

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 706  
Tuesday, June 25, 1996, 1 p.m.  
Francis F. Campbell City Council Room  
Plaza Level of City Hall  
Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
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Abbott, Chair  
Bolzle  
Turnbo  
White

Box

Gardner  
Beach  
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 20, 1996, at 10:55 a.m., as well as in the Reception Area of the INCOG offices.

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

**MINUTES:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** the minutes of June 18, 1996 (No. 705)

## UNFINISHED BUSINESS

### 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**, 200 Mid-Continent Tower, representing the University of Tulsa ("TU"), submitted a site plan (Exhibit A-1), Amendment to the TU Master Plan and Comprehensive Plan (Exhibit A-2), Letter of Conditions for TU parking (Exhibit A-3) and a parking site plan (Exhibit A-4). Mr. Norman stated this application was heard by the Board three weeks ago, at which time three of the four of the Board members were present and it was continued to permit TU and neighborhood associations to continue working out issues of parking. He remarked he hoped Ms. Turnbo had an opportunity to review the file and the exhibits that were submitted at the previous hearing. He stated the application concerns two major parts, the first is the approval of the site as a location for the Student Life and Convocation Center ("Center"). He further stated the site has been specifically approved by the Planning Commission, the City Council and by amendments in 1994 to the District 4 district plan, a part of the Comprehensive Plan for the metropolitan area. He explained that TU has asked for some technical variances that deal with the fact that this site was originally platted into multiple 50' lots. He detailed in addition to

Case No. 17387 (continued)

the location approval, TU asked for a variance to permit 1800 of the 2000 parking spaces required by the Center to be located off-site but within the campus boundaries. He further detailed that TU proposed in the site plan to provide 205 spaces within the subject site. He stated the Deshazo Parking Study indicated that total parking requirements for TU calculated according to the zoning code would be 3100 parking spaces, 1100 for the classroom spaces and dormitories and the additional 2000 for the Center. He further stated the study showed that on completion of the Center there would be located on the campus 3188 parking spaces that are privately provided and 358 on street public parking spaces that are not counted for the purposes of satisfying the zoning code requirement, but are counted from a practical stand point in determining the adequacy of the supply of parking spaces. He requested that the Board give particular attention to the fact that the building has been oriented so that all attendees of events have to enter on the west side nearest Skelly Stadium and this increases the walking distance from neighborhoods to the east and southeast, which would reduce the temptation to park east of Harvard or southeast of the intersection. He stated since the last continuance, TU has met on two (2) occasions with representatives of four (4) of the neighborhood associations that exist on the boundaries of the TU campus. He listed the neighborhood associations as follows: The Renaissance, Kendall/Whittier, Turner Park and the Fair Park Neighborhood Associations. He indicated that the four (4) neighborhood associations are represented by Sam Fullerton, who has acted as their spokesman and also lives in the area. Mr. Norman stated, as a result of the discussions with Mr. Fullerton, TU has gone back to the architectural, engineering, landscaping and parking consultants and have made several proposals to the neighborhood which are included in a letter filed as Exhibit A-3. He further stated the letter from Dr. Robert Lawless, President of TU, set out the commitments of TU for consideration by the Board and approval of the Neighborhood Associations. He explained the walking distance from the indicated parking areas on the parking site plan (Exhibit A-4) are 2 1/2, 5 and 7 1/2 minutes from the entrance of Center based on a 3 mph walking pace or 1 mile each twenty (20) minutes. He further explained the Comprehensive Plan for TU and the District 4 Plan contemplate additional parking facilities along Harvard and the 8th Street Corridor within the campus. He stated TU has proposed to the neighborhood and filed an amended site plan, by which TU will expand parking by 105 additional spaces on the site of the Center and this will increase the on site spaces available to 310. He further stated the parking is being added in the original green areas and other efficiencies in the design of parking on site. He commented this reduces the open space but still leaves the plaza area between the east wall of Skelly Stadium and the Center. He stated the second proposal is to upgrade the two existing parking lots and pave other land within the block of 7th, 8th, Gary Place and Harvard Avenue directly across from the subject site to an additional 115 spaces. He further stated the third proposal is to close 7th Street, which has already been approved on the Comprehensive Plan, and then extend the parking lot north for an additional 110 parking spaces. He explained that with the proposed additional parking the total additional

