the house occasionally; however, only one of the three agents is active in the business at this time.

**Protestants:**

Harold Furtney, 6640 South Oxford, Tulsa, Oklahoma, stated that he is the nearest neighbor to the north of the subject tract, and pointed out that there are luxury homes in this area, with extra large lots. He asked that the Board deny the application and allow 67th Street to remain as a buffer between RS-3 and OL zoning. A letter of opposition and photographs (Exhibit A-1) were submitted.

William C. Johnson, 6150 East 67th Court, Tulsa, Oklahoma, submitted a letter from Code Enforcement (Exhibit A-4) and a yellow page listing (Exhibit A-2) from the telephone directory. He informed that he lives in the area and is concerned with maintaining property values. Mr. Johnson informed that a letter from Code Enforcement on November 2, 1987 verified the fact that a business was operating on the premises and stated that the owner was in the process of attempting to purchase property for relocation. He stated that the business has continued to operate until this time and asked the Board to deny the application. It was noted by Mr. Johnson that it does not appear that the house is occupied as a residence, since there is no activity on the property after regular business hours. He stated that the phone at this address is listed under the name of GK and Associates and is answered with this name.

**Additional Comments:**

Mr. Quarles asked Mr. Nichols if there have been complaints that caused this application to be filed, and he replied that Mr. Kroll has filed the application to allow him to operate legally from his home.

Mr. Chappelle asked if the office at the previous location on Peoria is closed, and the applicant replied that his client's lease expired on December 31, 1988.

There was discussion as to whether or not a business above and beyond a home occupation is already being operated on the property, and Mr. Jackere noted that the Code requires that no outside employees be allowed to work in a home occupation.

Case No. 15017 (continued)

In response to Ms. White's question, Mr. Nichols stated that it has been several months since a large mail-out has occurred, and that the one active agent only visits the home on a personal basis, and would never need to go there for business purposes. He stated that the secretary will also discontinue her visits to the Kroll property if required by the Board.

Mr. Jackere asked Mr. Johnson if he has ever called the telephone number for GK and Associates before 8:00 a.m., and he replied that he called there once before that time, and a girl answered with the company name.

**Applicant's Rebuttal:**

The applicant stated that his clients telephone did ring at both the home and the business on Peoria when that office was open, so it would have been possible for someone to answer the phone at that business location. He informed that the business was moved in 1987 from his client's home to the Peoria location, and he is now requesting that the insurance portion of that operation be allowed to locate in his home. Mr. Nichols stated that the photographs submitted by the protestant did not show an unusual amount of cars parked at the residence.

Mr. Chappelle asked Mr. Nichols why his client has a yellow page listing at his address for 1988 and 1989, and he replied that he was not aware of the listing.

Mr. Quarles stated that he might be able to support a "borderline" application in some instances, but in this case, the business has yellow page advertising, is a fairly large insurance and real estate firm and does not have the support of the neighborhood. He stated that, due to these facts, he could not vote in favor of the application.

Ms. Bradley and Mr. Chappelle agreed that the business is not a home occupation, as referred to in the Home Occupation Guidelines.

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Special Exception** (Section 420 - Accessory Uses in Residential Districts - Use Unit 1211) to allow for a life insurance/brokerage office as a home occupation in an RS-3 zoned district; finding the business does not comply with the Home Occupation Guidelines and would not be compatible with the neighborhood; and that the granting of the request would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Case No. 15017 (continued)

Part of Lot 5, Block 1, County View Estates Addition to the City of Tulsa, Tulsa County, State of Oklahoma described as follows: Beginning at the SE/c of Lot 5, thence west 209' to the SW/c of Lot 5, thence north 107', thence east 196.76' to a point in the east boundary of Lot 5, thence southeasterly along the east boundary of Lot 5, on a curve to the right with a radius of 137.86' a distance of 58.76', thence south 0°03' east along the east boundary of Lot 5, a distance of 50' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15028**

**Action Requested:**

Variance - Section 620.2(d) - Accessory Use Conditions - Use Unit 1221 - Request a variance to allow for CS signage standards to apply in an OM zoned district; a variance of signage to allow for a 266 sq ft sign (remodeling existing sign) and a variance to allow for more than one sign per street frontage in an OM zoned district, located 4311 East 31st Street.

