

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 711  
Tuesday, September 10, 1996, 1:00 p.m.  
Francis F. Campbell City Council 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>
Abbott, Chair Bolzle Turnbo White	Box	Beach Huntsinger	Ballentine, Code Enforcement Parnell, Code Enforcement Romig, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, September 6, 1996, at 2:35 p.m., as well as in the Reception Area of the INCOG offices.

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

**MINUTES:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Box "absent") to **APPROVE** the minutes of August 13, 1996 (No. 709).

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays" no "abstentions"; Bolzle, Box "absent") to **APPROVE** the minutes of August 27, 1996 (No. 710).

**NEW APPLICATIONS**

**Case No. 17476**

**Action Requested:**

Special Exception to allow a mobile home in a RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**, a Variance of the 1 year time limit. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS REQUIREMENTS**, and a Variance for a waiver of the hard surface parking on Lot 18 in a CH zoned district. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 9, located 4335 East Apache Street.

**Presentation:**

The applicant, **Darlene Crutchfield**, submitted a site plan (Exhibit A-1), photographs (Exhibit A-2) and stated she is representing the landowner. She indicated her client owns Lots 1 and 18, which are located back to back. She explained Lot 18 faces East Apache and the corner of Toledo. She further explained that Lot 1 faces 26th Place North and the corner of Toledo. She indicated that Lot 1 is currently zoned as a RS-3 district and requests a special exception to allow a mobile home to be placed on the subject property for residential/light office use. She requested a variance for the one (1) year time limit on Lot 1 as well, so that the mobile home can be permanent. She stated the subject property is currently vacant and unkempt. She commented the mobile home will be an improvement to the area. She explained that Lot 18 is surrounded by a lounge that does not have a hard surface parking lot, nor the property directly east, which is a salvage yard. She requested a variance for the hard surface parking for Lot 18, which is in a CH zoned district.

**Comments and Questions:**

Mr. White asked the applicant if the mobile home is already on Lot 1 and if it is the one to remain on the Lot? She answered affirmatively.

Mr. White asked the applicant what type of business would be conducted in the mobile home? She replied the business is a dispatcher for a wrecker service.

Mr. White asked the applicant if Lot 18 is being used for a salvage yard? She answered negatively. She stated currently there are two vehicles and one truck being stored on Lot 18, which are owned by the applicant. She further stated the vehicles are licensed and operable.

Mr. White told the applicant that he saw about a dozen junk cars on the property. She stated the cars are no longer on the lot.

Mr. White asked the applicant when were the cars removed? She indicated she did not know the answer.

Mr. White informed the applicant that three (3) days ago the cars were on the lot when he did his field check.

Ms. Abbott asked the applicant why she needed the variance for the hard surface parking on Lot 18? She replied her client needs time to get enough money to install a hard surface parking lot. She commented a one (1) year extension of time would help her client and enable her to earn enough money to install the hard surface parking lot.

Case No. 17476 (continued)

Ms. Abbott asked the applicant if the mobile home would be on Lot 1, which is the RS-3 portion and Lot 18 is the CH portion? She responded affirmatively. She indicated the utilities are already available, however the mobile home is not hooked up at this time. She commented the mobile home will be lived in.

Ms. Abbott asked the applicant if the mobile home would be lived in by her client? She answered affirmatively.

Ms. Turnbo asked the applicant how long she wanted the waiver of the hardsurface? She stated as long as possible, one (1) year would be ideal for her client. She informed the Board that the bar next to the subject property has a gravel surface and the salvage yard across the street from Lot 18.

Ms. Abbott asked Mr. Romig if the applicant is asking for a special exception to allow a mobile home, or a mobile home and a home occupation? He stated the applicant is asking for a mobile home/home occupation. He further stated the applicant can have the mobile home to live in, but there is nothing before the Board on the home occupation.

Mr. White asked Mr. Romig if running a wrecker service is on the accepted list of home occupations? Mr. Romig stated he didn't think so and if he understands right, the applicant will be the dispatcher and that is not on the accepted list either.

Ms. Abbott stated what the applicant really needs is a variance to allow a mobile home and a variance on use, but the only thing before the Board is a variance to allow the mobile home.

Mr. White stated the Board could approve the variance for the mobile home as a residential home, but there could not be an occupation/business ran out of the mobile home.

Ms. Turnbo asked the applicant if the mobile home would eventually be moved and something else be built or moved in? She stated she has just been informed that there will not be a business run out of the mobile home, but that the mobile home will be strictly residential and would like the mobile home to be permanent. She indicated the mobile home will be tied down, skirted and set on a slab.

Ms. Turnbo asked the applicant if the dispatching will be done on Lot 18 or Lot 1? She indicated that Lot 1 will be strictly residential.

Ms. Abbott asked the applicant if Lot 18 will be strictly off-street parking? She answered affirmatively.

Case No. 17476 (continued)

Ms. Abbott asked the applicant how many vehicles would be parked on Lot 18? She stated she could not answer that question because she doesn't know, probably twenty (20) cars.

Ms. Abbott asked the applicant if the vehicles parked on Lot 18 are operable? She answered that they are operable. She explained the cars are usually repossessed cars and held in storage for a 40 day period until they are sold.

Mr. Beach stated junk and salvage yards are Use Unit 28 and are not permitted in CH.

Ms. Parnell stated this application is supposed to be for a Use Unit 23/vehicle storage in regard to Ms. Davies' operation of the Discount Wrecker Service.

Mr. Beach stated Use Unit 23/vehicle storage is for operable vehicles.

In response to Mr. Beach, Ms. Parnell stated the property is not zoned for junk vehicles or wrecked vehicles. She further stated the intended use on this property to meet the zoning Code would be the storage of vehicles that are basically operable.

Mr. Beach stated Use Unit 23 is a use by right in a CH district.

Ms. Parnell stated that if the applicant picks up what is described as a totaled out vehicle from a traffic accident and brought it to Lot 18 that evening, then she would have to immediately remove the vehicle from the lot because it is not allowed to be stored on Lot 18.

**Protestants:**

Claude Bales, 1522 North Vandalia Avenue, stated he owns several pieces of property in the vicinity. He further stated he has no objection to the variance for the hard surface parking, but he is concerned about the trailer being hooked to utilities and the property looking clean.

**Comments and Questions:**

Ms. Abbott asked Mr. Bales if he is protesting? He stated he is protesting the way the lot looks presently.

Ms. Turnbo asked Mr. Bales if he would like to see the lot cleaned up and looking neat? He stated the trailer has been located on Lot 1 for approximately one (1) year.

Mr. White asked Mr. Beach if everything has been properly advertised for? He stated everything that was requested by the applicant has been advertised. He further stated if there is a home occupation contemplated, it was not advertised for home occupation.

Case No. 17476 (continued)

Mr. White asked if it is a home occupation if the applicant stated she is not going to be dispatching from the mobile home? Mr. Beach stated the applicant stated she would not be dispatching from the mobile home and so it will not be a home occupation. He further stated that if in the future the use changes than that would be an issue of Code Enforcement.

Mr. White asked if the wrecker service can use the CH zoned Lot 18? Mr. Beach stated Lot 18 can be used as a storage lot for operable vehicles by right as a Use Unit 23. He further stated if Lot 18 becomes a storage lot for wrecked vehicles than it becomes a Use Unit 28 and is not permitted in a CH zoned district.

**Applicant's Rebuttal:**

Ms. Crutchfield stated the weeds around the easement area are no problem and can be cleaned up. She further stated there is a lot of trash, auto parts that are thrown from the salvage across the street that will need to be cleaned up.

**Comments and Questions:**

Mr. White asked the applicant if Lot 18 is graveled presently? She stated it is partially graveled and it will be fully graveled.

Ms. Turnbo asked the applicant if Lot 18 will be paved within one (1) year? She answered affirmatively.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to allow a mobile home in a RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**, a **Variance** of the 1 year time limit to permanent. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS REQUIREMENTS**, and a **Variance** for a waiver of the hard surface parking on Lot 18 in a CH zoned district. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 9; subject to the mobile home being skirted and tied down; subject to approval of the Health Department and obtaining a building permit; subject to a time limit of one (1) year for a waiver of the hard surface parking on Lot 18; subject to Lot 18 to be used as Use Unit 23; finding that the approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code, on the following described property:

Lots 1 and 18, Block 15, Mohawk Heights, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17479**

**Action Requested:**

Variance to permit outside storage less than 300' from an abutting R district.