Case No. 17387 (continued)

spaces will be 330 parking spaces within the 2 1/2 minute walk to Center in accord with the Comprehensive Plan. He further explained that both sites 2 and 3 of the TU Master Plan will be subject to the Board's final review as to the design and landscaping of the parking. He stated that the increase of parking spaces within the 2 1/2 minute walk will now be 1,062, which would accommodate on a zoning code basis an audience of 4200 people. He further stated that within the 5 minute walking distance it would increase the total spaces for parking to 1,837, however not including in either instance, parking that is associated with apartments that are owned by TU and on street public parking. He commented the apartments and on street public parking is additional resources. He explained that a number of people who will attend functions at that Center will be students who live on campus or within TU's apartments who are already provided parking and will reduce the actual need for parking in connection with the Center. He stated that TU has made additional commitments and requested that the Board approve the site plan and application subject to the construction of at least 330 additional parking spaces before the opening of the facility along with the conditions already submitted to you in Exhibit A-3. He further stated that TU has made further commitments to the neighborhood associations to develop and implement a parking lot signage plan which will make it clear to everyone that TU's parking lots are available for persons attending events at the Center. He explained that TU will provide season ticket holders and Hurricane Club Members with detailed information regarding campus parking lots and their availability for attending events at the center. He further explained that on campus parking lots will be assigned to season ticket holders and Hurricane Club Members to encourage on-campus event parking. He revealed that advance tickets to the center events will be given a free parking pass for parking in on-campus parking lots. He further revealed that TU will develop for the first time a student parking permit program designed to require that students park in campus lots as near as feasible to their dormitories, apartments or their classroom buildings in order to reduce student parking in campus lots in the immediate vicinity of the center. He explained there are some exceptions such as students who live in LaFortune dorm, fraternity and sorority houses north of the Mabee Gym. He stated TU discussed with the Tulsa Traffic Engineering Department, Darrel French, and Tulsa Police Department regarding the proposal to block streets entering their neighborhoods south and east with manned barricades before any event, which had an advanced ticket sale of 6,000 or more. He further stated after discussion with the two departments, it was suggested that there are better ways that are less intrusive. He explained that barricades create problems for the people who live in the neighborhoods and they are also expensive. He further explained that the traffic engineers suggested that TU develop a special event parking plan for the larger events which would be triggered by advanced sales of 6,000 or more. He detailed other devices such as placing parking cones in the neighborhood one hour before an event to prohibit parking and additional parking restrictions is they are requested by the neighborhood. He suggested the use of motorcycle patrols to discourage and enforce the temporary parking restrictions. He stated TU will actively participate in a

development of that kind of parking plan, which TU will pay a fair and reasonable share of the cost. He further stated that TU will assist the neighbors in obtaining additional parking restrictions on neighborhood streets that they determine are desirable. He explained that TU does not want attendees of events parking in their neighborhoods and will do everything possible to keep that from happening. He summarized the proposals by introducing a public relations program called "Be A Good Neighbor" to discourage neighborhood parking and encourage on-campus parking by persons attending events in the Center.

**Interested Parties:**

Sam Fullerton, resident of the Fair Park Neighborhood and a member of the Fair Park Neighborhood Association, stated he is representing the four (4) neighborhood associations as a resident. He further stated he has had several meetings with the TU representatives as to what can be done to resolve the neighborhood association's objections to the parking problem that the neighbors anticipated would occur with the Center. He informed the Board that the letter dated June 26, 1996 (Exhibit A-3) represents the product of the neighborhood associations' and TU's negotiations. He explained that all of the items were negotiated by himself, members of the neighborhood associations and TU has our blessings. He stated the neighborhood associations feel comfortable that the additional parking plan for the facility will be a considerable improvement. He further stated there will be 330 additional spaces and the locations are very visible and accessible. He affirmed that historically there has been a problem with people parking in the neighborhoods. He stated a number of the additional commitments outlined in the letter are designed to address the problem of neighborhood parking. He explained that the neighborhood associations plan to work very closely with TU to developing a special event parking plan and to implement some additional restrictions in the neighborhoods to discourage or eliminate that problem. He anticipated forming a committee of one or more of the neighborhood associations to begin work on the plan in the near future. He summarized that the neighborhood association leaders have given their approval of the agreement.

