

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 705
Tuesday, June 11, 1996, 1 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Abbott Turnbo, Chair White	Bolzle Box	Beach Gardner Huntsinger	Ballentine, Code Enforcement Parnell, Code Enforcement Romig, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Thursday, June 6, 1996, at 10:20 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **WHITE**, the Board voted 2-0-1 (Abbott, White, "aye"; no "nays"; Turnbo "abstentions"; Bolzle, Box "absent") to **APPROVE** the minutes of May 28, 1996 (No. 704)

UNFINISHED BUSINESS

Case No. 17378

Action Requested:

Special exception to permit a mobile food trailer in an IM zoned district and a Special Exception to permit temporary firewood and Christmas tree and produce sales in an IM zoned district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 12 and 2, located 1650 E. 6th Street.

Presentation:

The applicant, **Don Wood**, 7026 East 32nd Street, stated he would like to add a produce stand or tent measuring 20' x 30' to the location.

Case No. 17378 (continued)

Comments and Questions:

Ms. Turnbo asked the applicant if he would object to the Board limiting him to one year? He responded it would be no problem.

Mr. White asked the applicant if the tent would be in operation at the same time as the mobile food trailer? He answered affirmatively.

In response to Mr. White, the applicant explained the tent would be located in front of the mobile food trailer. He further explained the mobile food trailer is back 100' from the center median of Utica.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Box "absent") to **APPROVE** a **Special Exception** to permit a mobile food trailer in an IM zoned district and a **Special Exception** to permit temporary firewood and Christmas tree and produce sales in an IM zoned district. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 12; subject to a time limit of one (1) year; finding that the approval of this application will not be injurious to the area nor in violation of the spirit and intent of the Code; on the following described property:

E 20.5' Lot F and all Lot G and Lot H less E 10.5' and N 6.3', W 100', E 120.5' Lot 8, Block 4, Glass Factory Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17380

Action Requested:

Special exception to permit a tent for the sale of produce. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, located 2102 South Yale Avenue.

Presentation:

The applicant, **J. Devon Jones**, 2102 South Yale, requested permission to erect a tent for the sales of produce.

Comments and Questions:

Mr. White asked the applicant if the sales would be in the tent or under the canopy? He answered the produce sales will be in the tent.

Ms. Abbott asked the applicant if he would be selling bulk goods, such as soil, peat moss? He answered negatively.

Case No. 17380 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Box "absent") to **APPROVE** a **Special Exception** to permit a tent for the sale of produce. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, finding that the approval of this application will not be injurious to the area, nor in violation of the spirit and intent of the Code, on the following described property:

Mayo Meadow Extended part Block 1 Beginning 20'S NE/c; thence S 199', W 72'; NW 267.7', N63.3'; thence E to Pt. SE 31.35' POB Block 1, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17381

Action Requested:

Variance of the required setback from the centerline of 11th St. from 50' to 35' to permit a sign. **SECTION 1221.C.6. GENERAL USE CONDITIONS FOR BUSINESS SIGNS** - Use Unit 21, located 1808 E. 11th Street.

Presentation:

The applicant, **Russell Mason/Masign**, 821 North Kingston Avenue, representing Rainbow Bakeries, submitted a plot plan (Exhibit A-1) and stated there is an existing sign pole and would like to erect a new sign on the existing pole for advertising the location of the bakery. He stated the sign is necessary for customers to locate the bakery due to 11th street being so restrictive.

Comments and Questions:

Ms. Turnbo asked the applicant if he would agree to a removal contract with the City of Tulsa? He responded the bakery would have no problem with a removal contract.

Mr. White asked the applicant if the pole would be raised in height? He stated negatively.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Box "absent") to **APPROVE** a **Variance** of the required setback from the centerline of 11th St. from 50' to 35' to permit a sign. **SECTION 1221.C.6. GENERAL USE CONDITIONS FOR BUSINESS SIGNS** - Use Unit 21; per plot plan; subject to removal contract with the City of Tulsa, finding that the approval of this application will not be harmful to the neighborhood, nor in violation of the spirit and intent of the Code; on the following described property:

Lots 1, 2 and 3, less N 13.5' Lot 1 and less N 16' Lots 2 and 3, Perryman Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17386

Action Requested:

Special exception to permit a child care center in an AG zoned district. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 2, located 1/2 mile East of the North east corner 91st Street and South Memorial Drive.

Presentation:

The applicant, **Charles E. Norman**, submitted a letter to strike this application due to failure to secure a lease agreement (Exhibit B-1).

Case No. 17387

Action Requested:

Special Exception to permit the Student Life and Convocation Center. **SECTIONS 401., 601., 701. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS, OFFICE DISTRICTS, COMMERCIAL DISTRICTS;** a Variance to permit the multiple lots and vacated rights-of-way within the site to be considered as a single lot for the purpose of establishing and measuring building and parking setbacks and calculating the amount and locating signage within the site. **CHAPTERS 2 & 13;** a Variance of the maximum building height in an RS-3 and OL districts from 35' and single story to a maximum of 90'. **SECTIONS 403. & 603. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL & OFFICE DISTRICTS;** a Variance to permit off-street parking and loading areas within a R district and within 50' of a R district as follows: 63' from centerline of Harvard, 30' from the centerline of 8th Street, 45' from the centerline of 11th Street, **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS & SECTION 1302. SETBACKS;** a Special Exception to remove the screening requirements of off-street parking areas along a lot line or lines in common with an R district along 8th Street. **SECTION 1303.E. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS;** and a Variance to permit 1,800 off-street parking spaces required for the facility to be located off-site but within the Harvard, 11th Street, Delaware and northern boundaries of the University campus. **SECTION 1202.D. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES;** Off-Street Parking and Loading Requirements, located Northwest corner East 11th Street and South Harvard Avenue.