**Presentation:**

The applicant, Ace Hardware, was represented by James Adair, 1783 South Canton, Tulsa, Oklahoma, who submitted a plot plan for the center (Exhibit B-2), and stated that he is representing Mr. and Mrs. Little, operators of the hardware, and Greg Simmons, agent for the owner of the shopping center. He submitted a sign plan (Exhibit B-1) for a sign which will be remodeled and used by tenants in the center. He stated that a pizza sign is also located on the property. It was noted by Mr. Adair that the existing sign is a combination of nine individual different sized sign cabinets and is 39' in height, with a combined total of approximately 250 sq ft. He stated that the number of sign cabinets will be reduced, the height of the proposed pole sign will be reduced to 34' and the total square footage will also be reduced. Photographs (Exhibit B-3) were submitted.

**Comments and Questions:**

Mr. Quarles asked if there is a chance that more sign space will be needed in the future, and Mr. Adair replied that signage for the center will not be increased in the future. He noted that two sign spaces will be left blank for future tenants.

Mr. Smith asked if the banners will remain on the front of the hardware, and Mr. Adair stated that the banners are temporary and will not be made permanent.

Mr. Gardner advised that the Board has previously approved commercial use on the property and, if split into two properties and allowed CS signage, the center would be allowed 420 sq ft of free standing sign space.

Case No. 15028 (continued)

Mr. Chappelle asked Mr. Adair if the total amount of signage is 420 sq ft, or less, and he replied that he does not know the size of the pizza sign.

Mr. Moydell, stated that he is the applicant in Case No. 15039 regarding the pizza sign, and the total signage for that business is 92 sq ft (92 + 266 = 358).

**Board Action:**

On **MOTION** of **QUARLES**, the Board voted 4-0-1 (Chappelle, Quarles Smith, White "aye"; no "nays"; Bradley, "abstaining"; none "absent") to **APPROVE** a **Variance** (Section 620.2(d) - Accessory Use Conditions - Use Unit 1221) to allow for CS signage standards to apply in an OM zoned district; a variance of signage to allow for a 266 sq ft sign (remodeling existing sign) and a variance to allow for more than one sign per street frontage in an OM zoned district; per plot plan submitted; finding that the two signs located on the property contain a total of 358 sq ft and would be permitted by right if the property was zoned CS and split into two lots; finding that the proposed sign will be lower and will contain less square footage than the existing sign; finding that commercial use has previously been granted for the property, and that the approval of the application will not be detrimental to the area; on the following described property:

Lots 35, 36 and the east 24' of the south 17.7' of Lot 40, Block 4, Santa Monica Addition; a subdivision to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof; and part of Lot 3, Block 2, Exposition Gardens Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, more particularly described as follows, to-wit: Beginning at the SE/c of said lot; thence north 150', thence west 123', thence south 150'; thence east 123' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15039**

**Action Requested:**

Variance - Section 620.2d - Accessory Use Conditions - Use Unit 1221 - Request a variance to allow for two signs on one street frontage and a variance of the allowable square footage to permit 209 sq ft of total signage in an OM district, located 4301 East 31st Street.

**Presentation:**

The applicant, Barry Moydell, 1221 Charles Page Boulevard, Tulsa, Oklahoma, stated that this application deals with the sign for Simple Simon Pizza, which is located next door to Ace Hardware. He informed that the top portion of the sign is 6' by 10' and the bottom portion is 4' by 8', or 92 sq ft of signage.

Case No. 15039 (continued)

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 4-0-1 (Chappelle, Quarles, Smith, White "aye"; no "nays"; Bradley, "abstaining"; none "absent") to APPROVE a Variance (Section 620.2d - Accessory Use Conditions - Use Unit 1221) to allow for two signs on one street frontage and a variance of the allowable square footage to permit 92 sq ft of signage in an OM District; finding that commercial use on the property was previously approved and that the total signage for the shopping center (two signs) will not exceed 358 sq ft; on the following described property;

Lot 35, Block 4, Santa Monica Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15034

Action Requested:

Variance - Section 1221.7(b) - Use Conditions for Outdoor Advertising Signs - Use Unit 1221 - Request a variance of spacing between outdoor advertising signs from 1200' to 250' to allow for the replacement of an existing sign, 3717 South Memorial Drive.

Presentation:

The applicant, Dean Lewis, 2831 East 32nd Street, Tulsa, Oklahoma, stated that he is representing Chris Nickel, owner of the property.