**Comments and Questions:**

Ms. Turnbo asked Mr. Fullerton if the neighborhood associations have addressed the problem of neighbors that sale their front yards to park in? He stated it is a problem and they did discuss it, but they haven't any idea how to deal with it at this time. He further stated most of the neighbors disapprove of that kind of activity and hopefully it is something that can be addressed with the additional restrictions and special events parking plan.

**Applicant's Rebuttal:**

Mr. Norman stated TU has two (2) years to develop the parking program and other staff members will be meeting with the neighborhood associations. He listed the staff members as Chuck Colby, in charge of housing and student dining services; Judy McCloud, athletic director, and Sandy Hughes with the Hurricane Club.

**Additional Comments:**

Ms. Abbott asked the applicant if the 3100 parking spaces were all on the campus? He answered affirmatively.

Ms. Abbott asked the applicant if the 1800 parking spaces would be an addition? He stated that the 1800 are within the 5 minute walk and with the 330 additional parking spaces there will be over 3500 TU owned spaces within the campus.

**Applicant's Rebuttal:**

Ms. Abbott listed the following letters received in protest:

Roxanna Chamberlain

Donna Peters

Jacklyn Moore

**Additional Comments:**

Ms. Abbott asked the applicant if landscaping was discussed with the neighborhood associations? He stated additional parking spaces will be landscaped in accordance with the City Code requirements and the TU standards, which are slightly higher. He further stated the parking area on site was much more heavily landscaped than required by Code and even though it is reduced it is still in excess of what is required by Code. He explained that the additional parking lots north of 8th Street will have to be heard before the Board for a specific application on the design, which will include traffic engineering review of the access points to Harvard, the internal layout of the lighting and the landscaping.

Ms. Abbott asked the applicant about limiting the number of times the facility could be used and the purposes. He stated the neighbors proposed that TU work toward a parking plan that would be triggered by the very large events, over 6,000, rather than trying to limit the number of times the facility could be used. He further explained the women's basketball is expected to have approximately 3,000 attendees and many of the student activities will be a real success if there are 1,500 attendees.

Ms. Turnbo stated the Kendall/Whittier Association also submitted a letter supporting the proposal.

Case No. 17387 (continued)

Mr. Bolzle asked the applicant if any of the parking proposals, specifically the assignment of parking lots to the Hurricane Club Members, be utilized for the events at Skelly Stadium? Mr. Norman stated it probably would be utilized for the Skelly Stadium.

Mr. Bolzle stated the reason for his question is that the private use of the school's facilities is going to increase over time. Mr. Norman responded that this project has been a struggle in design and raising the money, that the staff at TU hasn't begun to approach the management of a new facility that is still two years or so away. He stated with this new partnership with the neighborhoods, they will work on these issues.

