

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 834
Tuesday, January 22, 2002, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

Dunham, Vice Chair
Cooper
Turnbo
White, Chair
Perkins

**MEMBERS
ABSENT**

**STAFF
PRESENT**

Beach
Butler

**OTHERS
PRESENT**

Boulden, Legal

The notice and agenda of said meeting was posted in the Office of INCOG, 201 W. 5th St., Suite 600, on Wednesday, January 16, 2002, at 3:45 a.m., as well as at the City Clerk's office, City Hall.

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

REQUEST FOR CONTINUANCE

Case No. 19232

Action Requested:

Special Exception of the required 110% setback from an O zoned district from 110' to 13'8" on the north and 21'8" on the east for a monopole cell tower 100' in height. SECTION 1204.C.3. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, Use Conditions – Use Unit 4, located NE/c E. 21st St. & S. Columbia.

Presentation:

Mr. Beach informed the Board that the applicant has requested a continuance for an indefinite period, as they have not resolved some issues. He recommended they withdraw the application and re-file when they are prepared.

Audrey Blank, 522 Colcord Dr., Oklahoma City, Oklahoma, stated she represented AT&T Wireless. She commented that the application has been continued several times, so that AT&T could work out an agreement with 21st Property. AT&T is anticipating some new technology and wants to continue the case indefinitely while they evaluate the usefulness of the site for the new technology.

Comments and Questions:

Ms. Perkins asked about a time limit for continuing cases. Mr. Boulden responded that the time limitation is 90 days. Mr. White asked about denying the case without prejudice so new notice would be sent to the neighborhood. Ms. Perkins asked if that would convey a stigma on the application. Mr. Beach responded that is a matter of perception. Mr. Beach reminded the Board that they are technically out of time, as it was filed October 10, 2001. Mr. Boulden advised the Board they could strike the case from the agenda.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **STRIKE** Case No. 19232 from the agenda.

Case No. 19274

Action Requested:

Variance of required off-street parking. SECTION 1212a.D. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Off-Street Parking and Loading Requirements – Use Unit 12a, located SW/c E. 69th St. & S. Lewis Ave.

Presentation:

Mr. Beach informed the Board that Mr. Johnsen requested a continuance to February 12, 2002.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **CONTINUE** Case No. 19274 to the meeting on February 12, 2002.

MINUTES:

On **MOTION** of Dunham, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye", no "nays", no "abstentions", Cooper "absent") to **APPROVE** the Minutes of January 8, 2002 (No. 833), as amended.

On **MOTION** of Dunham, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye", no "nays", no "abstentions", Cooper "absent") to **APPROVE** the Minutes of November 27, 2002 (No. 831).

UNFINISHED BUSINESS

Case No. 19270

Action Requested:

Special Exception for church use. SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 5, located N of NE/c W. 91st St. & Union.

Presentation:

Shirley Abbott Thompson, 818 S. Woodlawn Ave., Okmulgee, Oklahoma, stated her request for a special exception for Use Unit 5, church use. She informed the Board that the legal description has been corrected since the previous hearing of this case. A lot split was filed and approved for the 5.05-acre site. Utilities are available at the location, except for sewage. They plan to put in a septic system. The building will be an 11,900 square foot, metal structure, and will be finished with brick, stucco, or other façade. The proposed sanctuary will seat 480. The plans provide for 163 parking spaces. There will be a lot of green space around the property. A site plan (Exhibit E-1) was provided to the Board.

Interested Parties:

Betty Hargrove, 1410 W. 91st, stated she lives near the property. She had questions about the application regarding parking, driveways, types of structures and aesthetics. She had no objections after hearing the details of the plan.

Comments and Questions:

Mr. Dunham commented that the plans exceed the parking requirements, and the parking surface would be asphalt. Mr. White noted the legal description reflects more of the property than is required for the application.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** for church use, per plan, finding it 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:

The N 375' of the SW/4 SW/4 of Section 14, T-18-N, R-12-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma.

