

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 768
Tuesday, March 9, 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	Beach Stump	Ballentine, Neighborhood Insp. Parnell, Neighborhood Insp. Prather, Legal Dept.

The notice and agenda of said meeting was posted in the Office of the City Clerk on Friday, March 5, 1999, at 2:14 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, Turnbo, "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE** the Minutes of February 9, 1999 (No. 766).

On **MOTION** of **PERKINS**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, Turnbo, "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE** the Minutes of February 23, 1999 (No. 767).

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Staff Comments

Mr. Beach informed the Board that a request for continuance has been made for Case No. 18323. The request was not timely (was asked for before the beginning of the meeting).

Mr. Moody and his client did not agree with the continuance since it was not made in a timely manner.

On **MOTION** of **COOPER**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, Turnbo, "aye"; no "nays", no "abstentions"; White "absent") to **DENY** the request for continuance on Case No. 18323.

UNFINISHED BUSINESS

Case No. 18297

Action Requested:

Special Exception to permit an indoor recreation center with coffee shop in an IL district. **SECTION 902. ACCESSORY USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 19** and a Variance of the required number of parking spaces from 140 to 105 for the entire center. **CHAPTER 12, VARIOUS SECTIONS; OF-STREET PARKING AND LOADING REQUIREMENTS**, located 4343 S. Memorial.

Presentation:

The applicant, **Jim Rodgers**, was represented by **Richard Ewalt**, 4343 S. Memorial, submitted a site plan (Exhibit A-1) and stated that he is the owner of the proposed business. Mr. Ewalt stated that the other businesses in the immediate area close by 6:00 p.m. and he is proposing to open at 6:00 p.m. to midnight. Mr. Ewalt mentioned that they have 105 parking spaces available.

Comments and Questions:

Mr. Beach stated that at the previous hearing, it was discovered that the applicant needed relief from the parking requirements for the entire shopping center. What the applicant is proposing is a reduction in the total number that is required from 140 to 105 and he is justifying that by saying that his hours of operation will be different than the other users in the center. All of the parking spaces would essentially be available to him after 6:00 p.m.

Mr. Dunham asked the applicant if he would be limiting his hours to 6:00 p.m. to midnight and the applicant replied affirmatively.

Mr. Cooper suggested limiting the square footage of the use to 5,280 square feet.

Interested Parties:

None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins, "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE Special Exception** to permit an indoor recreation center with coffee shop in an IL district, finding that the special exception 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. **SECTION 902. ACCESSORY USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 19** and a **Variance** of the required number of parking spaces from 140 to 105 for the entire center. **CHAPTER 12, VARIOUS SECTIONS; OF-STREET PARKING AND LOADING REQUIREMENTS**, limiting the hours of operation from 6:00 p.m. to midnight and limiting the use to 5,280 square feet and finding the

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Case No. 18297 (continued)

hardship to be the fact that the other businesses in the center close at 6:00 p.m., on the following described property:

Lots 1-8, Block 1, Memorial Industrial Park, corrected plat, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18308

Action Requested:

Variance of 30' frontage requirement down to 25'. **SECTION 206. STREET FRONTAGE REQUIRED**, located 2741 N. Yukon.

Comments and Questions:

Mr. Beach stated that no notice was given for this case and it has been stricken from the Agenda.

NEW APPLICATIONS

Case No. 18322

Action Requested:

Variance to allow two dwelling units on one lot of record in a RS-1 zoned district. **SECTION 205. NUMBER OF DWELLING UNITS ON A LOT – Use Unit 6**, located 8329 E. 12th St.

Presentation:

The applicant, **Geoffrey Geesing**, 8329 E. 12th Street, submitted a site plan (Exhibit B-1) and stated that the property is over an acre and has a pre-existing building. There are other properties in the area that have more than one dwelling. He is trying to get a variance to rent the house.

Comments and Questions:

Ms. Perkins asked the applicant to explain his hardship. Mr. Geesing replied that it would be a financial hardship for him. Ms. Perkins responded that they cannot consider financial needs as a hardship.

Case No. 18322 (continued)

Ms. Turnbo asked if the lot were to be split, would each lot meet the bulk and area requirements? Mr. Beach replied yes, the lot is large enough that the applicant could get a lot split and create two lots.

Mr. Dunham stated that it appears that several of the lots in the area have been split. Mr. Stump stated that the only requirement is a 100' average lot width, 13,500 square feet of lot area and that the buildings meet the proper setbacks from the new lot line. If that is 41 feet between the buildings, there is plenty of space to position a side lot line so that both lots would have the proper width and land/lot area.

Interested Parties:

Al Nichols, 8525 E. 16th Street, stated that he represents the Mingo Valley Homeowners' Association. Mr. Nichols submitted some handouts to the Board (Exhibit B-2). Mr. McNew purchased this property about a year ago at an auction and at that time the home was in pretty bad shape. Mr. McNew immediately converted the garage into two apartments. Mr. Nichols stated that Mr. McNew applied for a similar variance for another piece of property that he owned and was denied by this Board in May of 1998. He put the property up for sale shortly thereafter. Mr. Nichols stated that no hardship has been established and the application should be denied.

