

CITY BOARD OF ADJUSTMENT
Minutes of Meeting 421
Thursday, September 6, 1984, 1:00 p.m.
Langenhein Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Smith Purser, in at 1:30 Victor	Clugston	Gardner Jones Phillips	Garriott, Protective Inspections Hubbard, Protective Inspections Linker, Assistant City Attorney

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, September 4, 1984, at 12:15 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Smith called the meeting to order at 1:07 p.m.

MINUTES:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to **APPROVE** the Minutes of August 9, 1984 (No. 419).

UNFINISHED BUSINESS:

Case No. 13257

Action Requested:

Variance—Section 930—Bulk and Area Requirements in the Industrial Districts—Request a variance of the frontage requirements on a dedicated street from 50' and 150' to 0', with the access by a private street in an IL zoned district under the provisions of Section 1670, located at the SW/c of 57th St. & Garnett.

Presentation:

The applicant, John Sublett, One William Center, #1776, was not present, but was represented by Charles Sublett who requested a continuance.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to **CONTINUE** Case No. 13257 until October 4, 1984.

Case No. 13202

Action Requested:

Special Exception—Section 1680.1(g)—Use Unit 1211—Request an exception to permit off-street parking within a residential district when abutting an office district in an RS-2 zoned district, located on the NE/c of 22 St. and Riverside Drive.

Presentation:

The applicant, Rhonda Davis, was not present, but requested by letter (Exhibit A-1) that the application be withdrawn.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to WITHDRAW Case No. 13202.

Case No. 13266

Action Requested:

Special Exception—Section 710—Principal Uses Permitted in a Commercial District—Use Unit 1217—Request special exception to allow an automobile sales lot and vehicle repair service in a CS zoned district, under the provisions of Section 1680; and a

Variance—Section 1217.3—Use Conditions—Request a variance to allow open air storage and display of merchandise offered for sale within 300' of an adjoining R district, located at 11321-11605 East 19th and 1905 South 116th East Avenue.

Presentation:

Jim Clark, of Triangle Development, represented the applicant, Mr. Looney. He stated that the case had been continued to allow for readvertisement for outside storage and sale of merchandise.

Comments:

There was discussion about the setback requirements.

There was discussion about the previous action and Mr. Gardner informed the Board that the use of the property had been approved, but the variance for outside storage had to be advertised.

Protestants:

Lewis Winfrey, 1820 South 117th East Avenue, stated that he had no objection after seeing the plans. He was misinformed about the use of the land and the variance about outside storage.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 3-0-1 (Chappelle, Purser, Victor, "aye"; no "nays"; Smith, "abstaining"; Clugston, "absent") to APPROVE a Variance (Section 1217.3—Use Conditions) to allow open air storage and display of merchandise offered for sale within 300 feet of an adjoining R District, on the following described property:

Case No. 13266 (Continued)

Lots 1, Block 1, Tri Angle Commercial Park, an addition to the City of Tulsa, Tulsa County, Oklahoma and otherwise located on E. 19th between Garnett and 116th East Avenue.

Case No. 13273

Action Requested:

Special Exception—Section 710—Principal Uses Permitted in the Commercial Districts—Use Unit 1215—Request an exception to allow a dry cleaning facility in a CS zoned district under the provisions of Section 1680; and a

Variance—Section 1215—Use Unit 15—Other Trades and Services—Request a variance of the 1500 sq. ft. of floor area for a dry cleaners, located S of SW/c of 81st St. and Sheridan.

Presentation:

The applicant, Royal Cleaners, was not present, but requested by letter (Exhibit B-1) that the case be continued until November 1, 1984.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to CONTINUE Case No. 13273 until November 1, 1984.

Case No. 13275

Action Requested:

Variance—Section 1217.3—Use conditions—Request a variance to allow open air storage or display of merchandise offered for sale within 300' of an adjoining R district, located W of NW/c of Admiral Pl. & Garnett.

Presentation:

Mr. Charles Norman, Attorney representing the applicant, requested a continuance of the case until September 20, 1984.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to CONTINUE Case No. 13275 until September 20, 1984.

Case No. 13282

Action Requested:

Special Exception—Section 710—Principal Uses Permitted in the Commercial Districts—Use Unit 1217—Request an exception to allow a car wash in a CS district under the provisions of Section 1680, and a

Case No. 13282 (Continued)

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Request an exception to allow off-street parking in an RM-2 district; and a

Variance—Section 730—Bulk and Area Requirements in the Commercial Districts—Request a variance of the 100' setback from the centerline of Charles Page Boulevard to 540'; and a

Variance—Section 1340—Design Standards for Off-Street Parking Areas—Request a variance of the location of the required screening, located on the NW/c of Charles Page Boulevard & Nogales.

Presentation:

The applicant, Daniel Buford, 107 South Phoenix, was not present. He was represented by Clay Vaughn, 3726 South Peoria, who requested that the case be continued for two weeks to allow the applicant time to acquire sufficient architectural plans.

Dennis Hall, 4989 South Union, also represented Mr. Buford, but requested a six week delay to avoid another continuance in the future. He informed that no work has been started in relation to this application.

Protestants:

Juanita Wofford, 216 South Nogales, stated that there has been heavy equipment on the property moving dirt. She informed the Board that she would not protest a two-week delay, but was opposed to a six-week delay. She noted that Mr. Buford did tell her that he would not be present at this meeting and she came to find out when the case would be heard.