Presentation:

The applicant, **Charles E. Norman**, requested this application to be continued to June 25, 1996, to enable TU and the neighborhood organizations to meet and discuss parking issues. He stated the neighborhood organizations are in agreement with TU for this continuance (Exhibit C-1). He further stated the neighborhood organizations will continue to meet with TU until the next meeting in an effort to resolve the differences.

Case No. 17387 (continued)

Comments and Questions:

Ms. Turnbo, asked the protestants if they understood the hearing was being continued to June 25, 1996, and if they are in agreement with the continuance? The protestants answered affirmatively.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Box "absent") to **Continue:** Case No. 17387 continued to June 25, 1996, at 1:00 p.m. to enable TU and the neighborhood organizations to meet and resolve differences.

NEW APPLICATIONS

Case No. 17394

Action Requested:

Variance of the required spacing from another outdoor advertising sign from 1200' to 420'. **SECTION 1221.F.2. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING;** Use Conditions for Outdoor Advertising Signs, located South west corner East 6th Street and South Lansing.

Presentation:

The applicant, **Bill Stokely**, 10111 East 45th Place, representing Sunny Burnett, submitted a site plan (Exhibit D-1) and photographs (Exhibit D-2). Mr. Stokely stated Mr. Burnett owns the property where the sign is located. He further stated he informed Mr. Burnett that the sign on his property is a grandfathered sign and the sign couldn't be expanded nor could a new sign be installed without the approval of the Board of Adjustment. He explained there are two reasons why the sign cannot be rebuilt: 1.) There is a sign on 7th Street 500' to 600' from Mr. Burnett's sign, and 2.) The lot is not big enough to support the frontage that is necessary to build a 14' x 48' sign, the frontage is only 200'. Mr. Stokely proposed removing the current sign structure at the end of the current contract, which comes up in a month or two with another sign company, construct a single pole structure smaller than the existing sign measuring 400 SF or 10' x 40'. He stated the new sign would be placed away from the right-of-way, which right now it is within 10 of the right-of-way. He further stated he would landscape the area on the outer perimeter.

Comments and Questions:

Ms. Turnbo asked the applicant if he was requesting the same spacing between the signs? He stated the current spacing is 412' and he would like to replace the sign with the same spacing approximately.

Case No. 17394 (continued)

Mr. White asked the applicant if he was locating to the East of the existing sign and how far East? He stated approximately 35' to 40' East of the existing sign. He further stated the current sign is built in the V of this property and he will build a 40' sign back to the West out of the 10' right-of-way to enable the sign to conform within today's regulations.

Mr. White asked the applicant if he would be locating further West than East as he originally stated? He responded affirmatively, the current sign is further East than the new proposed site.

Protestants:

Mr. John C. Banasik, 7777 East 38th Street, representing Donrey Outdoor Advertising, stated Donrey is the present owner of the existing sign on Mr. Burnett's property. He explained he opposes the granting of the requested variance because this hearing is two years pre-mature. He further explained he holds an existing lease with Mr. Burnett that expires September 1, 1998. He stated granting the variance would be violating the integrity of the existing contract. He further stated the variance would allow two sign faces where there is presently one and move it closer to an additional non-conforming sign. He commented changing the current ordinance to shortening the distance between sign structures is definitely not on the table for discussion by the City. He requested the action be postponed two years when the current lease will expire.

Comments and Questions:

Ms. Abbott asked the protestant what the distance between the two non-conforming signs is presently? He responded he did not know, but would estimate the distance to be about 500'.

Interested Parties:

Mr. Sonny Burnett, stated it was news to him that the lease had been extended two years and he would have to check his records.

Protestants:

Kevin Coutant, 320 South Boston, representing Public Service Company of Oklahoma ("PSO"), stated PSO owns property west of the subject location. He further stated PSO has no objection but would like clarification of the location where the new sign will be placed. He explained there is an electric distribution line to the west of the existing sign and PSO has some concerns of the location for the proposed sign. He further explained that if the variance is granted, that it be conditioned upon the removal of the existing sign.

Case No. 17394 (continued)

Applicant's Rebuttal:

Mr. Stokely stated Mr. Burnett does not show that Donrey has a lease that runs for two additional years. He further stated Mr. Burnett would like to have the opportunity to maximize his property. He explained he proposes to remove an old sign that has become an eye sore. He further explained he will construct a new billboard, which will be smaller, single pole, reduce the face of the sign, move the sign back from the right-of-way and landscape the area.

Comments and Questions:

Mr. White expressed concerns before taking any action on this application, the Board should find out who actually has a valid lease.

Ms. Turnbo commented the application should be continued two weeks until the contract issues are resolved.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Box "absent") to **CONTINUE** Case No. 17394 to June 25, 1996, at 1:00 p.m., subject to copies of the lease contract submitted to the City of Tulsa's legal department for review; finding the applicant and protestant need to review the lease to determine the validity of said lease.