NEW APPLICATIONS

Case No. 19272

Action Requested:

Variance from the 50' maximum height for a ground sign along a designated freeway, to permit such a sign 60' in height. SECTION 1221.E. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, CG, CH, CBD, IL, IM, and IH Use Conditions for Business Signs – Use Unit 21, located 28 N. 193rd E. Ave.

Presentation:

Steve Schuller, 100 W. 5th St., Ste. 500, stated he represented the Quik Trip Corporation.

Cooper arrived at 1:22 p.m.

They are constructing a convenience store on the subject property. The location is at the northeast corner of the corporate limits of the City of Tulsa. He noted that it is situated by I-44, 193rd E. Ave., and near U.S. 412 and State Hwy. 66. It is just south of the City of Catoosa in Rogers County and on the east side of 193rd E. Ave. is part of the City of Catoosa and Wagoner County. He pointed out there are a number of signs in this area, that are subject to less regulation than exists in the Tulsa zoning code. He also noted the speed of the traffic and elevation of the topography as hindrances to visibility of signage on the subject property. A site plan (Exhibit F-1) was provided.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** from the 50' maximum height for a ground sign along a designated freeway, to permit such a sign 60' in height, per plan, finding the hardship that the location is on the border of another municipality with more lenient sign ordinances, and the topography would necessitate a sign of this height, on the following described property:

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

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Case No. 19273

Action Requested:

Variance to allow a ground pole-sign on a non-arterial street. SECTION 1221.C.9.a. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING,

General Use Conditions for Business Signs – Use Unit 12a, located 1111 S. 124th E. Ave.

Presentation:

Torchy Wolfe, 10 E. 32nd Pl., Sand Springs, submitted a packet of information to the Board. She stated the hardship is, Conoco owns the sign on the property, and they will not allow her to collocate on the pole. The corner has no exposure on 11th Street and she needs a sign. She pointed out that the scoreboard on the ball field to the west obstructs the view of her business. On the south is a large field and creek. Ms. Wolfe explained that when she purchased the property, there was a 9' x 10' sign that was struck by lightning and burned. There is an existing pole at the southwest corner of the building. She had a sign designed and then was turned down for a sign permit.

Comments and Questions:

Mr. White confirmed the location of an existing pole at the southwest corner of the building. Ms. Wolfe added that it would face 11th Street, and no light would come through the backside of the sign. Mr. White also found that it would be a one sided sign, facing directly north. He questioned the applicant regarding existing signs. Mr. Cooper asked when the sign burned. Ms. Wolfe responded it burned about six to eight months before she purchased the property.

Interested Parties:

Wayne Bohanon, 10617 E. 1st St., stated he is the president of the Wagon Wheel Neighborhood Association. He submitted eight letters (Exhibits A-4) to the Board opposing a pole sign for Torchy's by Briar Patch. The opposition also includes Western Village Neighborhood Association, East Tulsa Mingo Valley Association, Art Justis for District 6, Bobby Gray a member of Tulsa Public School Board District 4, and others. He read the wording of an existing sign for the business and informed the Board that the neighborhoods considered it vulgar and offensive. He commented that it is visible to the school, traffic and ball field.

Mr. Beach responded to Mr. Bohanon that nothing of that nature is indicated in the application for the new sign. Mr. White informed Mr. Bohanon that a photograph of the sign is in the application file. Mr. Cooper asked about the length of time required for the damaged sign to exist there as a lawfully, pre-existing, non-conforming sign. Mr. Beach replied he would find the provision in the Code and answer the question.

Tom McVeigh, 1636 S. 117th E. Ave., pointed out that the subject property is at the northeast corner of the East Central School campus. He submitted photographs to the Board (Exhibit A-3). He read a letter from the East Tulsa Mingo Valley Association in opposition to the application because of the proximity to the school.

Alice Belew, 1124 Sunset, stated she was representing the East Tulsa Prevention Coalition. They are opposed to the sale of liquor at this location. The students they have worked with have urged the Coalition to take a hard stand against such problems as this.