Comments and Questions:

Mr. Victor asked Ms. Wofford why she was opposed to a six-week delay and she replied that she did not understand why that length of delay would be necessary. Mr. Victor informed that the Board imposed the stipulation that Mr. Buford bring a site plan before them and they should grant sufficient time for him to prepare that.

In response to Ms. Wofford's question about the present construction on the subject property, Ms. Hubbard stated that the applicant was not required to obtain an Earth Change Permit on that size of lot in order to grade his property.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to CONTINUE Case No. 13282 until November 1, 1984.

Case No. 13284

Action Requested:

Variance—Section 930—Bulk and Area Requirements in the Industrial Districts—Request a variance of the required frontage from 150' to

Case No. 13284 (Continued)

36.75' in order to permit a lot split in an IL zoned district under the provisions of Section 1670, located N of NE/c of 44th St. & Memorial Drive.

Presentation:

Debbie Green, 2407 East Skelly Drive, represented the owners of Precision Imports, and an adjacent tract of land. She stated that the deeds of these properties were conveyed in 1970 without lot split approval and submitted a plot plan (Exhibit C-1). Lot split approval could not be approved without a variance due to a lack of required frontage on Memorial. She submitted two surveys (Exhibits C-2 and C-3) and discussed them with the Board. She stated that she felt the situation had been resolved.

Protestants: None

Comments:

There was discussion about the responsibility of the Board in the matter.

Mr. Gardner stated that the subject tract is still under one ownership, although there are two separate properties filed of record and the lot split is still necessary for recording purposes in order to stamp the deeds.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE A Variance** (Section 930—Bulk and Area Requirements in the Industrial Districts) of the frontage from 150' to 36.75' in order to permit a lot split (L-16240) in an IL zoned district under the provisions of Section 1670, on the following described property:

The north 213.75' of the West 600' of SW/4 of NW/4 of Sec. 25, T-19-N, R-13-E, and the W 338' of the S 223' of W/2, NW/4 of Section 25, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Additional Comments:

Mr. Jones informed the applicant that the TMAPC approved the lot split in August and the deeds can now be stamped and filed.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 13294

Action Requested:

Variance—Section 730—Bulk and Area Requirements in the Commercial Districts—Use Unit 1221—Request a variance from the required 50' setback from the centerline of 11th Street to 46' (two separate locations) to permit outdoor advertising signs in CH zoned districts under the provisions of Section 1670, located (1) on the NE/c of 11th St. & Xanthus, and (2) W of SW/c of Louisville & 11th Street.

Case No. 13294 (Continued)

Presentation:

Hal Stevenson, 2816 East 51st Street, Suite 210, stated that the application needed to be adjusted to exclude the variance request on the NE/c of 11th St. and Xanthus. He submitted pictures (Exhibit D-1) and described them to the Board. He stated that a permit was received on April 4, 1984 for a sign to be placed on the location (Louisville and 11th Street) and presented a copy of that permit. He submitted a copy of the plot plan (Exhibit D-2) which was approved for this permit. He informed that his predecessor had not relayed pertinent information regarding setback requirements. Mr. Stevens went ahead with the proposed plans according to the permit and the plot plan. After talking to Paul Sands, Building Inspector, he realized that a variance request would be necessary. He stated that the sign will be flagged to the building and will be a 12' x 24' poster panel. No part of the sign will encroach the right-of-way. He informed the Board that he felt a hardship was imposed by the fact that the pole was already installed in the present location before he realized the sign violated the requirements. He stated that he was aware of the necessity of a removal contract.

Comments:

There was discussion as to what type of sign is to be placed on the pole.

Mr. Gardner reminded that the primary concern of the Board is the location of the sign, not the type of sign, since this is a heavy commercial area. He stated that it should be consistent with the location of the other signs in the area.

Protestants:

Doug Ball, 7777 East 38th Street, from Donrey Outdoor Advertising, informed the Board that this location, as well as others used by OMNI Outdoor Advertising, does not meet the setback requirements enforced on all advertising companies. He is tired of those who ignore these requirements, assuming they can file for, and be granted relief, while the rest of the industry abides by them. He stressed that the Sign Code either be enforced or changed. He cited situations and informed that in his opinion a hardship based on expense is poor judgement. He requested that this application be denied.

Applicant's Rebuttal:

Mr. Stevenson stated that 11th Street is a unique situation because the right-of-way is too wide for the merchants to do business without exceptions to the restrictions.

Additional Comments:

There was discussion about the difficulty of placing a sign pole of that kind.

Ms. Purser prefaced her motion by stating that this Board has consistently been concerned with sign violations in this City and has been careful to take all comments seriously. In this particular

Case No. 13294 (Continued)

situation, because of the other signs that encroach right-of-way on 11th Street, and because he plans for the sign to flag back over the building, this case is unique. She stated that the visual impact will be acceptable for the area.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a **Variance** (Section 730—Bulk and Area Requirements in the Commercial Districts—Under the Provisions of Use Unit 1221) from the required 50' setback from the centerline of 11th Street to 46' to permit an outdoor advertising sign in a CH zoned district, located West of the SW/c of Louisville and 11th Street, under the provisions of Section 1670, per plot plan submitted, on the following described property:

Lot 2, Block 1, Harvard Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 13285

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1206—Request an exception to allow a home occupation (beauty shop) in an RS-3 zoned district under the provisions of Section 1680; and a

Variance—Section 440.2—Special Exception Uses in Residential Districts, Requirements—Request a variance to allow a 2 sq. ft. sign to be attached to the front fence, located S of SW/c of 58th St. & 32nd W Avenue.