Case No. 17395

Action Requested:

Special exception to permit church use (playground) on the subject tract. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**, a Special exception to permit an 8' high fence in the required front yard. **SECTION 210.B.3.** Permitted obstructions in Required Yards - Use Unit 2, and a Special Exception to amend a previously approved site plan. **SECTION 1608. SPECIAL EXCEPTIONS**, located 1329 East 55th Place.

Presentation:

The applicant, **Sherry Moore**, represented by Associate Pastor Jerry Morris, Evangelistic Temple, submitted a plat of survey (Exhibit E-1) and a site plan (Exhibit E-2). He stated the church purchased the subject lot and replaced the chain link fence with a 8' privacy fence for the purpose of allowing recreation on the lot. He further stated he received a notice that the church needed to apply for the special exception to comply with the code (Exhibit E-3).

Comments and Questions:

Mr. White asked the applicant if the 8' privacy fence was all along the east side and south side in the front? He answered affirmatively.

Mr. White asked the applicant if he replaced the woven wire on the west and the north side? He responded the church installed the chain link on the north and left the existing fence on the west.

In response to Mr. White, the applicant explained the purpose for an 8' privacy fence was due to the fact that in the past they have been requested to install privacy fences to separate church property from residential property. He further explained the reason for the 8' privacy fence in the front was for security reasons. He stated the subject area will be a playground for the children.

In response to Ms. Turnbo, the applicant stated the older fence that was replaced with the 8' privacy fence was a wire fence about 4' or 5' high.

Protestants:

Carolyn Downing, 1337 East 55th Place, stated she lives directly to the east of the subject lot. She explained she has no problem with the lot being used for a playground, but she questions why there was an 8' fence installed around the property. She stated there are 6' privacy fences bordering the parking lots of the church and cyclone fences in other areas of the church. She expressed concerns that the church may use the same type of lighting that is currently installed in the parking area, which is positioned very high, amber color that distorts the area. She questioned that if the special exception was granted it would only be for the use of the land and the zoning would not be changed from single family residence.

Additional Comments:

Ms. Turnbo concurred that the zoning would not be changed from single family residence.

In response to Ms. Turnbo, Ms. Downing stated she does not object to the fence, but it is very unpleasant since it is so close to her home. She further stated her concern is whether or not the church will be installing lights and what type of lighting.

Protestants:

Cuba Munsen, stated she owns the lot adjoining the subject lot and she objects to an 8' fence in the front yard. She further stated she understood that a 4' fence can be installed but not an 8' fence. She explained the fence has been installed for over a month without a permit. She further explained that the church had previously installed a non-conforming fence around their parking lot and the Board ruled to reduce the height to conform.

Additional Comments:

Mr. White asked Ms. Munsen if she only objects to the 8' fence in the front yard? She answered affirmatively.

Applicant's Rebuttal:

Mr. Morris stated there are two properties to the east of the church that have privacy fences that come out the same distance as the church's on 55th Place.

In response to Mr. White, the applicant stated the fences are 6' on the properties to the east of the church.

Mr. Morris stated to his understanding there is no regulation regarding 6' versus 8' privacy fences.

Ms. Turnbo explained that on the front property the fence can only be 4' and you can have 8' fencing in the back up to the edge of the building. She further explained from that point on the fence must be 4'.

Mr. Morris stated the interest of the church is to provide a secure place for the children to play.

Additional Comments:

Ms. Turnbo stated the fence in the front of the property should only be 4'. She further stated this subject lot looks like a stockade.

In response to Mr. White, Mr. Morris stated on Quincy the fence is 4' and it was installed to meet requirements not to serve any purpose for the church.

Mr. Romig stated the definition in the zoning code of a front yard is the yard extending along the full length of the front lot line between the side lot lines. He explained looking at the map the only definition for that portion of the yard abutting on 55th Street is front yard. He further explained it cannot extend any further than 50' from the centerline of 55th Street.

Ms. Parnell stated the fence on Quincy is not enclosing the lot but serving as screening from the residential area and that is why the fence was required.

Mr. White stated since you are apparently seeking some element of seclusion with this property, were you planning on putting an 8' fence on the west property line too? Mr. White explained that you can stand out in the street and see into the area on the west side. Mr. Morris stated eventually the church may want to install an 8' fence on the west side, but at this point an intruder would have to go through two fences and across Ms. Munsen's property to reach the playground area. He further stated it is the church's hope that the double fencing and the distance would negate the need to install an 8' fence along the west side.

Mr. Morris stated according to the plat prepared by the surveying company, the front of the fence is currently 25' from the centerline.

Mr. Beach stated the building setback line is 25' back from the front property line or 50' from the centerline of the street.

Mr. White stated the lot measures 190' deep with a 25' building line. He further stated the applicant could move the 8' fence back to the building line and go all the way across the front and seek the seclusion he is wanting for security and still comply with the code.

Mr. Beach concurred with Mr. White that the church would be permitted to move back to the building line and not have to be in front of the board.

Mr. White explained to the applicant that he might consider moving the fence back to the building line and then he would not be injurious to the neighbors.

Mr. Morris stated he understands Mr. White's explanation about moving to the building line and it may be something the church should consider in order to comply with the code.

Ms. Turnbo asked the applicant if any lighting would be installed on the subject lot? He responded that at this time the church has not addressed the light issue. He stated the plans currently are to use the playground during the daytime only.

Mr. Morris stated the church would agree to move the fence back 25' to satisfy the Board and the neighbors in the area.

