

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 746
Tuesday, March 24, 1998, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
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Bolzle
Cooper
Dunham
White, Chair

Turnbo

Beach
Stump
Arnold

Parnell, Code
Enforcement
Romig, Legal
Department

The notice and agenda of said meeting was posted in the Office of the City Clerk on Friday, March 20, 1998, at 3:13 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Cooper, Dunham, White, "aye"; no "nays" no "abstentions"; Turnbo "absent") to **APPROVE** the minutes of January 27, 1998 (No. 742) and February 10, 1998, (No. 743).

UNFINISHED BUSINESS

Case No. 17906

Action Requested:

Variance of the required 1,200' spacing from another outdoor advertising sign to 100' spacing. **SECTION 1221.F.2. USE CONDITIONS FOR OUTDOOR ADVERTISING SIGNS** located SW/c N. Detroit & E. Davenport.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Cooper, Dunham, White, "aye"; no "nays", no "abstentions"; Turnbo "absent") to **CONTINUE** Case No. 17906 to the meeting of April 14, 1998.

Case No. 17932

APPLICANT NOT PRESENT; MOVED TO END OF AGENDA

Case No. 17967

Action Requested:

Variance of required number of off-street parking spaces from 458 to 362. **SECTION 1212a.D. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS;** Off-Street Parking and Loading Requirements located S'W/c of E. 69th St. & S. Lewis Ave.

Presentation:

The applicant, **Charles E. Norman**, was represented by **Roy D. Johnsen**, 201 West 5th, Ste. 440, Tulsa, OK 74103-4211 presented a parking analysis (Exhibit A-1) and several support letters (Exhibit A-2). Mr. Johnsen stated that the subject of the application is the Tulsa Comedy Club located in the Spectrum Shopping Center. The building occupied by Tulsa Comedy Club was originally designed as a two-screen movie theater. Two years ago Tulsa Comedy Club occupied only ½ of the facility and now they are expanding to the other part of the building. They are asking for a variance of the required parking from 379 to 350. There are currently 362 spaces in the parking lot after repaving. Tulsa Comedy Club currently occupies 10,500 SF and the new expansion will be 8,500 SF for a total of 19,000 SF. Presently within the center there are both retail and food service businesses. The Tulsa Comedy Club will not be operating during the hours that most of the other tenants in the center will be open. Tulsa Comedy Club opens at 6:30 p.m. but the actual performances do not start until 8:00 p.m. during off-peak hours while the retail and food service operates during peak hours. The expansion portion of the building will open at noon and the existing Tulsa Comedy Club will open at 6:30 p.m. with neither building having performances until after 6:30 p.m. Mr. Johnsen suggested that Tulsa Comedy Club will not open until after 6:30 and that the Comedy Club and the expansion area will have no live performances until after 6:30 and also mentioned that other tenants in the center had no objection with sharing of parking or Tulsa Comedy Club's hours of operation. The only situation that could occur in the evening would be if the food service tenants stayed open until 8:00 or 9:00 p.m. and that would constitute a sharing of the parking.

Comments and Questions:

Mr. Dunham asked Staff if the previous Board action was only for one year. Mr. Beach answered affirmatively.

Interested Parties:

Bob McAdoo, 6740 S. Lewis, asked if there was going to be a new building put on the property, Mr. Johnsen and Staff answered no. Mr. McAdoo stated that he had no objection.

Case No. 17967 (continued)

Comments and Questions:

Mr. Cooper questioned Staff about the previous Board action 1 year ago and posed the question that if the Board approved this application, would it be on a temporary or permanent basis?

When asked what will be in the expansion area, Mr. Johnsen replied that it will consist of a restaurant facility, pool tables, bar, etc. but no live performances until after 6:30 p.m.

Mr. White asked Staff if there were any concerns regarding the Use Unit 12a. Adult Use of the facility and Mr. Beach replied that there were no concerns, it is a permitted use in the area.

Mr. Johnsen stated to the Board that the manager of the facility was present and he would be in support of a 3 year time limit on the parking variance.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Cooper Dunham, White, "aye"; no "nays", no "abstentions"; Turnbo "absent") to **APPROVE** Variance of required number of off-street parking spaces from 458 to 362. **SECTION 1212a.D. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS**; Off-Street Parking and Loading Requirements subject to the existing club not opening until 6:30 p.m. and on there be no live performances in the expansion building until after 6:30 p.m., the property not be expanded any more and the Variance be approved for a term of 3 years on the following described property:

The N 195' of the SE/4 of the SE/4 of the SE/4, Sec. 6, T-18-N, R-13-E, and Lot 1, Block 2, Lewis Village Addition to the City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 17972

Action Requested:

Variance to allow a time and temperature display on an outdoor advertising sign. **SECTION 1221.F.8. BUSINESS SIGNS AND OUTDOOR ADVERTISING**, Use Conditions for Outdoor Advertising Signs – Use Unit 21 located I-44 and S. 79th E. Ave.

Presentation:

The applicant, **Jon Brightmire**, represented by **Kevin Coutant**, 320 S. Boston, Ste. 500. They are representing KOTV which has built a sign on the Eastbound exit ramp on the Broken Arrow Expressway to go to I-44. Mr. Coutant is asking to be allowed to

put a time and temperature panel on the billboard. The applicant is appealing the determination of an administrative official that a time and temperature sign is a flashing sign or in the alternative is asking for the variance. Mr. Coutant stated that the sign changes every 2-3 seconds and that it would be considered a flashing sign. The applicant is asking the Board to interpret the Code and decide if this sign is considered flashing. Mr. Coutant understood Staff as saying that if a sign flashed every 2-3 seconds it was not considered a flashing sign. The question is whether or not this sign is in compliance with the Code and whether or not it is considered a flashing sign. Mr. Coutant believes that the major concern was for safety and the distraction to the driver. Mr. Coutant stated that if this was a business sign, it would be permitted. There is no distraction or safety concern because the billboard is located on an exit ramp not on the actual highway. Mr. Coutant believes that the hardship is defined as an extraordinary or exceptional condition that causes the literal enforcement of the Code to be a hardship. He thinks it is very questionable on the interpretation part. Mr. Coutant asked the Board to interpret Code and determine that this sign is not a flashing one.

