

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 765
Tuesday, January 26, 1999, 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
Cooper Dunham, Vice Chair Turnbo, Secretary Perkins White, Chair		Arnold Beach Stump	Ballentine, Code Enforcement Parnell, Code Enforcement Jackere, Legal Department Prather, Legal Department

The notice and agenda of said meeting was posted in the Office of the City Clerk on Wednesday, January 20, 1999, at 9:24 a.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.

UNFINISHED BUSINESS

Case No. 18281

Action Requested:

Variance of the minimum frontage requirement of 150' on an arterial street to permit a drive-in restaurant in a CS zoned district. **SECTION 704.C.4. SPECIAL EXCEPTION USES IN COMMERCIAL DISTRICTS; REQUIREMENTS – Use Unit 18**, located SW/c 59th St. & S. Lewis Ave.

Presentation:

The applicant, **Sack and Associates, Inc.**, was represented by Ted A. Sack. Mr. Sack stated that he is representing NEO Properties who are constructing a Sonic Drive-in at 59th & Lewis. This is an old service station site and only has 145' of frontage on South Lewis and Code requires 150' of frontage for an arterial street. There is 203' of frontage on a 59th Street which is a collector street.

Case No. 18281 (continued)

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** a Variance of the minimum frontage requirement of 150' on an arterial street to permit a drive-in restaurant in a CS zoned district. **SECTION 704.C.4. SPECIAL EXCEPTION USES IN COMMERCIAL DISTRICTS; REQUIREMENTS – Use Unit 18**, finding that it meets the requirements of Section 1607.C., per plan submitted, on the following described property:

The E 253' of the N 175' of the SE/4 of the SE/4 of Section 31, T-19-N, R-13-E of the IBM, less the N 30' and the E 50' of the N 155' and the E 40' of the S 20'.

NEW APPLICATIONS

Case No. 18286

Action Requested:

Variance of the required setback from the centerline of Peoria Ave. from 50' to 43' to permit an addition to an existing nonconforming sign. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs – Use Unit 21**, located 4410 S. Peoria.

Presentation:

The applicant, **John McCoy**, 4929 S. Boston Ave., submitted a site plan (Exhibit A-1), a sign plan (Exhibit A-2) and an explanation of the site (Exhibit A-3) stated that this application is concerning an existing pole sign in front of a Subway store. Mr. McCoy stated to the Board that the pole sign had been knocked down by a truck and they are trying to replace the sign. The pole is setback 52' and part of the sign is over the 50' setback. The sign existed for many years in this configuration and they would like to rearrange the different sign levels and reduce the square footage in the setback area. Mr. McCoy stated that there are six tenants in the shopping area and they will share spots on the sign.

Comments and Questions:

Mr. Stump asked the applicant if the sign is overhanging any paved area used by cars. Mr. McCoy replied that there are some yellow bumpers set up to stop traffic from driving near the sign and there is a trash receptacle located in the area so that cars can not go over it.

Mr. Stump reminded the applicant that the City has a minimum clearance under signs when it is accessible by vehicles. Mr. McCoy knows about the sign clearance and the Sign Inspector informed him that a trash receptacle would be acceptable to prohibit cars from passing under the sign.

Interested Parties:

Joe Golusha stated that he represents several property owners in the Brookside area. Mr. Golusha mentioned that he has not seen the applicant's photos but believes that this is a fine opportunity for the Board to consider making all signs conforming to the guidelines set forth by the City. There are quite a few signs in the Brookside area that are nonconforming.

Mr. Cooper asked Mr. Golusha if there were any other concerns besides making the sign meet the current Code. Mr. Golusha replied the aesthetics of the neighborhood.

