

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 722  
Tuesday, March 11, 1997, 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  
Dunham  
Turnbo  
White

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, March 7, 1997, at 12:50 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 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** the minutes of February 25, 1997, (No. 721).

**UNFINISHED BUSINESS**

**Case No. 17281**

**Action Requested:**

Site plan and landscape plan approval, located NW/c of Brady & Denver.

**Presentation:**

The applicant, **David L. Moss Criminal Justice Center**, represented by Bill Knowles, 6311 E. Tecumseh, submitted a site plan (Exhibit A-1) and photographs (Exhibit A-2). Mr. Knowles stated the overall project covers approximately 23 acres and the primary area, which houses the jail, is approximately 20 acres. He explained the remaining acreage is reserved for construction in the future. Mr. Knowles indicated the project is approximately 507,000 SF. He stated the project has 20 housing pods and each housing pod has 48 cells. He further stated the core facility is located on the east side of the facility that has the intake/booking area, inmate services, 24 bed infirmary, kitchen, laundry and maintenance facility. Mr. Knowles explained that the overall design of the facility is unique because it does not have any windows in the facility, but it does have windows in the core facility. He further explained the facility does not have any fencing and there are no large scale double fencing or razor ribbon of any type. He stated the project will look like an office building or an industrial building. He indicated the project is basically a one-story building in height and it is all pre-cast concrete. Mr. Knowles stated that around the entire area of the building there is an 8' pipe chase, which will house all of the mechanical, electrical and plumbing. He explained that there are two pre-cast concrete walls between the exterior and interior. He stated that around the exterior there is a road designed to carry heavy loads that will access to the bridges under Brady and the trail system, which serves three purposes. He explained the three purposes are for providing a fire lane, a security lane for Sheriff's to patrol from time to time and also a part of the River Park's Trail System that will tie into the Katy Bike Trail System. Mr. Knowles stated that the appearance has been designed to be very pleasing to the passing traffic. Mr. Knowles explained that the visitor's parking will be on the southeast corner with approximately 100 spaces. He further explained that to the north of the administration there will be staff parking and on the very north there will be a loading area for maintenance. Mr. Knowles stated that inmates will be brought into the facility off Denver and brought into a vehicular sally port, which is an area that is large enough to house 12 to 15 vehicles. Mr. Knowles explained that the vehicular sally port doors will be open operated by the central control area through close circuit television cameras and the doors will immediately shut after entering. He stated the reason for the sally port is for security and one set of doors has to be closed before the second set will open.

**Interested Parties:**

**James Norton**, Downtown Tulsa Unlimited (DTU), 320 South Boston, stated that DTU has expressed some interest in the landscaping plans along Denver and Brady. He further stated that DTU also expressed interest in the exterior lighting, fences and walls. Mr. Norton indicated that DTU would like to have a sufficient tree line established along Denver at a sufficient depth from the curb line.

Case No. 17281 (continued)

**Comments and Questions:**

The Board informed Mr. Norton that there are landscaping plans in the package submitted to the Board. The Board submitted landscaping plans to Mr. Norton for his review.

After reviewing the landscaping plans Mr. Norton indicated that DTU's concerns have been addressed and acknowledged that the architects have been sensitive to the environmental concerns that had been previously expressed. Mr. Norton stated he had no objection to the plans and expressed his support of the project.

Mr. Knowles assured the Board and Mr. Norton that the landscaping plans submitted are firm and will not change.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** the site plan and landscape plan for Case No. 17281, David L. Moss Criminal Justice Center.

**Case No. 17641**

**Action Requested:**

Variance to permit an "outdoor advertising" sign to be located outside of an expressway corridor. **SECTION 1221.F USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**, located NW/c South Memorial & East 31st Court South.