Presentation:

Nancy Westfall, 5820 South 32nd W. Avenue, requested that she be allowed to use a portion of her home as a Beauty Shop. She submitted a photograph (Exhibit E-1) and described her property to the Board, informing that she has two double driveways to her home. Her proposed hours of business are 8:00 a.m.-4:00 p.m. Tuesday, Thursday and Friday; and 8:00 a.m.-7:00 p.m. on Monday and Wednesday. The request for the sign came in response to the State Licensing Board requirement that she display a sign with her address on it.

Protestants: None

Comments and Questions:

Mr. Gardner informed the Board that while the sign is a requirement, it does not have to be placed in front of her property. It can be placed in the window of her shop.

Mr. Victor asked Ms. Westfall how many customers she expects at a time. She stated she could have no more than two or three at a time.

Case No. 13285 (Continued)

There was discussion about the parking situation. Ms. Westfall informed that they own two cars; one will be used by her husband during the day, and the other will be in the garage.

Board Action:

On MOTION OF VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 410—Principal Uses Permitted in the Residential Districts—Under the Provisions of Use Unit 1206) to allow a home occupation (beauty shop) in an RS-3 zoned district under the provisions of Section 1680, subject to the rules and regulations of Home Occupation and subject to the following hours: Monday and Wednesday—8:00 a.m. to 7:00 p.m.; and Tuesday, Thursday, and Friday—8:00 a.m. to 5:00 p.m.; and to DENY a Variance (Section 440.2—Special Exception Uses in Residential Districts, Requirements) to allow a 2 sq. ft. sign to be attached to the front fence, on the following described property:

North 50', Lot 27 and the South 50', Lot 28, Block 1, Summit Parks Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13286

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1209—Request an exception to permit a mobile home (double-wide) in an RS-3 zoned district under the Provisions of Section 1680, and a

Variance—Section 440.6—Special Exception Uses in Residential Districts, Requirements—Request a variance of the one year time limitation for a mobile home to permanently, located at 10833 1/2 East 11th Street.

Presentation:

Mildred Whiten, 10883 1/2 East 11th Street, informed that her home was damaged during the Memorial Day Flood and that it is in the Floodway. She submitted a Flood Plain Areas Map (Exhibit F-1) and stated that the subject property is large enough to move the home forward and elevate it on piers so that it will not be affected in the future by flooding. She stated that her property is not included in the City Buy Out Plan and that they intend to leave the existing structure where it is and place a modular home on concrete piers. She informed the Board that she has also applied for a Building Permit to build a stick-built house on the subject tract and there was discussion about the necessity of this application with that in mind. She requested that the Board hear her case so that she would have the option for mobile home use should the Building Permit be denied. She stated that she intends to leave the existing structure on the property and use it for her business.

Case No. 13286 (Continued)

Comments and Questions:

Mr. Gardner informed that she was not properly advertised for what she is asking.

Mr. Linker advised the Board that she may not be advertised for the business, but that she needed a place to live.

Ms. Purser asked Ms. Whiten if she preferred to build a house. Ms. Whiten replied that she would rather have a house, but that a mobile home could be ready to live in sooner.

Mr. Gardner suggested that she continue the case and apply for home occupation while waiting for the Building Permit to be approved.

Ms. Hubbard informed that the existing structure is in a Floodway and a permit cannot be issued to repair it for any use.

There was discussion about the visibility of her home from 11th Street.

Mr. Smith asked Ms. Whiten if her mobile home could be seen from the street if it were on 8 ft. piers. She stated that she felt the trees and buildings in front of the property would cover it. She also stated that she planned to build her home up on piers.

Protestants:

Gene Oliver, 6168 South Richmond, stated that his wife owns the south 300 ft. of lot 8, block 2, East 11th Park Subdivision. They do not object to the Whitens building another home, but he does object to the use of a mobile home in the area. He informed that his wife's property was between the subject property and 11th Street. In response to a question by Ms. Purser, Mr. Oliver stated that an application for outside storage was denied for his land, which is one lot removed from the subject property.

Additional Comments:

Mr. Linker advised that the case be continued to allow him time to discuss it with the Building Inspector.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to CONTINUE Case No. 13289 until September 20, 1984.

Case No. 13287

Action Requested:

Special Exception—Section 420—Accessory Uses in Residential Districts—Use Unit 1205—Request an exception for a home occupation (beauty shop) in an RS-3 zoned district under the provisions of Section 1680, located at 4743 East 6th Street.

Case No. 13287 (Continued)

Presentation:

Linda Waller, 4743 East 6th Street, requested that she be allowed to have a beauty shop in her home. Her driveway has a single entrance, but widens into a two-car drive which would permit three vehicles ample parking and turning room. She stated her hours of operation would be 8:00 a.m. until 5:00 p.m. on Thursday, Friday and Saturday, and 8:00 a.m. until 7:00 p.m. on Wednesday. She stated that her intention is to provide added income for her family while staying home with her small son. In answer to a question from the Board she stated that she planned to have no more than 3 customers at a time.

The staff submitted a letter (Exhibit G-1) of approval from an adjacent neighbor.