Larry Leedy, 3141 E. 85th St., stated that he owns two duplexes about one and one half blocks from the subject property. They also have property for sale near East Central High School. They feel that the bars and signs impact their ability to lease and sell property. He asked the Board to deny this application.

Comments and Questions:

Mr. White asked if the existing Conoco sign negates her right to put up another pole sign. Mr. Boulden replied that it does, and she would need to work something out with Conoco. Mr. Dunham commented that he has not heard a hardship.

Applicant's Rebuttal:

Ms. Wolfe indicated she would do something about the existing sign if it is offensive to the neighborhood. She added that she has taken measures to deal with the youth problems in this area by calling police. She reminded the Board that this location was a nightclub long before she opened her business.

Comments and Questions:

Ms. Turnbo asked for the ordinance regarding the burned sign to be read for the record. Mr. Beach stated that in Section 1403, the code states that a non-conforming sign such as the burned sign must have been removed or made to conform on or before January 1, 1996. A sign damaged to more than 50% of the replacement cost, must be made to conform or be removed. If the sign is not used for advertising purposes for a period of 180 consecutive days, it has to be removed.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Variance** to allow a ground pole-sign on a non-arterial street, finding a lack of hardship, on the property described as follows:

Lot 1, Block 1, East Central Plaza, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19275

Action Requested:

Special Exception to allow a Use Unit 11, computer recording/video photography; Internet training through computer; studio. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 11; a Variance of the required nine parking spaces to eight. SECTION 1211.D. USE UNIT 11.

OFFICES, STUDIOS, AND SUPPORT SERVICES, Off-Street Parking and Loading Requirements; and a Variance of parking standards from an aisle of 21' to 19'. SECTION 1300. APPLICABILITY OF REQUIREMENTS, located 1412 S. St. Louis.

Presentation:

Harry Willis, 606 Oakridge Dr., Sand Springs, Oklahoma, stated he owns the subject property and the adjacent property at 1410 S. St. Louis. He explained his business to the Board. There are four employees in a light office setting for a small business. They make videotapes, and do CD ROM development. Mr. Willis stated that they use five parking spaces at the most. They have very few customers that come into the office. The videos are made at other sites.

Comments and Questions:

Ms. Turnbo asked where the parking spaces are located. Mr. Willis replied the parking spaces are in the back of the house. He explained that they do not have drop-in customers. He stated that he would inform customers that parking is off the alley in the back. Mr. White asked if they have truck deliveries. Mr. Willis responded they have a UPS delivery or pick up about twice per week, and he would instruct them to park in the back. Mr. White questioned whether a UPS truck could get down the alley. Mr. Willis suggested they could do their UPS business from another location. Mr. Boulden questioned Mr. Willis about the computer training and studio. Mr. Willis informed the Board that the training is given via Internet to people at other locations, and there is no classroom. The studio is only for one person at a time, and 95% of the videos they make are at the customer's locations.

Interested Parties:

Ray Pfaff, 3942 E. 31st St., stated he owns a condo at 1424 S. St. Louis, and he did not come to object. He wanted to emphasize the busy traffic, and narrow alley. He stated that any additional use would add to the problems that are already there.

Michelle Martin, 1424 S. St. Louis, Apt. D, stated her concern about the traffic and parking as mentioned previously.

Steve Walter, 1428 S. Rockford, stated his objection that this OL use encroaches on an RM-2 neighborhood.

Applicant's Rebuttal:

Mr. Willis stated he understands the interested parties' concerns for the parking situation. He stated that he has been in this business for years and does not plan to make any changes that would increase his parking needs. He has invested in his property at this location and would like to do business there. He is as interested as the neighbors in improving and maintaining the area.