**SECTION 1225.C.1. USE UNIT 25 LIGHT MANUFACTURING AND INDUSTRY,**  
located 176 South 122nd East Avenue.

**Presentation:**

The applicant, **Steven K. Wells**, represented by John Moody, 7146 South Canton, submitted a site plan (Exhibit B-1), plot plan (Exhibit B-2) and photographs (Exhibit B-3). Mr. Moody stated he represents Southeastern, Inc., who own the Eastgate Industrial Subdivision, which was developed in the 1960's by Mr. Wells and Mr. Dubie. He further stated at the time the subject property was established and the zoning code at that time did not have a prohibition against outdoor storage within 300' of a residential subdivision. He explained at the time the industrial subdivision plat was filed and some of the buildings were erected there were no restrictions, but in 1970 a new zoning code was adopted and there have been changes since. He indicated some of the uses that will be discussed today have been there a number of years without a complaint or problem, but there have been other uses that have moved in subsequent to the new codes being in force, which does form a basis for some of the complaints from the neighborhood. He stated his client is the landlord and not the actual user of the properties and he has taken steps as the landlord to insure that each of his tenants complies with the zoning code or seeks appropriate relief. He informed the Board that in some instances the landlord has given notice to the tenants that they need to comply with the codes and the tenants have decided to move, which means the landlord is losing several tenants that have been there a number of years and very good rent paying tenants. He stated there was a granting of a variance years ago for the subdivision plat to permit a 75' building setback line from the abutting R district. He further stated a condition of the variance was that a screening fence be installed and it is still in place to date. He explained that there is a masonry screening wall in place between the residential neighborhood and all of the uses in the industrial subdivision. He stated the Kimrey, Inc. operation does painting of such things as oil refineries and other major industrial companies. He indicated that all of the painting is done off site and the subject property is merely the location of their business where they have their offices, storage of paints, materials, etc. that is used in the conduct of the business off premises. Mr. Moody stated in addition to the inside storage they do have trucks, compressors and scaffolding, which they use in their business and is accessory equipment stored outside. He explained the equipment may be stored outside for a few days or a few weeks and it is simply an accessory equipment and used as part of their business. He further explained that there was some outside storage on site that was not accessory equipment to the use of the business and since has been removed. He commented that there is no painting or sandblasting conducted on the premises. Mr. Moody stated the landlord believes that Kimrey, Inc., is now in compliance with the zoning Code. He further stated his client's appeal would be, in this instance, an interpretation of the zoning Code Officer's

citation now that the only outside storage is accessory to the building. He commented his understanding of Section 902, page 9-3 of the Tulsa Zoning Code that states under accessory use conditions: "accessory storage of materials, equipment or products within 200' of an abutting R district shall be screened by the erection of a screening wall or fence along the lot lines in common with the abutting R district. He stated the landlord has a screening wall in place.

**Comments and Questions:**

Ms. Abbott asked Mr. Moody how far away the storage is located from the R district? He stated some of the storage is next to the screening wall fence and some is more than 100' away from the fence. He further stated there are compressors and other items that are mainly stored in the back or behind the building. He indicated the materials, large scaffolding and ladders are stored at least 75' from the abutting R district. He further indicated within the screening wall fence the rolling stock is stored.

Ms. Abbott asked the applicant if the height of the rolling stock exceed the height of the screening wall? He stated in some instances portions of it might exceed the height of the screening wall. Mr. Moody indicated that the screening wall is a step wall where part of it is 6' and part of it is 8'.

Mr. Moody advised the Board that Use Unit 23 is permitted by right in the IL district and Use Unit 23 is warehousing and wholesaling. He further advised the Board that there is no 300' outdoor storage setback requirement in the zoning Code. He stated under Sec. 1223 or Use Unit 23 trucking establishments, truck rentals are permitted by right and there is no setback requirements, in other words we could park a 12' truck right up against the screening fence today and there would be no violation. He stated what there is, is a provision in the zoning Code that says under Use Unit 25, which are some of the things talked about today, manufacturing, industrial uses, automotive painting, bottling plant, there is a provision in the zoning Code that says that uses in Use Unit 25, which are located within 300' of an R district shall be conducted within a closed buildings, and that is referring to the principal use of the property. He concluded that there is nothing in the zoning Code that says that outdoor storage is prohibit within 300' of an abutting R district in respect to this subdivision or the industrial zoning Code. He stated his client is conducting the principal uses within the enclosed building. He further stated Use Unit 23 permits truck rentals and trucking establishments without any setback from the abutting R district. He expressed his opinion that his client is not doing anything contrary to the spirit and intent of the zoning Code and his client is trying to comply with the ordinances, which has caused him to lose, two long term, high rent paying clients. He stated the renters are not offensive to the neighborhood, nor is there any noise or activities or environmental aspects associated which would be offensive and it enables his client to keep at least some of the good long term tenants.

Case No. 17479 (continued)

Ms. Turnbo asked Mr. Moody what year did Kimrey, Inc. move into the building? Mr. Moody stated October of 1988.

Ms. Abbott asked Mr. Moody if all four of the buildings were built at the same time? He didn't believe so, but would have to ask Mr. Wells.

Ms. Abbott asked Mr. Moody if he could find out when the buildings were built? He stated he thought he could find that information.

Ms. Turnbo asked the Staff if a newer use moved into the building after 1970, does that new tenant have to comply with the new zoning Codes? Mr. Beach stated the fact the property was platted prior to 1969, the physical facts of the property are that the renters cannot comply with this section of the Code, whether the use changed every month. He further stated that no user could comply and so that is a mitigating factor that it has nonconforming status all the way through.

In response to Mr. Beach's statement, Mr. Moody stated he did not want to mislead the Board and that some of the buildings were not built in 1969, but subsequent to the time and later in the 1980's. He further stated the subdivision plat and location of lots were done under 1969 and prior zoning of that time.

Mr. White asked Mr. Moody if he or his clients have met with the neighbors in the abutting R district? He stated they did meet with the neighbors this morning outside near the subject property. He further stated he explained to the neighbors what his client was asking from the Board today and communicated to the neighbors what tenants will be moving out of the industrial park.

Ms. Abbott asked Mr. Romig if the property was platted in 1969 and then there was a change in the law in 1970, would any buildings built after that change have to come into compliance? Mr. Romig answered affirmatively.

Ms. Abbott asked Mr. Moody which buildings were built after 1970 on the subject property? Mr. Moody stated all of the buildings before the Board today, Case No. 17479, 17480, 17481 and 17482 were built in the 1980's. He further stated the buildings are not at issue because they comply with the ordinance. He explained the length of the lots and the existing setbacks will create a problem for any tenants along the row that is adjacent to the single family subdivision. He further explained that is why is seeking the interpretation as to what is permitted under the terms of the zoning Code. He stated his client needs to know what is permitted according to the zoning Code so that he can be clear in his lease negotiations.



**Protestants:**

Nancy Craten, 245 South 120th East Avenue, stated she is representing the Western Village Neighborhood Association, which has 565 homes in the residential area and abuts the subject property. She further stated she personally lives backed up to this wall. She commented the neighborhood associations is very appreciative of the fact that Steven Wells is working with the zoning Codes in order to get the tenants within compliance. Ms. Craten stated the neighborhood associations questions are for the health and safety of the residence. She further stated that Kimrey, Inc. stated that their storage is all rolling stock and it is accessory items that they use in their business. She informed the Board that Monday, September 9, 1996, at 2:00 p.m., she took some photographs and would like to submit the photographs as an exhibit (Exhibit B-3) to show what is stored on the subject property. She commented that the neighborhood association is unaware of what applies to the zoning Code, however some of the items did not appear to be accessory to every day to day business. She stated her neighborhood association wants it to be very well known that the association is full of very proud people and want the neighborhood that was established in 1958, before the industrial zone went into the area. She further stated the association wants the residential area to maintain its livability and its safety/health for their families.

**Applicant's Rebuttal:**

Mr. Moody asked if he could review the photographs for Kimrey, Inc. that Ms. Craten submitted? Ms. Turnbo gave Mr. Moody the photographs for his review and stated there is a picture with what looks like a camper top being stored in the back of the building.

**Comments and Questions:**

Ms. Turnbo asked the Staff that since the industrial park was platted before the new Code came in, does that make the subject properties nonconforming all through out, even though the uses may change or if a particular use comes in after 1970 it must meet the Codes that are presently in place? Mr. Beach referred the question to Mr. Romig.

In response to Ms. Turnbo, Mr. Romig stated there was no use at the time of the platting, but the use starts when the building started and at that point it would have to comply with the current Code.

Mr. Beach stated the specific section of the Code that the violation addressed is 1225.C.1 where it states that the uses included in Use Unit 25 located within 300' of an R district must be conducted within enclosed buildings. He further stated Mr. Moody addressed this section earlier when he said that in his opinion that refers to the principal use and so it may be that the question is whether the outside storage of accessory items qualifies as principal use under this section of the Code.

In response to Mr. Beach, Mr. Romig stated that Section 1225.C.1 does state that the users within 300' of an R district must be enclosed in a building. He further stated then you go to Section 902.B.3 and where the painting company is concerned that would be an accepted use under Use Unit 25 and then you go to Section 902.B.3 and it starts talking about accessory storage. He explained the Board will have to determine what is accessory to that particular use. He further explained that if the storage is within 200' of the abutting R district it has to be screened with a 6' screening wall.