Comments and Questions:

Ms. Hubbard asked the applicant if she had recently filed for a Building Permit for an addition to her home. Ms. Waller replied that she had applied for a permit and that she wanted to use the addition for her beauty Shop. Ms. Hubbard informed the Board that the Building Permit application had been denied because she needed a setback variance and the applicant did not advertise for that relief.

Mr. Gardner replied to a question by Ms. Purser and informed the Board that if the room was such that it could be used for another function besides the home occupation, that she would meet the special exception.

Ms. Hubbard reported to the Board that the applicant has two portable buildings on the front of her property which had not been approved.

Mr. Smith asked Ms. Waller what was in her front yard and referred to a letter from Bailey and Eva Rice (Exhibit G-2) which suggested that the subject plot was a "junkyard". Ms. Waller informed the Board that her husband had a trailer and a truck frame in the front yard which will be moved shortly.

Protestants:

The staff submitted several letters of protest: Mr. and Mrs. C. Wayne Pfeifer (Exhibit G-3); Rena Findley (Exhibit G-4); and David Hunt (Exhibit G-5).

Bailey Rice, 4747 East 6th Street, submitted pictures (Exhibit G-6) and described the area around the subject property. He requested that only homeowners in the immediate neighborhood be allowed to protest. In 1936 he purchased his home in this neighborhood and stated that a man's home is his prize possession. He informed the Board that since that time the Kendall View Addition has been strictly residential and he opposes any changes. He feels that a business would depreciate the value of his home. He stated that a privately owned business did not belong in a subdivision since only one person will be profiting from it. He asked that the application be denied. In response to a question by Ms. Purser, Mr. Rice stated that on the lot west of the subject plot there are two dwelling units on one lot, which was formerly two lots.

Case No. 13287 (Continued)

Elvin Burdick, 4739 East 6th Street, protested the home occupation in a residential area. He stated that he owns lots 22 and 23, which are adjacent to the subject tract. He implied that if the Board granted Ms. Waller use of the land for a beauty shop that soon other businesses might try to move into the area. He submitted a letter of protest (Exhibit G-7).

Glenn Proper, 7th and Yale, expressed concern over an exception to allow any business in this residential neighborhood. He stated that if this case set a precedent, it would change the atmosphere of the area. He referred to a pending zoning change near them that will allow a Beauty Shop to be established and stated that he felt any business would congest traffic in the area.

Applicant's Rebuttal:

Ms. Waller informed the Board that there has been a home occupation (beauty shop) on her block which has recently closed due to the owner's health. She stated that Mrs. Rice had previously run a custom drapery business from her garage. She does not feel that this case will be setting a precedent for these reasons.

Additional Comments:

Ms. Purser informed that the applicant needs to submit a plot plan before the Board can be comfortable with her request.

There was discussion about Ms. Waller's plans to keep her dog on a chain during her hours of business.

Mr. Gardner suggested that since the applicant needs a variance on the addition to her existing home, the Board may want to consider continuing the case to allow time for proper advertising and to inspect the property.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to CONTINUE Case No. 13287 until October 4, 1984.

Case No. 13288

Action Requested:

Variance—Section 730—Bulk and Area Requirements in the Commercial District—Use Unit 1219—Request a variance of the 50 percent floor area ratio to 68 percent and a variance of the 100' setback from the centerline of E. 11th Street to 80', all to permit construction of a motel in a CS zoned district under the provisions of Section 1670, located on the NW/c of 11th Street and Skelly Drive.

Presentation:

Roy Hinkle, attorney, 7030 South Yale, represented Affordable Inns. He informed that the subject tract was the site of a Mobile Oil Service Station for a number of years. He stated that the

Case No. 13288 (Continued)

property is unique in relation to the surrounding area. He presented an aerial map and discussed it with the Board. He stated that due to the shape of the tract that the parking cannot cover a large area. Because of this, they have designed the motel to be a four-story building rather than a one-story. He presented an architectural drawing and submitted a site plan (Exhibit H-1). He stated that the property did not lend itself to building 6800 sq. ft., which is the amount of square-footage allowed on the property. He proposed 79 parking spaces. The motel will be owned by Affordable Inns, which is a company that owns similiar motels across the country and will employ 15 to 16 employees. There will be neither a restaurant nor a bar.

Comments and Questions:

There was discussion about the necessity of the fourth floor in relation to a hardship. Mr. Hinkle pointed out that they could not provide adequate parking for the square-footage allowed if they did not go "up" with their building.

Mr. Hinkle informed that it would not be economically feasible to build a one-story motel on this property.

Protestants:

L. R. Bordon, Basin Company, P.O. Box 45642, informed that his company owns the land that abuts the subject property on the west and on the north. He stated that his company protests any variance on the floor area ratio over 50 percent and the variance request for a setback. The Basin Company land was purchased subject to CS zoning and they plan to comply with the zoning requirements. He informed the Board that if the applicant is allowed the variance on the setback it will require his company to apply for the same variance to avoid losing visibility to the west. He stated that if the proposed motel has 95 percent occupancy with employees parking on the lot, someone will have to park on the lots of adjoining properties. He suggested that if they do not plan to have 95 percent occupancy at least sometimes, then the proposed square-footage is not necessary. He stated that his grievance is not with the use of the land, rather with overbuilding the area. He presented a letter of protest from the Basin Company (Exhibit H-2).