Case No. 17395 (continued)

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Box "absent") to **APPROVE Special Exception** to permit church use (playground) on the subject tract. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**, subject to any lighting installed will be installed pointing downward and away from residential properties adjoining; finding that approval of this request will not be injurious to the neighborhood nor violate the spirit and intent of the Code; and **DENY** a **Special Exception** to permit an 8' high fence in the required front yard. **SECTION 210.B.3.** Permitted obstructions in Required Yards - Use Unit 2, finding the 8' fence to be injurious to the neighborhood; and finding that approval of this special exception would violate the spirit and intent of the Code and would not be in harmony with the Comprehensive Plan; and **CONTINUE** a **Special Exception** to amend a previously approved site plan. **SECTION 1608. SPECIAL EXCEPTIONS**; to July 9, 1996, at 1:00 p.m. for preparation of an amended site plan; located on the following described property:

W. 90' Lot 9, Block 6, J.E. Nichols Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17396

Action Requested:

Variance of the allowed display surface area for a business sign in OL district from 32 SF to permit consistent application of signs to a building which occupies 2 zoning districts - OL and CS. **SECTION 1608. SPECIAL EXCEPTIONS**, located 4161-4215 South 33rd West Avenue.

Presentation:

The applicant, **Bryan C. McCracken**, 1201 E. 33rd Street, stated he owns the property with Shelby Oakley. He submitted a site plan (Exhibit F-1) and photographs (Exhibit F-2). He explained the property is in two different zoning districts. He further explained that the property has one building measuring 240' wide located on it with eight (8) unit office warehouse/condominiums. He stated each condominium has a 30' frontage on South 33rd West Avenue and the north 69' of this building rest on a lot that is zoned OL. He further stated the south 144' of this building rest on a lot that is zoned CS and prior to the construction of the existing structure the Board granted in 1983 a variance to permit use units 14, 15 and 23 for the OL portion of the building.

Case No. 17396 (continued)

He explained the purpose behind the 1983 action was to permit consistent usage for the entire structure. He expressed that his partner, as well as himself, would like to standardize the wall signage for each of their eight (8) tenants. He stated presently only 32 SF of signage can be shared by the north three (3) units and the south five (5) units is permitted 432 SF of signage. He requested the wall sinage be consistent for the entire building. He stated the consistent wall sinage will be good for the building, crucial for the tenants success and good for the neighborhood. He further stated consistent wall signage will create a more attractive building and an enhance curb appeal. He requested a variance that would allow wall signage up to 58 SF for each of the north three (3) condominium units, which are legally described as units A, B & C of the Redford Office Park.

Comments and Questions:

In response to Ms. Abbott, the applicant responded he did not have a problem limiting each of the units to 58 SF, except one tenant is in three units and he may want to go 58 SF times three for someone who would occupy more than one unit.

Mr. White asked the applicant if this request is for wall signs above the doors? He answered affirmatively.

In response to Mr. White, the applicant stated the signs would not extend above the top of the building.

Mr. White asked the applicant how would he treat the one tenant with three units? Mr. White further asked if there would be a 174 SF sign over one door? He didn't know how they would handle the one tenant because they are trying to create a standard signage for the building, but since that tenant becomes the anchor tenant for the building he may be given more latitude with more presence than the other tenants.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Box "absent") to **APPROVE** a **Variance** of the allowed display surface area for a business sign in OL district from 32 SF to permit consistent application of signs to a building which occupies 2 zoning districts - OL and CS. **SECTION 1608. SPECIAL EXCEPTIONS**; per plan submitted; subject to limiting the display area to 58 SF per unit; finding the approval of this application will not be injurious to the neighborhood nor harmful to the spirit and intent of the Code; on the following described property:

Beginning at the NW/c SW/4, NW/4, NW/4, Sec. 27, T-19-N, R-12-E, IBM, Tulsa County, Oklahoma; thence E for 180'; thence S for 251.7'; thence W for 150'; thence N for 150'; thence W 30'; thence N for 101.7' to POB.

Case No. 17397

Action Requested:

Special Exception to permit plant raising as a home occupation in a RS-1 zoned district from present to October (6 months) to allow liquidation of plants that are to be taken off premises to sell. **SECTION 1608. SPECIAL EXCEPTIONS**, located 1243 South 83rd East Avenue.

Presentation:

The applicant, **Joe N. Myers**, 1243 South 83rd East Avenue, submitted a site plan (Exhibit G-1) and photographs (Exhibit G-3). He stated he didn't realize he was violating the codes (Exhibit G-2) and stated this is a temporary location. He further stated he recently signed a contract for a piece of land in an AG zoned district in Leonard, Oklahoma where he plans to move his plants and equipment. He explained he will be moved in three (3) months and will no longer be located at the subject address.

Comments and Questions:

Ms. Turnbo asked the applicant what type of relief is he asking for? He responded he is asking for three (3) to six (6) months relief to move everything off the property and leave it as it was.

In response to Ms. Turnbo, the applicant stated this is not a commercial retail, he delivers his plants to customers. He stated he was told by a zoning enforcer last fall that as long as he didn't sell commercial retail and have customers coming to his property there would be no problem.

In response to Ms. Turnbo, the applicant stated he would not be advertising or having customers coming into the neighborhood for plant sales.

In response to Ms. Turnbo, the applicant stated he hoped to have the plants moved within three (3) months.