Tracey Harden, 8512 E. 12th Street, stated that he resides directly across the street from Mr. Geesing. Mr. Harden is concerned about parking and access to the property. There is not adequate parking. Mr. Harden stated that he has never seen Mr. Geesing on the subject property and he does not know if he is the owner or a renter. Mr. Harden mentioned to the Board that there has been more than one family living in the home at one time. Mr. Harden asked the Board to deny the application.

Applicant's Rebuttal:

Mr. Geesing stated that Mr. Nichols does not live within 300' of the property. He also stated that this is not a duplex, it is a single family dwelling. It has one kitchen that is downstairs. The driveway was originally located on 85th Street. The City put drainage in behind the house and blocked off 85th Street past that portion.

Comments and Questions:

Ms. Parnell, Neighborhood Inspections, asked the applicant how long he has owned the property and he responded since October 2, 1999. Ms. Parnell asked him if he purchased the property from Kelly McNew and Mr. Geesing replied yes. Ms. Parnell asked if Mr. McNew explained to him the problem with the second dwelling at the time he purchased the property? Mr. Geesing answered negatively. Ms. Parnell mentioned to the applicant that Mr. McNew had been given notice to vacate the dwelling at the back of the property.

Case No. 18322 (continued)

Mr. Cooper asked the applicant if he intends on keeping the existing structure of if he intends to tear it down and rebuild? Mr. Geesing stated that he will not tear it down but he may use it for storage.

Ms. Turnbo feels that the applicant has not met the hardship requirement and she is not in favor of two dwellings on one lot of record.

Mr. Dunham feels that the hardship is the size of the lot. The lot that was turned down last June was half the size of this lot.

Mr. Cooper stated that he is mixed about this case. He believes that the lot is large enough to split but he does not think the applicant has presented a hardship.

Ms. Perkins thinks that the applicant should try to obtain a lot split. She does not want to see two dwellings on one lot of record.

Mr. Stump stated that Staff has a problem saying that this is unique for its size and it is big enough for two dwelling units. The result of that logic is that you then comply with the law and divide it into two lots, he has plenty of width, land area, etc. He can't see where the hardship is. The applicant can comply with all of the requirements if he splits the property.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins "aye"; no "nays", no "abstentions"; White "absent") to **DENY Variance** to allow two dwelling units on one lot of record in a RS-1 zoned district. **SECTION 205. NUMBER OF DWELLING UNITS ON A LOT – Use Unit 6**, on the following described property:

Lot 16, Block 2, Forest Acres, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18323

Action Requested:

An appeal of the decision of Code Enforcement officer and request for a Special Exception to permit transmission and automotive repair in a CS District. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17**, located 215 S. Lewis Ave.

Comments and Questions:

Mr. Beach stated that he has spoken with Mr. Moody who would now agree to a continuance on the case. The Board denied the request for a continuance at the beginning of this meeting.

Presentation:

The applicant, **John W. Moody**, submitted a site plan (Exhibit C-1) and a zoning violation notice (Exhibit C-2) and stated that after meeting with the opposition they think that it will be good for all parties to sit down and try to work the differences out. Mr. Moody stated that he and his client agree to the continuance.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins "aye"; no "nays", no "abstentions"; White "absent") to **CONTINUE** Case No. 18323 to the Meeting of March 23, 1999.

Case No. 18324

Action Requested:

Special Exception to permit a manufactured home in an RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Special Exception to waive the one year time limit to permit a manufactured home on a permanent basis. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, located 3018 N. Garrison Place.

Presentation:

The applicant, **Carla Joanne Hannah**, stated that she would like to put a manufactured home on her property permanently.

Comments and Questions:

Mr. Beach stated that on Staff Comments it was mentioned that the site plan and the legal description do not match.

Mr. Beach asked the applicant how large is the property and Ms. Hannah replied 7,000 square feet. Mr. Beach proceeded to ask the applicant how wide the property is on Garrison and she responded 50' on Garrison. Mr. Beach asked Ms. Hannah if the property has frontage on three sides and she replied yes. The legal description provided calls for Lot 17, Block 2 and the map on the back of the notice shows the lot being 140' deep and 50' wide and only fronting on Garrison Place.

Mr. Beach stated that he believes that the legal description or the applicant's drawing is wrong.

Discussion followed about the legal description of the property and the Board decided to continue the case and allow the applicant to get the property surveyed.

Case No. 18324 (continued)

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins "aye"; no "nays", no "abstentions"; White "absent") to **CONTINUE** Case No. 18324 to the meeting of March 23, 1999.