Comments and Questions:

Mr. Bolzle stated that they allow billboards that have multiple faces that change. He asked Staff what the time limit on those signs are. Mr. Stump answered that he thinks it is somewhere around 3 seconds.

Mr. Cooper asked Staff how it determines if it is a flashing sign? Mr. Romig answered that Staff Comments give you the definition of flashing illumination. The Ordinance does not specify a time limit.

Mr. Bolzle asked is Staff would disagree with the applicant that this is best handled as an interpretation. Mr. Stump stated that Staff is neutral.

There was discussion about the original intent when the sign ordinance was drafted and the discussions that took place.

Mr. Romig stated that you have to look at what the Ordinance is actually saying not what was discussed or remembered.

Mr. Stump stated that the sign industry is very inventive. Time and Temp sign is permitted with a time limit.

Mr. Bolzle asked if they needed to advertise this as an interpretation? Mr. Romig answered no.

Mr. Romig stated that he disagreed with Mr. Coutant regarding the hardship.

Mr. Dunham asked is a business sign different from a billboard?

Case No. 17972 (continued)

Mr. Bolzle asked applicant if exit ramp was single lane? Applicant answered yes it was. Mr. Cooper expressed concern that it was not just visible from the exit ramp.

Mr. White stated that he was OK with it – it was a unique sign location.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, White, "aye"; no "nays", no "abstentions"; Turnbo "absent") to **APPROVE** A Variance to allow a time and temperature display on an outdoor advertising sign. **SECTION 1221.F.8. BUSINESS SIGNS AND OUTDOOR ADVERTISING**, Use Conditions for Outdoor Advertising Signs – Use Unit 21 finding that location on a one-way ramp is unique; provided that copy change at no lesser interval than 3 seconds; per site plan on the following described property:

Beginning at the NE/c of Lot 1, Interchange Place, an Addition to the City of Tulsa; thence on a curve to the left having a radius of 93' along the easterly boundary for a distance of 21.07'; thence S 64°10'20" W a distance of 283.88' to a point in the westerly boundary; thence N 3756'51" W along the westerly boundary a distance of 156.23'; thence N 86°40'33" E a distance of 357.79' to the point of beginning, Tulsa County, State of Oklahoma, according to the recorded plat thereof and being located in a CS zoned district.

Case No. 17973

Action Requested:

Special exception to allow a double-wide mobile home. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and a Variance of the one year time limit to permanent. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** located 401 S. 50th W. Ave.

Presentation:

The applicant, **Lisa Bruce**, 401 S. 50th W. Ave., stated that she wants to move a double-wide mobile home into an RM-1 district. Ms. Bruce states that the neighbors have no problem with it and she has signatures of 27 people (Exhibit B-1) who are in support of her putting the mobile home on the lot.

Comments and Questions:

Mr. White asked the applicant if the mobile home would be on permanent foundation and she answered yes.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Dunham, White, "aye"; no "nays", no "abstentions"; Turnbo "absent") to **APPROVE** a Special Exception to allow a double-wide mobile home. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and a Variance of the one year time limit to permanent.

Case No. 17973 (continued)

SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS per plan submitted and subject to the mobile home being on a permanent foundation on the following described property:

Part of Lot 1, Block 1, Smith's Subdivision, more particularly described as follows: Beginning at a point 164' W of the NE/c of the SE/4 of the SE/4 of Sec. 5, T-19-N, R-12-E of the IBM; thence S 88'; thence W 173'; thence N 88'; thence E 173' to the point of beginning, in the County of Tulsa, State of Oklahoma

Case No. 17974

Action Requested:

Variance of side yard setbacks on existing dwelling from 5' to 4'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** located at 2418 E. 19th St.

Presentation:

The applicant, **Arnold Schmidt**, 2418 E. 19th St., stated that his home was built in 1939 and now has a 5' setback and wants a variance to move it to 4' in order to add an addition to his home.

Comments and Questions:

Mr. White asked the applicant if he is planning to make the screened porch part of the new addition? Mr. Schmidt answered that he has not decided, he is currently not using it and asked the Board if it would be a problem if he enclosed it? No.

Mr. Dunham stated that the lots in the area are all very small.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Cooper Dunham, White, "aye"; no "nays", no "abstentions"; Turnbo "absent") to **APPROVE** a Variance of side yard setbacks on existing dwelling from 5' to 4' **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** per plan submitted finding that the hardship is the size of the lot on the following described property:

Lot 2, Block 1, Barnard Addition

Case No. 17975

Action Requested:

Variance of the required setback from centerline of Greenwood from 40' to 34' to permit a new projecting sign. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS – Use Unit 14** located 104 N. Greenwood.

Presentation:

The applicant, **Oklahoma Neon, Inc.**, represented by David Cee, 6550 E. Independence, submitted a site plan (Exhibit C-1) stated that they are asking permission to put up a 4'x6' projecting sign. The current setback is 40' and wants a 34' setback to allow for the 6' projecting sign.

Comments and Questions:

Mr. Dunham asked if the sign would project out over the street? The applicant answered that it would project over the sidewalk but not over or into the street.

Mr. Bolzle asked if it was possible to turn the sign the other way? Mr. Cee stated no, because of the way the logo is designed.