Applicant's Rebuttal:

Mr. McCoy agreed with Mr. Golusha's statement that aesthetics are important and this request will reduce the amount of square footage in the setback area.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance of the required setback from the centerline of Peoria Ave. from 50' to 43' to permit an addition to an existing nonconforming sign. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs – Use Unit 21**, finding that it meets the requirements of Section 1607.C., per plan submitted and subject to a license agreement with the City of Tulsa, on the following described property:

Tract I: All that part of the E/2 of the SE/4 of the NE/4 of Section 25, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows: commencing at the NE/c of said E/2, SE/4 NE/4; thence due S along the E boundary of said E/2 SE/4 NE/4 a distance of 330.63'; thence S 89°49'28" W a distance of 50' to the point of beginning, said point of beginning being the SE/c of Pasadena, an addition to the City of Tulsa, Tulsa County, Oklahoma; thence S 89°49'28" W along the S boundary of Pasadena, an addition to the City of Tulsa, Tulsa County, Oklahoma a distance of 355.00' to the SE/c of Block 3,

Case No. 18286 (continued)

Pasadena, an addition to the City of Tulsa, Tulsa County, State of Oklahoma; thence due S parallel to the E boundary of said E/2 SE/4 NE/4, a distance of 489.29' to a point in the N right-of-way line of 45th Pl.; thence N 89°49'28" E along the N right-of-way line of 45th Pl., a distance of 355.00' to a point 50' W of the E boundary of said E/2 SE/4 NE/4; thence due N a distance of 489.29' to the point of beginning **AND TRACT II:** All that part of the E/2 of the SE/4 of the NE/4 of Section 25, T-19-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows: commencing at the NE/c of said E/2 SE/4 NE/4; thence due S along the E boundary of said E/2 SE/4 NE/4, a distance of 330.63', thence South 89°49'28" W, a distance of 405' to the point of beginning, said point of beginning being the SE/c of Block 3, Pasadena, an addition to the City of Tulsa, Tulsa County, Oklahoma; thence S 89°49'28" W along the S boundary of Pasadena, an addition to the City of Tulsa, Tulsa County, Oklahoma, a distance of 150' to a point; thence due S parallel to the E boundary of said E/2 SE/4 NE/4, a distance of 489.29' to a point in the N right-of-way line of 45th Pl.; thence N 89°49'28" E along the N right-of-way of 45th Pl., a distance of 150' to a point 405' W of the E boundary of said E/2 SE/4 NE/4, thence due N a distance of 489.29' to the point of beginning

Case No. 18287

Action Requested:

Variance of the setback from S. Peoria from 15' to 5' for a detached garage. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** and a Variance of the allowable fence height in the front yard from 4' to 8'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, located 1234 E. 20th St.

Comments and Questions:

Mr. White asked Mr. Beach if the second variance needs to be changed to a special exception per Staff comments and Mr. Beach replied affirmatively and reminded the Board that no hardship finding will be necessary.

Presentation:

The applicant, **Scott Sanford**, 1234 E. 20th St., submitted a site plan (Exhibit B-1), photos (Exhibit B-2) and stated that he is trying to renovate his house that was constructed in 1920. Their garage and parking spaces back out onto Peoria and they would like to build a full drive that would come off of 20th Street and go straight to the back of the house. Mr. Sanford stated that when the house was built in 1920, Peoria was just two lanes and now it is four lanes and their drive space has been cut in half. It has created a dangerous situation by having to back out onto Peoria. Mr. Sanford

Case No. 18287 (continued)

mentioned that there will be an 8' fence that will sit next to a 4' brick wall that is existing and the garage will be out of view from anyone driving down Peoria. The fence will be 8' tall and will be setback 10' from the property line. The fence will slope back down to 4' so people who will be pulling onto Peoria from 20th Street will be able to see oncoming traffic. Mr. Sanford submitted photos of his property and explained how the fence will be constructed.

Interested Parties:

None.

Comments and Questions:

Ms. Turnbo stated that she has no problem with this application because it will be less dangerous to pull out on 20th Street than to pull out onto Peoria Ave.

Mr. Beach does not believe that the applicant is advertised properly. The setback requirement for the garage from Peoria would be 70' from the centerline. It may be questionable about the way this was advertised because the applicant is wanting to build in the planned right-of-way.