Case No. 18325

Action Requested:

Special Exception to permit a double wide manufactured home in an RS-3 district. **SECITON 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Special Exception to waive the one year time limit to permit a manufactured home on a permanent basis. **SECTION 404.3.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, located East of the Southeast corner of North Lewis & 29th Place North

Presentation:

The applicant, **Arthur Primas**, submitted a site plan (Exhibit D-1) and stated that he would like to put a 28' x 52' double-wide mobile home on his property.

Comments and Questions:

Ms. Turnbo asked the applicant if he is going to remove the existing house and he replied yes but he would like 90 days to remove it.

Ms. Turnbo asked if the mobile home will be placed on a permanent foundation, skirted and tied down. Mr. Primas replied that it would be on a permanent foundation.

Interested Parties:

Algerita Brooks, stated that she represents Planning District 25. They are very concerned about the number of manufactured homes that are being requested to be placed in their district. Their objective is to raise the number of homeowners in the district. Because of that reason, the neighbors object to the placement of manufactured homes in residential areas that are built on raised foundations.

Councilor Roscoe Turner, District 3, stated that they are in the process of trying to revitalize these neighborhoods. Mr. Turner believes that manufactured homes are not going to be conducive to trying to build these neighborhoods into viable neighborhoods. Mr. Turner asked the Board to deny this mobile home application.

Lydia White, stated that she lives on North Garrison and she objects to mobile homes in residential neighborhoods. Ms. White believes that mobile homes reduce the value of property.

Case No. 18325 (continued)

Applicant's Rebuttal:

Mr. Primas mentioned that the foundation of the mobile home will not be just a concrete slab. The mobile home will look nice.

Comments and Questions:

Ms. Turnbo believes that this is a neighborhood that is on the edge and the residents are trying very hard to bring their neighborhood up. Ms. Turnbo stated that she is not in favor of the application.

Board Action:

On **MOTION** of **PERKINS**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, Turnbo, "aye"; no "nays", no "abstentions"; White "absent") to **DENY Special Exception** to permit a double wide manufactured home in an RS-3 district. **SECITON 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a **Special Exception** to waive the one year time limit to permit a manufactured home on a permanent basis. **SECTION 404.3.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, on the following described property:

Lots 3 and 4, Block 7, Amos T. Hall Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18326

Action Requested:

Variance of the required 5' side yard to 2' to permit a carport. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, located 1527 S. St. Louis.

Presentation:

The applicant, **Antonia Z. Saffa**, 1527 S. St. Louis Ave, submitted a site plan (Exhibit E-1) and stated that she is a first time homeowner and has recently put up a carport without knowing that there were restrictions. Ms. Saffa went before the Tulsa Preservation Commission and they gave her a Certificate of Appropriateness.

Interested Parties:

Paul Adkins, stated that he is President of Swan Lake Neighborhood Association. They have done an informal survey of the neighborhood and there is no opposition to the carport.

Case No. 18326 (continued)

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins "aye"; Cooper "nays", no "abstentions"; White "absent") to **APPROVE Variance** of the required 5' side yard to 2' to permit a carport. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, per plan submitted, finding the lot size to be the hardship, on the following described property:

Lot 10, Block 4, Orcutt Addition, City of Tulsa, State of Oklahoma.

Case No. 18327

Action Requested:

Special Exception to allow an auto painting business (U. U. 17) abutting an R zoned district from the required 150' to 0'. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17**, located 1108 S. Atlanta.

Presentation:

The applicant, **Chris Nikel's Autohaus, Inc.**, was represented by Chris Nikel, who submitted a site plan (F-1) and stated that they are located at 11th and Lewis Ave., where they have had an auto body and paint facility for many years. They wish to relocate the paint and body shop a few hundred feet up the street. The proposed building is 150' x 50' and the property line is the line of the building. Mr. Nikel stated that they are zoned commercial. The paint booth is inside the building and the traffic flow comes from Lewis Place. Because of today's environmental issues there is much regulation of what is discharged into the air. The new paint booth will meet all of the new environmental regulations. Mr. Nikel asked the Board to approve his application.

Comments and Questions:

Ms. Turnbo asked the applicant if the fumes are not vented outside, per the submitted packet (Exhibit F-2), where will they be vented. Mr. Nikel replied that the fumes go through such a purification process all that is left is hot, thermal air.

Interested Parties:

Maria Barnes, 2252 E. 7th Street, stated that she is the President of the Hillcrest – Kendall-Whittier Homeowners' Association. Ms. Barnes met with Mr. Nikel last week and took a tour of his building. Ms. Barnes stated that Mr. Nikel is a good neighbor and has had a meeting with the neighbors. Ms. Barnes supports this application.

Fran Pace, 1326 S. Florence Avenue, stated that she lives in the Renaissance neighborhood. Ms. Pace mentioned to the Board that she is a member of the Tulsa Metropolitan Area Planning Commission but she is here speaking only as a concerned resident. Ms. Pace is against Use Unit 17 in the area. Ms. Pace spoke with the County Health Board and they informed her that you cannot screen out the odor. You

Case No. 18327 (continued)

can screen out the particulate and there will not be any solid matter coming out but the odor is hard to screen out. Ms. Pace stated that she has had several calls against this use from neighbors who could not come today. Ms. Pace is against this use and urged the Board to deny the application or put a time limit on the approval.