In response to Mr. Romig's statement, Ms. Turnbo asked since the subject property has a screening wall can they legally store equipment behind the building within 200' of the abutting R district? Mr. Romig stated that as long as the storage is accessory storage, then they can store it outside behind the building within 200' of an R district. He further stated that Mr. Moody is asking for this interpretation.

Ms. Abbott asked the applicant if the building is less than 200' from the screening wall? Mr. Moody stated the building is not in violation of the Code.

Ms. Abbott asked the applicant if the accessory storage is behind the building? He stated some is behind the building and some is not.

Ms. Abbott asked the applicant how far from the building to the residential area is it? He stated it is 75' of distance and some equipment is within that 75'.

Mr. Beach stated the entire lot is only 200' and therefore he could not comply with the 200' requirement without relief.

Mr. Moody stated he asked Mr. Kimrey about the photographs and essentially what you do see is some ventilation equipment and the camper is used when they haul epoxies that have to be kept out of direct sun light. He indicated the steel piping is what they use when working on PSO electric stations, refineries, etc. and they are used in the business. He stated Mr. Kimrey has voluntarily agreed that the camper cover would be removed or put inside.

**Mr. Bolzle In at 1:55 p.m.**

Case No. 17479 (continued)

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-1 (Abbott, Turnbo, White, "aye"; no "nays" Bolzle, "abstention"; Box "absent") to **APPROVE** a **Variance** to permit outside storage less than 300' from an abutting R district. **SECTION 1225.C.1. USE UNIT 25 LIGHT MANUFACTURING AND INDUSTRY**, per plan submitted; subject to all outside stored equipment and materials being accessory to the principal use on the lot in the building; finding the small size of the Lot prevents compliance with the Code; finding that approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code, on the following described property:

Lot 17, Block 1, Eastgate Industrial Park, 3rd Addition Resub., City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17480**

**Action Requested:**

Variance to permit outside storage less than 300' from an abutting R district.  
**SECTION 115.C.1. USE UNIT 25. LIGHT MANUFACTURING AND INDUSTRY**,  
located 152 South 122nd East Avenue.

**Presentation:**

The applicant, **Steven K. Wells**, represented by John Moody, 7146 South Canton, submitted a photographs (Exhibit C-1) and stated he represents Southeastern, Inc., who own the Eastgate Industrial Subdivision, which was developed in 1960's by Mr. Wells and Mr. Dubie. He further stated at the time the subject property was established the current zoning code did not have a prohibition against outdoor storage within 300' of a residential subdivision. He explained at the time the industrial subdivision plat was filed and some of the buildings were erected there were no restrictions, but in 1970 a new zoning code was adopted and there have been changes since. He indicated some of the uses that will be discussed today have been there a number of years without a complaint or problem, but there have been other uses that have moved in subsequent to the new codes have been in force, which do form a basis for some of the complaints from the neighborhood. He stated his client is the landlord and not the actual user of the properties and has taken steps as the landlord to insure that each of his tenants complies with the zoning code or seeks appropriate relief. He informed the Board that in some instances the landlord has given notice to the tenants that they need to comply with the codes and the tenants have decided to move, which means the landlord is losing several tenants that have been there a number of years and very good rent paying tenants. He stated there was a granting of a variance years ago for the subdivision plat to permit a 75' building setback line from the abutting R district. He further stated a condition of the variance was that a screening fence be installed and it is still in place to date. He explained

that there is a masonry screening wall in place between the residential neighborhood and all of the uses in the industrial subdivision. He indicated that Central Auto Body Parts are the tenants located at 152 South 122nd East Avenue and they have elected to move. He further indicated that Central Auto Body Parts has signed a contract to purchase another piece of property, which is an industrial area and will have to construct a new building at their new location and so they would like to request a six (6) months temporary variance to permit them time to complete their zoning, file their subdivision plat and construct their new building.

**Protestants:**

Nancy Craten, 245 South 120th East Avenue, stated she is representing the Western Village Neighborhood Association, which has 565 homes in the residential area and abuts the subject property. She expressed some concerns about the plastic bumpers still being attached to the cars. She stated the neighborhood association expressed some concerns about the request for a six (6) month variance and wanted to make sure that it is only for six (6) months or that they do comply with the zoning Code. She commented the association would like nothing better than for the industrial park to be full to capacity and it is not the associations intent to keep anyone from making a living. She stated the association wants to maintain that the subject property is kept light industrial zoned. She indicated the pictures show the proximity of the association's homes next to the subject property. She commented the association wants to be good neighbors and are willing to work together. She stated there were over 40 people at the meeting this morning with Mr. Moody and this is an active association.

**Comments and Questions:**

Ms. Abbott asked the applicant if the Board granted a variance for six (6) months, when the landlord leases this property again will he come before the Board again? Mr. Moody stated hopefully the tenant will be gone in six (6) months and he will not be back unless there is a delay in moving because the building is not completed through no fault of the tenants.

Ms. Turnbo asked if the Board was going to take action on only the cases before them today or if future tenants do accessory storage, will they have to come before the Board since the property does not have 200' behind the building?

In response to Ms. Turnbo's statement, Mr. Romig stated the accessory storage within the 200' shall be screened by a screening wall or fence along the lot lines. He further stated if the storage is within the 200' and there is a screening wall in place it is permitted.

Case No. 17480 (continued)

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-1 (Abbott, , Turnbo, White, "aye"; no "nays" Bolzle, "abstention"; Box "absent") to **APPROVE** a **Variance** to permit outside storage less than 300' from an abutting R district. **SECTION 1225.C.1. USE UNIT 25 LIGHT MANUFACTURING AND INDUSTRY**, per plan submitted; subject to existing business being removed within six (6) months and subject to any future use having only outside storage equipment and materials accessory to the principal use of the lot within the building; finding the small size of the Lot prevents compliance with the Code and finding that approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code, on the following described property:

Lot 14, Block 1, Eastgate Industrial Park, 3rd Addition Resub., City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17481**

**Action Requested:**

Variance to permit outside storage less than 300' from an abutting R district.

**SECTION 1225.C.1. USE UNIT 25. LIGHT MANUFACTURING AND INDUSTRY**, located 144 South 122nd East Avenue.

**Presentation:**

The applicant, **Steven K. Wells**, represented by John Moody, 7146 South Canton, submitted photographs (Exhibit D-2) and stated he represents Southeastern, Inc., who own the Eastgate Industrial Subdivision, which was developed in 1960's by Mr. Wells and Mr. Dubie. He further stated at the time the subject property was established the current zoning code did not have a prohibition against outdoor storage within 300' of a residential subdivision. He explained at the time the industrial subdivision plat was filed and some of the buildings were erected there were no restrictions, but in 1970 a new zoning code was adopted and there have been changes since. He indicated some of the uses that will be discussed today have been there a number of years without a complaint or problem, but there have been other uses that have moved in subsequent to the new codes have been in force, which do form a basis for some of the complaints from the neighborhood. He stated his client is the landlord and not the actual user of the properties and has taken steps as the landlord to insure that each of his tenants complies with the zoning code or seeks appropriate relief. He informed the Board that in some instances the landlord has given notice to the tenants that they need to comply with the codes and the tenants have decided to move, which means the landlord is losing several tenants that have been there a number of years and very good rent paying tenants. He stated there was a granting of a variance years ago for the subdivision plat to permit a 75' building setback line from the abutting R district. He further stated a condition of the variance was that a screening fence be installed

Case No. 17481 (continued)

and it is still in place to date. He explained that there is a masonry screening wall in place between the residential neighborhood and all of the uses in the industrial subdivision. He indicated Contractor Services, Inc. are the renters of 144 South 122nd East Avenue. Mr. Moody stated the company is a construction firm that operates on large projects out of state and do not conduct any activities or business as such at this location. He indicated what the company does have stored on site is two semi-trailers, which are used in their business as offices and labs, etc. that they use at the construction sites. He further indicated that the particular semi-trailers that they were cited for as being outdoor storage within 300' of an abutting R district are actually there in order for the company to complete some remodeling of the inside of the construction trailers. He explained the company actually has a site where the trailers are stored when not in use, but at this particular location they are remodeling the two trailers. He further explained the trailers will be removed once the remodeling is completed. He expressed that, if his interpretation of the zoning Code is correct, they are truly not conducting outside storage, they merely have the construction trailers on site for remodeling not storing the trailers. He stated the area is zoned light industrial and a building contract construction service/storage is a permitted use by right in the light industrial district. He further stated since the required screening wall is in place, he is not sure there is a violation occurring at this subject property. He indicated if the Board does interpret a violation then the landlord requests a variance to permit outside storage less 300' from an abutting R district as an accessory use for the building, which is permitted under Section 902 of the zoning Code.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-1 (Abbott, , Turnbo, White, "aye"; no "nays" Bolzle, "abstention"; Box "absent") to **APPROVE** a **Variance** to permit outside storage less than 300' from an abutting R district. **SECTION 1225.C.1. USE UNIT 25 LIGHT MANUFACTURING AND INDUSTRY**, per plan submitted; subject to all outside stored equipment and materials being accessory to the principal use on the lot in the building; finding the small size of the Lot prevents compliance with the Code and finding that approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code, on the following described property:

Lot 13, Block 1, Eastgate Industrial Park, 3rd Addition Resub., City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17482**

**Action Requested:**

Variance to permit outside storage less than 300' from an abutting R district.  
**SECTION 1225.C.1. USE UNIT 25. LIGHT MANUFACTURING AND INDUSTRY**, located 44 South 122nd East Avenue.