Mr. Bolzle then asked if there were any other projecting signs in the area? The applicant was not sure.

Mr. White asked Staff if there is something similar to this in the surrounding area? Mr. Beach stated that this is a Special District called Greenwood Business/Office District and it overlaps with the Greenwood Arts District.

Mr. Bolzle asked about the Historical Society. Mr. Bolzle suggested that Mr. Cee have the owner of the building do a title search to determine whether there are any other requirements in regard to the Oklahoma Historical Society approving this. Mr. Bolzle also stated that the Department of Interior may have to approve this.

Board Action:

On **MOTION** of **COOPER**, the Board voted 4-0-0 (Bolzle, Cooper, Dunham, White, "aye"; no "nays", no "abstentions"; Turnbo "absent") to **APPROVE** Variance of the required setback from centerline of Greenwood from 40' to 34' to permit a new projecting sign. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS – Use Unit 14** subject to a removal contract and per plan submitted on the following described property:

Lot 3, Block 46, Original Townsite, City of Tulsa, Tulsa County, Oklahoma

Case No. 17976

Action Requested:

Variance of allowable size for an accessory building from 750' to 912' for new garage.
SECTION 402.B.1.d. ACCESSORY USE CONDITIONS IN RESIDENTIAL DISTRICTS – Use Unit 6 located 2558 N. Madison Ave.

Presentation:

The applicant, **Wendell Edd**, 2558 N. Madison Avenue, submitted photos (Exhibit D-2) and stated that he wants to add a garage to his existing home that was built in 1956. Mr. Edd stated that he is a homeowner and wants to make his home nicer.

Comments and Questions:

Mr. Beach stated that Staff has received a letter from the City of Tulsa Traffic Engineer stating that they would not accept driveway access to Apache (Exhibit D-1).

Mr. White read the letter from the City Traffic Engineer stating that they could not build a driveway with access to Apache or an arterial street. Mr. White also stated that the applicant could move the driveway access to Madison.

Mr. Edd stated that there is a sewer line from Madison Ave. The sewer is on the south side yard line, 10 feet away from fence line. It is service from the house not City sewer.

Mr. Beach stated that there is City sewer along the back of the lot and suggested that Mr. Edd move the garage to the back (west) and access the existing drive.

Mr. Bolzle asked if the garage doors are facing north and asked about the size of the garage. The applicant stated that the doors would face the north and that he does some handyman type things for his church and he would be placing a workbench in the garage and to place his cars in the garage. Mr. Edd stated that they tried to turn the garage around to face west – but couldn't use the alley as a driveway.

Mr. White asked the applicant about the 62' setback. Mr. White has done the figures and comes up with a 58' setback. Mr. Edd stated that the lot is 65' and that he has an additional 5' from next door neighbor for driveway purposes.

Mr. Dunham asked the applicant if he has title to the 5'? Mr. Edd replied yes he does.

More discussion about access from Apache and Traffic Engineer letter.

Mr. Bolzle inquired as to the other square footage, Staff answered that it was a gazebo located on the property.

Case No. 17976 (continued)

Ms. Parnell inquired as to the use of the garage. Mr. Edd replied that he would use the garage for his cars and to help his church by working on lawnmowers and large tractors. Ms. Parnell stated that the applicant couldn't bring the equipment onto the property and she stated that she will speak to the applicant after the hearing regarding the Code and their property.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Cooper Dunham, White, "aye"; no "nays", no "abstentions"; Turnbo "absent") to **APPROVE** Variance of allowable size for an accessory building from 750' to 912' for new garage. **SECTION 402.B.1.d. ACCESSORY USE CONDITIONS IN RESIDENTIAL DISTRICTS – Use Unit 6** subject to the following restrictions: the property be used for residential purposes only, no commercial; no access to Apache; 768 SF garage and a 12x12 gazebo on the following described property:

Lot 1, Block 3, Emerson Second Addition.

Case No. 17978

Action Requested:

Variance to allow two dwelling units on one lot of record. **SECTION 205. NUMBER OF DWELLING UNITS ON A LOT** and a Special Exception to allow a manufactured home in an AG zoned district. **SECTION 301 TABLE 1.9 PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** located W of NW/c E. 111th St. & S. Memorial.

Presentation:

The applicant **John F. Weiss**, 4425 E. 31st St., Tulsa, OK 74135, submitted site plan (Exhibit E-1), Fleetwood Homes Brochure (Exhibit E-2), and house plans (Exhibit E-3). Mr. Weiss stated that existing on the property now is a mobile home that owners of the stables want to change to a groundkeepers manufactured home and to also build a new manager's home. Discussion with the Board not audible. Mr. Weiss stated that they need a building permit for the arena but that it would be approved separately from the homes. Mr. Weiss also stated that the existing structures would be taken down.

Comments and Questions:

Mr. Cooper inquired about the ¼ acre out parcel. Mr. Beach stated that it was not a legal lot. The applicant stated it is a cemetery.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Cooper Dunham, White, "aye"; no "nays", no "abstentions"; Bolzle "absent") to **APPROVE** a Variance to allow two dwelling units on one lot of record. **SECTION 205. NUMBER OF DWELLING UNITS ON A LOT** and a Special Exception to allow a manufactured home in an AG zoned district. **SECTION 301 TABLE 1.9 PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** subject to the manufactured home being placed on a permanent foundation and per plan submitted with the hardship being the size of the lot on the following described property:

The SW/4 of the SE/4 of Sec. 26, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, LESS AND EXCEPT that tract of land beginning at the SW/c of the SW/4 of the SE/4 of said Sec. 26, thence N a distance of 330', thence E a distance of 330', thence S a distance of 330', thence W a distance of 330' to the point of beginning, said portion containing 2.5 (2½) acres, more or less and less a tract of land beginning at a point 945.86' N of the S Section line and 241.59' E of the W boundary of SWSE: thence E 104', thence N a distance of 105', thence W a distance of 104', thence S 105' to the point of beginning containing .25 (¼) acres more or less

Case No. 17979

Action Requested:

Variance of maximum rear yard coverage of not more than 20% to allow a storage building. **SECTION 210.B.5. YARDS, Permitted Obstructions in Required Yards – Use Unit 6** and a Variance of the maximum 750 SF of floor area to allow a storage building of 960 SF **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions** located 4612 S. 28th W. Ave.