Mr. Jackere found that the notice is flawed and needs additional relief. The case needs to be continued for additional notice.

Mr. Sanford did not agree with the continuance. Mr. Beach stated to the applicant that it must be readvertised. Because of the technical requirements of the Zoning Code and the way the notice was given, the Board does not have proper standing to hear the case and make a decision today.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", Cooper "abstentions"; no "absent") to **CONTINUE** Case No. 18287 until the February 23, 1998 meeting.

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Case No. 18288

Action Requested:

Variance from Section 1002.A.1. of Code to reduce the required street yard landscaping to allow curb cut for second access. **SECTION 1002.A. LANDSCAPE REQUIREMENTS, Frontage and Perimeter Requirements – Use Units 11-14**, located 7123 S. 92nd E. Ave.

Presentation:

The applicant, **Robert Nguyen**, 6426 S. Richmond, submitted a site plan (Exhibit C-1) and stated that this application is to allow a curb cut for second access on his property on 92nd E. Ave. Without a curb cut some of the prospective tenants do not want to lease the property. Because the service access is at the back of the building and it cannot be accessed without a curb cut, the vendors have to unload at the front of the building. Mr. Nguyen said that this really creates a hardship for him. The lot is very narrow and long, 185'x325'. With the curb cut there will be approximately 13% street yard landscaping instead of the 15% required by the Code. Mr. Nguyen pointed out that without a second access fire trucks cannot get into the back of the building.

Comments and Questions:

Mr. Dunham asked what direction the building faces and the applicant responded north.

Mr. Stump mentioned to the Board that the conceptual site plan showed a curb cut there but when they got down to calculating the amount of landscape street yard, it was insufficient with that curb cut put in there and there was no other way to meet the parking requirement. Mr. Stump suggested reducing the landscape to 13% instead of eliminating it. This layout with the access to the back of the building is what was conceptually proposed in the planned unit development all along. The numbers just did not work.

Mr. Cooper stated that he is confused about how this came about because this is a new building. Where was the mistake made? Mr. Stump replied that the plan was not approved with this second curb cut. They proposed the second access there and when it was discovered that they did not have enough landscaping the developer was informed that they could not have the access. When they actually got down to having the landscape plan approved, they had to eliminate the second access in order to have the 15% landscape. In order to get the number of parking spaces he needed for his building, he could not make the other area landscaped.

Mr. Cooper asked if the parking is required by the PUD or by his need? Mr. Stump responded that there is a standard in the ordinance but Mr. Nguyen made the building big enough that the parking is required for his needs. The construction of the building dictates how much parking is needed.

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Mr. Cooper told Mr. Nguyen that he knew the service road would not be permitted when he built the building. Mr. Nguyen responded that he did not know because he was relying on his architect. He did not know that the second access was not allowed by the City.

Mr. Cooper asked if by taking one parking space could the applicant meet the landscape ordinance? Mr. Stump answered yes. Mr. Cooper asked Mr. Nguyen if there is anything that would prevent him from meeting the ordinance? Mr. Nguyen stated that his tenants would need every parking space available and 2% is a very small amount of landscaping.

Mr. Cooper believes that they were well informed that they would not meet the ordinance when they put the drive in. There are other ways to solve the problem.

Ms. Turnbo asked if it would be acceptable to Mr. Cooper if the applicant took one parking space and turned it into landscaping? Mr. Cooper said that would be acceptable.

Mr. White asked Staff if this case is denied can the second drive remain in place if he does do the 15% of landscaping and lose one parking space. Mr. Dunham asked what the required parking is for the property. Mr. Stump believes that the applicant wanted to put a restaurant as well as some retail space in the building. Restaurant uses have a much higher parking requirement than retail space and they needed every space that they had on this site to get close to the size restaurant they wanted. Mr. Stump believes that they had to reduce the size of the restaurant some to meet the parking requirement.