Applicant's Rebuttal:

Mr. Nikel stated that over the past three weekends he has personally delivered letters to surrounding neighbors and spoken with them about the facility. Mr. Nikel mentioned that what odor does come out goes up into the air and is carried away by the prevailing winds. Mr. Nikel needs to expand his business and he would like to keep the expansion within walking distance so he can check on it frequently.

Comments and Questions:

Mr. Dunham stated that they can have a body shop by right in this area the only issue is the paint booth. Mr. Dunham does not have a problem with the application.

Board Action:

On **MOTION** of **PERKINS**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE** a **Special Exception** to allow an auto painting business (U. U. 17) abutting an R zoned district from the required 150' to 0'. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17**, finding that the special exception 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 and per the documents describing the paint booth submitted by the applicant, on the following described property:

Lot 2, Block 1, Boswell's Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18328

Action Requested:

Variance of the required 62' setback from a freeway service road to 25'. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 19** and a Variance to permit a business sign on a non-arterial street in a CS District. **SECTION 1221.C. 9. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs**, located 3214 S. 79th E. Ave.

Presentation:

The applicant, **Thomas D. Mansur**, 1648 S. Boston Ave., submitted a site plan (Exhibit G-1) and stated that he represents A. H. Patel who is the owner of the property under application. Mr. Patel bought the property several months ago from 31st & Memorial, L.L.C. for the purposes of constructing a Fairfield Inn on the property. Mr. Mansur stated that this building is to be a prototypical 3-story facility identical to the one off of 71st Street. Mr. Mansur pointed out that there is a drainage area that drains all of the property to the south. The City has asked that they try to maintain the alignment of that as much as possible. If the building is moved closer to the front of the property the swale will have to be moved.

Board Action:

On **MOTION** of **PERKINS**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE** a **Variance** of the required 62' setback from a freeway service road to 25'. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 19** and a **Variance** to permit a business sign on a non-arterial street in a CS District. **SECTION 1221.C. 9. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs**, per plan submitted, finding the hardship to be the location of the lot and the drainage system location, on the following described property:

All that part of Lot 3, Interchange Center, an addition to the City of Tulsa, Tulsa County, Oklahoma, lying in the NE/4 of Section 23, T-19-N, R-13-E of the IBM, more particularly described as follows, to-wit: Commencing at the NE/c of said Section 23; thence due W a distance of 1,206.93'; thence due S a distance of 692.34' to a point in the SEly right-of-way of I-44 (Skelly Drive) and the NWly boundary of said Lot 3 and the point of beginning; thence S 41°04'30" E a distance of 240.28'; thence S 20°23'03" E a distance of 50.00'; thence S 69°36'57" W a distance of 0.00'; thence on a curve to the left having a radius of 390.00' a distance of 140.84' thence S 48°55'30" W a distance of 54.54'; thence N 41°04'30" W a distance of 261.90' to a point in the NWly boundary of said Lot 3 (SEly right-of-way of I-44) thence N 48°55'30" E along the common boundary a distance of 210.00' to the point of beginning.

Case No. 18329

Action Requested:

Variance of square footage requirement for a detached accessory building of 750 SF to 1,200 SF for construction of a pole barn. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6**, located 503 E. 27th Court North.

Presentation:

The applicant, **Darlene Hall**, stated that she represents her father, James Hall, 503 E. 27th Court North, submitted a site plan (Exhibit H-1). Mr. Hall would like to construct a 30' x 40' pole barn to house a truck, boat, lawn mower. Ms. Hall mentioned that right now the yard looks like a junk yard and with the new pole barn, everything will be placed inside and it will make the yard look nicer.

Comments and Questions:

Mr. Dunham asked Ms. Hall if there would be any commercial activity in the barn and Ms. Hall replied that it would only be for her father's items. Ms. Hall indicated that her father's home was remodeled last year and there is no garage attached to the house. This building would be utilized as a garage.

Ms. Perkins asked if the smaller storage building will be removed. Ms. Hall answered that her father gave her the smaller building and she is going to put it in her backyard.

Interested Parties:

Willie Pearl Walton, 2806 N. Frankfort Place, stated that she has lived in this area for 37 years. Ms. Walton mentioned to the Board that this property has been very unkempt for years. Her concern is the property would remain junky after the building is constructed. Ms. Walton is opposed to the application.

Ms. Turnbo stated that the applicant mentioned that he would be placing the junk into the building. Ms. Turnbo then asked Ms. Walton if she would object to the building if Mr. Hall placed all of the junk inside the building? Ms. Walton said that is sufficient.

Mr. Dunham mentioned that the Board is in receipt of a letter from a neighbor that is in opposition to the application (Exhibit H-2).