Presentation:

The applicant, **Sean Clay**, 4612 S. 28th W. Ave., (letter of protest Exhibit F-1) stated that he bought the property from HUD and wants to build an out building on the property. Mr. Clay stated that the house sits in the front of the lot, which is a double lot. Building will be designed to match the house design.

Comments and Questions:

Mr. White asked the applicant if the storage building is there now? The applicant stated no.

Mr. Beach stated that according to the site plan, Staff feels that there is no reason why the storage building couldn't be moved 2' or 3" to meet the requirement.

Case No. 17979 (continued)

Mr. Clay stated that he is trying to use the existing slab from a previous outbuilding and that it is smaller than what he wants to build.

Interested Parties:

Janelle Brener 4617 S. 28th W. Ave., wants to know what is going to be put there and will their property values go down?

Arthur Brener, 4617 S. 28th W. Ave., wants to know what is going on, is there going to be an increase in traffic? Stated that there are some dump trucks running into his front yard across the street.

Mike Langston, 4622 S. 28th W. Ave., does not have a problem with what his neighbor is doing.

Applicant's Rebuttal:

Mr. Clay stated that the storage building is going to be used for his construction business for storing saws, etc. The trucks are emptying the large dumpster that he has for his house while he is doing some remodeling. After the house is finished, the trucks will be gone.

Comments and Questions:

Mr. Dunham asked if the storage building is already existing. The applicant answered yes, he started building before he was aware of the variance problem.

Mr. Cooper asked if the building is used strictly for storage or is it also used as a garage?

Mr. Beach pointed out that the plan shows that the building was completed before the action by Ackerman was brought.

Mr. Stump asked if the storage on the property was going to be used for construction business? Mr. Clay answered yes. He works construction with his father and it would be used to store some of their equipment, saws, etc.

Staff commented that the applicant can't move the building because it is already there.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolzle, Cooper Dunham, White, "aye"; no "nays", no "abstentions"; Turnbo "absent") to **APPROVE** a Variance of maximum rear yard coverage of not more than 20% to allow a storage building. **SECTION 210.B.5. YARDS, Permitted Obstructions in Required Yards – Use Unit 6** and a Variance of the maximum 750 SF of floor area to allow a storage building of 960 SF **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS,**

Case No. 17979 (continued)

Accessory Use Conditions per plan submitted and subject to residential use only and the hardship being the double lot on the following described property:

Block 17, Lots 23-24, Carbondale Addition.

Case No. 17980

Action Requested:

Special Exception to allow auto sales in a CS zoned district. **SECTION 701. Table 1. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICT – Use Unit 17** and Variance of the required 300' setback from an R zoned district for outdoor display of merchandise offered for sale. **SECTION 1217.C.2. AUTOMOTIVE AND ALLIED ACTIVITIES; Use Conditions** located 8545 E. Admiral Pl.

Presentation:

The applicant, **Larry Tate**, 8530 E. 75th St., Tulsa, OK 74133, stated that he is asking for a Variance to allow an auto sales. There are auto sales on either side of his property and across the street from his property.

Interested Party:

Andrew Ross, 8544 E. Admiral Pl., submitted photos (Exhibit G-1), letter of protest (Exhibit G-2) owns the Tulsa Auto Auction directly across the street from the subject property. Mr. Ross is not opposed to the auto sales in the area but has some concerns about this particular auto sales business. (1) the car lot has been in operation for the last two months. His problem with the car lot is that they are placing the cars 1' or 2' from the road and people have to walk into the street to get around the cars. (2) The building on the property has no shop facility for body work or pinstripping of a car, yet the people on the property have been doing it out in the open for some time. Mr. Ross believes that this type of business should be out of view and (3) Mr. Ross is concerned about the space for the number of cars. Mr. Ross states that there is only room for 5-6 cars and they are putting many more than that on the lot causing some of the cars to be placed too close to the street.

Applicant's Rebuttal:

Mr. Tate spoke with the tenant of the property and he is anticipating up to 10 vehicles on the lot.

Comments and Questions:

Ms. Parnell stated that every car lot plays games with adjacent car lots where they try to see who can put their cars farther out into the street. Ms. Parnell frequently visits the lots and requires them to move the cars back.

Mr. Bolzle stated that the lot is only 68' deep and he has a concern for parking.

Case No. 17980 (continued)

Discussion not audible.

Mr. White suggested a condition to limit the cars to a maximum of 10.