Mr. Stump asked Mr. Nguyen if he knows how many parking spaces he has. Mr. Nguyen replied that he was not sure but he thinks he has 65 or 66 parking spaces. Mr. Stump asked how many square feet are in the building and Mr. Nguyen responded 12,300 square feet. Mr. Stump stated that the applicant would be required to have 66 parking spaces and that is barely enough for a restaurant. The Board determined that the applicant could lose one parking space and still meet the requirement for having a restaurant.

Ms. Perkins does not believe that reducing the landscaping 2% will cause any problems. Ms. Turnbo agreed and she feels that the applicant should not give up valuable parking spaces for only 2% of landscaping.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-1-0 (Dunham, Turnbo, Perkins White "aye"; Cooper "nays", no "abstentions"; no "absent") to **APPROVE** Variance from Section 1002.A.1. of Code to reduce the required street yard landscaping from 15% to 13% to allow curb cut for second access. **SECTION 1002.A. LANDSCAPE REQUIREMENTS, Frontage and Perimeter Requirements – Use Units 11-14** per plan submitted finding that there is not enough land to meet the parking and the landscaping requirements, on the following described property:

A tract of land that is part of Lot 2, Block 1, Howerton Acres, a resubdivision of Lot 1, Block 2 or "Woodland Springs 1", an addition to the City of Tulsa, Tulsa County, State of Oklahoma, said tract of land being more particularly described as follows, to-wit: Beginning at a point that is the most Wly NW/c of Lot 2, said point: also being the SW/c of Lot 1, Block 1 of Howerton Acres, thence due E along the Sly line of said Lot 1 and an Ely extension thereof for 325.00', thence due S for 158.33' to a point of the Sly line of said Lot 2, thence due W along said Sly line for 313.03' to a point on the Wly line of said Lot 2, thence N 12°57'50" W for 0.00' to a curve, thence Nly along said Wly line of Lot 2 and along a curve to the right with a central angle of 12°57'50" and a radius of 469.56' for 106.24' to a point of tangency, thence due N along the Wly line of Lot 2 and along said tangency for 79.99' to the point of said tract of land.

Case No. 18289

Action Requested:

Variance of the hard surface parking requirements in an IL zoned district to allow gravel parking. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, located 1550 N. 105th E. Ave.

Presentation:

The applicant, **Richard Lang**, represents ChemTronics, 1550 N. 105th E. Ave., submitted a site plan (Exhibit D-1) and stated that this property is located within Wolfe Point Industrial Park. The company is an aerospace component repair facility. This facility was started in April of 1992. There is an existing gravel lot and they are requesting for the gravel parking lot to be allowed to remain.

Comments and Questions:

Mr. Dunham asked the applicant to define the hardship for the variance of the hard surface requirement. Mr. Lang responded that there is a paved parking lot in the front of the building and the employees park on a gravel parking lot at the rear of the property. The employees have always parked on the gravel lot and since the

Case No. 18289 (continued)

company is wanting to place some bulk gases by the facility it triggered the parking lot variance.

Mr. Dunham asked if the parking lot was in before the parking requirement – could it be grand-fathered? Mr. Stump asked when the building was constructed and Mr. Lang responded that the building was constructed in 1992 and whoever owned the property before them put the gravel parking lot in and maintained it. Mr. Stump said that he could not answer the question because he could not determine when the gravel parking lot was established.

Mr. Jackere stated to the Board that the property had to be conforming in January of 1995 to meet the requirements of the Zoning Code.

Mr. White mentioned that there are a few properties in the area that do not have paved lots but the majority of them do.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **DENY** Variance of the hard surface parking requirements in an IL zoned district to allow gravel parking. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** finding that it meets the requirements of Section 1607.C., on the following described property:

Lots 4 and 5, Block 1, Wolf Point Industrial Parkway West, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18291

Action Requested:

Special Exception for mining/mineral processing (Use Unit 24) in IM and AG zoning districts. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS AND SECTION 301. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS – Use Unit 24** and a Special Exception for Cement, Lime, Gypsum, Plaster of Paris, Asphalt Manufacturing and Paving Plants (Use Unit 27) and Mining and Mineral Processing (Use Unit 24) in an IM zoned district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Units 24 & 27**, located 36th St. N. & 129th E. Ave.