**Presentation:**

The applicant, **Steven K. Wells**, represented by John Moody, 7146 South Canton, stated that this case has been withdrawn due to the fact that the tenant is moving and Code Enforcement has given the applicant time to relocate his business.

**Comments and Questions:**

Ms. Parnell informed Mr. Moody that she did not realize he was bringing Data Link before the Board or she would have discussed it with him. She stated she had already talked with the owners of Data Link and they informed her that they were moving because they needed more room. She informed the company that was fine and gave them an extension of time to relocate.

In response to Ms. Parnell, Mr. Moody responded his client was unaware that the extension had been granted and he already filed the application.

Ms. Parnell stated that when someone is trying to comply with the ordinance, the extensions are granted. She further stated Mr. Moody mentioned outside storage and mentioned vehicles that are used and rolling equipment as reference to the use of the business on a regular basis. She indicated she doesn't look at that as a problem and it has been the Code Enforcement's interpretation that rolling stock is permitted storage on the property. She related an example of Hodges Meat Company, where they have trucks that are stored in the back, but leave out in a normal days business to do their deliveries and come back in the evening to be stored in the back of the property. She indicated this interpretation is permitted use, whether it is employee's vehicles or the compressor towed behind trucks, company trucks, etc. and that is not considered part of the storage.

In response to Ms. Parnell's statements, Mr. Moody requested that the City Attorney review Section 902.B.3. He stated Section 902.B.3 is very specific and there is nothing gray about it.

## **Case No. 17487**

### **Action Requested:**

Variance to allow a detached bldg., which is an accessory use to a non-conforming office, to be located on a lot other than the lot containing the office, a Variance to allow required off-street parking on a lot other than the principal use. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS**, a Variance of required front setback from 20' to 7'; a Variance of required rear setback from 20' to 3'; and a Variance of required side setback from 5' to 3'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 23, located SW/c 5th Street and Xanthus Avenue.

### **Presentation:**

The applicant, **Wayne Alberty**, 201 West 5th Street, Suite 570, representing Jim Bowers, stated Mr. Bowers operates the Bowers' Tax Service, which is located immediately north of the subject property at the NW/c of 5th Street & Xanthus. He explained Mr. Bowers has a dilemma in regards as to how he might develop the subject property. He further explained that the Bowers Tax Service is a non-conforming use since it has never been used for residential purposes. The two story apartment building, which is on the subject property, has been boarded up and is not in use. He stated the vacant area of the subject property which would be approximately the east two thirds of the subject property did contain a nonconforming commercial building and use and was originally built as a commercial property. He further stated the commercial property was a mercantile use and it has remained so until a few years back when it was removed from the property. He indicated the last action on the subject property, with regard to the commercial use, was in 1956 when a cabinet shop was allowed to continue as a nonconforming use. Mr. Alberty stated that Mr. Bowers operates the tax service, which is across the street from the subject property and approached Mr. Alberty with regards as to how he might use this property. He further stated Mr. Bowers feels the apartment building has outlived its usefulness and it probably should be removed, however if Mr. Bowers removes the building then he has no use on the property. He detailed that in November 1993, the subject property was blanket downed zoned to an RS-4 single family category and prior to that it had been RM-1 multi-family and U2A, a multi-family before that. He explained that if Mr. Bowers removes the existing use on the property, then he must conform to the existing zoning, which is RS-4 (single family) and this area is a lower middle-class income area where the properties in the area were probably built in the 1920's. He further explained that many of the homes in the area are in poor repair and the properties are selling far below what it would cost to build a new home in the area. He stated it is inconceivable to think that a single family dwelling could be developed on the subject property. He detailed that his client would like to build a four car garage building, which would allow storage for his tax service. He informed the Board that Mr. Bowers' tax service has been in existence since the 1940's. He stated his client has the need for off-street parking since the City of Tulsa is placing no parking signs on the street and therefore his clients will not have parking available on



the street. He further stated his client needs off-street parking on the subject lot with the balance of the property, which would be approximately west third of the property, he would like to replace the existing two-story apartment building with a four car garage and his office storage. He explained he discussed this application with Mr. Beach and advertised the application as an accessory use to the nonconforming use, however Mr. Beach has discovered that may not be correct. He stated he is presenting his client's dilemma and asking the Board for help to resolve this issue. He commented the four car garage will not be detrimental to the area and the off-street parking will help solve the no parking on the street. He indicated the four car garage and storage area will be almost identical to the foot print of the two story apartment building that already exists. He detailed that his client will build a new building in place of the existing apartment building and in the future when all of the off street parking is prohibited, then build the parking area for seven (7) spaces.

**Protestants:** None.

**Comments and Questions:**

Mr. Beach informed the Board that he did struggle with this application and the unfortunate fact is that what is being asked of the Board is to approve a use variance. He stated he wasn't sure how to get to that point.

Mr. Bolzle asked the applicant if he wants to tear down the apartment building and replace it with a four car garage and storage? He also asked the applicant if he could build the parking by right? Mr. Alberty stated he needed the Board's approval because the subject property is an RS-4 district. He further stated there is somewhat a paradox involved here, because he can obtain approval for the off-street parking because it is on the same lot as the four story apartment. He commented that the off-street parking could be approved for the apartment building, but the apartment building is probably going to come down. He further commented his client feels that he has a reasonable use for the property, but he doesn't have an appropriate vehicle to get there.

In response to Ms. Abbott, Mr. Alberty stated the setbacks requested are greater than the what exist now for the apartment building. He further stated the apartment building is in effect built on the property line and the four car garage/storage will be setting back 3' which would increase the setback of the existing building. Mr. Alberty explained that the lots were platted as 25' lots and it is a very small area surrounded by 3rd St. that is retail. He further explained that this neighborhood is basically a two (2) block area of residential that is trying to exist as single family.

Mr. White stated he had no problem with the application, but he wants to make sure the Board's action is proper where the Code is concerned.

Case No. 17487 (continued)

Mr. White asked Mr. Romig if the application before the Board is an appropriate request? Mr. Romig stated the applicant would probably have to request re-zoning before the Planning Commission.

Mr. Alberty stated the Planning Commission is not going to approve any zoning that would permit this use. He commented his client would be agreeable to a tie contract for all of the properties.

Mr. White asked Mr. Romig if you could tie non-contiguous lots? Mr. Romig stated the purpose of a tie agreement is to in effect permanently attach those two lots together so that they are always used the same. The street separates the 2 lots and that presents a problem.

Mr. Bolzle asked Mr. Romig if the four car garage is an accessory use to the tax service that is a nonconforming office across the street. It does benefit the neighborhood in that without the tie agreement the applicant could sell the tax office separately, which does not have any off-street parking.

Mr. Bolzle asked the applicant if the two story apartment building is unsound? He stated it could be made habitable, but it has been vacant for two years and it is boarded up. He further stated it is in bad state of repair and needs to come down. He explained if the apartment building is removed than all he has is the prospect of building a single-family dwelling, which will not happen.

Mr. White stated what the applicant is proposing will definitely improve the appearance of the neighborhood.

Mr. Romig suggested the application be passed for two weeks which will enable him to review the options for this application.

In response to Mr. Romig, Mr. Alberty stated he would agree to a continuance to allow Mr. Romig the opportunity to review the ordinance to see if there is some relief for his client.

Mr. Beach asked Mr. Alberty if there is sufficient off-street parking for the nonconforming office building? He stated the nonconforming office building does not meet the required parking and there isn't enough off-street parking available. He further stated the variance for the off-street parking on a lot other than the principal use was requested for that reason.

Mr. Alberty stated the four car garage that is proposed by his client would be used for his own personal vehicles. He further stated his client is an antique car collector and the proposed garage would be used for storage of the cars.

Case No. 17487 (continued)

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Box "absent") to **CONTINUE**: Case No. 17487 to September 24, 1996, at 1:00 p.m. to enable City Legal to review the ordinances regarding this application.

**Case No. 17488**

**Action Requested:**

Variance of the allowable square footage for two ground signs from 672 SF to 936 SF.  
**SECTION 1221.D.CS DISTRICT USE CONDITIONS FOR BUSINESS SIGNS**,  
located 1737 South 101st East Avenue.