Protestants:

Darla Harden, Vice President Mingo Valley Homeowner's Association, 8512 East 12th Street, stated she is adjacent to the subject property. She stated she is happy to hear that he intends to move the plants. She further stated the association is concerned that the subject property does not become a commerce area and it is on a dead end street. She submitted photographs (Exhibit G-4) and further explained there is no room for plant sales or a business.

In response to Ms. Turnbo, the protestant stated she had no problem with the three (3) months relief to remove the plants as long as the applicant doesn't bring commercial vehicles to remove the plants and equipment. She further stated the streets are too narrow for big trucks and the children are playing in the area.

Al Nichols, 8525 East 16th Street, expressed concerns about what is actually being requested. He asked if there will be some action by the Board to see if this will be done in the time allowed?

Ms. Turnbo informed Mr. Nichols if the applicant has not vacated in three months he should call Code Enforcement and they will take steps to insure the applicant complies.

Applicant's Rebuttal:

Mr. Myers stated he will move everything to the new property in three (3) months.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Box "absent") to **APPROVE** a **Special Exception** to permit plant raising as a home occupation in a RS-1 zoned district. **SECTION 1608. SPECIAL EXCEPTIONS**; per plan submitted; subject to removal of all plants and equipment within three (3) months from this date; no commercial vehicles used to remove said plants; finding the approval of this temporary application will not be injurious to the neighborhood nor harmful to the spirit and intent of the Code; on the following described property:

W 103', S 150', Lot 7, Block 4, Forest Acres, City of Tulsa, Tulsa County, Oklahoma

Case No. 17398

Action Requested:

Variance of the required setback from Harvard from 50' to 47'. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING SIGNS;** General Use Conditions for Business Signs, and a Variance of the allowable signage in an OL district to allow an additional 36 SF for a total of 68 SF. **SECTION 602.B.4 ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 21, located 4564 South Harvard Avenue.

Presentation:

The applicant, **Hightech Signs/Mary Lynn Huskey**, 9902 East 43rd Street South, representing Dr. Dobson, submitted a site plan (Exhibit H-1) and architectural drawing (Exhibit H-2). Ms. Huskey stated Dr. Dobson has an existing sign that is a 4' x 8' that list his name and his associate Dr. Lang. She stated the doctors have a laser surgery center that is not advertised on the sign and would like to add it to the existing sign for advertising the new center. She stated to add the sign it would go over the required amount of signage and it would encroach 2' on the required setback from Harvard.

Comments and Questions:

Ms. Turnbo asked the applicant if the variance was granted on the setback would the owner mind having a removal contract with the City of Tulsa? The applicant stated it would not be a problem.

In response to Mr. White, the applicant stated the new proposed sign will be set on top of the existing sign and the existing sign will remain unchanged.

In response to Mr. White, the applicant explained the sign is in a median and if the sign was moved to the required setback it would be in the driveway.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Box "absent") to **APPROVE** a **Variance** of the required setback from Harvard from 50' to 47'. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING SIGNS;** General Use Conditions for Business Signs, and a **Variance** of the allowable signage in an OL district to allow an additional 36 SF for a total of 68 SF. **SECTION 602.B.4 ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 21; per plan submitted; subject to a removal contract with the City of Tulsa; finding that if the sign were moved to the required setback it would be in the driveway; finding that the approval of this application will not be injurious to the area nor harmful to the spirit and intent of the Code; on the following described property:

Lot 4, Block 3, Villa Grove Park, City of Tulsa, Tulsa County, Oklahoma

Case No. 17399

Action Requested:

Variance of the maximum allowed surface area for a sign from 468 SF to 519.88 SF.
SECTION 1221.D.3. Use Unit 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, located 11620 East Skelly Drive.

Presentation:

The applicant, **Hesh Jaber**i, Skyline Awnings & Signs, Inc., 1208-E South Hudson, representing Econo Lodge, submitted a site plan (Exhibit I-1), architectural drawing (Exhibit I-2) and application for sign permit (Exhibit I-3). Mr. Jaber*i* stated Econo Lodge would like to add an 8' x 11' sign between the existing two poles to advertise the indoor pool, restaurant and lounge. He further explained the existing sign is 25' x 70' and the new sign would be below the existing sign between the poles.

Comments and Questions:

Mr. White asked the applicant if the lower sign that is in existence will be removed? He stated it would not be removed, it is a marquee that the restaurant uses to advertise their specials.

Mr. Jaber*i* explained the lodge wants to put this sign up so it can be seen from the highway, the lower marquee sign cannot be seen from the highway.

Interested Parties:

Nick Bagot stated he is the owner of the Econo Lodge. He explained the Econo Lodge sign is already in existence and below it is a marquee to advertise the restaurant and lounge prices, specials, etc. He explained they have an indoor pool and lounge which is not advertised. He requested permission to add the new sign below the Econo Lodge sign advertising the indoor pool, restaurant and lounge so it is visible from the highway. He explained the marquee sign would remain for advertising specials from the restaurant and lounge.

Additional Comments:

Ms. Turnbo stated she did not see a problem with the new sign being added in this location. She further stated all three signs would be in one location.

Board Action:

On **MOTION** of **WHITE**; the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Box "absent") to **APPROVE** a **Variance** of the maximum allowed surface area for a sign from 468 SF to 519.88 SF. **SECTION 1221.D.3. Use Unit 21**; per plan submitted; finding that the approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code; on the following described property:

Lot 1, Block 1, Sho-Me Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17400

Action Requested:

Variance of the required rear yard from 20' to 12' to permit the addition of a garage to an existing dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1440 South 124th East Avenue.