**Presentation:**

The applicant, **Phil Tomlinson/31st Memorial, L.L.C.**, 5780 South Peoria, submitted a sign map (Exhibit B-1) and photographs (Exhibit B-2). Mr. Tomlinson explained that the photographs represent all of the signs located at the subject property. Mr. Tomlinson indicated that the yellow color code represents conforming signs, which the Board did not have to grant any variances or special exceptions. The blue color code represents conforming ground signs, which the Board had to grant variances because the signs were not on an arterial street. The pink color code represents a ground sign that required variances for height and square footage. Mr. Tomlinson stated that the sign he is proposing is represented by the orange color code. He explained that he is proposing to replace the Landmark wooden sign and the directional sign for the Cracker Barrel restaurant. Mr. Tomlinson suggested that the Board limit the proposed sign to size and containing the name of the development and occupants of the business park. Mr. Tomlinson informed the Board that many of the businesses do not have ground signs because they are tall enough to display their signs on the building. He stated he had no objection to the Board conditioning the approval of this proposal to meeting the business sign section of the Code.

**Comments and Questions:**

Mr. Bolzle asked staff if the applicant is suggesting the Board waive the outdoor advertising sign conditions, but make it subject to the business sign conditions? Mr. Beach answered affirmatively.

In response to Mr. Bolzle, Mr. Beach stated the applicant is not advertised for the relief from outdoor advertising requirements and the balance of this application would have to be continued in order to allow for advertising. Mr. Beach informed the Board that there are approximately 18 conditions for outdoor advertising signs.

Ms. Abbott asked Mr. Tomlinson how many acres are left to be developed? Mr. Tomlinson stated approximately nine (9) acres are left to be developed.

**Protestants:**

**John Roy**, 9018 East 38th Street, stated he is the Planning Representative for the Fulton Neighborhood Association. Mr. Roy informed the Board that he opposes the proposed sign. Mr. Roy gave a detailed summary of signs located along Memorial Drive. Mr. Roy asked the Board to deny this application.

**Applicant's Rebuttal:**

**Phil Tomlinson** stated the signs that the protestant is referring to are in fact billboard signs and they are probably 15 times the size of the proposed sign. He indicated that the billboards would not be allowed under the current ordinances. Mr. Tomlinson stated that if he were proposing a sign the size of the billboards he would agree with Mr. Roy's position. Mr. Tomlinson explained he is trying to propose a sign that would imitate a business park entry sign and it is not geared in anyway to try to accomplish what the advertising billboard signs are doing.

**Comments and Questions:**

In response to Ms. Abbott, Mr. Tomlinson stated that the average site is approximately two (2) acres and there will probably be five (5) more users for the subject property.

Mr. Bolzle asked Mr. Tomlinson if the tract south of McDonalds will have a pole sign? Mr. Tomlinson stated the tract is under contract with Applebee's and they will have a pole sign. He indicated the pole sign will be approximately 120 SF.

Mr. Bolzle asked the applicant if he would expect the Applebee's pole sign to be in the northern portion of the site? Mr. Tomlinson stated that the site plan shows the pole sign to be in the center of the tract. He explained that there will be 327' of frontage on the Applebee tract.

Case No. 17641 (continued)

Mr. Bolzle stated that this sign is self-limiting and there is only one other sign that will occur on Memorial in this development other than the proposed sign. Mr. Bolzle explained that this is not an unreasonable request and in PUD's there are typically project signs that occur at the main entrances. He stated the benefit of the proposed sign is that it does reduce the balance of the signage on the tract and there will not be a full commercial sign in addition to the proposed sign because it will be reduced. He further stated that there will not be any more signage opportunities along Memorial Drive.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit an "outdoor advertising" sign (off premise business sign) to be located outside of an expressway corridor. **SECTION 1221.F USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**, per plan and drawings submitted; subject to the removal of the "Cracker Barrel" directional sign and the wooden "Landmark" sign; subject to there being no other signs allowed on this site other than this sign and the permitted pole signs allowed under the CS zoning for this size tract; finding that the proposed sign is self-limiting and there will be no further opportunities for signage along Memorial Drive; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, and **CONTINUE** the balance of this application to April 8, 1997, to enable applicant to apply for relief from the outdoor advertising conditions, on the following described property:

All that part of Lot 1 & 3, Interchange Center, An addition to the City of Tulsa, Tulsa County, Oklahoma, according to the official recorded plat thereof, situated in the NE/c, Sec. 23, T-19-N, R-13-E, I.B.M., Tulsa County, Oklahoma, according to the U.S. Government survey thereof, more particularly described as follows; to-wit: Beg. E boundary of said Lot 1 for 166.88' from the NE/c thereof; thence S00°01'30"E along the boundary of said Lot 1 & 3 for 299.81'; thence S45°01'01"W for 35.33' to a point in the N ROW of E 31st Ct S; thence N89°56'29"W for 185.00'; thence N0°01'30"W for 194.00'; thence N89°56'29"W for 10.00'; thence N0°01'30"W for 60.00'; thence S89°56'29"E for 10.00'; thence N00°01'30"W for 70.79'; thence S89°56'45"E for 210.00' to the POB, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17642**

**Action Requested:**

Special Exception to allow a beauty shop and skin care facility in an OL zoned district. **Section 604.F. Special Exception uses in Office District, Requirements, Use Unit 11**, located 1604 South Peoria Avenue.

**Presentation:**

The applicant, **Lucille Johnson**, represented by Christopher Parks, 1612 South Cincinnati Avenue, submitted photographs (Exhibit C-1) and stated that the proposed beauty shop meets with all of the current conditions. He explained that the screening on the west of the property is already in place and it screens from the residential district. Mr. Parks requested approval of this application.

**Comments and Questions:**

Mr. Dunham asked what type of screening is along the west? Mr. Parks stated that there is a fence that is approximately 8' in height, which screens the entire area on the backside of Ms. Johnson's property.

Mr. White stated the fence actually belongs to the property to the west, but it satisfies the condition of the screening fence.

Mr. Bolzle asked Mr. Parks what the days and hours of operation will be for this use? He stated the hours are 9:00 a.m. to 5:00 p.m., Tuesday through Saturday, but sometimes Ms. Johnson is opened on Monday.

Mr. Bolzle asked Mr. Parks if the applicant intended to light the parking area? Mr. Parks stated that there are no intentions of installing any additional lighting.

Ms. Johnson stated that there is a motion light and a street light already installed.

Mr. White asked the applicant if there will be any tanning facilities contained in this salon? Mr. Parks answered negatively.

**Protestants:** None.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to allow a beauty shop and skin care facility in an OL zoned district. **Section 604.F. Special Exception uses in Office District, Requirements**, Use Unit 11; subject to days and hours of operation being Monday through Saturday, 9:00 a.m. to 5:00 p.m.; subject to the applicant maintaining the screening fence along the west boundary of the property and provided that no commercial lighting occur in the parking area; subject to there being no tanning facility on site; 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:

Lots 1 & 2, Block 7, Morningside Addition, City of Tulsa, Tulsa County, Oklahoma.

## **NEW APPLICATIONS**

### **Case No. 17644**

#### **Action Requested:**

Special Exception to permit 40% floor area ration in an OL district. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS**; a Variance to permit a 2 story office building in an OL district. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** and a Variance of 15% street yard and 5' street landscaping requirements. **SECTION 1002.A.1 & 2. LANDSCAPE REQUIREMENTS**, Use Unit 11, located SW/c of East 45th & South Harvard.

#### **Presentation:**

The applicant, **John W. Moody**, 7146 South Canton Avenue, requested a continuance to March 25, 1997, at 1:00 p.m. in order to finalize some changes to the plan requested by an abutting property owner.

**Protestants:** None.

#### **Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **CONTINUE** Case No. 17644 to March 25, 1997, at 1:00 p.m. to enable the applicant to finalize plan changes.

### **Case No. 17645**

#### **Action Requested:**

Special Exception to allow a double wide mobile in an AG district. **SECTION 301. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS**, a Variance to permit 3 dwelling units per lot of record. **303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** and a Variance of the required 2.2 acres of land area per dwelling unit. **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**, Use Unit 9, located 316 East 61st Street North.

#### **Presentation:**

The applicant, **Judy A. Vann**, 5433 East Young Place, stated she is requesting permission to install a double wide mobile home on the subject property. She indicated the tract of land is 2 1/2 acres with 2 dwelling units currently on the subject property. Ms. Vann indicated that the purpose for purchasing the land is for the subject property to become her permanent residence and for her children to live on the remainder of the property.

Case No. 17645 (continued)

**Comments and Questions:**

Mr. White asked the applicant if the double wide mobile home will be placed behind or in front of the single wide mobile home? She stated the double wide mobile home will be in front of the single wide mobile home.