Applicant's Rebuttal:

Ms. Hall described what a pole barn looks like and stated that there will be no junk in the yard anymore, it will be cleaned up.

Comments and Questions:

Mr. Dunham asked the applicant if she had any photos to show what the building will look like and Ms. Hall replied negatively.

Mr. Dunham asked if the building is pre-manufactured or will it be constructed on-site? Ms. Hall responded that it will be constructed on-site. Mr. Beach stated that the applicant showed him the construction detail of the roof support trusses. It is a typical 4 and 12 pitch roof with a single ridge in one direction.

Mr. Beach asked the applicant if the building will be open or enclosed? Mr. Hall stated that it will have 26 gauge steel siding and roof and it will have a concrete floor.

Case No. 18329 (continued)

Mr. Cooper feels that this is an improvement over the junk being seen on the property.

Board Action:

On **MOTION** of **COOPER**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE Variance** of square footage requirement for a detached accessory building of 750 SF to 1,200 SF for construction of a pole barn. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6**, subject to the building being fully enclosed; having a concrete floor and it not being used for commercial use; finding the hardship to be that there is no garage currently on the house, on the following described property:

Lot 5 and the W 10' of Lot 4 of Resubdivision of Block 2, Devonshire Place No. 3, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18330

Action Requested:

Special Exception to permit a community center offering counseling, computer lab and tutoring for school students and adults and other community services in an RS-3 District. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5**, located 1365 E. 46th St. N.

Presentation:

The applicant, **Ella M. Suttle**, 1944 S. 140th St., submitted a site plan (Exhibit I-1) and stated that her church is working with Neighbor for Neighbor. They have started a tutoring program in the church and they would like to extend that program. The program currently has about 20 students and 11 tutors. They will also teach computer skills and living skills for older people. They have been doing this work already but they just don't have a building to big enough to house all of it in. Ms. Suttle stated that they have received donations from area residents and businesses that have enhanced their program.

Comments and Questions:

Mr. Dunham asked the applicant if this will be a new building and Ms. Suttle replied yes, it will be a donated building.

Mr. Dunham asked about the site plan. Ms. Suttle stated that the site plan should show 14 parking spaces and the building is 3500 square feet.

Case No. 18330 (continued)

Ms. Turnbo asked how many square feet in the existing church are used for sanctuary space? Ms. Suttle replied that the use will not be in the church but on the church property. Ms. Turnbo asked how many parking spaces total are on the property. Ms. Suttle replied that the parking for the tutoring program will be separate from the church parking.

Mr. Dunham asked if the tutoring program will be conducted at the same time as church services are being held and Ms. Suttle replied no, tutoring will be Monday through Friday only.

Ms. Turnbo feels that the case needs to be continued so the applicant can submit an appropriate site plan to the Board showing the layout of the buildings, the number of parking spaces and the square footage of the buildings.

Interested Parties:

Algerita Brooks, tape was inaudible.

Board Action:

On **MOTION** of **PERKINS**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE** a **Special Exception** to permit a community center offering counseling, computer lab and tutoring for school students and adults and other community services in an RS-3 District. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5**, finding that the special exception 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, subject to the applicant submitting an acceptable site plan and limiting the hours of operation to 8:00 a.m. to 7:00 p.m., Monday through Friday, on the following described property:

The W/2 of the SE/4 of the SW of the SW/4 of Section 7, T-20-N, R-13-E of the IBM east of N. Cincinnati Ave and north of 30th St. N., City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18331

Action Requested:

Variance to allow coverage of more than 20% of the required rear yard by a detached accessory building. **SECTION 210.B. YARDS, Permitted Obstructions in Required Yards – Use Unit 6** and a Variance of detached accessory building floor area of 750 SF to 1,100 SF. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions**, located 2619 S. St. Louis.

Case No. 18331 (continued)

Presentation:

The applicant, **Jimmy W. Harden**, submitted a site plan (Exhibit J-1) and photos (Exhibit J-2) and stated that he wants to add to his existing garage. The new addition will be compatible with the existing architecture.

Interested Parties:

Tape not audible.

Applicant's Rebuttal:

Tape not audible.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE Variance** to allow coverage of more than 20% of the required rear yard by a detached accessory building. **SECTION 210.B. YARDS, Permitted Obstructions in Required Yards – Use Unit 6** and a **Variance** of detached accessory building floor area of 750 SF to 1,100 SF. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions**, finding that the Variances meet the requirements of Section 1607.C., on the following described property:

S/2 of Lot 3, all of Lot 4, Block 14, Terwilliger Heights, City of Tulsa, Tulsa County, State of Oklahoma

..***.***.

Case No. 18332

Action Requested:

Special Exception to allow a manufactured home in a RM-2 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Special Exception of the one year time limit to permanent. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, located 1913 E. Marshall Place.