**Presentation:**

The applicant, **Hesh Jaber**i, 426 South Hudson, submitted a plat of survey (Exhibit E-1), site plan (Exhibit E-2) and a drawing (Exhibit E-3). Mr. Jaber stated he is trying to install signage for the subject property, however there is an existing billboard and there is no way to remove the billboard.

**Interested Parties:**

Mr. Kishor Mihta stated he is one of the owners of the motel on the subject property and the motel is ready to open in approximately three (3) weeks. He requested a variance to install the two ground signs. He explained in the motel business you need signs or you can't stay in business. He further explained the billboard that exists on the subject property would be difficult to move due to the long term lease.

**Protestants:** None.

**Comments and Questions:**

Mr. White asked Mr. Mihta if he would be advertising on the existing billboard? He stated the franchise does not allow their main logo sign to be on a billboard for advertising. He explained he can advertise as a directional sign on the billboard, but not the main sign for the motel.

Mr. Bolzle asked Mr. Mihta if there would be signs on the building itself? He stated there will be a small sign on the building measuring 6 x 8, which really is not visible except when you go into the entrance.

Mr. Bolzle asked Mr. Mihta how customers will know where the motel is located? He stated if you are coming in from any of the highways, you will see the motel sign that explains which exit to take to find the motel.

Case No. 17488 (continued)

Mr. Bolzle asked Mr. Mihta if he is the owner of the subject property? He answered affirmatively.

Mr. Bolzle asked Mr. Mihta if he is benefiting from the income from the outdoor advertising sign? He answered affirmatively.

Mr. Bolzle asked Mr. Mihta if he owns the land that surrounds the K-mart store, which is approximately 15 acres? He answered affirmatively.

Mr. Bolzle asked Mr. Mihta if the tenant on the billboard sign would allow him to move the sign to just off the property line to the northeast? He stated he wasn't sure about moving the billboard sign and it would be very expensive to move the billboard sign.

Mr. Mihta stated he could install his motel sign as far away from the billboard sign, which would be 150' to 160' as far as the City of Tulsa allows.

Mr. Bolzle asked the applicant how tall the sign would be? Mr. Jaberri stated it would be 40' tall.

Mr. Bolzle asked the applicant if there are any other billboard signs on the balance of the 15 acres. Mr. Mihta indicated on a map to Mr. Bolzle where the second sign is located.

Mr. Bolzle asked Mr. Mihta if he is willing to take the Comfort Inn sign and move it to the far southwest corner of the property to maximize the separation? He answered affirmatively.

Mr. Jaberri stated the sign being 40' you can still see the billboard clearly because the billboard is higher than 40'.

Ms. Abbott asked the applicant if the pole sign for Comfort Inn is a requirement of the franchise? Mr. Mihta stated the pole sign is required because otherwise you couldn't find the way to the motel.

Ms. Abbott asked the applicant if the pole sign height and size was a requirement of the franchise? He stated the height is not a requirement and the only reason to reach a certain height would be to get as much visibility as possible. He further stated 40' would be sufficient, but if that becomes a restriction he could lower it by 8' or 10' at the most.

Case No. 17488 (continued)

Ms. Abbott asked the applicant about the size of the face for the size? He stated the sign is already made and measures 8' x 24' which is required by the franchise. He further stated the franchise has two different sizes and he chose the smaller size because he knew the larger sign would be a problem.

Mr. Bolzle asked the staff if the outdoor advertising sign weren't present, would this sign be allowed by right? Mr. Beach stated the applicant would be allowed two square feet per lineal foot of street frontage and he has approximately 302 linear feet, which would give him 600 plus feet. He further stated the applicant is proposing a 264' sign in addition to the existing billboard, which totals 936 SF.

Mr. Bolzle asked if there is spacing requirement between a business sign and an outdoor advertising sign? Mr. Beach stated he doesn't recall there being any requirements but there would be a spacing requirement between two outdoor advertising signs.

Mr. Bolzle asked Mr. Beach if the Board were to act favorably on this application would it affect the amortization on the outdoor advertising sign, since it is nonconforming? He further asked if the Board would be approving the location of the outdoor advertising sign as a result of this application? Mr. Beach answered negatively.

Mr. Beach stated he and Mr. Gardner discussed this application and feel that there needs to be a strong hardship to support this application. He further stated that earlier when the Code was written, billboards were considered to be an interim use on unused land at the time that a property was developed and it was the intent for the billboard to be removed to allow the business to erect its own signage.

Mr. Bolzle asked the applicant if the property that is south and west of this property is owned by him? Mr. Mihta answered negatively.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Box "absent") to **APPROVE** a **Variance** of the allowable square footage for two ground signs from 672 SF to 936 SF. **SECTION 1221.D.CS DISTRICT USE CONDITIONS FOR BUSINESS SIGNS**, per plan submitted; subject to the location of the sign being in the far north of the drive in the furthest western point that will still meet setback and safety requirements; finding that if the billboard sign were only a few feet away on the adjacent property all signs would meet Code and that the approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code, on the following described property?

Case No. 17488 (continued)

A tract of land in Lot 1, Block 1, Magic Circle South Addition, according to the recorded plat thereof, being more particularly described as follows: Beginning at the NW/c of Lot 3, Block 1, of said Magic Circle South Addition; thence due N, along the W line of said Lot 1 for 30' to a point being the WNW/c of said Lot 1 and also being on the SEly right-of-way line for I-44; thence N49°00'40"E for 302.49'; thence S89°59'19"E for 247.27'; thence S00°00'00"W for 184.80'; thence N90°00'00"W for 185.64'; thence S00°00'00"E for 115.01'; thence N90°00'00"W for 140.00'; thence N00°00'00"E for 71.05'; the said point being the corner of said Lot 3, Block 1; thence N90°00'00"W along the N line of said Lot 3, Block 1, for 150' to the POB; LESS AND EXCEPT a perpetual easement as follows: A tract of land in Lot 1, Block 1, Magic Circle South Addition, being more particularly described as follows: Beginning at the NW/c of Lot 3, Block 1, of said Magic Circle South Addition; thence due E along the N line of said Lot 3 for 150' to the NE/c thereof; thence due S along the E line of said Lot 3 for 71.05'; thence due E, parallel to the S line of said Lot 1 for 120'; thence due N, parallel to the E line of said Lot 3 for 120'; thence due W parallel to the S line of said Lot 1 for 248.19' to a point on the NWly line of said Lot 1; thence 49°00'40"W along the NWly line of said Lot 1 for 28.89' to the NW/c of said Lot 1; thence due S along the W line of said Lot 1 for 30' to the POB, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17489**

**Action Requested:**

Variance of required setback from abutting R district boundary liens (Interstate Highway) to 35' to allow a 3-story motel in the CS district. **SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS** - Use Unit 19, located 3400 South 79th East Avenue and I-44.

**Presentation:**

The applicant, **Phil Tomlinson**, representing 31st & Memorial L.L.C., submitted a site plan (Exhibit F-2), plot plan (Exhibit F-3) and stated this property is actually a hotel that he brought before the Board on August 13, 1996, where he had a floor area ratio variance to increase by 2% and a screening requirement variance from an abutting R district, which in this case is the Interstate. He explained he did not realize on August 13, 1996, that there is a setback requirement against an R district boundary and the R district in this case is the Interstate. He further explained because this is a 3-story hotel, instead of being within 25' of the R district, it would have to be 60'. He stated he would like to be within 35' of the setback of an R district.

Case No. 17489 (continued)

**Protestants:** None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Box "absent") to **APPROVE** a **Variance** of required setback from abutting R district boundary lines (Interstate Highway) to 35' to allow a 3-story motel in the CS district. **SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS** - Use Unit 19; per plan submitted; finding that the R district is an expressway; finding that the approval of this application will not be injurious to the area, nor harmful to the spirit or intent of the Code, on the following described property:

Commencing SW/c of Lot 3; Interchange Pl.; City of Tulsa, Tulsa County, Oklahoma; thence N18°34'40"W for 256.12'; thence N06°09'05"E for 55.34' to POB; thence N89°57'52"E for 531.95'; thence S00°02'08"E for 74.87'; thence on a curve to the right having a radius of 107.00' for 11.79'; thence S06°16'31"W for 0'; thence S89°57'52"W for 25.20'; thence S64°19'57"W for 157.90'; thence S67°06'51"W for 80.00'; thence S89°57'52"W for 251.00'; thence N18°34'40"W for 63.13'; thence S71°25'20"W for 1.00; thence N18°34'40"W for 75.35'; thence N06°09'05"E for 55.34' to POB.

**Case No. 17490**

**Action Requested:**

Variance to allow oversized accessory buildings from 750 SF to 2699 SF. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, and a Variance to allow accessory buildings to be located on a lot other than the lot containing the principal use. **SECTION 1800. DEFINITIONS; ACCESSORY**, located 8818 East 17th Street.