Mr. Bolzle mentioned that he would like more information before he makes a decision.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 3-1-0 (Cooper, Dunham, White, "aye"; Bolzle "nays", no "abstentions"; Turnbo "absent") to **APPROVE** Special Exception to allow auto sales in a CS zoned district. **SECTION 701. Table 1. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICT – Use Unit 17** and Variance of the required 300' setback from an R zoned district for outdoor display of merchandise offered for sale. **SECTION 1217.C.2. AUTOMOTIVE AND ALLIED ACTIVITIES; Use Conditions** subject to a maximum of 10 cars on the lot and auto sales only - no repair or detail work done on the property finding that the hardship is the expressway on the following described property:

Part of Lots 18 and 19, Beginning at the SW/c of Lot 18, thence N 68.01' NEly 150.82' to the E line of Lot 19, thence S 76.7' to the SE/c of Lot 19, W 150' to point of beginning, Block 7, Mingo Terrace Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof

Dunham out at 3:15

Case No. 17981

APPLICANT NOT PRESENT; MOVED TO END OF AGENDA

Case No. 17982

Action Requested:

Special Exception to permit auto sales in a CS District. **SECTION 701. Table 1. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17** and Variance of screening requirement along north and west property lines. **SECTION 1217.C.1 AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions** and a Variance to permit open air storage or display of merchandise offered for sale within 300' of an adjoining R District **SECTION 1217.C.2 AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions** located 1269 S. Memorial.

Presentation:

The applicant, **Carl White**, represented by Ron Tracy, has brought copies of previous application and minutes of approval (Exhibits H-1 and H-3) and a site plan (H-2) stated that the same three variances that are requested were approved in 1994 and they are before the Board because the time limit on the variances has expired and they need them reinstated.

Comments & Questions:

Mr. Bolzle asked if there has been any change to the RS areas? Mr White stated no.

Mr. Bolzle asked if there is a visual barrier? Mr. White answered that there is a tree line on the creek area. RS owners have a privacy fence.

Mr. White asked the applicant about the days and hours of operation. The applicant responded that he wasn't exactly sure but he assumed that they were whatever most days and hours of car lots are – 8:30 p.m. – 9:00 p.m.

Mr. Bolzle asked if they would make the condition as previously approved? Mr. Cooper asked if it was previously permanently approved?

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Cooper White, "aye"; no "nays", no "abstentions"; Dunham, Turnbo "absent") to **APPROVE** Special Exception to permit auto sales in a CS District. **SECTION 701. Table 1. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17** and a Variance to permit open air storage or display of merchandise offered for sale within 300' of an adjoining R District **SECTION 1217.C.2 AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions** subject to operable vehicles only, no maintenance or repair of vehicles on property finding that the natural creek and tree line are the hardships and **CONTINUE** a Variance of screening requirement along north and west property lines. **SECTION 1217.C.1 AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions** to the meeting of April 14, 1998 on the following described property:

Lot 6, Block 3 Forest Acres.

Case No. 17983

Action Requested:

Special Exception to allow a mobile home in an RS-3 District. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Variance of one year time limit to permanent. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** located 1910 E. 28th St. N.

Case No. 17983 (continued)

Presentation:

The applicant, **Norma Jean Stevens**, 2447 N. Boston Place, submitted plot plan (Exhibit I-1) and photos (I-2).

Comments and Questions:

Mr. White asked if Ms. Stevens was before the Board on the 1988 case. She answered no. Mr. White asked if she has done anything to manufactured home still on the lot. Ms. Stevens answered no.

Mr. Dunham asked if there were any other mobile homes in the area and Ms. Stevens replied that on Apache and Lewis there was one that was on wheels. Ms. Stevens stated that she wants hers to be on a permanent foundation.

Mr. Cooper asked the applicant if she would be comfortable with a time limit? She answered yes.

Discussion not audible.

Mr. White expressed concern regarding the fact that there are not any other mobile homes in the area, the fact that there are a lot of empty lots and a lot of older homes in the area.

Mr. Bolzle stated that the Board normally is not favorable to mobile homes in RS districts, but the area is full of a lot of empty lots.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Cooper Dunham, White, "aye"; no "nays", no "abstentions"; Turnbo "absent") to **APPROVE** Special Exception to allow a mobile home in an RS-3 District. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Variance of one year time limit to 3 years. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** subject to the condition that the City Codes are met and the mobile home is skirted and tied down on the following described property:

Lot 10, Block 2 Victory Addition

Case No. 17984

Action Requested:

Variance of the 30' required front yard to 25'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** and a Variance of the required 25' rear yard to 14' for new dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** located 4110 E. 53rd Pl.

Presentation:

The applicant, **Thomas D. Mansur**, 1628 S. Boston Avenue, submitted an applicant letter (Exhibit J-2) and site plan (Exhibit J-3). Mr. Mansur stated that they want to build a house on Tract B (the variance on Tract A will be on next month's agenda). The layout of the house would require a variance of the front and rear setback lines. The owner of the house desires to build a one-story home which would be handicapped accessible with extra wide hallways for his elderly parents to live with him. The creek on the rear of the property and the City's access ramp to the west provides a buffer or open area.

Protestants:

Elenor Jones, 4125 E. 53rd Pl., stated that she is a homeowner and has lived in the area for 34 years and has a letter of protest from a neighbor (Exhibit J-1). Ms. Jones believes that they should build within the requirements of the lot. If variances are given to this property, what will the other lot ask for? Please do not grant variance.

Applicant's Rebuttal:

Mr. Mansur stated that the requirements of either one or both lots had to be equal to or greater than the smallest lot in the area. The East building (Tract A) is going to be a two-story house and could be built within the requirements of the lot and the applicant wants to build a one-story house and can not be built within the requirements of the lot.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Cooper Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Turnbo "absent") to **APPROVE** Variance of the 30' required front yard to 25'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** and a Variance of the required 25' rear yard to 14' for new dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** per plan submitted and finding that the hardship is the shape of the lot and the creek channel on the following described property:

Part of Lots 8 and 9, Novell Woods Addition commencing at the NE/c of said Lot 9; thence along the N boundary of Lot 9 as follows: N 89°56'12" W a distance of 9.39'; thence on a curve to the right having a radius of 388.50' a distance of 63.98'; thence N 80°30'03" W a distance of 10.00'; thence on a curve to the left having a radius of 338.50' a distance of 55.75'; thence N

Case No. 17984 (continued)

89°56'12" W a distance of 181.21' to the point of beginning; thence S 00°03'26" W a distance of 109.52'; thence N 78°14'56" W a distance of 0.00'; thence on a curve to the right having a radius of 902.73' a distance of 136.94'; thence N 11°59'14" E a distance of 49.08' to a point on the S right of way line of E 53rd Pl. S.; thence S 76°49'07" E a distance of 0.00' thence on a curve to the left having a radius of 50.00' a distance of 43.63'; thence on a curve to the right having a radius of 75.00' a distance of 48.28'; thence S 89°56'12" E a distance of 34.98' to the point of beginning, containing 10,653 SF or 0.24456 acres, more or less.