Presentation:

The applicant, **Darin L. Akerman**, Sisemore Wise & Assoc., 1602 S. Main, submitted a site plan (Exhibit E-1) and stated that they are representing APAC for this application. This industry has been in place in the area since 1946 and it is a legal nonconforming use.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception for mining/mineral processing (Use Unit 24) in IM and AG zoning districts. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS AND SECTION 301. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS – Use Unit 24** and a Special Exception for Cement, Lime, Gypsum, Plaster of Paris, Asphalt Manufacturing and Paving Plants (Use Unit 27) and Mining and Mineral Processing (Use Unit 24) in an IM zoned district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Units 24 & 27**, finding that the special exceptions will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

All that property lying and being in Section 9, T-20-N, R-14-E, of the IBM in Tulsa County, Oklahoma, comprised of the SW/4 of the SW/4 (40 acres) plus the W/2 of the SE/4 of the SW/4 (20 acres), plus the SE/4 of the SE/4 of the SW/4 (10 acres) less and except 10.86 acres described as follows: a strip, piece or parcel of land lying in part of the SW/4 of Section 9, T-20-N, R-14-E, Tulsa County, Oklahoma, said parcel being more particularly described as follows: beginning at a point on the E line of said SW/4 a distance of 226.7' N of the SE/c of said SW/4, thence SWly on a curve to the right having a radius of 8769.4' a distance of 732.8' to a point on the S line of said SW/4, thence W along said S line a distance of 1948.1' to the SW/c of said SW/4, thence N along the W line of said SW/4 a distance of 16.5', thence N 88°45' E a distance of 350.0', thence N 70°44' E a distance of 134.5', thence NEly on a curve to the left having a radius of 8434.4' a distance of 588.8', thence S 89°59' E a distance of 50.1', thence NEly on a curve to the left having a radius of 8444.4' a distance of 1498.1', thence N 68°11' E a distance of 97.5' to a point in the E line of said SW/4, thence S along said E line a distance of 346.8' to a point of beginning, containing 10.86 acres more or less and all that property lying and being in Section 16, T-20-N, R-14-E, of the IBM, in Tulsa County, Oklahoma comprised of the SW/4 (160 acres), plus the W/2 of the SE/4 (80 acres), plus the SW/4 of the NW/4 (40 acres), plus the E/2 of the NW/4 (80 acres), plus the E/2 of the NW/4 of the NW/4 (20 acres) less and except 3.83 acres described as follows: a strip, piece or parcel of land lying in part of the NW/4 of Section 16, T-20-N, R-14-E, in Tulsa County, Oklahoma, said parcel being more particularly described as follows: beginning at a point on the N line of said NW/4 a distance of 661.3' E of the NW/c of said NW/4, thence E along said N line a distance of 1286.8', thence SWly on a curve to the right having a radius of 8769.4' a distance of 1314.4', thence N a distance of 258.1' to the point of beginning, containing 3.83 acres more or less.

Case No. 18292

Action Requested:

Variance of the allowable fence height from 8' to 12' **SECTION 210.B.3. YARDS – Use Unit 6**, located 2811 S. Columbia Pl.

Presentation:

The applicant, **Alan Madewell**, submitted a site plan (Exhibit F-1), wall plans (Exhibit F-2) and stated that he is an architect representing the owners of the property. Mr. Madewell is asking for a variance to construct a fence around the property. Because the terrain of the property rises and falls the fence will increase in height over the 8' limit.

Comments and Questions:

Ms. Turnbo mentioned to the applicant that she drove by the property on Columbia Place and she found that the property slopes down. Ms. Turnbo wants to know why an 8' fence would not work. Mr. Madewell responded by saying that by looking at the property from Columbia Place you cannot see the topography. To prevent every 15' from having a step down, in order to maintain an 8' or less height, they would like to have larger spaces between the columns. The fence is only along the north (Tulsa Tennis Club), south (residential) and east (residential) sides of the property.