**Presentation:**

The applicant, **Jo Ellen French**, represented by Dennis McDowell, 1129 South 124th, submitted a plot plan (Exhibit G-1), site plan (Exhibit G-2) and stated he is the Contracting/Project Manager for Sutherland Homes. He further stated Mr. & Mrs. French own seven (7) adjacent lots with the residence spanning the first two lots and a 16' x 50' wooden storage barn, which spans lots four (4) and five (5). He explained on lot three (3) there is a proposal to construct a 30' x 40' garage per standard print set that has already been received and approved by the Tulsa Inspection Department for both structure and positioning. He stated there is a 16' addition proposed to both ends of an existing 16' x 50' barn that existed on the property when it was purchased in 1988. He detailed the garage will have an exterior finish using 29 gauge colored tough rib metal from Baldwin Steel and will also have two 9' x 7' metal overhead garage doors along with a 2.8' x 6.8' metal passage door. He stated the roof has standard 4/12 pitch, which equates to height of 13' at the peak in conjunction with a typical 8' wall. He further stated the application reflects a standard residential design and the garage will be used expressly for residential purposes. He explained the garage will be used for storing a boat, family vehicles and household items. Mr. McDowell stated the barn additions will match the existing exterior finish of the barn and will there will not be any change in street appearance other than enlargement of width. He informed the Board that the plans for the additions have been approved by the City of Tulsa Inspection Department. He explained the building permit was denied due to the Code limiting the maximum size of accessory buildings with the intent being to prevent excessive use of yard area surrounding a residence. He asked for a variance due to the fact that seven (7) lots are involved in this instance, not one or two lots filled with a house. Mr. McDowell explained that under advisement of INCOG officials, on July 12, 1996, the necessary forms were filed to legally tie all seven (7) lots together so that they will be considered one legal entity. He stated based on the tie agreement and the amount of unused empty land that would exist after the completion of the proposed construction, the end result would be an esthetically pleasing environment. He submitted photographs (Exhibit G-4) of twelve residences in the immediate area of the same subdivision, which have similar accessory buildings presently under use, thus establishing a precedence in this regard.

**Comments and Questions:**

Ms. Abbott asked the applicant which lot the house is located on? He stated the house is located on Lots 1 and 2, which are the front two lots. He further stated the proposed garage will be on Lot 3 and the existing barn with the 16' addition on each side is on the back of Lots 4 and 5.



**Protestants:**

Paul Foster, 8806 East 17th, stated his property is located west of the applicant. He protested the fact that the water run off is a problem since the applicant has built up his property, which has caused inadequate water run off from his property through the applicants. Mr. Foster detailed the water flow through his neighborhood with a drawing of the neighborhood (Exhibit G-5) before and after the French's changes to their property. He submitted photographs (Exhibit G-4) indicating the flooding in 1995. He informed the Board that the applicant has built a rock driveway from his house to the barn and over to 89th street, which impedes the water flow. He stated the applicant installed a large pond and took all of the dirt from the pond and built up the property to the east of the pond, which made water flow impossible. He further stated the applicant has built up the dirt along his fence line and ran a small ditch from the back of his barn out to 89th Street, but it holds very little water. He explained in the mean time all of the water that use to flow across his neighbors property to the south of his property and then going across the applicants back lots now has to come down the east side of his property. He stated the City of Tulsa has installed two culverts in the area to help the water flow, but it has not helped a great deal. Mr. Foster stated that Mr. French has recently added to the pond, which is now approximately 100' long and 30' wide. He further stated the dirt from the expansion of the pond was mounded east of the pond area which has already caused water flow problems. He explained Mr. French also has a garden that impedes the water flow through the property.

**Comments and Questions:**

Mr. Bolzle asked the applicant if his concerns are that any additional construction on the site would further impede the water flow? He answered affirmatively.

Mr. Bolzle informed Mr. Foster that the Board's hands are somewhat tied because the Board deals with land use issues not stormwater issues. He further stated the Board can rule on the issue of rather new construction would be permitted on the subject property. He asked the applicant if he had other land issues besides the flooding issue? Mr. Foster stated his main concern, besides the water run off being impeded, is that he can see no reason why the applicant needs more than 750 SF for the use other than his house.

Richard Ford stated he lives directly south of Paul Foster, which is to the west of Mr. French. He commented that the applicant's accessory building proposal is actually the size of a house. He further stated he could not see why the applicant would need more than 750 SF. Mr. Ford commented that although this property is one unit, with the expansion of the applicant's pond, that should be brought into the factor that this property is not wide open. He stated the expansion of the barn and the pond will restrict the area greatly and close off the soccer fields. He indicated that he has water flow across his land that is being stifled and back onto Mr. Foster's land. He stated the City has made several attempts on 19th Street and 85th to re-route the water flow. He commented the applicant's proposal will only aggravate the water flow issue and the City is spending substantial amount of money to try and correct the water problems.

Dave Idner, 8917 East 17th, stated he lives northeast of the applicant's property. He further stated the elevations keep changing on this subject property and with the addition of the large garage addition, will raise elevations again. He expressed concerns that the City of Tulsa is presently spending \$33,000 to do surveys in this area due to the water run off problems. He stated more land movement and more land elevation changes is going to hinder the fact that tax payers are already paying this area to be surveyed.

**Comments and Questions:**

Ms. Abbott asked Mr. Idner what Department of the City is doing the survey? He stated it is the Stormwater Management Department.

**Protestants:**

Al Nichols, 8525 East 16th Street, stated he represents the Mingo Valley Home Owners Association and protests this applicants proposal. He commented the limitation for 750 SF for accessory buildings was written for a good and definite purpose. He further commented that variations from this law should be approved only in extreme circumstances. Mr. Nichols expressed concerns that previous actions of the Board has set a precedence in his neighborhood that is injurious to the area. He further expressed concerns that the large accessory metal buildings will turn the neighborhood into an industrial district. Mr. Nichols asked the Board if they give the applicant a rebuttal that the Board give the protestants an opportunity for a counter rebuttal?

**Comments and Questions:**

Ms. Abbott stated the Board cannot give the protestants a counter rebuttal.

In response to Ms. Abbott, Mr. Nichols stated the Board is giving an advantage to the applicant as it is and if he brings up something that is erroneous, then the protestants should have a counter rebuttal.

Ms. Abbott stated the Board cannot give the protestants a counter rebuttal. Mr. Nichols asked why not?

Mr. Romig stated the Board has to cut off debate at some point and if the Board allows a counter rebuttal than the applicant will want to rebuttal again, which only continues the case longer.

In response to Mr. Romig, Mr. Nichols stated that Mr. Romig is talking about time and this concerns the future of the neighborhood, which has been greatly degraded by decisions of this Board.

Ms. Abbott stated she wanted to reiterate that the Board deals only on land issues and even though the Board may be sympathetic toward the water issue, that is not the primary issue before the Board today. She further stated the issue before the Board today is the application requesting a variance to allow an accessory building from 750 SF to 2699 SF and a variance to allow an accessory building to be located on a lot other than the lot containing the principal use. She explained that the two variances are the issues that this Board can vote on today.

**Protestants:**

Jack Porterfield, 8820 East 16th, stated he is one block north of the subject property and he owns 2 acres of land. He further stated in 1978 the Supreme Court ruled that the neighborhood restrictive covenants, (the subject property is the same property the Supreme Court ruled on), were still enforce. He commented that there has been a precedence set in their neighborhood from previous Board actions. He stated a builder wanted to put ten (10) houses on this same property and the Supreme Court ruled in the neighborhood's favor. He protests the applicants request.

Gladyda Stead, 8925 East 15th, stated she is the secretary of Mingo Valley Homeowners Association and the association is very much opposed to this application. She further stated the square footage on the application does not add up correctly. She explained that the neighborhood has found in the past that when an oversized building is allowed in the area, immediately an owner wants to know how he can make some use of it? She indicated there are two reasons why people build oversized buildings, 1) for garage apartments and 2) commercial use. She stated once either situation happens, then the neighborhood goes to Code Enforcement and the neighbors find themselves fighting a commercial use for seven (7) years. She further stated she does not see why two people living on this property need an accessory building measuring 2699 SF.

Case No. 17490 (continued)

Sam Roop, 1869 106th East Avenue, stated he is the City Councilman for this area. He further stated the Board has already heard many reasons for the objection to this variance. He informed the Board that there was a study commissioned about two (2) weeks ago by the public works to study nuisance flooding in this area. He explained it covers a very wide area from 21st Street to 11th and from Memorial to Mingo Creek. He stated this application may exasperate the flooding problems. He further stated the applicant will be exceeding the 40% rule and that is one of the reasons the Board should deny this application. Mr. Roop indicated the existing building that the applicant has proposed to add on to is currently over the utility easement right-of-way and the extension would also be over. He stated the accessory building that is being proposed that measures 30' x 40' is encroaching by some number of feet on the 30' building line setback. He informed the Board that the applicant is not asking for a variance on the 30' setback from the building line and on that item alone, the Board should deny this application.