Chris Nickel, 3717 South Memorial, Tulsa, Oklahoma, stated that there is an advertising sign on his property which was in place at the time of purchase. He stated that he is in the car business and bird droppings fall on cars parked under the sign, causing damage to the paint. Mr. Nickel stated that his annual lease with Donrey Sign Company has expired and he has negotiated with Mr. Stokley to lease the sign and improve the situation.

Comments and Questions:

Mr. Chappelle asked if the sign will be enlarged, and Mr. Nickel replied that there will be no change in the size of the sign.

Mr. Smith inquired as to how long the sign has been on the subject tract, and Mr. Nickel stated that it was constructed 10 years ago.

Mr. Chappelle asked Mr. Nickel if he leases the advertising space to other businesses, and he answered in the affirmative.

Case No. 15034 (continued)

Mr. Jackere advised that, if the Board is inclined to approve the application, they should be aware that the variance would probably extend beyond the time that nonconforming signs would be required to be removed. He pointed out that, without the variance, the sign in question would only be permitted to remain at this location until 1995.

Mr. Gardner explained that two signs are affected in this situation, as there is another sign located on the west side of Memorial, approximately 250' from Mr. Nikel's property. He explained that the removal of the sign in question and the installation of a new sign would cause the sign across the street to become the legal sign as to spacing. Mr. Gardner pointed out that, if the Board is inclined to allow the replacement by Mr. Stokley, with the intent that the sign is to be removed in 1995, this should be made a condition of approval. He noted that the approval of the application, as requested and with no conditions, would actually cause both signs to become legal and to remain past the removal time in 1995.

Bill Stokley, 10111 East 45th Place, Tulsa, Oklahoma, informed that the sign on Mr. Nikel's property was installed prior to the installation of the sign across the street, and pointed out that the three-sided sign would not be allowed to remain after 1995. He stated that an approval of this application would not extend permission to retain the sign after 1995.

Mr. Gardner remarked that the ordinance allows the owner of the three-sided sign across the street to modify the structure to a two-sided sign by complying with the Code.

Mr. Stokley stated that the owner of the property is agreeable to a condition which would allow the sign to remain only until 1995.

Mr. Smith asked Mr. Stokley to state the duration of the lease with Mr. Nikel, and he replied that it is renewed every five years.

Mr. Quarles asked Mr. Stokley if he accepts the fact that the sign across the street from the Nikel property will become the legal sign (as to spacing) if this application is approved, and he answered in the affirmative.

**Protestants:** None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 1221.7b - Use Conditions for Outdoor Advertising Signs - Use Unit 1221) of spacing between outdoor advertising signs from 1200' to 250' to allow for the replacement of an existing sign; subject to the new sign being removed on or before January 1, 1995; finding that the new sign will replace, and will be the same size as, the existing sign; on the following described property:

Case No. 15034 (continued)

A triangular tract of land that is a part of Lot 1, Block 4, Memorial Estates Addition, a subdivision in Section 24, T-19-N, R-13-E, Tulsa County, Oklahoma, said triangular tract of land being described as follows, to-wit: Beginning at a point on the northerly line of said Lot 1, said point being 210.00' westerly of the NE/c thereof; thence westerly along the northerly line thereof, for 153.95'; thence southeasterly along the southwesterly boundary line thereof for 190.00' to the most southerly corner thereof; thence northeasterly for 124.13' to the Point of Beginning of said triangular tract of land, which contains 0.2187 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15038

Action Requested:

Variance - Section 430.1 - Bulk & Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of front yard setback from 25' to 2' and a variance of side yard setback from 5' to 0' to allow for a carport, located 2163 South Toledo.

Presentation:

The applicant, Eldon Scott, 2163 South Toledo, Tulsa, Oklahoma, submitted photographs (Exhibit C-1), and explained that he erected a carport on his wife's property without a building permit. He stated that construction is partially complete, and asked the Board to allow him to finish the project.

Comments and Questions:

Ms. Bradley asked how long the carport has been in place, and the applicant replied that construction on the carport began in December. He informed that there are other carports in the neighborhood and when he visited with the owners, they informed him that they built their carports without permits.

It was noted by Ms. Bradley that she did not find any other carports on Toledo, between 21st Street and 23rd Street, but did find that there are several carports on Urbana.

Ms. White stated that she also viewed the property, but did not drive down Urbana. She asked Ms. Bradley if the carports on Urbana are as spacious as the one constructed by the applicant, and she replied that Mr. Scott's carport is the largest one in the neighborhood.