Mr. White asked the applicant if this is a fence or a wall. Mr. Madewell responded that it will be a concrete-stucco wall. Mr. Madewell stated that the wall height of 12' is due strictly to the various land rises.

Interested Parties:

Gary Howe, 2826 S. Delaware Place, stated that he lives east of the subject property. Mr. Howe stated that the totality of his backyard will be screened with the fence. Mr. Howe submitted photos of the property (Exhibit F-3). One photo is of a construction trailer that is 11½' tall and the wall, if approved, could be installed at that height. Mr. Howe mentioned that the entire neighborhood is very open and natural. Mr. Howe believes that the house exceeds some height codes and is inconsistent with the neighborhood. His main concern is for the devaluation of his property. To allow a 12' high fence across the entire length of his property line is unacceptable. There is a north to south gentle slope and there is no need for a fence of this height. Mr. Howe has no objection to the variance on the north boundary because it is a residential/commercial divide. Mr. Howe also has an objection to the wall being 12' in height along the south side because it is also residential. There is no commercial use or traffic lights, cars, etc. that need to be blocked, this is a residential property abutting another residential property and an 8' wall is suitable.

Applicant's Rebuttal:

Mr. Madewell stated that on the plan submitted it shows the topography change from the north to the south. Across the northeast corner the property drops from an elevation of 66' and the southeast corner is 56'. Mr. Madewell mentioned that in order

Case No. 18292 (continued)

to reduce the number of columns they would like to be able to construct the fence with 30' between each column.

Mr. White asked the applicant if the top of the wall will be level or slope down? Mr. Madewell responded that they would like the wall to be as level as possible but there will be a small drop.

Mr. Cooper stated that the neighbor to the east gets the fence along the entire length of his property, why does the section need to be that tall? Mr. Madewell mentioned that the fence will start at 8' and rise to 12' then drop to 8'. At the southeast corner of the property it dips down into a drainage ditch. Part of the landscape and drainage plan on the property requires a detention pond in that corner.

Mr. White asked if the purpose of maintaining the level of the wall is aesthetics as opposed to a sloping wall with the top of the wall parallel to the ground. Mr. Madewell replied that with the top of the wall parallel to the ground will make it feel like the wall is falling. There will be a sizeable wall which will be viewing this from a distance and so you will feel like you are leaning.

Mr. Madewell stated that the client is spending a great deal of money and it is a large property. There is a large price difference between the subject property and the property to the east. The client feels that he is investing a lot of money and he does not want to look out the back of his house and see several small houses. The client is also concerned about security and people crawling over the fence.

Ms. Perkins asked Mr. Madewell how long his client has owned the lot? Mr. Madewell responded about a year. Ms. Perkins pointed out that the client knew when he bought the property what the surrounding properties looked like.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance of the allowable fence height from 8' to 12' on the north and south sides only, finding that it meets the requirements of Section 1607.C.

AND

DENY Variance of the allowable fence height from 8' to 12' on the east side only, per plan submitted on the applicable sides, on the following described property:

Lot 5, Block 5, Woody Crest Addition to the City of Tulsa, Tulsa County, State of Oklahoma, except a certain parcel off of the N side, described as follows, to wit: Beginning at the NW/c of Lot 5, thence S along the W line of said lot 127'; thence E to a point on the E line of said lot, being 80' S of the NE/c of said lot; thence N 80' to the NE/c of said lot; thence Wly along the N line of said lot to the point of beginning.