Presentation:

The applicant, **James G. Dossey**, 3733 South 109th East Avenue, submitted a site plan (Exhibit J-1) and stated he proposes this addition in the back yard for Mr. Faber. He explained that to construct the garage to the size he needs it would be 12' from the back line instead of 20'. He stated he would not be encroaching the sewer easement, which is 10'.

Comments and Questions:

Ms. Turnbo asked the applicant if he had reviewed the sketch that INCOG submitted? He answered negatively.

Mr. Beach explained the sketch was submitted to demonstrate alternatives that would meet the code. He further explained the sketch has the same SF floor area.

Mr. Gardner stated the applicant has to prove a hardship and this proposal appears to be self-imposed.

Mr. White stated he cannot see a hardship for this application.

Interested Parties:

Walter Faber stated he owns the subject property and the application is being made on his behalf. He further stated he would like to attach a garage with a room between the garage and the existing house. He explained he has reviewed many different ideas on how to accomplish the addition and the plan they have submitted is the only one that will work. He stated the storage building that is existing now will be completely torn down or turned into an open air gazebo type structure. He further stated the storage building was already in existence when he purchased the home and he is aware that it encroaches the easement. He stated the only hardship he has is the size of his family and wanting to facilitate a comfortable home area.

Additional Comments:

Mr. Gardner stated the applicant could look at alternatives and may need only 2' or 3' variance and he would still have adequate notice. He further stated the two week continuance would be worth the applicant's time since he does not have a hardship based on the lot and there might be a better way to add this garage on, which doesn't require the Board to grant an 8' variance.

Case No. 17400 (continued)

Ms. Turnbo asked the applicant if he would like to continue the application to enable him to look at alternatives on adding the garage? He agreed to the two week continuance to study alternatives.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Box "absent") to **CONTINUE** Case No. 17400 to June 25, 1996, at 1:00 p.m. to allow the applicant to review alternatives for the addition of a garage to an existing dwelling.

Case No. 17401

Action Requested:

Special Exception to permit a 100' tower for a cellular telephone antenna in an AG zoned district. **SECTION 1204. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES**, and a Variance to permit a gravel service drive. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 4, located 2824 South Lynn Lane.

Presentation:

The applicant, **Wanda L. Anderson/Sprint Spectrum**, 10830 East 45th Street, Suite 302, submitted a lease site detail (Exhibit K-1) and site plan (Exhibit K-2). Ms. Anderson stated the land is a good distance off the road, but there is already an existing gravel driveway and they would like to extend the driveway to the site for the tower. She further stated the tower will be a 100' Slim Line lattice tower with a BTS at the base. She explained a lattice tower is 5' at the base and 31" at the top and it is self supported with no guy-wires.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Box "absent") to **APPROVE Special Exception** to permit a 100' tower for a cellular telephone antenna in an AG zoned district. **SECTION 1204. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES**, and a **Variance** to permit a gravel service drive. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 4, per plan submitted; finding that the approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code; on the following described property:

Commencing at the SE/c N/2, S/2, SE/4, Sec. 14, T-19-N, R-14-E, I.B.M., Tulsa County, Oklahoma; thence N1°18'00"W for 718.88'; thence S88°42'00"W for 2378.37' to POB; thence N89°56'48"W for 50.00'; thence N0°03'12"E for 50.00'; thence S89°56'48"E for 50.00'; thence S0°03'12"W for 50.00' to POB AND a 20.0' wide easement for ingress and egress commencing at the SE/c said N/2, S/2, SE/4; thence N1°18'00"W for 203.61' to POB; thence S85°48'52"W for 751.37'; thence S83°29'12"W for 545.12'; thence S86°59'47"W for 349.61'; thence N44°20'46"W for 60.18'; thence N4°31'32"E for 340.05'; thence N20°26'38"W for 72.07'; thence N48°36'42"W for 217.48'; thence N61°21'40"W for 510.31'; thence S32°38'58"W for 227.72' to a point, 25.00', N89°56'48"W of the NE/c said 50.0' x 50.0' site, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17402

Action Requested:

Variance of the required side setback from 5' to 0' to permit an addition to an existing dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 9205 East 38th Street.

Presentation:

The applicant, **James VanDivere**, 1808 South 119th East Avenue, represented by Jim Herndon, the owner of the subject property submitted a site plan (Exhibit L-1) and photographs (Exhibit L-2). Mr. Herndon stated he purchased the home two (2) years ago and would like to add an 8' x 16' structure next to his garage inside an existing privacy fence where there is an existing concrete pad.

Comments and Questions:

Mr. White asked the applicant if the structure is already constructed? He answered affirmatively.

Case No. 17402 (continued)

Mr. White explained to the applicant that he has a 5' side yard on the location he has built the structure. The applicant acknowledged the 5' side yard and explained he is now aware that the structure is wrong, however he would like to keep the structure at its present location.

Mr. Beach stated the site plan is difficult to read and may not be correct in its dimensions. The applicant stated the site plan is probably incorrect.

Ms. Turnbo stated the applicant is approximately 1 1/2' from his own fence line.

Ms. Turnbo stated for the record that a letter of protest was received from William Winfrey, 9206 East 38th Street, (Exhibit L-3) .