Presentation:

The applicant, **Linda R. DeLaughter**, was represented by Edwin McCully, 100 W. 54th Place, Sand Springs, who submitted a site plan (Exhibit K-1) and stated that he would like to move his mobile home to 1913 E. Marshall Place. The mobile home is a 1998, 18' x 80' single wide Solitaire mobile home. The mobile home will be placed on a permanent foundation.

Interested Parties:

J. W. Smith, stated that he owns a house one block south of the proposed lot. Mr. Smith stated that the neighborhood is run down but that is not a sign that they should put mobile homes in the area to run it down even further. The area has been improved some over the past few years. Mr. Smith objects to the placement of any mobile home or manufactured home in the area.

Applicant's Rebuttal:

Mr. McCully said that the area is run down but a mobile home will not decrease property values. Mr. McCully stated that his mobile home is new and will look better than some of the houses in the area.

Comments and Questions:

Ms. Perkins believes that the area is trying to be revitalized and they do not need mobile homes in the area.

Mr. Dunham is very opposed to waiving the one year time limit and believes that the Board should not allow it.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins "aye"; no "nays", no "abstentions"; White "absent") to **DENY Special Exception** to allow a manufactured home in a RM-2 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a **Special Exception** of the one year time limit to permanent. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, on the following described property:

Lot 10, Block 1, Berry-Hart Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18333

Action Requested:

Variance to allow two identification signs. **SECTION 402.B.4.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6** and Appeal the decision of an administrative official that the graphic depiction of birds is considered a sign and not artwork **OR** in the alternative a Variance to allow 281.5 square feet of display surface area. **SECTION 402.B.4.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions**, located 7803 E. 101st St. S.

Presentation:

The applicant, **Jacki Snider**, Oakwood Graphics, submitted a site plan (Exhibit L-2); sign plan with photos (Exhibit L-1) and stated that the subdivision developer has designed a wonderful entry gate with the subdivision name on it. Ms. Snider mentioned that they were denied a permit for two reasons (1) it was in a PUD; (2) because of the way the bird's tail was incorporated into the wording, the entire gate was considered to be a sign and they were over the 495' frontage on the property. Ms. Snider believes that this is a tasteful design and will enhance the appearance of the entrance. They were approved a permit for just birds (no wording) on the 98th Street entrance.

Interested Parties:

Don Walker, 9168 S. Florence Place, stated that he is the Managing Partner in the development of this subdivision. Mr. Walker mentioned that an effort has really been made to meet the standards and regulations.

Comments and Questions:

Mr. Dunham asked Staff what the best relief would be? Mr. Beach responded that the Board needs to decide whether or not this constitutes a sign so that the record is clear.

Mr. Beach stated that because of the nature of the art, it goes along with the words Audubon Park. Mr. Stump stated that Staff's feeling is that because it is associated with the product, the subdivision, which is named Audubon Park it is part of the sign. To not call it a sign would set a dangerous precedent. Mr. Stump believes that the applicant may be using this symbol in their marketing as well and Mr. Walker agreed.

Mr. Cooper asked Staff if they felt that the leaves on the sign are artwork and the birds are part of the logo and Mr. Stump replied affirmatively.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 2-2-0 (Perkins, Turnbo, "aye"; Cooper, Dunham "nays", no "abstentions"; White "absent") to **UPHOLD** the decision of an administrative official that the graphic depiction of birds is considered a sign and not artwork.

On **MOTION** of **COOPER**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, Turnbo, "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE Variance** to allow two identification signs as depicted on the plan. **SECTION 402.B.4.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6** and a **Variance** to allow 281.5 square feet of display surface area. **SECTION 402.B.4.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions** , finding that the Variances meet the requirements of Section 1607.C., on the following described property:

Case No. 18333 (continued)

S 150' Reserve B, Audubon Park, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 18334

Action Requested:

Variance of the maximum display area for a wall sign from 426 SF to 493 SF. **SECTION 1221.D.2. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING – Use Unit 11** and a Variance of the maximum display area for a wall sign from 136 SF to 180 SF. **SECTION 1221.D.2. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING – Use Unit 11**, located SW/c 71st St. & Lewis.

Comments and Questions:

Mr. Beach explained that this notice was not complete and the case needs to continued for new notice.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins "aye"; no "nays", no "abstentions"; White "absent") to **CONTINUE** Case No. 18334 to the meeting of March 23, 1999.

*****.

Case No. 18335

Action Requested:

Variance of the required 60' lot width to 50'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** and a Variance of the required 5' side yard to 3.8' to allow a lot split and existing dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, located 1410 E. 33rd St.