Mr. Scott pointed out that his carport does not obstruct the view down the street, and complained that numerous motor homes are allowed to park in neighborhood driveways, which do block the view. He stated that he does not have sufficient space to construct a carport that would comply with Code requirements.

Case No. 15038 (continued)

Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles "absent") to DENY a Variance (Section 430.1 - Bulk & Area Requirements In Residential Districts - Use Unit 1206) of front yard setback from 25' to 2' and a variance of side yard setback from 5' to 0' to allow for a carport; finding that there are no carports in the immediate area; and finding that the granting of the variance request would be detrimental to the neighborhood and would violate the spirit and intent of the Code; on the following described property:

Lot 9, Block 4, Mayo Meadows Extended Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15040

Action Requested:

Variance - Section 1221.5 - Use Conditions for Business Signs - Use Unit 1221 - Requests a variance to allow for a 26'10" by 6' (156.6 sq ft) existing awning sign, 7307 East Admiral Place.

Presentation:

The applicant, Barry Moydell, 1221 West 3rd Street, Tulsa, Oklahoma, submitted photographs (Exhibit D-1) and explained that he has previously appeared before the Board concerning signage for the subject property. He stated that there are two business in the building, Payless Shoesource and Little Caesar's Pizza, and that 223 sq ft of signage has been installed. Mr. Moydell informed that the wall is 75' long, and 225 sq ft of signage is allowed for the building. He pointed out that a 55 sq ft sign has been erected for the shoe store, and asked if the remainder of the allowed signage is allotted to the restaurant. He stated that it has not been made clear to him what portion of the signage is to be allowed for each business.

Comments and Questions:

Mr. Jackere asked Mr. Moydell if the total amount of signage for the whole building is in compliance with the Code, and he answered in the affirmative. Mr. Jackere informed that he does not think that the applicant is in need of the requested relief from this Board.

Mr. Moydell informed that the Sign and Graphics Board, under the direction of Ray Greene and Ed Rice, is considering a new category for electric awnings which will allow 6 sq ft of awning for each foot of linear store front. He noted that a maximum of 3 sq ft of copy area will be allowed, and that the existing signs comply with these proposed requirements.

Mr. Jackere asked the applicant if he has been denied a sign permit for the building, and he answered in the affirmative.

Case No. 15040 (continued)

After speaking with sign inspector, Jim Garriott, Mr. Jackere informed that he is of the opinion that the Code on wall signs is being interpreted in a manner that is not consistent with the content of the Code. He informed that the Code states that 3 sq ft of wall sign is allowed for every lineal foot of building wall to which it is attached. He suggested that the owner be notified when a tenant makes application for a sign permit to insure that the owner is aware of the proposed signage for each business.

Ms. Bradley asked Mr. Moydell if he is representing the owner of the building, and he replied that he is representing the owner of Little Caesar's Pizza.

Al Blatz, owner of Little Caesar's Pizza, stated that he has a letter from the owner of the property which gives him permission to erect the sign.

Mr. Jackere noted that, since there are only two tenants in the building and both have signs for their business, he can see no problem with this application. He advised that the Staff person responsible for taking the initial application should verify that the person checking the "square block" on the application that is titled "Agent for Owner" is actually the agent for the owner of the property, and not the agent for the owner of the business.

**Protestants:** None.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles "absent") to **APPROVE** a **Variance** (Section 1221.5 - Use Conditions for Business Signs - Use Unit 1221) to allow for a 26'10" x 6' (156.6 sq ft) existing awning sign; finding that the entire building is occupied by two tenants and that the subject sign is one of two signs that has been installed on the building; and finding that the total square footage of the two signs does not exceed that amount permitted by the Code; on the following described property:

The south 260', west 240', W/2, Lot 2, less the west 50' and south 60', Section 2, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15041**

**Action Requested:**

Variance - Section 430.1 - Bulk & Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of setback from the south property line from 25' to 13', located 2403 South Boston.

**Presentation:**

The applicant, Don R. Phillips, 1535 East 31st Street, Tulsa, Oklahoma, who submitted a site plan (Exhibit E-3) and photographs (Exhibit E-1), explained that he has been unsuccessful in an attempt to sell the property in its present condition. He stated that the house does not conform with the area and it has been determined to do extensive remodeling by adding 1800 sq ft of floor space, which will approximately double the size. Mr. Phillips stated that the house in question faces west and the architect thought the east side was the rear yard, but it was determined by Ms. Hubbard that this is not the case. Mr. Phillips informed that the yard will be landscaped so as to direct the flow of water away from adjacent properties. An architectural rendering (Exhibit E-2) was submitted.