Applicant's Rebuttal:

Mr. Herndon stated he didn't know what the Winfreys were objecting to unless they consider his structure an eye sore. He further stated there are numerous motor homes parked in driveways and several out buildings.

Additional Comments:

Mr. Gardner explained to the applicant that under the zoning nothing can be built within the 5' side yard. He further explained that is the minimum open space that you must leave. He stated there is 20' minimum in the back yard, 25' in the front yard and 5' on each side yard and the ordinance states you cannot build in these areas. He further stated the applicant must convince the Board why he has to build there and that it is the only place to build.

In response to Mr. Gardner, the applicant responded that feasibly from his stand point the pad is already in place and if he went on the other side yard he would have to pour a pad, elevate the property. He explained if he built in the back yard there is an existing patio and swimming pool.

Ms. Abbott asked the applicant why he did not get a building permit? He stated the contractor told him he would obtain the building permit.

Ms. Turnbo explained to the applicant that he could not build on the other side of his home because there is also a 5' side yard. She further explained the only place he could add on is in the back yard between the pool and the house. He responded he would lose his windows if he built on in the back of the house.

Ms. Turnbo stated there is no hardship proven in this application.

Mr. White stated there is room in the back yard to build an addition.

Case No. 17402 (continued)

Ms. Turnbo explained to the applicant that his lot is not unique and there is room to build on in the back yard. The applicant responded that would not serve his purpose.

Mr. White stated the hardship has to be based upon the land itself and the lot does not present a hardship.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Box "absent") to **DENY Variance** of the required side setback from 5' to 0' to permit an addition to an existing dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, finding that the applicant failed to present a hardship unique to the property that would warrant the granting of the variance request; on the following described property:

Lot 24, Block 15; Briarwood Blocks 11-17, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17403

Action Requested:

Special Exception to permit a dry cleaning pick-up facility in an OMH and OM zoned district. **SECTION 602. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 13, located 2448 East 81st Street.

Presentation:

The applicant, **Joe Zaloudek/Mark Gaway**, 6600 South Yale, representing City Plex Towers, submitted a site plan (Exhibit M-1) and a letter of request (Exhibit M-2). Mr. Gaway stated a tenant in the building would like to provide a dry cleaning drop off. He further stated it would be only a drop off and there would not be any laundry or dry cleaning done at this location. He explained the space would be approximately 600 SF and less than 1% of the total gross SF of the first floor.

Comments and Questions:

Ms. Turnbo asked if this would be for people to drop off their laundry and pick it up later in the day or week? The applicant answered affirmatively. He stated the drop off would be located in the interior and would not be accessible to the public.

Case No. 17403 (continued)

Interested Parties:

John Crater stated he owns rental property very close to the subject property and would like it clarified as to where this will be located. He was informed to approach the Board and they would show him the location of the proposed facility within the existing building (1st floor).

Mr. Gardner asked if the facility is in the sixty (60) story tower, thirty (30) or twenty (20) story tower? The applicant explained that the City Plex Towers has a four story base that is common to all three towers and the proposed facility will be located on the first floor of the base.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Box "absent") to **APPROVE** a **Special Exception** to permit a dry cleaning pick-up facility in an OMH and OM zoned district. **SECTION 602. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS** - Use Unit 13; per plan submitted (600 SF); finding that approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code; on the following described property:

Block 1, ORU Heights 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17404

Action Requested:

Appeal of the Decision of an Administrative Official in issuing a certificate of occupancy for the John 3:16 Mission contending that certain activities of the John 3:16 Mission are not permitted under the Zoning Code. **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL**, located 2027 North Cincinnati Avenue.

Presentation:

The applicant, **Joe Williams**, Councilman 1st District, submitted an Appeal Notice (Exhibit N-3), letters of agreement with interested parties (Exhibit N-2) and a site plan (Exhibit N-1). Mr. Williams stated he filed an appeal on May 10, 1996, for a certificate of occupancy which was issued to the John 3:16 Mission located at 2027 North Cincinnati. He explained the concerns that were expressed by the community were that proximity of the building to the neighborhoods and being across from an elementary school. He related that he met with the administration of John 3:16 Mission and expressed the concerns of the community that the church would be used as a homeless shelter or a drug and alcohol treatment center. He stated the members of the Mission were agreeable to having restrictions so the subject property will not be used for the activities stated above. He further stated youth activities and GED classes were not a problem with the community.

Comments and Questions:

Ms. Turnbo asked Mr. Williams if he had objections to Alcoholic Anonymous meeting at the church, because a lot of the AA meetings do meet in churches? He stated he did not see this as a treatment program and he would feel this is in line with church activities.

Mr. Gardner stated the items listed under Item No. 2 of the letter dated May 10, 1996, to the Board, homeless shelter or drug/alcohol residential treatment facilities are Use Unit 2 uses and require approval of a special exception.

Interested Parties:

Dwayne Midget, Mayor's Office, stated he has been working on this particular item for six (6) years. He further stated an agreement has been reached that will be workable for everyone concerned. He commented he is very pleased that John 3:16 has agreed to some of the concerns and restrictions requested. He requested from John 3:16 that the primary function remain as a church. He further requested the Board to approve the restrictions on this particular application.