Case No. 17985

Action Requested:

Special Exception to allow an 80' monopole in an RM-1 District **SECTION 401. PRINCIPAL USES IN RESIDENTIAL DISTRICTS – Use Unit 4** and a Special Exception to modify setback from abutting RM-2 District (tennis courts) from 88' to 10' **SECTION 1204.C.3.g(1) USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES** located S & E of 31st & Riverside.

Presentation:

The applicant, **Roy D. Johnsen**, 201 W. 5th St, Ste. 440, Tulsa, OK 74103-4211, represents AT&T Wireless Services, submitted photos (Exhibit K-1) and site plan (Exhibit K-2), and stated that the property is located at the rear end of the Sundance Apartments in the tennis court facility. The tower proposed is located 10' off the boundary of the westernmost court. The equipment building will be located north of the west tennis court. There are two apartment complexes that share the tennis courts – Place One and Sundance Apartments. The nearest single-family home is located north of the tennis courts and the tower would be setback 89' from it. The Code states that it must be setback 88' so this meets the requirement. The tennis courts are lighted so the cellular telephone pole would blend in. Neighbors in the area that were contacted were supportive of the tower but were concerned with the equipment building. Some modifications to the equipment building were made and it now will have a pitched roof that is shingled and tastefully done. In the immediate area utility facilities are not unusual along with light poles.

Interested Parties:

Judy Sefelt, 3204 S. Cincinnati, represents two neighbors who were unable to be at meeting. Ms. Sefelt stated that her backyard abuts the tennis courts and protests the building of this tower. She has lived in the home since 1978 and has just started to landscape her home. Ms. Sefelt believes that the tower will create an eyesore for everyone in the neighborhood.

Hugh Epperly, 3137 S. Boston Court, has lived in the area for over 30 years, before the apartments were built. If equipment building was built, property values would drop.

Applicant's Rebuttal:

Mr. Johnsen stated that they may be willing to build a cellular telephone tower similar to the one in the photo submitted which is a laminated wood pole. Mr. Johnsen stated that the equipment building is not large, it is 12'x20', single story and is 15' in height. As to location, there are already several poles, PSO transformers and things already on the horizon and the monopole would fit in just fine. Mr. Johnsen considers it an excellent location.

Comments and Questions:

Mr. White asked the applicant how tall the roof of the apartment is. Mr. Johnsen replied that his estimation would be 30'.

Mr. Cooper stated that he hasn't met anyone who likes the poles.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Cooper, Dunham, White, "aye"; no "nays", no "abstentions"; Turnbo "absent") to **APPROVE** Special Exception to allow an 80' monopole in an Rm-1 District **SECTION 401. PRINCIPAL USES IN RESIDENTIAL DISTRICTS – Use Unit 4** and a Special Exception to modify setback from abutting RM-2 District (tennis courts) from 88' to 10' **SECTION 1204.C.3.g(1) USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES** per plan submitted, subject to the monopole being a wood laminated pole on the following described property:

Beginning at a point on the E line of the NW/4 NW/4 NE/4 of Sec. 24, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, which is 570' S of the NE/c thereof; thence W 75' to a point; Thence NWly 60.8' to a point 56' N and 98.75' W of the point of beginning; Thence 12' W to a point; Thence NWly a distance of 82.84' to a point 130' N and 148.75' W of the point of beginning; Thence W a distance of 98.75' N and 148.75' W of the point of beginning; Thence W a distance of 98.75' to a point; thence S 250' to a point on the S line of the said NW/4 NW/4 NE/4 which is 247.5' W of the SE/c of the said NW/4 NW/4 NE/4: thence E 247.5' to the SE/c of the said NW/4 NW/4 NE/4; thence N along the E line of said NW/4 NW/4 NE/4 of said Section 24 to the point of beginning.

Case No. 17986

Action Requested:

Variance of required yard along 31st from 25' to 14.9'. **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** and a Variance to allow expansion of a nonconforming structure. **Section 1405.A. STRUCTURAL NONCONFORMITIES** located 3102 S. Owasso Ave.

Presentation:

The applicant, **Michael Dwyer**, 201 West 5th St., Ste. 450, Tulsa, OK 74103, stated that they are asking for a variance to allow construction on an existing one bedroom nonconforming house.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Cooper, Dunham, White, "aye"; no "nays", no "abstentions"; Turnbo "absent") to **APPROVE** Variance of required yard along 31st from 25' to 14.9'. **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** and a Variance to allow expansion of a nonconforming structure. **Section 1405.A. STRUCTURAL NONCONFORMITIES** per plan submitted finding that the hardship is the size of the lot on the following described property:

Lot 1, Block 4, Amended plat of Brookside Addition

Case No. 17987

Action Requested:

Variance of required setback from an abutting R-District from 75' to 25'. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** and a Special Exception to permit mobile home in IL District. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** located NW/c E. Admiral Pl. & N. 123rd E. Ave.