**Comments and Questions:**

Mr. Gardner pointed out that, regardless of the side yard or rear yard determination, the applicant will be in need of a setback variance. Ms. Hubbard advised that an application for a building permit will be required before going to Stormwater Management.

**Protestants:**

Ms. Coe, 2421 South Boston, Tulsa, Oklahoma, stated that the lot in question drains across her property and is concerned that the proposed construction will compound the water problem.

Ms. White asked Ms. Coe if water drainage is her primary objection to the application, and noted that Stormwater Management approval will be required. Ms. Coe replied that water run-off is her primary objection.

Ms. Bradley voiced a concern that the protestant might not be involved in the Stormwater Review and her problem might not be addressed.

Mr. Phillips assured the Board that he will correct the water problem that now exists for Ms. Coe.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk & Area Requirements In Residential Districts - Use Unit 1206) of setback from the south property line from 25' to 13'; per plot plan submitted; subject to Stormwater Management approval; and subject to special consideration being given to correct water run-off across the property to the south; finding a hardship imposed on the applicant by the placement of the house on the lot; on the following described property:

Lot 6, Block 10, Riverside Drive III Addition, City of Tulsa, Tulsa County, Oklahoma.

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**Case No. 15042**

**Action Requested:**

Special Exception - Section 420 - Accessory Use Conditions - Use Unit 1206 - Request a special exception to allow for a home occupation for a newsletter business in an RS-1 zoned district, located 11149 South Hudson Avenue.

**Presentation:**

The applicant, Jean Arehart, was not present.

**Protestants:** None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles "absent") to **CONTINUE** Case No. 15042, to allow Staff sufficient time to contact the applicant.

**Case No. 15043**

**Action Requested:**

Variance - Section 280 - Structure Setback From Abutting Street - Use Unit 1221 - Request a variance of setback from the centerline of 33rd Street from 50' to 30' to replace an existing sign.

Variance - Section 1221.3b - General Use Conditions For Business Signs - Use Unit 1221 - Request a variance to allow a flashing sign to locate within 200' of an R District, located at 3304 West 42nd Street.

**Presentation:**

The applicant, David Grooms, 901 North Mingo, Tulsa, Oklahoma, stated that the Quik Trip Corporation is replacing an old sign at one of their business locations, at the above stated address. He submitted a site plan (Exhibit F-1) and explained that the new sign will have a digital price display. Mr. Grooms informed that the old sign contained 84 sq ft of display area, while the new one will have only 50 sq ft.

**Comments and Questions:**

There was Board discussion as to the similarity of this sign and those that have previously been approved, and Mr. Grooms informed that this sign is the same as those approved in previous applications.

**Protestants:** None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback From Abutting Street - Use Unit 1221) of setback from the centerline of 33rd

Case No. 15043 (continued)

Street from 50' to 30' to replace an existing sign; and to APPROVE a **Variance** (Section 1221.3(b) - General Use Conditions For Business Signs - Use Unit 1221) to allow a flashing sign to locate within 200' of an R District; per plan submitted; subject to one full second or longer between price changes (oscillation of the price change mechanism); finding that the sign is unique and is similar in operation to a time and temperature sign; and finding that the granting of the requests will not be detrimental to the area; on the following described property:

The east 134.40' of Lots 1, 2, 3 and 4, and the east 134.40' of the north 4.0' of Lot 5, Block 24, Yargee Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15044

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RS-3 zoned district.

Variance - Section 440.6a - Special Exception Requirements - Use Unit 1209 - Request a variance of the time regulation of mobile home from one year to five years, 3909 West Admiral Boulevard, Tulsa, Oklahoma.

Presentation:

The applicant, Herman Edge, 104 South 41st West Avenue, Tulsa, Oklahoma, was represented by his father, who submitted a plot plan (Exhibit G-1) and stated that the mobile home in question was moved to the present location in September of 1988. He explained that the mobile that was previously located on the property burned and that there was a misunderstanding when the present mobile was moved in. He pointed out that his daughter-in-law was told that the unit would be allowed since there had previously been a mobile home on the site, but later found out that Board approval would be required. Mr. Edge stated that he has lived across the street from the subject tract since 1972 and there has been a mobile home on the property since that time, except for the past two years since the fire.