Comments and Questions:

Ms. Turnbo asked if Mr. Willis has contacted the City of Tulsa to clean up the alley. Mr. Willis had not contacted them, but he stated his tenants have not complained. Mr. White stated that the alley needs to be paved, is narrow and the entrance and exits are awkward at best. Mr. Cooper asked the applicant for a hardship. Mr. Willis replied that the code requires more parking space than is needed for this use. Mr. Beach indicated this relief would not be adequate to meet the parking needs and allow for traffic in the alley.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Special Exception** to allow a Use Unit 11, computer recording/video photography; internet training through computer; studio; a **Variance** of the required nine parking spaces to eight; and a **Variance** of parking standards from an aisle of 21' to 19', finding the lack of a hardship, there is not enough parking space to meet the code requirement, on the property described as follows:

Lot 3, Block 11, Forest Park Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19276

Action Requested:

Special Exception to allow Use Unit 25, a bakery, in a CH zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 25, located SE/c E. 11th St. & S. Sheridan.

Presentation:

Wallace O. Wozencraft, 1619 S. Boston, stated he is the architect for the project on the subject property. This application is for the expansion of the existing bakery. He discovered that the front of the property is zoned CH. A site plan (Exhibit B-2) was submitted.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow Use Unit 25, a bakery, in a CH zoned district, per plan, finding it 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:

The NW/4 NW/4 NW/4 of Section 11, T-19-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, formerly described as Lot 3, Block 2, Wren Park Addition, less the S 30' thereof.

Case No.19277

Action Requested:

Variance of Section 502.B.1 restricting identification signs in the P district to 1 sign for each street frontage and limiting the display surface area of signs within the P district to not more than two-tenths of a sq. ft. of display surface area per lineal foot of street frontage. SECTION 502.B. ACCESSORY USES IN THE PARKING DISTRICT, Accessory Use Conditions; a Variance of Section 602.B.4 restricting signs in O districts to not more than one sign for each street frontage of a lot and limiting the display surface area of signs within O districts to not more than two-tenths of a sq. ft. of display surface area per lineal foot of street frontage. SECTION 602.B. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions; a Variance of the provisions of Section 1104.D requiring "every structure" to be set back from the centerline of an abutting public street designated on the Major Street and Highway Plan (MSHP) a horizontal distance of not less than one-half of the right-of-way designated on the MSHP. SECTION 1104.D. BULK AND AREA REQUIREMENTS, Building Height, Setbacks and Yards; a Variance of the provisions of Section 1221.C.1.a which restricts signs, if visible from an R district, from being located within 50' of the R district. SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs; a Variance of the provisions of Section 1221.C.4.a which restrict the size of nameplates attached to the face of a wall to not more than 4 sq. ft. in display surface area and to permit building wall identification signs and building plaques to be a size and contain display surface area approved by the Tulsa Metropolitan Area Planning Commission (TMAPC) as a part of a detail sign plan. SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs; a Variance of the provisions of Section 1221.C.4.j to permit directional, warning and building identification signs to exceed 3 sq. ft. of display surface area subject to the approval of such signs by the TMAPC as part of a detail sign plan under Planned Unit Development No. 417. SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs; and a Variance of the provisions of Section 1221.C which require that all signs and parts thereof will be set back one-half of the right-of-way width designated on the MSHP or 25' if the street is not designated on the MSHP. SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs, located NE/c E. 21st St. & S. Utica Ave.

Presentation:

Charles E. Norman, 2900 Mid-Continent Tower, submitted photographs, maps, sketches and a site plan (Exhibits C-1, C-2, and C-3). This application is for relief for identification and directional signs in PUD 417, St. John Medical Center. This is in an older neighborhood with lot frontages of 40' to 50', allowing only one sign per lot.

Comments and Questions:

The staff recommended approval per the staff report.

Interested Parties:

Paul (Chip) Atkins, 1638 E. 17th Pl., stated he is the president of the Swan Lake Neighborhood Association. They would like to make a recommendation to the Board that the City of Tulsa set up a guideline separate from other sign guidelines for medical corridors and campuses. They suggest the signs need to be bigger and easier to read for people dealing with emergency medical situations.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of Section 502.B.1 restricting identification signs in the P district to 1 sign for each street frontage and limiting the display surface area of signs within the P district to not more than two-tenths of a sq. ft. of display surface area per lineal foot of street frontage; a **Variance** of Section 602.B.4 restricting signs in O districts to not more than one sign for each street frontage of a lot and limiting the display surface area of signs within O districts to not more than two-tenths of a sq. ft. of display surface area per lineal foot of street frontage; a **Variance** of the provisions of Section 1104.D requiring "every structure" to be set back from the centerline of an abutting public street designated on the Major Street and Highway Plan (MSHP) a horizontal distance of not less than one-half of the right-of-way designated on the MSHP; a **Variance** of the provisions of Section 1221.C.1.a which restricts signs, if visible from an R district, from being located within 50' of the R district; a **Variance** of the provisions of Section 1221.C.4.a which restrict the size of nameplates attached to the face of a wall to not more than 4 sq. ft. in display surface area and to permit building wall identification signs and building plaques to be a size and contain display surface area approved by the Tulsa Metropolitan Area Planning Commission (TMAPC) as a part of a detail sign plan; a **Variance** of the provisions of Section 1221.C.4.j to permit directional, warning and building identification signs to exceed 3 sq. ft. of display surface area, subject to the approval of such signs by the TMAPC as part of a detail sign plan under Planned Unit Development No. 417; and a **Variance** of the provisions of Section 1221.C, which require that all signs and parts thereof will be set back one-half of the right-of-way width designated on the MSHP or 25' if the street is not designated on the MSHP, per plan, finding there are unusual and unique characteristics to this development, to which the zoning code cannot be made to apply and the public purpose that would be served outweighs any harm to the area or to the purpose and intent of the code; subject to the approval of the detail sign plans by the TMAPC under PUD 417, on the following described property:

Area A: SW/4 SW/4 SE/4, Section 7, T-19-N, R-13-E, and all of Block 1, Reddin Third Addition; Area B: Lots 2 - 18, Block 3, Edgewood Place Addition; Area C: Lots 1 - 5, Block 2, and Lots 1 - 11, Block 3, and the N 4.57' of Lot 12, Block 3, less and except the W 9.00' of Lots 7 - 12, Block 3, and the S 31.29' of the W

9.00' of Lot 6, Block 3, Reddin Third Addition; Area D: Lots 13 - 15, Block 2, Edgewood Place Addition; Area E: Lots 12 - 15, and the W 35' of Lots 8 - 11, Block 4, Edgewood Place Addition; Area F: The S 21' of the E 130.00' of Lot 9, and the E 130.00' of Lots 10 - 11, Block 4, Edgewood Place Addition; Area G: Lots 1 - 7, inclusive, the E 130.00' of Lot 8, the N 28.00' of the E 130.00' of Lot 9, and Lot 17, Block 4, Edgewood Place Addition; Area H: Lots 19 - 23, Block 3, Edgewood Place Addition; Area I: Lots 4 - 8 and Lots 12 - 13, Block 17, Orcutt Addition; Area J: The W 40.00' of Lots 1 - 2 and the E 10.00' of vacated alley; the E 100.00' of Lots 1 - 2; Lot 3, and 10.00' vacated alley; Lot 14, and 10.00' vacated alley; Lot 15, and 10.00' vacated alley; Lot 16, and 10.00' vacated alley; all in Block 17, Orcutt Addition; Area K: The S 40.00' of Lot 22; the N 10.00' of Lot 22; the S 28.00' of Lot 21; the S 16.00' of Lot 20; the N 22.00' of Lot 21; the N 30.00' of Lot 20; the S 8.00' of Lot 19; the N 38.00' of Lot 19; Lots 18 and 17; all in Block 2, Weaver Addition; and Area L: Lots 6 - 12, Block 2; and the W 9.00' of Lots 7 - 12, Block 3, and the S 31.29' of the W 9.00' of Lot 6, Block 3, Reddin Third Addition, and a parcel of land Beg. at a point at the SE/c of Lot 12, Block 2, Reddin Third Addition, thence N along the E of Line of Lot 12, Block 2, Reddin Third Addition 13.94' to the SE/c of Lot 12, Block 3; thence E and parallel to the S line of Lot 12, Block 3, a distance of 9.00'; thence S and parallel to the E line of Lot 12, Block 2, a distance of 13.95'; thence W and parallel to the S line of Lot 12, Block 3, a distance of 9.00' to the POB, all in the City of Tulsa, Tulsa County, State of Oklahoma.