Kevin Coutant, 320 South Boston, representing John 3:16 Mission, stated in 1991 the subject building was donated to the Mission by the Sandusky Avenue Christian Church. He affirmed it is a church building and was built as a church building. He explained after the building was donated there was a committee formed from the community to decide what the use and needs of the building would be. He further explained that the committee decided the needs were spiritual and physical well being of the community, such as clothing, food, the full array of Christian ministry from this location. He stated the recommendation was to not have a homeless shelter, or a residential treatment facility. He further stated the Mission never intended to use the building for a homeless or residential treatment facility. He assured the Board the Mission has been through the proper process. He stated a building permit was issued that indicated the uses of the building and the building has been built in accordance with the plans and specifications. He further stated there is no noncompliance problem, but when the certificate of occupancy was issued there was concern on the part of the Administration and request for clarity. He explained the Mission is willing to make clear for the record that the Mission does not intend to use this property for a homeless shelter, residential treatment facility, or for any other residential treatment sort of operation. He further explained the Mission could not use the building for those type of services in this zoning.

Reverend Phil Dickenson, Executive Director of John 3:16 Mission, 506 North Cheyenne, stated he agreed with what the Mission's attorney stated earlier. He affirmed the Mission is not in any way, shape or form planning on using this facility for a homeless shelter or residential treatment. He stated the building was needed for counseling women and children and separate it from the John 3:16 shelter. He explained the whole idea of the family and youth center was to separate those two functions. He recited the bylaws of his ministry.

Steve Whitaker, Family/Youth Ministry for John 3:16 Mission, stated he is a long term resident of North Tulsa and he knows the purpose of this facility because he was called to come and do this work. He further stated it has been his job for the last seven (7) years to adopt the programming for the church and he would not bring something into the neighborhood that is harmful since he lives there as well. He explained the church's intent is to help young people and families that are at risk. He affirmed the intent of the subject property is to do ministry work.

Additional Comments:

Ms. Turnbo stated the Board needs to uphold the decision of the Administrative Official with the understanding that Use Unit 2 has not been approved on this property.

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Box "absent") to **UPHOLD** the **Decision of an Administrative Official** in issuing a certificate of occupancy for the John 3:16 Mission contending that certain activities of the John 3:16 Mission are not permitted under the Zoning Code. **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL;** provided that it is used as uses listed in Item No. 1 of the May 10, 1996, letter to Mr. Beach (Exhibit N-3) stated as follows: The primary use of the building located at 2027 North Cincinnati will be utilized in furtherance of its ministry. The primary use of the building will be that of a church. The people of the church (the congregation) are those who are reached by the ministry and are seeking worship and training in the Christian faith. Weekly prayer, praise and worship services will be conducted for the people involved in this ministry. Additionally, regularly scheduled Bible study and evangelism training classes will be conducted for the congregation and those in the neighborhood who choose to attend. The building is designed with a chapel, an activities center (to be used for revival meetings, worship services, athletic activities

Case No. 17404 (continued)

and the like), a baptistery (as part of the activities center), pastor's offices and related administrative space. A portion of the building is designed to assist with the part of the ministry which will distribute food and clothing to the needy. This part of the building (less than 10% of the building) will stock food and clothing in a supply which will last, on an average, not more than one week. In addition, the members of the congregation and others seeking help will be ministered to by a counseling ministry which will address the practical spiritual issues and needs of individuals and families; and the subject property will not be used for a homeless shelter, for drug and/or alcohol or for any other type of residential treatment care, or similar activity operated and/or administered by the John 3:16 Mission; on the following described property:

Lots 12 through 15, Block 5, Meadow Brook Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17406

Action Requested:

Special Exception to permit a university use (park) on the University Center of Tulsa property. **SECTION 601 PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS and SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, located 915 North Greenwood Avenue.

Presentation:

The applicant, **Jeff Evans**, Director of University Center of Tulsa ("UCT"), submitted a site plan (Exhibit O-1) and stated UCT would like to build a park, which was provided on a grant. He further stated the property has been deeded to UCT, but they are not able to continue with the park because of the zoning.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Box "absent") to **APPROVE** a **Special Exception** to permit a university use (park) on the University Center of Tulsa property. **SECTION 601 PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS and SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 2, per plan submitted, finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit or intent of the Code; on the following described property:

Lots 13 through 34, Block 3, Washington Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Action Requested:

Request for new Board of Adjustment policy regarding certain temporary tents.

Comments and Questions:

The Board discussed new policies regarding certain temporary tents.

Board Action:

The Board adopted the following policy regarding permitted, temporary, accessory tents: This policy does not apply to tents erected as a principal use nor to those which are accessory to a use by right." Certain temporary, accessory tents less than 900 aggregate square feet shall not require approval of the use nor approval of a revised site plan by the Board of Adjustment. The following time limits shall apply to such tents: 14 days or less for residential uses; 30 days or less for churches, schools or parks; 89 days or less for all other uses approved by the Board. Under no circumstances shall the total erected time exceed 150 calendar days. The owner/applicant may erect such a tent only two times per calendar year and each use must be separated by the length of time for which the tent is allowed by this policy, i.e. 14, 30, 89.

ELECTION OF OFFICERS:

Board Action:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, Box "absent") to **ELECTED:** Shirley Abbott to serve as chair; David White to serve as vice-chair and Dana Box to serve as secretary for the City Board of Adjustment.

There being no further business, the meeting was adjourned at 3:45 p.m.

Date approved

June 25, 1996

Shirley A. Abbott
Chair