Bill Coldewey, 11521 East Skelly, represented Rodeway Inn and informed that their facility was built in compliance with the CS zoning requirements, including the setback requirement, and requested that others be required to do the same. The Rodeway Inn is associated with CC's Restaurant which is in the near vicinity of the subject property. He stated that a four-story building on that location would block the visibility of the CC's Restaurant sign and the Rodeway Inn sign. He requested that the application be denied.

Interested Parties:

Don Gary, Centralia Illinois, informed that he is the Chairman of the Board and Treasurer of Affordable Inns, Inc. He informed that the canopy that exists on the location at present extends further into the right-of-way than the one Affordable Inns intends to build. The

Case No. 13288 (Continued)

new canopy will extend three feet into the setback. He stated that his company could do without the canopy if it was offensive to the adjacent merchants, and that his motel would meet the parking requirements because they do not have a restaurant nor a bar. He informed the Board that his company would like to be in Tulsa and he requested that the application be approved.

Comments and Questions:

Ms. Purser asked Mr. Gary who the target population of Affordable Inns would be. He replied that most of his customers would be repeat since they have their own reservations system. (Up until now they just didn't have Tulsa as an option.)

Ms. Purser inquired about the number of employees that would be on duty between 5:00 p.m. and 8:00 a.m. Mr. Gary replied that during that time there would be one desk clerk and a manager only. Cleaning will be done in the mornings.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-1-0 (Chappelle, Purser, Victor, "aye"; Smith, "nay"; no "abstentions"; Clugston, "absent") to **APPROVE** a **Variance** (Section 730—Bulk and Area Requirements in the Commercial District—Under the Provisions of Use Unit 1219) of the 100' setback from the centerline of East 11th Street to 80' to include a canopy, and to **DENY** a **Variance** (Section 730—Bulk and Area Requirements in the Commercial District—Under the Provisions of Use Unit 1219) of the 50 percent floor area ratio to 68 percent, on the following described property:

Begin 746.54' east and 83.38' north of SW/c for P.O.B.; thence northeast 212', west 400', south 126.15', east 230' to P.O.B. of Section 5, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13289

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1205/09—Request an exception to allow a mobile home in an RS-2 zoned district under the provisions of Section 1680; and a

Variance—Section 208—One Single-Family Dwelling Per Lot of Record—Request a variance to allow two dwelling units (1 house, 1 mobile home) per lot of record, located S of SW/c of 11th St. & 135th E. Avenue.

Presentation:

Lydia Kettle, 39 South Florence, represented her son, Pat Kettle and stated that he has moved out of the mobile home into a new home on the subject property. He has the mobile home stored on the back of his property until it can be sold. She stated that the mobile home is unoccupied and that they request that they be allowed to keep it there until it can be sold.

Case No. 13289 (Continued)

Comments and Questions:

There was discussion about the type of action the Board should take.

Ms. Hubbard informed the Board that by right a mobile home can be stored on private property if it is behind the building line and it is not used as a dwelling.

Protestants:

Ron Hignite, attorney, 502 West 6th Street, represented Bud Crow in protest of the application. He stated that his client was not informed that the mobile home was for sale and he withdrew his objection on the basis that the mobile home was not for residential use.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 410—Principal Uses Permitted in the Residential Districts—Under the Provisions of Use Unit 1205/09) to allow a mobile home in an RS-2 zoned district under the provisions of Section 1680, for a period of 90 days, and to DENY a Variance (Section 208—One Single-Family Dwelling Per Lot of Record) to allow two dwelling units (1 house, 1 mobile home per lot of record), on the following described property:

The north 152' of the south 494.5' of the east 198' of NW/4 of NE/4 of NW/4 of Section 9, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13290

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1205—Request an exception to allow a mobile home in an RS-3 zoned district under the provisions of Section 1680; and a

Variance—Section 440.6—Special Exception Uses in the Residential Districts, Requirements—Request a variance of the mobile home one-year limitation to ten years, located S of SW/c of 36 St. and Olympia.

Presentation:

Raymond Jolliff, 1025 East 53rd Street, stated that the application was made on behalf of his brother who wishes to move to Tulsa to seek employment. He requested that he be allowed to place his two-bedroom mobile home on the subject property. He stated that there are several mobile homes in the area.

Comments:

Mr. Gardner noted that the subject property is isolated between two oil companies and is an older residential area in which the Board has

Case No. 13290 (Continued)

allowed mobile homes by exception, and also a variance provided there is no more than one dwelling per lot of record.

Protestants: None

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a **Special Exception** (Section 410—Principal Uses Permitted in the Residential Districts—Under the Provisions of Use Unit 1205) to allow a mobile home in an RS-3 zoned district under the provisions of Section 1680, subject to a Building Permit and Health Department approval and subject to the applicant making the mobile home look permanent by skirting it; and a **Variance** (Section 440.6—Special Exception Uses in the Residential Districts, Requirements) of the mobile home one-year limitation to ten years, on the following described property:

Lot 6, Block 6, Hardesty Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13291

Action Requested:

Variance—Section 430.1—Bulk and Area Requirements in the RS, RD, and RM Districts—Use Unit 1209—Request a variance of the lot width from 60' to 30.6' and 10.22', of the side yard from 5' to 0' and .83' (Tract B) of the lot area, and of the land area, all in order to permit a lot split in an RS-3 zoned district under the provisions of Section 1670, located N of NE/c of 22nd St. 7 Birmingham Ct.