Presentation:

The applicant, **Catherine A. Wall**, submitted a site plan and support petition (Exhibit M-1) stated that the property is located in the Oliver's Addition which was platted as 100' wide lots in 1924. The majority of the lots have been subdivided and split into 50' wide lots over the years. Ms. Wall mentioned that this property has been repeatedly added onto over the years creating an uninhabitable and unusable space on the east side of the lot. The additions will be removed thus taking the house back to the original structure. Once the structure is brought back to its original structure, it will sit 3'8" from the proposed lot split line. The new construction on the east side of the lot could accommodate 10' between the structures. The literal enforcement of the Code

then results in an unnecessary hardship because it prevents the reasonable use of the property consistent with all other properties in the surrounding area. Ms. Wall submitted a petition of support from various immediate neighbors. Ms. Wall asked the Board to approve the application so the lot can be consistent with all others in the addition. **Michelle Falkingston**, 3319 S. Yorktown, submitted house plans (Exhibit M-2) and stated that she is representing Ms. Wall on the design development of the property.

Interested Parties:

Carol Ashcraft, 1754 E. 30th Street, stated that the neighborhood is in support of this project. It does not impair appearance of the neighborhood.

Comments and Questions:

Mr. Beach stated that he had made a comment in the Staff Report that if the Board is inclined to approve this application that they should limit the side yard variance to the 24.5' that makes up the side of the existing house. He asked if that condition would hinder the new construction project? Ms. Wall replied that it would not be a problem.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Cooper, Dunham, Perkins Turnbo, "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE Variance** of the required 60' lot width to 50', finding that it is consistent with the rest of the neighborhood. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** and a **Variance** of the required 5' side yard to 3.8' to allow a lot split and existing dwelling, limiting it to 24.5', the length of the existing house as depicted on the site plan; **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, finding that it meets the requirements of Section 1607.C., per plan submitted, on the following described property:

Lot 11, Block 8, Oliver's Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18336

Action Requested:

Variance of the required setback down to 20' to permit an 80' monopole transmission tower with necessary equipment. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 16**, located E. 31st St. & Yale.

Presentation:

The applicant, **Kevin Coutant**, 320 S. Boston, Suite 500, submitted an information packet (Exhibit N-1) and stated that he represents United States Cellular Telephone Company and they request the approval of an 80' monopole transmission tower

located west of 31st and Yale. The location is behind an existing mini-storage facility that was built in the early 1970's. Mr. Coutant stated that the property is zoned CS and it is surrounded by commercial uses and commercial zoning. There is some OL zoning across the freeway. Mr. Coutant mentioned that the reason for the application is for a setback from the Broken Arrow Expressway. The equipment necessary to run the tower will be housed in an existing part of the mini-storage facility. The only "new" structure will be the 80' monopole tower. The setback required by Code would be 25' off of the existing right-of-way of the Broken Arrow Expressway. Mr. Coutant has asked for a 20' variance of that setback. Mr. Coutant pointed out to the Board that this is a very unique site in that it has an expressway running on one side and an expressway exit ramp on another side.

Comments and Questions:

Ms. Perkins mentioned to the rest of the Board that this is a good location for a tower.

Interested Parties:

None.

Board Action:

On **MOTION** of **PERKINS**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, Turnbo "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE Variance** of the required setback down to 20' to permit an 80' monopole transmission tower with necessary equipment. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 16** per plan submitted, finding that it meets the requirements of Section 1607.C., on the following described property:

A tract of land contained within the SE/4 of the SE/4 of Section 16, T-19-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma, being more particularly described as follows: Commencing at the SE/c of said SE/4 of the SE/4; thence N 89°59'00" W, along the S line of said SE/4 of the SE/4 a distance of 585.06'; thence N 0°06'00" W a distance of 288.82'; thence due E a distance of 14.66' to the point of beginning said point being on the W line of a concrete block building; thence N 0°15'00" W along the W line of said building, a distance of 20.00'; thence N 89°45'00" E along the N line of said building a distance of 10.70'; thence N 0°15'00" W a distance of 5.00'; thence N 89°45'00" E a distance of 6.00' to a point on the Nly projection of the E line of said building; thence S 0°15'00" E along the Nly projection of the E line and along the E line of said building a distance of 25.00'; thence S 89°45'00" W a distance of 16.70' to the point of beginning AND a tract of land contained within the SE/4 of the SE/4 of Section 16, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, being more particularly described as follows: Commencing at the SE/c of said SE/4 of the SE/4; thence N 89°59'00" W along the S line of said SE/4 of the SE/4 a distance of 454.62' to the point of beginning; thence continuing N

Case No. 18336 (continued)

89°59'00" W along the S line of said SE/4 of the SE/4 a distance of 9.00'; thence N 0°06'00" W a distance of 145.00'; thence due W a distance of 6.00'; thence N 0°06'00" W a distance of 132.39'; thence N 64°59'00" W a distance of 50.78'; thence due W a distance of 22.81'; thence due S a distance of 10.00'; thence due W a distance of 15.00' to a point on the E line of a concrete block building; thence N 0°15'00" W along the E line of and on an extension of said building for a distance of 35.00'; thence due E a distance of 19.86'; thence S 64°59'00" E a distance of 87.29'; thence S 0°06'00" E a distance of 286.95', to the point of beginning.