Comments and Questions:

Ms. Bradley asked Mr. Edge if he owns the property in question, and he replied that he is leasing the tract and the lessor is in the audience.

Ms. White asked the applicant if the mobile home is served by City utilities, and Mr. Edge answered in the affirmative.

Case No. 15044 (continued)

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for a mobile home in an RS-3 zoned district; and to APPROVE a Variance (Section 440.6(a) - Special Exception Requirements - Use Unit 1209) of the time regulation of mobile home from one year to five years; per plot plan submitted; finding that a mobile home has been located on the subject tract for several years and has proved to be compatible with the area; on the following described property:

Beginning 155.5' east of the SW/c, SW/4, SW/4, NE/4, thence east 210', north 404.5' to RY, thence southwesterly 225', south 310' to the Point of Beginning, Section 4, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15046

Action Requested:

Variance - Section 930 - Bulk & Area Requirements in Industrial Districts - Use Unit 1226 - Request a variance of setback from the centerline of W. 41st Street from 100' to 60' and a variance of setback from the centerline of South Elwood Avenue from 100' to 63', located SW/c West 41st Street and South Elwood Avenue.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, submitted a site plan (Exhibit H-1) and stated that he is representing Kentube, a manufacturing concern operating at the above stated location. He explained that two buildings contain the manufacturing operation, with one building being 60' from the centerline of 41st Street and the other 63' from the centerline of Elwood. Mr. Johnsen stated that the business is planning an expansion project which will tie the two existing buildings together, with no part of the addition extending closer to the street than the present structures. Photographs (Exhibit H-2) were submitted.

Protestants: None.

Comments and Questions:

Mr. Smith stated that the street setbacks requested are consistent with those already on the property, and that he is supportive of the application.

Case No. 15046 (continued)

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles "absent") to **APPROVE** a **Variance** (Section 930 - Bulk & Area Requirements in Industrial Districts - Use Unit 1226) of setback from the centerline of West 41st Street from 100' to 60' and a variance of setback from the centerline of South Elwood Avenue from 100' to 63'; per site plan submitted; finding that the addition will actually tie two existing buildings together and no portion of it will protrude further into the required street setback than the existing structures; on the following described property:

The north 782.58' of the east 599.99' of the NE/4, Section 26, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Review and Consideration of Surplus Public Schools Study Presented by INCOG Staff:

Mr. Gardner informed that the Tulsa Metropolitan Area Planning Commission, as part of their work program for FY 88-89, required that INCOG make a study as to appropriate uses for surplus school properties. It was noted that the report sets forth some general guidelines and has been presented to TMAPC, but it is not an official policy for the City. Mr. Gardner informed that the information in the report should prove to be valuable to this Board, TMAPC and City Commission in making land use decisions dealing with the surplus school properties.

In response to Ms. Bradley's inquiry, Mr. Gardner stated that TMAPC did not choose, at this time, to make the study formal policy for the City as part of the Comprehensive Plan.

Carol Dickey, INCOG, stated that the report merely lists possible uses for the surplus schools and does not change city plans or ordinances. She pointed out that the study is a city wide system and the condition of school buildings, as well as the surrounding neighborhoods, were considered. Ms. Dickey stated that the study focuses on the 26 surplus schools that are still owned by the Tulsa County Independent School District No. 1, and the types of suggested uses for these structures were categorized into three types. She noted that low intensity uses were proposed for schools that are completely surrounded by residential neighborhoods, medium intensity uses for schools located on the fringe of neighborhoods or in transitional areas and mixed intensity uses for schools that are isolated or in an area with mixed land uses. Ms. Dickey pointed out that day care use for surplus schools has been successful in Tulsa, and the report lists some uses that might be considered for each of the areas. She informed that the study has been reviewed by Tulsa school officials and they are supportive of the ideas suggested.

Surplus School Study (continued)

Ms. Bradley stated that she is concerned with the suggestion that office use be permitted in low intensity neighborhoods.

Mr. Gardner pointed out that the Zoning Code does not permit private general office use in a residentially zoned area.

Mr. Jackere remarked that the study, at this point, has not been adopted by TMAPC as part of the Comprehensive Plan, but merely lists uses that could be considered for the surplus schools.

Ms. Dickey stated that the study is not official planning policy and is not binding, but is merely a list of ideas for surplus school uses.

There being no further business, the meeting was adjourned at 3:35 p.m.

Date Approved

2-2-89

  
Chairman