Presentation:

The applicant, **Margaret Jamerson**, 12119 E. Admiral Pl., submitted a site plan (Exhibit L-1) and stated that she is asking for a variance to allow a mobile home.

Comments and Questions:

Mr. Beach asked the applicant if the other homes on the lot are presently lived in. Ms. Jamerson answered that none of the homes are currently occupied.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Cooper, Dunham, White, "aye"; no "nays", no "abstentions"; Turnbo "absent") to **APPROVE** Variance of required setback from an abutting R-District from 75' to 25'. **SECTION 903. BULK**

AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS and a Special Exception to permit mobile home in IL District. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** per plan submitted on the following described property:

A parcel of land being a part of the S 311.00' of the E 151.00' of the S 466.67' of the W 466.67' of Government Lot 2, in Sec. 5, T-19-N, R-14-E of the IBM, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, said parcel being more particularly described as follows, to wit: Commencing at a point being the SE/c of the W 466.67' of said Government 2; thence N 00°12'29" W along the E line of the W 466.67' of Government Lot 2 a distance of 40.00' to the point of beginning; thence N 89°56'29" W parallel to the S line of Government Lot 2 a distance of 151.00'; thence N 00°12'29" W a distance of 10.00'; thence S 89°56'29" E a distance of 120.86'; thence along a curve to the left having a radius of 30.00' and a central angle of 90°16'00" for a distance of 47.26' to a point on the E line of the W 466.67' of Government Lot 2; thence S 00°12'29" E a distance of 40.14' to the point of beginning, said parcel containing 1703 sq. ft. or 0.039 acres, more or less and the E 151' of the S 466.67' of the W 466.67' of Lot 2 in Section 5, T-19-N, R-14-E of the IBM, Tulsa County, Oklahoma, according to the United States Government Survey thereof.

Case No. 17988

Action Requested:

Variance of required 50' setback to 37' to erect a new sign. **1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING; GENERAL USE CONDITIONS FOR BUSINESS SIGNS** located 2112 E. 15th St.

Presentation:

The applicant, **Brian Ward**, 9520 E. 55th Pl., submitted photos (Exhibit M-1) and a site plan (Exhibit M-2) and stated the entire front of the property is a concrete parking area. Mr. Ward stated that there is only one place on the entire property that would be appropriate to place a sign. There is an insurance agency directly to the west that is set out quite a bit farther than the Hillcrest building does. If they go with a 50' setback the insurance agency is completely blocking the proposed sign.

Interested Parties:

Sherry White, 1518 S. Gillette, represents the Gillette Historical District. Ms. White asked if the proposed sign will line up with other signs. Would it block James Gates sign?

Discussion about size of sign not audible.

Case No. 17988 (continued)

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 3-0-1 (Cooper, Dunham, White, "aye"; no "nays", Bolzle "abstentions"; Turnbo "absent") to **APPROVE** Variance of required 50' setback to 37' to erect a new sign. **1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING; GENERAL USE CONDITIONS FOR BUSINESS SIGNS** per plan submitted finding that the hardship is the size of the property on the following described property:

W 50' of N 170', Lot 5 and the E 10', N 170' of Lot 6, Block 1, Maywood Addition.

Case No. 17989

Action Requested:

Variance of the required conditions of an outdoor advertising sign. **SECTION 1221.F. USE CONDITIONS FOR OUTDOOR ADVERTISING SIGNS** and a Variance of the required 50' setback from the centerline of 11th St. to 37'. **SECTION 1221.C.6 GENERAL USE CONDITIONS FOR BUSINESS SIGNS** and a Variance of the 50' setback from centerline of 11th St. to 37' to relocate existing Miller sign. **SECTION 1221.C.6. GENERAL USE CONDITIONS FOR BUSINESS SIGNS** located SW/c 11th & S. Trenton.

Presentation:

The applicant, **Brian Ward**, 9520 E. 55th Pl., stated that at the time the application was made he did not have a site plan. Mr. Wilkerson has a site plan (Exhibit N-1) and a sign plan (Exhibit N-2) and he would like to submit it along with some photos (Exhibit N-3). Mr. Ward stated that when the application was made Miller still owned the property and Hillcrest is in the process of buying the property. At this time Mr. Ward is not sure if Hillcrest has closed on the property or not. Hillcrest is proposing to move the Miller car lot sign 30' to the west and for Hillcrest to take over the existing Miller sign location. Mr. Ward stated that when filing the application for an off-premises sign or billboard, they are now asking to waive that part of the variance.

Comments and Questions:

Mr. Dunham asked the applicant if Miller is currently using the lot. The applicant responded that he did not know how long Miller will stay in business to need his sign.

Mr. Dunham asked what the applicant is asking for if he does not need the off premises sign. Mr. Ward answered that he is asking for a setback from the centerline of 11th St. to 37'.

Case No. 17989 (continued)

Discussion regarding off premise sign not audible.

Mr. Ward stated that he would now ask for a variance of off premise sign.

Mr. Stump stated that Hillcrest needs more directional signs, needs more than a normal business.

Mr. Dunham stated that he thinks that the problem is that there is a nonowner using the property. Discussion not audible.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 3-0-1 (Cooper, Dunham, White, "aye"; no "nays", Bolzle "abstentions"; Turnbo "absent") to **APPROVE** Variance of the required conditions of an outdoor advertising sign. **SECTION 1221.F. USE CONDITIONS FOR OUTDOOR ADVERTISING SIGNS** and a Variance of the required 50' setback from the centerline of 11th St. to 37'. **SECTION 1221.C.6 GENERAL USE CONDITIONS FOR BUSINESS SIGNS** and a Variance of the 50' setback from centerline of 11th St. to 37' to relocate existing Miller sign. **SECTION 1221.C.6. GENERAL USE CONDITIONS FOR BUSINESS SIGNS** per plan submitted subject to the sign being a directional sign for the hospital on the following described property:

Lot 1 vacated W. 10' of Trenton and E 10' vacated alley Lot 1, Block 3, Forest Park Addition Re-amended.