Case No. 18337

Action Requested:

Variance of 15' yard abutting a non-arterial street to 5' to permit new construction in an RS-4 District. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, located 535 E. Reading St. N.

Presentation:

The applicant, **Tom M. Dermit**, 6933 S. 66th E. Ave., submitted a site plan (Exhibit O-1) and stated that he represents Jim Beale for Beale Company Builders. Mr. Dermit mentioned that they own a 50' lot that is on a corner of Reading and Frankfort. They applied and received a building permit to construct this plan on this lot. It was discovered at a later date that the plan would not work because the lot was located on the corner of two streets. Mr. Dermit stated that there is 15' between the curb line to the edge of the house which won't be restricting anything. In order for any house to be constructed on this lot, it would need a variance.

Interested Parties:

Juanita Jones, 516 E. Reading, stated that her father lives on the corner lot adjacent to the lot in question. Their concern is will it affect the other corner lots that the house is no longer in line. They do not want to change their fence line.

Bernice Smith, 535 E. Queen Street, stated that all the houses on this street line up and the proposed one will not.

Elizabeth Johnson, 524 E. Seminole Place, stated that the placement of the house would throw off the balance of the street.

Ms. Turnbo stated that this will not affect the street in any manner.

Applicant's Rebuttal:

Mr. Dermit mentioned that this will not be an eyesore. This is a Tulsa Development Authority lot and it will enhance the area around the house.

Case No. 18337 (continued)

Comments and Questions:

Mr. Stump mentioned that if this was zoned RS-3 and was a nonconforming lot because it is 50' wide rather than 60' by right he could put the house 5' from the street.

Board Action:

On **MOTION** of **PERKINS**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, Turnbo "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE Variance** of 15' yard abutting a non-arterial street to 5' to permit new construction in an RS-4 District. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** per plan submitted, finding that it meets the requirements of Section 1607.C., on the following described property:

Lot 7, Block 1, Harding Addition, City of Tulsa, Tulsa County, State of Oklahoma.

..***.***.

Case No. 18339

Action Requested:

Variance of the building setback required under Section 703 of the Zoning Code to permit the branch library to be constructed approximately 70' from the centerline of S. Lewis Ave. or 24' from the W property line of the site according to a site and landscape plan approved by the Board. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 5**, located NE/c of S. Lewis Ave. & E. 1st St.

Presentation:

The applicant, **Charles E. Norman**, submitted a site plan (Exhibit P-1), building plans (Exhibit P-2) and photos (Exhibit P-3) and stated that he represents the Tulsa City/County Library System and they are proposing to construct the new Kendall-Whittier library at 1st Street and Lewis Avenue. Due to an oversight by the architect he did not realize that this site is zoned in the CS District. Mr. Norman asked the Board to approve the Variance of the building setback for the construction of this library.

Interested Parties:

Maria Barnes, stated that she represents the Kendall- Whittier Neighborhood and they are in support of the proposed library.

Board Action:

On **MOTION** of **COOPER**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, Turnbo "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE Variance** of the building setback required under Section 703 of the Zoning Code to permit the branch library to be constructed approximately 70' from the centerline of S. Lewis Ave. or 24' from the W property line of the site according to a site and landscape plan approved by the Board. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 5**, finding that it meets the requirements of Section 1607.C., on the following described property:

A tract of land that is part of Lots 13, 14, 15, 16, and all of Lot 17 in Block 5 of East Highland Addition, a subdivision in the City of Tulsa, Tulsa County, Oklahoma, being more particularly described as follows, to-wit: starting at the NW/c of Lot 13 of said Block 5; thence S 89°55'18" E along the Nly line of Lot 13 for 16.00' to the "point of beginning"; thence continuing S 89°55'18" E along the Nly line of Lots 13, 14, 15, 16, and 17 for 239.00' to the NE/c of Lot 17, Block 5; thence S 00°01'59" E along the Ely line of Lot 17 for 170.45' to the SE/c of Lot 17; thence S 89°48'31" W along the Sly line of Lot 17 for 50.00' to the SW/c of Lot 17; thence N 00°01'59" W along the Wly line of Lot 17 for 12.00'; thence S 89°48'31" W parallel with the Sly line of Block 5 for 14.39'; thence N 31°56'53" W for 0.00' to a point of curvature; thence in a NWly and a SWly direction along a curve to the right with a central angle of 116°29'12" and a radius of 57.00' for 115.89'; thence S 89°48'31" W parallel with the Sly ling of Block 5 for 55.56' to a point of curvature; thence in a NWly direction along a curve to the right with a central angle of 90°09'00" and a radius of 22.00' for 34.62' to a point of tangency; thence N 00°02'29" W parallel with the W line of Lot 13, Block 5 for 137.52' to the "point of beginning" of said tract of land.

..***.***.

There being no further business, the meeting was adjourned at 3:24 p.m.

Date approved: 4/13/99


Chair