Mr. Dunham suggested that the staff develop separate design standards for hospitals and campus settings.

Case No. 19278

Action Requested:

Special Exception for manufactured home dwelling in AG. SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 9, located 7507 S. Elwood Ave.

Presentation:

Mary Lou Camp, 2622 E. 88th St., #4, stated she made an offer, which was accepted for the purchase of the subject property, contingent on approval by this Board for a 2,700 square foot mobile home on the land.

Interested Parties:

Rick Vaughn, 3509 N. Battle Creek Dr., Broken Arrow, Oklahoma, stated he is the General Manager for Oak Creek Homes. He submitted photographs (Exhibit D-1) of the land and a home like the one Ms. Camp would have. He commented that her home would not be visible from Elwood, located 610' back from the road. The home would be constructed to City and County codes on a concrete foundation.

He added the home would be 2,673 square feet, with four bedrooms, two and one-half baths, two living areas, and two dining rooms.

Jack Heath, 7505 S. Elwood, stated that he lives next door on the north. He objected to someone other than the landowner making the application. He thought that the home would not fit the general appearance of the neighborhood. He complained that the structures already existing on the land are in terrible condition. He added that the area is in transition as properties have been improved. He asked the Board to send Neighborhood Inspections to inspect the subject property. He stated that he and other neighbors have contacted Neighborhood Inspections and they did make an inspection, but to his knowledge no improvements have been made.

Helen Garnerd, 7509 S. Elwood, stated she is opposed to the application because it is not a full two and one-half acres. She expressed concern that putting in a mobile home would set a precedent for the neighborhood.

Anthony Snapp, 7515 S. Elwood, stated his objection to a manufactured home in this neighborhood. He mentioned that one manufactured home was moved in on another property nearby, and he did not receive any notification.

Virginia Egbert, 7807 S. Elwood, expressed concern that the manufactured home would decrease the value of her property.

Mr. White noted the Board received a petition with 21 signatures (Exhibit D-2) of those in opposition to this application. The Board received one letter of opposition (Exhibit D-3) from Dennis Hall.

Applicant's Rebuttal:

Ms. Camp was concerned that people have stereotyped mobile homes. She stated that she spent a lot of time checking out the different lines of manufactured homes and this one is top of the line. She stated that it is very large and beautiful and many people will be surprised that it is a mobile home when they see it. She reminded the Board that this would be a private home on the land not the beginning of a mobile home park.

Comments and Questions:

Ms. Perkins reminded Ms. Camp that the entire drive and parking area must be paved with an all-weather material. Ms. Camp replied that she understood. Mr. Cooper commented that it comes down to whether this application would be an addition to the neighborhood or a subtraction. Mr. White noted the new homes and property improvements and stated that the neighborhood is in transition. Ms. Turnbo agreed with Mr. White.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Special Exception** for manufactured home dwelling in AG, finding it would not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

The S/2 S/2 N/2 SW/4 NW/4 of Section 12, T-18-N, R-12-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma.

..*.*.*.*.*.*.*.*.

Case No. 19279

Action Requested:

Special Exception to permit part of the off-street parking required for the restaurant use and building to be located on Lots 1, 5, and 6, subject to a site plan approved by the Board and subject to the execution and recording of a tie agreement combining Lots 1 through 6, Orcutt Addition, into a single parcel. SECTION 1301.D. GENERAL REQUIREMENTS – Use Unit 12, located SW/c E. 16th St. & Utica Ave.

Presentation:

Charles Norman, 2900 Mid-Continent Tower, stated that he represents the owner of the subject property. The property is zoned CH and they propose to build a restaurant, per the site plan. The building would cross two lot lines and part of the required parking would be on Lots 1, 5 and 6. A tie-agreement is required and the applicant wants to comply. Mr. Norman stated that the site plan submitted is very nearly the final site plan (Exhibit G-1). He informed the Board that it might need to be modified to move the building back to allow for the roof overhang in compliance with the setback code for a major street.