Presentation:

Kenneth Miles, 201 West 5th Street, submitted a Plat of Survey (Exhibit I-1) and described his request for a lot split in order to split an existing duplex. He stated that the intention is to follow the party wall and then angle to the street so that each dwelling has frontage on the street. He informed that there has been a Common Wall Agreement created which provides for restrictions and covenants regarding maintenance to the common wall, roof, and existing easements. It also maintains a mutual access easement to provide mutual use of the existing driveway. Another condition imposed by the TMAPC subjected the west 15' to sewer easement.

Protestants: None

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a **Variance** (Section 430.1—Bulk and Area Requirements in the RS, RD, and RM Districts—Under the provisions of Use Unit 1209) of the lot width from 60' to 30.6' and 10.22'; a **Variance** of the side yard from 5' to 0' on Tract A, and .83' on Tract B; and a **Variance** of the lot area and the land area, all in order to permit a lot split (L-16252) in an

Case No. 13291 (Continued)

RS-3 zoned district under the provisions of Section 1670, per Plat of Survey submitted and subject to the conditions required by the TMAPC, on the following described property:

Lot Two (2) less the East Twenty (20) feet thereof, Block One (1) Harter's Fifth Addition, an addition in Tulsa County, State of Oklahoma, according to the recorded plat thereof, and a tract of ground described as follows: Beginning at a point where the common lot line of Lot 1 and Lot 2, Block 1, Harter's Fifth Addition, an addition in Tulsa County, State of Oklahoma, according to the recorded plat thereof, intersects the Easterly right of way line of Birmingham Court, thence N 58°12.1674' E and along the lot line between said Lots 1 and 2, a distance of 130.12 feet, thence S 52°44.7119' W a distance of 53.76 feet thence S 61°59.9206' W a distance of 76.72 feet to the point of beginning.

Case No. 13292

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Request an exception to allow a mobile home in an RS-3 zoned district under the provisions of Section 1680; and a

Variance—Section 208—One Single-Family Dwelling Per Lot of Record—Request a variance to permit two dwellings (1 house, 1 mobile home) per lot of record, located S of SE/c of 1st St. & 163rd E. Avenue.

Presentation:

Michelle Beamer, 111 South 163rd East Avenue, stated that the mobile home under application was placed beside her parents home for repair. She informed the Board that it is unoccupied and is not hooked up to any utilities. After it is repaired it will be moved to a mobile home lot. The damage is due mostly to water, which caused valleys in the roof and structural damage. She replied to a question by the Board that the mobile home has been at the present location since July 14, 1984. She stated her intention is to have the mobile home moved off the subject property no later than January 1, 1985.

Protestants:

Susan Frankenstein, 16303 East 1st Street, submitted a Petition of Protest (Exhibit J-1) which included 18 families who object to use of the subject property to store a mobile home, either permanently or temporarily. She stated that the mobile home has been placed on blocks and skirted and that it looks like a permanent dwelling. She read from the subdivision covenant which does not allow for any structure of temporary character to be used as a dwelling. (The Chair advised that the subdivision covenant was an agreement between homeowners and the Board has no jurisdiction to enforce it.) Ms. Frankenstein stated that the mobile home is between two homes, not behind one, and that it is old and not aesthetically pleasing. She stated that the neighbors who live directly next door are not homeowners and did not appear before the Board for that reason.

Case No. 13292 (Continued)

John M. Stewart, 16223 East 2nd Street, stated that he lives behind the subject property. He questioned whether the applicant has a permit to work on the mobile home in a residential neighborhood. He indicated concern over potential fire hazard and other damage. He stated that the presence of the mobile home was depreciating their property at the rate of 10,000 dollars per home, and informed that the mobile home is a "pile of junk" which he has to look at every day. He requested that the application be denied.

Judy Rohlfling, 210 South 163rd East Avenue, informed that she lives 2 lots away from the subject property. She reported that the neighbors who own the abutting property received advise from their homeowners insurance that if a mobile home is installed in the neighborhood their insurance rates will be raised (i.e. flying debris caused by wind damage to a mobile home). Ms. Rohlfling maintained that the protestants are trying to save the integrity of their neighborhood and that will be hard to do if a mobile home is placed in the middle of a subdivision which contains mostly brick homes. She submitted photographs (Exhibit J-2) and a Subdivision Plat with Covenant Agreement Restrictions (Exhibit J-3).

The protestants submitted two additional petitions (Exhibit J-4) and a map indicating the homes of some of the signatures (Exhibit J-5).

Interested Parties:

Donna Beamer, 111 South 163rd East Avenue, the applicant's mother, informed that the mobile home is a 1957 model and agreed that it looks bad in the neighborhood. She stated that the tires were taken off the mobile home because they are very old and it would be dangerous to work inside it unless it was stabalized. She intends to restore the mobile home to provide her daughter a home and it is requiring more repairs than originally planned for. She emphasized that the mobile home would not be permanent and requested that the Board allow them enough time to make it liveable.

Comments and Questions:

Ms. Purser asked Ms. Donna Beamer where the home was previously located. Ms. Beamer replied that it was on a rented lot in Choteau, OK.

Ms. Purser asked Ms. Donna Beamer if the mobile home could be taken back to Choteau to be repaired there. The reply was that the mobile home was placed in their yard for convenience. It would be difficult to work on it if it was moved back to Choteau due to the amount of time it would take to travel back and forth.