Mr. White asked the staff what the setback from the street measures for the subject property? Mr. Beach stated the setback from the street is 25'.

In response to Mr. White, Ms. Vann stated that she has not decided whether to attach the single wide to the double wide mobile home. She explained that if the Board is not inclined to approve three (3) dwelling units on the subject property, then she would attach the two mobile homes to make a single unit.

Ms. Abbott asked the applicant if all three dwellings will be permanent and if the double wide mobile home will be on a permanent foundation? Ms. Vann answered affirmatively.

Mr. White stated that considering the other usage in the area, this application would not be out of place. Mr. White did express concerns regarding the double wide mobile home being installed in front of the single wide mobile home because it would be too close to the street.

**Protestants:** None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to allow a double wide mobile in an AG district. **SECTION 301. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS**, a **Variance** to permit 3 dwelling units per lot of record. **303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS** and a **Variance** of the required 2.2 acres of land area per dwelling unit. **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS**, Use Unit 9; subject to the double wide mobile home being placed to the south of the single wide mobile home; finding that the subject property is zoned AG, but surrounded by RS, which could be divided into several lots if zoned RS; 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:

W/2, W/2, NE, NW, SW, Sec. 1, T-20-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.



Case No. 17645 (continued)

During the hearing of **Case No. 17652**, the Board expressed concerns that Ms. Vann was under the impression that her application (**Case No. 17645**) was approved permanently. The following comments determined the Board's action:

**Additional Comments:**

Mr. Dunham stated he is concerned that Case No. 17645, Judy Vann, was under the impression that her application was approved permanently. Mr. Dunham asked if the Board can amend their motion without the applicant being present?

Mr. Bolzle stated the Board's only option, since Ms. Vann did not request a permanent approval, is to amend the motion to continue the balance of her application to a date certain. He further stated the staff will have to notify Ms. Vann and explain to her the one year time limit unless otherwise requested for permanent use.

Mr. Romig stated the applicant has already left and possibly the interested parties. He explained that the applicant did not advertise for permanent use and she will need to readvertise for a permanent mobile home. Mr. Romig stated that the advertisement for a permanent mobile home may cause interested parties to show for the hearing that otherwise did not come today.

**Board Action:**

On an **AMENDED MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **CONTINUE** Case No. 17645 to April 8, 1997, at 1:00 p.m. to allow the applicant to advertise for a permanent use.

**Case No. 17646**

**Action Requested:**

Special Exception to permit an apartment complex in a CS district per plan submitted. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS**, Use Unit 8, located 2202 East 59th Street South.

**Presentation:**

The applicant, **J. Lyon Morehead**, 502 West 6th Street, submitted a site plan (Exhibit E-1) and stated the purpose of this application is to bring the subject complex into legal compliance/conformance which has been existing on this tract of land since the 1960's. He explained that the subject property is a one-story apartment complex located behind a long strip of shopping centers that faces onto Lewis Avenue. Mr. Morehead stated the subject property is zoned CS and has been in place since the 1960's. Mr. Morehead requested a special exception to allow the already existing complex per the site plan submitted. He explained that the special exception would assure that the apartments could continue to exist if there were a fire, sale of property, etc. Mr. Morehead stated he is not asking for anything different or additional to what currently exists.

**Protestants:**

**Fred Ramsur** stated he is a resident of Garden Park, which is immediately west of the subject complex. He stated the complex has been a good neighbor and he has no problem with its existence. Mr. Ramsur expressed concerns regarding any changes in the complex that may effect traffic.

**Comments and Questions:**

Ms. Abbott explained to the protestant that this application is not for any additional square footage, but rather to bring the complex into compliance with the current zoning.

Mr. Ramsur stated he did not have any problem with the application if it is an improvement of the property with no increase in the density.

**Protestants:**

**Herman Feldman**, 2124 East 60th Street, stated he resides in the Garden Park Complex. Mr. Feldman commented he has no problem with the subject property being zoned for apartments if Mr. Morehead will stipulate that the subject property will be a one-story apartment going forward. He requested Mr. Morehead to restrict his application to a one-story apartment.