Interested Parties:

Paul (Chip) Atkins, 1638 E. 17th Pl., representing Swan Lake Neighborhood Association, stated they are in favor of this application.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to permit part of the off-street parking required for the restaurant use and building to be located on Lots 1, 5, and 6, subject to a site plan approved by the Board and subject to the execution and recording of a tie agreement combining Lots 1 through 6, Orcutt Addition, into a single parcel, substantially in accordance with the site plan that was submitted, subject to a tie-agreement and meeting all screening and landscaping requirements, finding it 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:

Lots 1 through 6, Block 15, Orcutt Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Mr. Cooper left the meeting at 3:02 p.m.

Case No. 19280

Action Requested:

Special Exception for singlewide manufactured dwelling in RM-2 and waiver of the one-year limit to allow as permanent use. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9, located 5147 W. 12th St. S.

Presentation:

Willard Summerton, 5136 W. 11th, stated he was proposing to move a new manufactured home on the property. He felt it would be an improvement for the neighborhood and his property. He stated there are at least two other manufactured homes in the neighborhood.

Interested Parties:

Robert Akia, 5153 E. 12th St., stated he was not opposed to the manufactured home if it is new. He indicated that he would appreciate the improvement of the neighborhood.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** for single-wide manufactured dwelling in RM-2 and waiver of the one-year limit to 30 years, and condition for skirting, tie-downs, DEQ approval of sewage system, and building permit, finding it 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:

Lot 11, Block 2, Vern Subdivision No. 2, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19281

Action Requested:

Variance of Section 207 to allow two dwelling units per lot of record. SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 6; a Variance of Section 403 from required 5' side setback on NE property line to 2'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL

DISTRICTS; a Variance of Section 403 from required 20' setback from East 13th Street to 2.2' and 0'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; and a Variance of land area per dwelling unit requirement from 6750 sq. ft. to 3816.75 sq. ft. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 1224 S. Indian

Presentation:

Patrick Kingsley, 1224 S. Indian, stated he owns the subject property. Mr. Beach added that he would need more relief for a side setback.

Mr. White announced he would abstain from this application.

Mr. Kingsley mentioned that the garage is also encroaching on city property. He stated that he has already talked with the Department of Public Works. He is obtaining more detail on the survey to correct the problem.

Interested Parties:

There were no interested parties who wished to speak.


Board Action:

On **MOTION** of **Turnbo**, the Board voted 3-0-1 (Dunham, Turnbo, Perkins "aye"; no "nays"; White "abstained"; Cooper "absent") to **APPROVE** a **Variance** of Section 207 to allow two dwelling units per lot of record; a **Variance** of Section 403 from required 20' setback from East 13th Street to 2.2' and 0'; and a **Variance** of land area per dwelling unit requirement from 6750 sq. ft. to 3816.75 sq. ft., and to **CONTINUE** Case No. 19281 to the meeting of February 26, 2002, for a **Variance** of Section 403 from required 5' side setback on NE property line to 2', finding more relief is needed for that variance, and subject to a license agreement for the existing garage, and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

A part of Lot 5, Block 8, Norvell Park Addition, being more particularly described as follows: Commencing at the SE/c of said Lot 5; thence NWly along the S line of said Lot 5 for 43.90' to the POB; thence NEly, parallel to the E line of said Lot 5, for 7.50'; thence NWly parallel to the S line of said Lot 5, for 17.80'; thence SWly, parallel to the E line of said Lot 5, for 7.50'; thence SEly along the S line of said Lot 5, for 17.80' to the POB; And Lot 6, Block 8, Norvell Park Addition, City of Tulsa, Tulsa County, State of Oklahoma.

There being no further business, the meeting was adjourned at 3:15 p.m.

Date approved: FEBRUARY 12, 2002

A handwritten signature in black ink, appearing to be "M. J. ...", written over a horizontal line.

Chair