Mr. Gardner advised that the location was wrong for repairing a mobile home.

Mr. Victor stated that his rescinded motion was not to allow use of this property for mobile home repair, rather to comply with any city ordinance which might give the right to store a mobile home on one's own property.

Case No. 13292 (Continued)

Ms. Purser stated that the ordinance should be respected, but that since the Board was unsure what the ordinance implies, they should make a decision based on the merits of the case.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to DENY a Special Exception (Section 410—Principal Uses Permitted in the Residential Districts) to allow a mobile home in an RS-3 zoned district under the provisions of Section 1680, and a Variance (Section 208—One Single Dwelling Per Lot of Record) to permit two dwellings (1 house, 1 mobile home) per lot of record, on the following described property:

Lot 6, Block 13, Rose Dew 2nd Addition to the City of Tulsa, Tulsa County, Oklahoma.

Additional Comments:

Ms. Beamer asked for an explanation of her responsibilities. Mr. Linker explained that if she chose to keep the mobile home on her property she would need to establish that right when the City comes to investigate. He informed that the Building Inspector and a representative from the Legal Department would evaluate the City Ordinance and determine if the City has jurisdiction to request removal of the mobile home.

Case No. 13293

Action Requested:

Variance—Section 430.1—Bulk and Area Requirements in the RMH District—Request a variance of the 10' rear yard to 7' to allow a mobile home in an RMH zoned district under the provisions of Section 1670, located on the NE/c of 121st East Avenue & Admiral.

Presentation:

Warren G. Morris, 2532 East 46th Place, submitted a letter from the Public Service Company (Exhibit K-1) stating that they find no interference with existing facilities and have no objection to the present mobile home being parked on the subject tract. Mr. Morris requested a variance for this particular mobile home because it imposes on the easement 3 feet. There are no other utilities in the easement.

Protestants: None

Comments and Questions:

Mr. Smith asked Mr. Morris if the frontage on Admiral is fenced. Mr. Morris replied that it is fenced.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Variance (Section

Case No. 13293 (Continued)

430.1—Bulk and Area Requirements in the RMH District) of the 10' rear yard to 7' to allow a mobile home in an RMH zoned district under the provisions of Section 1670, on the following described property:

Lot 48, Block 1, Cooley Lake Mobile Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13295

Action Requested:

Request an appeal from the decision of the Building Inspector not to allow an outdoor advertising sign within 750' of another sign, and a

Variance—Section 1221.(c)3—Business Signs and Outdoor Advertising—Use Unit 1221—Request a variance to allow an outdoor advertising sign within 750' of another sign in an IL zoned district under the provisions of Section 1670, located E of SE/c of 100 East Avenue & 51st Street.

Presentation:

Hal Stevenson, 2816 East 51st Street, Suite 210, stated he received a permit to allow an outdoor advertising sign on the subject property according to a plot plan that was submitted to the Building Inspector. He presented the plot plan and explained it. Mr. Stevens informed that the Building Inspector acquainted him with a sign to the west which would require him to space 750' east toward the Mingo Valley Expressway. He submitted pictures (Exhibit L-1) and discussed them. The sign pole was placed according to the approved plot plan and was inspected by the Building Inspector. At that time, Mr. Stevenson was informed that a permit had been issued in 1979 for the SW/c of the Mingo Valley Expressway and 51st Street and the permit was renewed this year. This placed his sign pole within 750' of another sign permit. There is presently no pole in the ground at that location, so he did not space from there. He informed that the owner of the subject property has plans for the balance of his property and cannot spare any more land for the use of a sign. He stated that there was no intention to violate the Code, rather there was a lack of sufficient communication.

Protestants:

Doug Ball, 7777 East 38th Street, of Don Rey Outdoor Advertising, objected to the application, stating that the applicant submitted a plot plan and then made a 160' error. He emphasized that an error by the applicant should not be the basis for special exceptions or variances. He listed several restrictions the sign violates.

John Van Gonten, 6548 East 25th Place, owns Lot 8, Block 2 (which is the subject Block). He stated his feeling that the City can do without this type of sign anywhere. He is the owner of property in the IL district under application and informed that he does not want outdoor advertising in this district that has nothing to do with the businesses in the area. He felt that a sign of this nature would be degrading to the industrial district. He requested that the application be denied.

Case No. 13295 (Continued)

James Whitehead, 10061 East 52nd Street, informed the Board that he owns Lot 9, Block 2 in the subject district. He stated that he owns a 13,000 sq. ft. building in the area which was built in 1977 and he feels that this sign will add no constructive purpose to his enterprise.

Comments and Questions:

Mr. Smith asked the applicant what caused the lack of communication. Mr. Stevenson replied that due to the fact that a prior application for a Building Permit had been denied for that location, and this one was approved, he assumed that he was meeting all the requirements.

Ray Green, Director of Protective Inspections, stated that Mr. Stevenson is in a highly competitive business and it is the responsibility of his sign company to know where other permits are issued.

Applicant's Rebuttal:

Mr. Stevenson restated that he was uninformed about the other sign permit when he applied and received his permit. He noted that a new Sign Ordinance is in effect and that his company is trying to stay within that ordinance.