**Comments and Questions:**

Mr. Bolzle asked Mr. Morehead if he would have any concerns with a motion that would approve apartment use in a CS district to allow the existing apartment project? Mr. Morehead stated he had no objections. He explained that if someone, years down the road, wants to tear down the apartments and build something different then they will have to come before the Board.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit an apartment complex in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS**, Use Unit 8; per plan submitted (existing one story apartment units); 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:

W 355', E 608', S 780', N 810', SE/4, SE/4, Sec. 31, T-19-N, R-13-E, I.B.M., City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17648**

**Action Requested:**

Special Exception to permit a light manufacturing facility in a CH zoned district.  
**SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 25, located 2208 North Sheridan.

**Presentation:**

The applicant, **Scott Pryer**, 7824 South Granite Avenue, submitted a plot plan (Exhibit F-1) and stated he represents Pryer Machine and Tool, which is a small family owned aircraft component manufacturer. He explained that the company is currently utilizing approximately five (5) acres in the immediate area and purchased the subject property to expand the operation.

**Comments and Questions:**

Mr. Bolzle asked the applicant if he was aware that a portion of the property is zoned RM-2, which is multi-family zoning? He answered negatively.

Mr. Bolzle explained to the applicant that the east 164' of his site is in a CH district, but there is nothing the Board can do to give relief for the RM-2 portion. Mr. Bolzle informed the applicant that the west 61' of the site he cannot have a building with this use.

Mr. White explained that the commercial/industrial buildings to the north of the subject property all extend back into the RM-2 zoned area and the RM-2 zoned area is vacant.

In response to Mr. Dunham, Mr. Romig stated that the RM-2 portion of the subject property will require re-zoning which will support this use.

Mr. Dunham stated the Board can approve the use in the eastern most portion of the building, but the applicant will have to apply for re-zoning for the RM-2 portion.

Mr. Bolzle informed the applicant that it appears that the rear 28'-6" of the west portion of the property will need a zoning change to allow manufacturing.

**Protestants:** None.

Case No. 17648 (continued)

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** Special Exception to permit a light manufacturing facility in a CH zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 25; subject to the approval of light industrial use limited to CH zoned property; 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:

W 225', E 260', S 100', N 165.89', N/2, SE/4, SE/4, NE/4, Sec. 27, T-20-N, R-13-E, I.B.M., Tulsa County, City of Tulsa, Oklahoma.

**Case No. 17649**

**Action Requested:**

Variance of side yard requirements to allow 5' side yards to permit an addition to an existing dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 2433 East 24th Street.

**Presentation:**

The applicant, **Robert S. Wheeler**, 2433 East 24th, submitted a site plan (Exhibit G-1), photographs (Exhibit G-2) and letters of support (Exhibit G-3). Mr. Wheeler stated that 24th Street is not a through street and is only one block long. Mr. Wheeler explained that the block consists of two-story homes, which are colonial or traditional in nature. Mr. Wheeler indicated that there have been six (6) variances granted in the subject area in previous years. He recited an extensive detail of the various variances that have been granted for different properties in the area. Mr. Wheeler pointed out that there is very little side yard to any of the homes in this area. Mr. Wheeler informed the Board that the subject home is the smallest home in the area. He stated the home has only one bathroom and if he built toward the back rather than the side, the bathroom that he is trying to obtain would not be upstairs in the bedroom area. Mr. Wheeler explained that if he were to put the same square footage to the back of the lot, rather than the proposed area, the new build out would come within 11' of the back line of the property. He commented he would have a traditional house in the front and a ranch style in the back, which would not be keeping within the balance of the neighborhood. Mr. Wheeler read two letters of support from neighbors in the area (Exhibit G-3). Mr. Wheeler concluded that there have been six (6) variances granted on the subject block, including the lot immediately across the street from the subject property. He stated the variance across the street allowed a 2' setback from the

Case No. 17649 (continued)

property line. Mr. Wheeler reiterated he is asking for a variance of 5 1/2' setback, which is less relief requested than the property immediately across the street. Mr. Wheeler stated that to be required to build in the back yard would be contrary to the style of the homes in the neighborhood and would not allow the primary purpose of the build out, which is to add a second bath in the bedroom area. Mr. Wheeler commented that failure to grant this variance would be a hardship by not allowing this home to be brought to current standards.