Darla Hardin, 8512 East 12th Street, stated she is the Vice-President of the Mingo Valley Homeowner's Association and stated the neighbors have a problem with this application because of the enormous size. She explained that she has one of the larger homes in the area, which is 2400 SF and this proposed accessory building is larger than her home. Ms. Hardin commented the house has a two-car garage and she cannot imagine why anyone would want to put another four-car garage on their property. She further commented the neighborhood is not large enough for this accessory building, which would be larger than many of the homes in the area. She stated the proposed building would not help the neighborhood, but rather impale the neighborhood.

**The following names oppose this application:**

Ralph Moore, 8503 East 17th Street  
Ray D. Cosby, 8705 East 21st Street  
Vernon Allen, 1915 South 85th East Avenue  
Jay Faulkner, 8608 East 16th Street  
R.E. Coleman, 1640 South 89th East Avenue  
John E. Ceare, 8751 East 17th Street  
Anita Whitlatch, 8817 East 19th Street  
Verlean Smith, 1918 South 89th East Avenue  
Charley Smith, 1918 South 89th East Avenue  
L.A. Culbertson, 1731 South 85th East Avenue  
H. Brandt, 8937 East 15th Street  
C.E. Stead, Sr., 8925 East 15th Street

**Applicant's Rebuttal:**

Mr. McDowell stated there is no intention, nor will there be any business use of the proposed accessory building. He commented the accessory building is strictly for household use. He further commented the French's are fairly affluent and they have collected a good amount of household goods and the accessory building is intended to store the collections. He stated the 30' setback is stated, submitted and approved by the Inspection Department as 30.25' and that will be corrected. He further stated calling the accessory building a non-attractive, commercial type building is inaccurate. He explained the proposed accessory building is a residential package, which is marketed by Sutherland across the nation. He further explained the sole use is for residence and is designed in accordance with the residence. He commented the metal that is used on the outside of the proposed accessory building is colored and has an attractive rib pattern and it is not an industrial pattern. He stated the proposed accessory building would not be an unattractive commercial building, but would rather be an attractive, esthetically pleasing residential type structure. He informed the Board that the proposed accessory building is not a four-car garage but a two-car garage. He explained there will be two garage doors that measure 9' x 7' and there is no way four cars could be pulled into the garage. Mr. McDowell stated he did not see where the construction of the proposed buildings will effect the present drainage now and he does not think it will add to the problem that already exists. He explained the structure is a pole barn type, which means opposed to being set on concrete slab and framed up wall, these are poles that are sunk into the ground and set in concrete. He further explained the structure itself does not raise the elevation of the surrounding ground, but rather placed at ground level. He stated impedance of water flow isn't directly effected by the construction of the garage itself. He further stated the property owners did tie all of the lots together and so there is only one legal entity, which is a sizable entity and the area where the proposed buildings are being built would still have open space. He commented the proposed buildings would be esthetically pleasing and would not present a neighborhood degradation.

**Comments and Questions:**

Ms. Abbott asked the applicant if there was ever a permit granted for the building in the back that is 10' over the utility easement? He stated the building existed at the time the French's bought the property. He further stated when he submitted the permit it was not addressed. He indicated he did not know if there ever was a permit.

Ms. Abbott asked the applicant if there was an agreement with PSO or ONG? He stated he did not know and couldn't say.

Case No. 17490 (continued)

Mr. Beach informed the Board that the staff comments state that INCOG has no particular concern as long as there is a restrictive covenant prohibiting commercial activities, but at this point we do have a concern. He explained that the proposed building is not customary to a residential area and is oversized. He stated the pond also has some questions about what kind of activity will be going on at the pond. He explained that there has been some statements made about raising catfish, but we do not have anything to back that up. He pointed out that staff doesn't feel that the proposed accessory building is customary as an accessory building.

Mr. Bolzle stated he wanted the neighborhood to understand that it is not the purpose of the Board to enforce restrictive covenants. He explained that restrictive covenants are private matters and are not something that the City of Tulsa enforces. He stated his eight years on the Board he has seen similar accessory buildings approved in areas with very large lots consistently but mostly rural areas. He further stated this lot sets adjacent to an RS-3 district with smaller lots and combined with the potential for additional flood concerns causes him not to favor the variance before the Board.

Ms. Turnbo stated she agrees with Mr. Bolzle. She further stated the proposed accessory building is too large for the lots.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Box "absent") to **DENY** a **Variance** to allow oversized accessory buildings from 750 SF to 2699 SF. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, and a **Variance** to allow accessory buildings to be located on a lot other than the lot containing the principal use. **SECTION 1800. DEFINITIONS; ACCESSORY**; finding that the applicant failed to present a hardship unique to the property that would warrant the granting of the variance requests, on the following described property:

Lots 1-7, Block 1, Tracy Lane Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17491**

**Action Requested:**

Variance of the requirement that a corridor development's access must be principally from internal collector streets. **SECTION 804. ACCESS REQUIREMENTS**, located 63rd and Mingo Road.

**Presentation:**

The applicant, **Sisemore & Hall, Inc.**, represented by Dwayne Wilkerson, 11002 East 51st Street, Suite 8, submitted a site plan (Exhibit H-1) and stated that Sisemore & Hall represents the Hockey Colliseum, which is an indoor ice rink that is proposed to be built at 63rd and Mingo Road. He explained he submitted an amended corridor site plan through INCOG and they suggested that he submit an application before the Board to get approval to have the primary access on to Mingo Road in addition to a secondary access point to Mingo Road, which would give the ice rink two access points on to Mingo Road in a Corridor district. He stated the original site plan that was given to Sisemore & Hall to work with on this project, which was approved at the Planning Commission level, was done without consideration to an existing storm water drainage channel that is on the north and east perimeter of the property. He further stated that the original site plan had to be amended to get away from the drainage easement and this is a follow-up to that process to get the access back out on Mingo Road.

**Protestants:** None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Box "absent") to **APPROVE** a **Variance** of the requirement that a corridor development's access must be principally from internal collector streets. **SECTION 804. ACCESS REQUIREMENTS**, per plan submitted; finding that the original Corridor development is bounded by an existing storm water drainage channel which would not allow a collector street to cross through the site to adjacent properties; finding that approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code, on the following described property:

Lot 1, Block 1, Baldwin Acres, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17492**

**Action Requested:**

Variance of the required livability area from 4,000 SF to 3,000 SF. **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 1208 East 29th Street.

Case No. 17492 (continued)

**Presentation:**

The applicant, **Roger W. Wilkerson**, represented by John Walton, 1546 Swan Drive, submitted a site plan (Exhibit J-1) and stated he is the Wilkerson's architect. He further stated he sent letters to all of the neighbors involved explaining what their intentions are. He explained the applicant would like to add 350 SF to the bedroom on the ground floor of the subject property.

**Protestants:** None.

**Comments and Questions:**

Ms. Turnbo stated she has no problem with this application. She explained this is a situation where you have a small nonconforming lot and a garage in the rear with a long driveway. She further explained the long driveway is non-livability space.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Box "absent") to **APPROVE** a **Variance** of the required livability area from 4,000 SF to 3,000 SF. **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the lot is nonconforming as to the size and cannot meet the livability requirement because the lot is 1100 SF under sized; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lot 14, Block 24, Sunset Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

**Mr. Bolzle out at 3:45**

**Case No. 17493**

**Action Requested:**

Variance of required frontage in a CS district from 150' to 112.34'; a Variance of required setback from a non-arterial street from 25' to 10' (existing); a Variance of required frontage in a CG district from 100' to 80'; and a Variance of required setback from an arterial street from 50' to 22' (existing). **SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS** - Use Unit 13, 14 & 15, located SW/c of 21st Street and Braden.



**Presentation:**

The applicant, **Robert Bebout**, represented by William J. Elliott, 2251 East Skelly Drive, submitted a site plan (Exhibit K-1) and photographs (Exhibit K-2). Mr. Elliott stated Mr. Bebout is the property manager and the property is owned by the Robert Lee Thompson Ministries. He explained the subject property consists of two properties. He detailed that one property is a pawn shop/store and the other is a store with a retail garage sale door/beauty shop. He stated the application is not to build anything, but to sale one of the buildings. He explained the reason he is asking for the variances is to obtain a lot split. He further explained that one lot that is zoned CS & CG can only sale 80' and they do not want to impact the building to the east. He indicated that 50' will have to be given to Lot 6 and to do this it will break the existing zoning Codes for setbacks, etc. He stated that each lot is self contained and has adequate amount of parking for each of the uses. Mr. Elliott indicated that lot coverage of each building is less than 20% of the total lot area.

**Comments and Questions:**

Ms. Abbott asked the applicant if he had to give Lot 6 20' due to parking or the parking layout? He answered affirmatively. He stated Lot 5 goes over to the building where the beauty shop and garage sale door is located. He explained the buildings will have a joint driveway easement.