Case No. 18293

Action Requested:

Variance of the 1,200' spacing requirement between outdoor advertising signs. **SECTION 1221.F.2. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, Use Conditions for Outdoor Advertising Signs** and a Variance of the allowable display surface area. **SECTION 1221.E.3. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, CG, CH, CBD, IL, IM AND IH Use Conditions for Business Signs, located 6050 E. 41st Street**

Presentation:

The applicant, **John W. Moody**, submitted a site plan (Exhibit G-1) a sign plan (Exhibit G-2) and stated that this request is to replace an existing older structure with the standardized newer structure. Mr. Moody submitted photos (Exhibit G-3) of the sign. In order to do that, since it is an existing, nonconforming sign, they have asked for the variances. They will actually be making the sign more conforming to today's ordinances.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance of the 1,200' spacing requirement between outdoor advertising signs. **SECTION 1221.F.2. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, Use Conditions for Outdoor Advertising Signs** and a Variance of the allowable display surface area. **SECTION 1221.E.3. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, CG, CH, CBD, IL, IM AND IH Use Conditions for Business Signs, per plan submitted, finding that the variances meet the requirements of Section 1607.C. on the following described property:**

A tract of land in the E/2 of the NW/4 of the NE/4 of Sec. 27, T-19-N, R-13-E, Tulsa County, State of Oklahoma, more particularly described as follows: Commencing at a point on the W line of the E/2 of the NW/4 of the NE/4 of said Sec. 27, said point being 692.40' S of the N line of Sec. 27 and on the Sly right-of-way line of I-44, said point being the NE/c of Lot 2, Block 1, Fairfield Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, thence N 49°02'00" E along said right-of-way line a distance of 869.64' to a point on the E line of the E/2 of the NW/4 of the NE/4 of Sec. 27, said point being the Point of Beginning of said tract; thence S 0°11'00" E along said E line, a distance of 267.91' to a point; thence N 40°58'00" W a distance of 202.86' to a point on the Sly right-of-way line of I-44; thence N 49°02'00"E along said right-of-way line, a distance of 175' to the Point of Beginning

Case No. 18296

Action Requested:

Special Exception to permit a manufactured home dwelling in an RS-3 District. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Special Exception of the one-year time limit for a manufactured home to permanent. **SECITON 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** and a Variance to permit gravel parking. **SECTION 1303. D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, located 1920 N. 129th E. Ave.

Presentation:

The applicant, **Dwayne Hendrickson**, was represented by Randy Smith who works for Oakwood Homes, 12547 E. Skelly Drive. Mr. Smith submitted a site plan (Exhibit H-1) and stated that his customer is purchasing a 28'x70' double wide mobile home that will be placed on poured footers, will be skirted, tied down, etc. There will be a septic tank and a driveway put in.

Comments and Questions:

Mr. Dunham asked Mr. Smith the reason for the gravel drive and Mr. Smith responded by saying economics. The drive that they have proposed extends a long distance because they are building off of the highway.

Mr. Dunham mentioned that he is not supportive of a gravel drive.

Mr. Stump pointed out that the entire 18' width of the drive depicted does not have to be paved, only a single wide lane. Mr. Smith mentioned that the 18' wide drive is to accommodate moving the mobile home in.

Mr. White mentioned that he is not supportive of the variance of the gravel drive but he could support the manufactured home.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to permit a manufactured home dwelling in an RS-3 District. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Special Exception of the one-year time limit for a manufactured home to permanent. **SECITON 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, finding that the special exceptions will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare per plan submitted

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AND

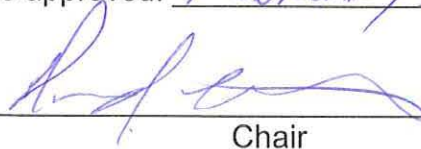
DENY a Variance to permit gravel parking. **SECTION 1303. D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, on the following described property:

Part of the NE, SE Beginning 417.51' N of SE/c NE SE; thence W 313', N 60', E 313', S 60' to POB Sec. 29, T-20-N, R-14-E, and Beginning at a point 477.51' N, SE/c NE SE, thence W 313', N 278.34', E 313', S 278.34' to POB less N 78.34 Sec. 29, T-20-N, R-14-E

There being no further business, the meeting was adjourned at 2:25 p.m.

Date approved: _____

FEBRUARY 9, 1999



Chair