**Comments and Questions:**

Mr. Dunham stated the applicant proved a hardship by indicating the bathroom is needed in the upstairs bedroom and not in the back of the house.

Mr. Wheeler stated that if the bathroom was in the back of the house, it would be off a kitchen/den combination where it certainly is not needed.

**Ms. Abbott announced that Mr. Bolzle will be abstaining from Case No. 17649.**

Ms. Turnbo expressed the opinion that the application is not injurious to the neighborhood.

Mr. Beach stated that there are two parts to consider when granting a variance. He explained that the first is the hardship. Mr. Beach stated the applicant has indicated that there is a hardship associated with this property because it is the smallest house in the neighborhood and it has only one bathroom, which makes it unique among the other properties. He further stated the other item to consider is whether granting the variance will have any adverse impact on the neighborhood.

**Protestants:** None.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-0-1 (Abbott, Dunham, Turnbo, White, "aye"; no "nays" Bolzle "abstention"; none "absent") to **APPROVE** a **Variance** of side yard requirements to allow 5' side yards to permit an addition to an existing dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that this is the smallest house in the neighborhood with one bathroom and cannot be renovated by literal enforcement of the Code; 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:

Megee Addition, Lot 11, Block 1, Tulsa County, City of Tulsa, Oklahoma.

**Case No. 17650**

**Action Requested:**

Special Exception for church use on subject property. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 5434 East 91st Street.

**Presentation:**

The applicant, **Joseph M. Salomon/Fellowship Bible Church**, submitted a letter requesting a continuance to May 13, 1997, in order to readvertise newly acquired property.

**Comments and Questions:**

Mr. Beach informed the Board that this continuance was made timely.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **CONTINUE** Case No. 17650 to May 13, 1997, at 1:00 p.m. to enable the applicant to readvertise newly acquired property.

**Case No. 17651**

**Action Requested:**

Variance of the required side yard from 10' to 6'-1" and a Variance of the required rear yard 25' to 6'-1" to permit attaching an existing detached garage. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1573 East 22nd Street.

**Presentation:**

The applicant, **Donna Paddock**, 1573 East 22nd Street, submitted a plot plan (Exhibit I-1) and stated she is requesting a variance to allow her to attach the new addition to an existing garage. She informed the Board that the addition is in compliance with all of the setback requirements. Ms. Paddock stated her request is to attach the new addition that is in compliance to an existing garage that is not in compliance, which was grandfathered in. Ms. Paddock commented the reason for attaching the garage

Case No. 17651 (continued)

is for extra space. She explained the home is a two bedroom home with her mother and two children, plus an in-home office. Ms. Paddock stated she is building an additional bedroom and attached garage. She explained the new garage is attached and she feels safer using the new garage in the evening versus the detached garage in the back. Ms. Paddock stated that the existing detached garage was falling in when she purchased it eight (8) months ago. She informed the Board that she has completely renovated the detached garage into a living area and would like to connect it to the new addition so that she will not have to go outside to enter it. Ms. Paddock stated her hardship is that she does not have enough space and she has gone to a great deal of expense to improve the detached garage for a living area. She indicated that if the detached garage was not allowed to be connected to the new addition then she will have to decide whether to use the detached garage as an office or a bedroom and with either use she will have to leave the building to go to the home for restroom facilities.

**Comments and Questions:**

In response to Mr. Bolzle, Ms. Paddock stated that it will take approximately 1' in order to connect the existing garage to the new addition.

Ms. Paddock stated that there will be approximately 1' of concrete and 4' of board to attach the roof line.

Ms. Turnbo asked the applicant if there were any problems with livability space? She answered negatively.

Mr. White stated that the house next door has a two-story addition that is attached to the garage.

Ms. Paddock stated the new addition was built behind the highest peak of the house and you cannot see the addition. She explained that the original design of the home has been preserved.

**Protestants:**

None.

Case No. 17651 (continued)

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required side yard from 10' to 6'-1" and a **Variance** of the required rear yard 25' to 6'-1" to permit attaching an existing detached garage. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the two structures could remain and meet the Code; finding that not connecting the addition will result in an unnecessary hardship for the applicant; 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 17, Block 1, Terwilleger Heights, Tulsa County, City of Tulsa, Oklahoma.