Additional Comments:

Mr. Victor informed the applicant that he sympathized with his situation and related his experiences with the Building Codes. He stated that the burden of proof is on the contractor or architect and the City has the right to enforce its ordinances and codes.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to UPHOLD the Building Inspector's decision not to allow an outdoor advertising sign within 750' of another sign, and to DENY a **Variance** (Section 1221.3(c)3—Business Signs and Outdoor Advertising—Under the Provisions of Use Unit 1221) to allow an outdoor advertising sign within 750' of another sign in an IL zoned district under the Provisions of Section 1670, on the following described property:

Lot 16, Block 2, Tulsa Southeast Industrial District, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13296

Action Requested:

Variance—Section 240.2—Permit Yard Obstructions—Use Unit 1206—Request a variance to permit a 730 sq. ft. detached accessory building (garage) in an RS-3 zoned district under the Provisions of Section 1670; and a

Variance—Section 420.2.c—Accessory Uses in Residential Districts—Request a variance to allow a sleeping room with bath to

Case No. 13296 (Continued)

be located in a detached accessory building (garage) in lieu of the private residence, located on the NE/c of Columbia Place & 16th Street.

Presentation:

The applicant, Virgil Johnson, was represented by Jean Johnson, 1547 South Columbia place. She informed the Board that she and her husband wish to build a bedroom and bath above their existing detached garage. She stated that the use will be to house relatives and visitors and that it will not be used as rental property at any time. The total square-footage of the garage with this addition will be 850'. There will be no kitchen.

Protestants: None

Comments and Questions:

There was discussion about the possibility that this sleeping room could be considered a cabana. Ms. Hubbard informed that when the sleeping area is over a garage, it becomes an inhabitable property.

Mr. Gardner suggested restrictions should be added to any motion for approval in order to establish guidelines for usage.

Ms. Purser asked Mr. Linker if the abstract could be "flagged" so that the use could be clearly defined to potential buyers. Mr. Linker advised the Board to require a covenant to be filed with the abstract stating the restrictions.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Variance (Section 240.2—Permit Yard Obstructions—Under the Provisions of Use Unit 1206) to permit a 730 sq. ft. detached accessory building (garage) in an RS-3 zoned district under the provisions of Section 1670; and a Variance (Section 420.2(c)—Accessory Uses in Residential Districts) to allow a sleeping room with bath to be located above a detached accessory building (garage) in lieu of the private residence, subject to a restrictive covenant being filed with the County Clerk's office restricting the use to seasonal usage, for guests and family only and that it cannot be used for rental purposes, on the following described property:

Lot 7, Block 1, Oliver Terrace Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13297

Action Requested:

Variance—Section 1212.4—Off-Street Parking and Loading Requirements—Use Unit 1212—Request a variance of the parking requirements for an entire establishment from 12 to 6 parking spaces in a CS zoned district under the provisions of Section 1670, located on the NW/c of 81st Street and Memorial.

Case No. 13297 (Continued)

Presentation:

The applicant, Barney Barnes, Jr., 8468 South College, requested a variance of parking spaces for a 1200 sq. ft. pizza shop in an existing shopping center. He informed that the shop will mostly do a carry-out and delivery business and will only have four to six tables. At most, twenty-four customers could be seated at a time in the restaurant. For this reason, he requested that the required number of spaces be changed to six. He stated that the size and type of restaurant could be considered the hardship, since the square-footage and the number of tables will limit the required parking.

Protestants: None

Comments and Questions:

Ms. Hubbard stated that the Applicant's Building Permit and Zoning Clearance Permit were issued before the Code was amended so those permits are still valid according to the former Code restrictions.

Mr. Gardner informed that when the occupancy or use changes the provisions of the amended Code apply. The only way it would not apply would be for the restaurant to already be in existence.

There was discussion about the necessity of Board action.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** a **Variance** (Section 1212.4—Off-Street Parking and Loading Requirements—Under the Provisions of Use Unit 1212) of the parking requirements for this entire establishment (1200 sq. ft. carry-out restaurant) from 12 to 6 parking spaces in a CS zoned district under the provisions of Section 1670, on the following described property:

Lot 1, Block 1, FAMCO Heights, an addition to the City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

Case No. 13259

Action Requested:

Consider substitute plot plan for Case No. 13259 approved by the Board on August 23, 1984.

Presentation:

The applicant, Vince Butler, 3545 East 51st Street, Suite 35, submitted a substitute plot plan (Exhibit M-1) and described the changes to the Board. He stated that the adjacent property owners had been informed of the revisions and there were no objections.

Case No. 13259 (Continued)

Protestants:

Mr. Pfiffner, an adjacent property owner, stated that he had requested to be notified in the event that changes were made in the approved plot plan. He informed that he is present to give his consent to the amended plot plan.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-1 (Chappelle, Purser, Victor, "aye"; no "nays"; Smith, "abstaining"; Clugston, "absent") to APPROVE a substitute plot plan for Case No. 13259.

Trial Report:

Alan Jackere—Salvation Army Pre-release Center.

Presentation:

Mr. Linker reported for Mr. Jackere that the applicant was successful in the appeal. Judge Wiesmann ruled that a pre-release center could be opened in that location. There was evidence that the center had been previously used as a home for transients and it was implied that there would not be much difference in the use.

Comments:

Mr. Gardner pointed out that when the case was heard before this Board the request was made for a pre-release center to house approximately 12 former inmates. The court placed no restriction on the number of residents, but the number of beds is about double the previous request.

There being no further business, the Chair adjourned the meeting at 4:25 p.m.

Date Approved

10/4/84


Chairman