Mr. White asked the applicant if the driveway easement will go through to the rear of the lot? He answered affirmatively.

**Protestants:**

Johnny Holman, 5105 East 21st Place, stated he did not understand what the applicant's purpose is for getting the variances.

**Comments and Questions:**

In response to Mr. Holman, Ms. Abbott stated the Board would ask the applicant that question, but she thought the applicant stated earlier that the variances were requested because he is selling one of the properties and it is a requirement of the sale.

In response to Ms. Abbott's statement, Mr. Elliott concurred with Ms. Abbott that he does have a sales contract on one of the properties and the hardship is that if all of the lot is given to the one property, then the other lot does not meet the Code. He explained to get a lot split he has to get approval of the variances.

Case No. 17493 (continued)

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays" no "abstentions"; Bolzle, Box "absent") to **APPROVE** a **Variance** of required frontage in a CS district from 150' to 112.34'; a **Variance** of required setback from a non-arterial street from 25' to 10' (existing); a **Variance** of required frontage in a CG district from 100' to 80'; and a **Variance** of required setback from an arterial street from 50' to 22' (existing). **SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS** - Use Unit 13, 14 & 15; per plan submitted; subject to a mutual driveway easement along the east side of the westerly most tract; finding that the owner has a contract to sale one of the properties and this will require a lot split to prevent impacting the east; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code; on the following described property:

Lot 5 & 6, Block 1, Gracemont Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17494**

**Action Requested:**

Lot 1: A Variance of required minimum lot area from 6900 SF to 4291 SR; a Variance of required minimum land area from 8400 SF to 7682.75 SF; a Variance of required livability space from 4000 SF to 2690 SF. **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, and Lot 2: A Variance of minimum lot area from 6900 SF to 4000 SF; a Variance of the minimum land area from 8400 SF to 6000 SF and a Variance of minimum livability space from 4000 SF to 2270 SF. **SECTION 403. BULK AND AREA REQUIREMENTS DISTRICTS** - Use Unit 7, located 2547 East 1st Street.

**Presentation:**

The applicant, **Suzanne Rogers**, 7615 East 63rd, representing the owners of the property, submitted a site plan (Exhibit L-1) and plot plan (Exhibit L-2). Ms. Rogers stated this particular piece of property is a nonconforming use and cannot be mortgaged as it is. She further stated she has out of town owners who want to sale the property and have a viable contract on the property that should have closed on June 13, 1996. She explained that there is a house on part of the property and a duplex on the other part of the property, which is a corner lot. She further explained that both properties have detached separate garages and driveways.

**Comments and Questions:**

Ms. Abbott asked the applicant if she has sold both properties? She stated that they were sold together as a package, but the deal is going to fall because of the time it has taken to close on this contract. She further stated the owners intention is to sale the properties together, but they cannot be mortgaged together. She explained that the property is nonconforming and therefore you can either mortgage the house or the duplex, but both properties cannot be mortgaged. She related you also have problems with insurance on both properties.

**Protestants:**

John Roberts, 13825 East 88th Street North, Owasso, representing his sister and stated his parents and sister has lived across the street from the subject property since 1960. He further stated the houses are in bad need of repair and the neighborhood is a really nice neighborhood. He commented the extra house on the subject property had been grandfathered in for some reason. Mr. Roberts stated by allowing this variance and splitting the subject property into two lots will be detrimental to the area. He further stated he cannot figure out where the applicant came up with the figures on the application. He requested the variances to be denied and sale it as one piece.

**Applicant's Rebuttal:**

Ms. Rogers stated the purpose of selling the property is to bring the property back up to neighborhood standards and as two properties on one lot it cannot be mortgaged. She explained you would have to have a cash buyer or the situation remain the same as it is. She further explained she personally has a house listed across the street from the subject property and one of the reasons it is not selling is because of the subject property. She reiterated that without a lot split she cannot sale the subject property.

**Board Action:**

On **MOTION of TURNBO**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays" no "abstentions"; Bolzle, Box "absent") to **APPROVE** Lot 1: A **Variance** of required minimum lot area from 6900 SF to 4291 SR; a Variance of required minimum land area from 8400 SF to 7682.75 SF; a **Variance** of required livability space from 4000 SF to 2690 SF. **SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, and Lot 2: A **Variance** of minimum lot area from 6900 SF to 4000 SF; a **Variance** of the minimum land area from 8400 SF to 6000 SF and a Variance of minimum livability space from 4000 SF to 2270 SF. **SECTION 403. BULK AND AREA REQUIREMENTS DISTRICTS** - Use Unit 7; per plan submitted; finding the land uses will not change, just ownership and that approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code; on the following described property:

Lot 24, Block 6, East Highland Resub., City of Tulsa, Tulsa County, Oklahoma.

## **Case No. 17495**

### **Action Requested:**

Special Exception to allow an office in a RM-1 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 11, located 3210 East 21st Street.

### **Presentation:**

The applicant, **Paula L. Skidmore**, Robbie Burke, 2300 Williams Tower II, representing Granada Corporation, submitted site plan (Exhibit M-1) and photographs (Exhibit M-2). Ms. Burke stated Granada Corporation is under a contract to acquire the property on Lot 24 and Lot 2 of Bonnie Brae, which is currently the Florence Park Library. She indicated the property is zoned RM-1 and would like a special exception to allow an office in the RM-1 district. She stated the property to the east is zoned CH and on the west is OL. She further stated the neighboring property is all commercial property. She commented the approval of this application will not impair the value of the residential neighborhood, nor a detriment to the area.

**Protestants:** None.

### **Comments and Questions:**

Ms. Turnbo asked the applicant how many parking spaces are with this building? She stated the plot plan indicates the parking spaces and currently the parking spaces are on both sides of the building totaling 9 spaces and six in the back. She further stated the building has 2,100 SF.

Mr. Beach stated the applicant meets the parking requirement for office use.

### **Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays" no "abstentions"; Bolzle, Box "absent") to **APPROVE** a **Special Exception** to allow an office in a RM-1 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 11; per plan submitted; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code; on the following described property:

Lot 24, Block 2, Bonnie Brae Addition, City of Tulsa, Tulsa County, Oklahoma.

## **Case No. 17496**

### **Action Requested:**

Variance of the maximum permitted square footage for a detached accessory building to permit 2,100 SF. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 3911 East 105th Street.

Case No. 17496 (continued)

**Presentation:**

The applicant, **Steve Olsen**, represented by Trig Westby (owner of property), submitted a site plan (Exhibit N-1) and stated he owns a 2 1/2 acre lot that is very heavily wooded. He further stated the proposed building will be in the northeast corner, which use to be a corral for horses before he purchased the property. He explained the proposed site is completely surrounded by trees and probably could not be seen from the street. He stated he plans to use a fabricated metal building that will match the color of the trees in winter time. He further stated the proposed building will have a 10' x 10' overhead door along with a small metal door for entrance and concrete floor. He commented the purpose of the accessory building will be to store household storage and antique automobiles. He stated he didn't believe the neighbors have a problem with this application.

**Protestants:** None.

**Comments and Questions:**

Mr. White informed the Board that this application will not have a drainage problem. He stated the subject property is located back in the woods and you cannot see the proposed location from the street.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays" no "abstentions"; Bolzle, Box "absent") to **APPROVE** a **Variance** of the maximum permitted square footage for a detached accessory building to permit 2,100 SF. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, per plan submitted, finding that because of the large size of the tract and heavily treed area and that the approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code, on the following described property:

W 293.2', E. 718.2', N/2, S/2, SE/4, NW/4, Sec. 28, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17497**

**Action Requested:**

Variance of the public street frontage requirement (tract derives access from an improved private street). **SECTION 206. STREET FRONTAGE REQUIRED** - Use Unit 6, located SE of SW/c West 73rd & 33rd West Avenue.

Case No. 17497 (continued)

**Presentation:**

The applicant, **Roy Johnsen**, requested a continuance of this application to September 24, 1996.

**Protestants:** None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays" no "abstentions"; Bolzle, Box "absent") to **CONTINUE** Case No. 17497 to September 24, 1996 at 1:00 p.m.

**Case No. 17504**

**Action Requested:**

Special Exception to allow required off-street parking on a lot other than the lot containing the business to allow a nonconforming use unit 12a. **SECTION 1408.B. ADULT ENTERTAINMENT ESTABLISHMENTS** - Use Unit 12a, located 3410 South Peoria.

**Presentation:**

The applicant, **Southminster Presbyterian Church/Zyn Corp.**, requested a continuance of this application to September 24, 1996.

**Protestants:** None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays" no "abstentions"; Bolzle, Box "absent") to **CONTINUE** Case No. 17504 to September 24, 1996 at 1:00 p.m.

There being no further business, the meeting was adjourned at 4:05 p.m.

Date approved: 9-24-96

  
Chair