**Case No. 17652**

**Action Requested:**

Special Exception to permit a mobile home in an RM-2 district permanently. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located 4929 West 11th Street.

**Presentation:**

The applicant, **Brian R. Sorrels**, represented by Charles Voseles, 3336 East 32nd Street, submitted photographs (Exhibit J-1) and stated that Mr. Sorrels has resided in this neighborhood for a number of years. Mr. Voseles explained that the subject lot is approximately 1 acre in size and his family lives in the immediate area. Mr. Voseles indicated that there are other mobile homes in the immediate vicinity and they are being used as residential structures.

**Protestants:**

**Mr. John Kerns**, 409 South 54th West Avenue, stated he is representing his sister, who is the executor of the estate for his parents at 4915 West 11th Street. He inquired if the approval of this application will reduce the value of his parents property? Mr. Kerns stated that the possibility of the property value dropping is the main concern.

**Applicant's Rebuttal:**

**Mr. Voseles** stated this application will not decrease the value of property in the immediate area and will probably increase the value since the lot is currently vacant. He explained that the mobile home will not be new or unique for the area since there are several within one block of the subject lot.



Case No. 17652 (continued)

**Comments and Questions:**

Ms. Abbott asked the applicant if there are mobile homes within the subject block? He answered affirmatively.

Mr. Voseles approached the Board and indicated the locations of the various mobile homes in the area.

Mr. Bolzle stated that there are enough mobile homes in the area that this application will not affect the overall appraisals of the area. He further stated the only problem he has with this application is that the Board has never granted a mobile home permanently. He explained that the policy in the past has been to grant mobile homes for one, two or three years and have the applicant return to seek permanent use at the end of that time.

Mr. White asked the applicant if the tie downs and skirting are to be installed? He answered affirmatively.

In response to Mr. White, Mr. Voseles stated the mobile home will be hooked up to the City sewer system.

Mr. Kern stated that if the Board is going to approve the special exception, he would prefer the special exception be permanent.

Ms. Abbott asked Mr. Romig if the Board approves this special exception permanently will the approval stay with the land regardless of ownership? He answered affirmatively. Ms. Abbott stated she felt the Board should limit this approval.

Mr. Bolzle stated that in the past the reason the Board has not approved the mobile homes permanently is because over the years neighborhoods change. In many cases the Board has looked at mobile homes as interim housing uses until at such time the neighborhood improved in the future and than the mobile home would be replaced with permanent housing. Mr. Bolzle commented he does not see the same concern in this area because of the amount of mobile homes presently existing in the area.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-1-0 (Bolzle, Dunham, Turnbo, White, "aye"; Abbott "nay" no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RM-2 district permanently. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; per plan submitted; subject to tie downs and skirting; subject to the Health Department approval and a building permit; 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:

Case No. 17652 (continued)

NE/4, NE/4, Sec. 12, T-19-N, R-13-E, I.B.M., Tulsa County, City of Tulsa, Oklahoma, according to the U.S. Government survey thereof, described as follows, to-wit: Beg. 50' S, 25' E, NE/c, NW/4, NE/4; thence S 280'; thence E 140'; thence N 280'; thence E 140'; thence N 280'; thence W 140' to the POB and being located in an CS zoned district.

**Case No. 17653**

**Action Requested:**

Special Exception to allow the sale of auto parts and to allow auto detailing and window tinting in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 9306 East 11th "A."

**Presentation:**

The applicant, **Ross Thomas (Tom) Wright III**, was not present.

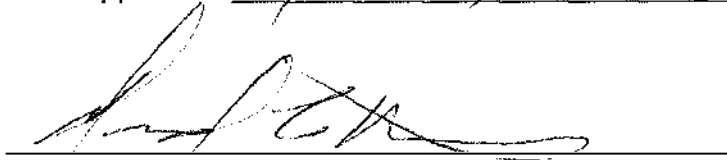
**Protestants:** None.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **CONTINUE** Case No. 17653 to March 25, 1997, at 1:00 p.m. to enable staff to contact the applicant.

There being no further business, the meeting was adjourned at 2:55 p.m.

Date approved: MARCH 25, 1997



Chair