Case No. 17990

Action Requested:

Variance of required 50' setback from centerline of 11th St. to 38'. **SECTION 1221.C.6 GENERAL USE CONDITIONS FOR BUSINESS SIGNS** and a Variance of required 50' setback from centerline of Utica Ave. to 45' **SECTION 1221.C.6. GENERAL USE CONDITIONS FOR BUSINESS SIGNS** located SW/c 11th & S. Utica.

Presentation:

The applicant, **Brian Ward**, 9520 E. 55th Pl., submitted photos (Exhibit O-1) and site plan (Exhibit O-2) and stated that they are asking for a variance on the setback. They are constructing a new building and there is no room for signs. The signs are temporary construction signs. When the walls are up on the building the signs will be transferred from the poles to the walls of the building.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 3-0-1 (Cooper, Dunham, White, "aye"; no "nays", Bolzle "abstentions"; Turnbo "absent") to **APPROVE** Variance of required 50' setback from centerline of 11th St. to 38'. **SECTION 1221.C.6 GENERAL USE**

Case No. 17990 (continued)

CONDITIONS FOR BUSINESS SIGNS and a Variance of required 50' setback from centerline of Utica Ave. to 45' **SECTION 1221.C.6. GENERAL USE CONDITIONS FOR BUSINESS SIGNS** per plan submitted subject to a time limit of not longer than 24 months on the following described property:

All of Lots 2, 3, 4, 5, 6, 7, & 8, Block 1 and all of Lots 1 & 2, Block 2, of Hopping Heights, an Addition to the City of Tulsa, Tulsa County, Oklahoma and all of that part of vacated Troost Ave. described as follows: starting at the NW/c of said Lot 6 of Block 1 of Hopping Heights; thence S along the Wly line of Block 6 for 5.00' to the point of beginning of said tract; thence continuing S along the Wly line of said Lot 6 and Lot 7 for 95.00' to the SW/c of Lot 7; thence Wly 60.00' to the SE/c of Lot 2, Block 2 of Hopping Heights; thence Nly along the Ely line of said Lot 1 for 45.00; thence Ely for 60.00' to the point of beginning and also all that part of the 10' wide vacated alleyway lying Wly of and adjacent to said Lot 1, Block 2 of Hopping Heights Addition

Case No. 17991

Action Requested:

Special Exception to permit a temporary mobile MRI unit as an accessory to an existing medical office. **SECTION 602. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS – Use Unit 11** and a Variance to allow required parking displaced by mobile MRI to be on a lot other than the lot containing the principal use. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS** and a Variance of the all weather surface requirement to allow temporary parking on an unpaved surface. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** on located 1430 S. Utica.

Presentation:

The applicant, **Debbie Mullikin**, submitted a location search summary (Exhibit P-1) and a site plan (Exhibit P-2) and stated that she represents Health South Diagnostic Center of Tulsa. They are before the Board to ask for an extension of a variance that was granted August 26, 1997. The center was not able to relocate in the time period allotted and the extension would allow them to keep looking for a place to relocate to. Currently, they are working on a lease and would hopefully be moved into the new location in July or August.

Comments and Questions:

Mr. White asked the applicant what the outside time limit would be. Ms. Mullikin replied 6 months to one year.

Mr. White asked if anything has changed since the last application was approved. Ms. Mullikin stated that they switched mobile units, but nothing else has changed.

Case No. 17992 (continued)

Interested Parties:

Sherry White, 1518 S. Gillette, represents Gillette Historic District, asked the Board if they received a letter of protest from Mr. Bruce McGoan. Mr. Beach answered no. Ms. White stated that Ms. Mullikin answered most of her questions, she was curious about if this was going to be an additional MRI or one that has been here. She is opposed to a permanent or ongoing time limit.

Mr. Cooper asked if the lease has been signed. The applicant answered no, but they were working on it.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Cooper, Dunham, White, "aye"; no "nays", no "abstentions"; Turnbo "absent") to **APPROVE** Special Exception to permit a temporary mobile MRI unit as an accessory to an existing medical office. **SECTION 602. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS – Use Unit 11** and a Variance to allow required parking displaced by mobile MRI to be on a lot other than the lot containing the principal use. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS** and a Variance of the all weather surface requirement to allow temporary parking on an unpaved surface. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** subject to a 9 month time limit on the following described property:

Lot 7 & N/2 Lot 8, Block 4, Lakeview Addition

Case No. 17932

Action Requested:

Variance of the allowable height for a new sign in a CS zoned district from 40' to 60'. **SECTION 1221.D.1. CS DISTRICT USE CONDITIONS FOR BUSINESS SIGNS** located SE/c E. 27th St. & S. Memorial Dr.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Cooper Dunham, White, "aye"; no "nays", no "abstentions"; Turnbo "absent") to **CONTINUE** Case No. 17932 to the meeting of April 14, 1998.

Case No. 17981

Action Requested:


Special Exception to allow a dwelling unit in an OL District. **SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** OR in the alternative a Variance to allow an addition to a nonconforming residence in an OL District. **SECTION 1402. NONCONFORMING USE OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION – Use Unit 6** located 1440 N. Gary Pl. E.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Turnbo "absent") to **CONTINUE** Case No. 17981 to the meeting of April 14, 1998.

There being no further business, the meeting was adjourned at 4:46 p.m.

Date approved: APRIL 14, 1998



Chair