Mr. Norman stated that the facility has never been planned or intended for major touring productions like the ORU Mabee Center, which has always had a lot of lighting and sound equipment. He further stated the facility is not equipped for those types of productions. He explained there are some practical reasons why that wouldn't work for TU. He further explained that in September through March the facility will be used daily for men and women's basketball practice as well as volleyball. He stated it is very difficult and expensive to take the flooring out for other events. He further stated the floor can be covered up easily for the smaller events. He informed the Board the facility is slightly smaller than the Convention Center, which charges \$2,000 a day. He explained that from an economic view, it is simply not worth \$2,000 to interfere with the student programs or take a chance on a the facility being damaged by non-university affiliated groups.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE 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; per revised parking plan submitted; subject to an additional 330 spaces nearest the Center as proposed; with the understanding the University of Tulsa will undertake the items listed 1-8, pages 2 & 3 of the University of Tulsa's letter dated June 25, 1996 as follows: 1.) Develop and implement a parking lot signage plan which will make it clear to everyone that University parking lots are available for persons attending events at the center; 2.) Provide Tulsa University Hurricane Club members and season ticket holders with detailed information regarding campus parking lots and their availability for persons attending events at the center; 3.) Assign parking by lot in on-campus lots to season ticket holders and Hurricane Club members to encourage on-campus event parking; 4.) Provide purchasers of advance tickets to center events with a free parking pass for parking in on-campus lots; 5.) Develop a student parking permit program designed to require that students park in campus lots as near as feasible to their dormitories, apartments or their classroom buildings in order to reduce student parking in campus lots in the immediate vicinity of the center; 6.) Actively participate with the neighborhood associations, the City of Tulsa Traffic Engineering and Police Departments in the development of a Student Life and Convocation Center special event parking plan which may include manned barricades of residential streets, use of parking cones, use of motorcycle patrols, additional enforcement of parking restrictions during events, issuance of parking permits for neighborhood residents and other types of parking regulations. The special event parking plan would be triggered by and be applicable to events at the center where 6,000 or more advance tickets are sold; the University will participate in the cost of a special event parking plan on a fair and reasonable basis; 7.) Assist and support the neighborhood associations in obtaining from the City of Tulsa additional parking restrictions in the neighborhoods as may be requested by one or more of the associations, and 8.) Undertake a public relations "Be A Good Neighbor" campaign to discourage neighborhood parking and encourage on-campus parking by persons attending events in the Student Life and Convocation Center; subject to a detailed signage plan submitted; finding that the approval of this application will not be injurious to the area, nor harmful to the spirit or intent of the Code; on the following described property:

All of Vine Haven Addition and all of Resurvey of Lots 1 through 10, Block 1, Vine Haven and part of Block 29 and 30, College Addition, City of Tulsa, Tulsa County, Oklahoma and including vacated Gary Ave. and vacated Gary Pl. between 11th St. and 8th St. and the vacated alleyways within Vine Haven



Case No. 17387 (continued)

Addition and the Resurvey Lots 1 through 10, Block 1, Vine Haven all described as follows: Beginning at the SE/c Sec. 5, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma; thence Wly along the Sly line said Sec. 5 for 789.5'; thence Nly and parallel with as measured 82.5' Wly of the Ely lines Blocks 29 and 30 of said College Addition for 720.00' to a point on the centerline of E. 8th St. S.; thence Ely along said centerline for 789.50' to a point on the Ely line said Sec. 5; thence Sly for 720.00' to POB.

**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 Street, submitted a letter from land owner's (Sonny Burnett) step-daughter (Exhibit B-1) who had signed the lease that Donrey had referred to on June 11, 1996. He stated the letter informs the Donrey lease manager that the property on 7th and Lansing owned by R.C. (Sonny) and Marylou Burnett, is not to be included in the new leases signed in May for B&B Auto Parks, Inc. He summarized that the step-daughter signed a lease she had no authority to do so and the letter is to confirm that she did not have this authority. He submitted photographs (Exhibit B-2) to the Board members who were absent at the June 11, 1996 meeting. He stated the lot has a grandfathered sign located on it that is built too close to the road and doesn't conform to today's rules and regulations. He further stated the sign also doesn't conform because it is built on multi-poles. He proposes to remove the sign, back it away from the right-of-way, reduce the size of the sign from 500 SF to 400 SF, landscape the area outside the fence line with Bradford Pear trees, which will also act as a barrier to the property adjacent to the sign. He further proposes he will also clean the lot of debris. He stated the sign is located in area that is considered a gateway to the City and he will be changing the advertiser from the Marlboro Man to promoting downtown business.

**Comments and Questions:**

Ms. Abbott asked Mr. Romig if a lease was submitted to the Legal Department for review? He answered affirmatively. He stated there is a lease signed by Ms. Finnigan dated 5/6/96 to Donrey. He further stated a deed was submitted from Mr. Burnett and his wife to Mr. Stokely and his wife dated 4/19/96, which does not appear to have been filed of record. He informed the Board that basically what they have are competing documents. He stated the letter from Ms. Finnigan stating she did not have authority to sign the lease is really not something the Board should consider. That will have to be decided in court.

**Applicant's Rebuttal:**

Mr. Stokely stated the true landowner is present and there is no question as to the documents. He further stated Donrey's absence from this meeting acknowledges that they were in the wrong.

**Additional Comments:**

Ms. Turnbo asked the applicant if anyone from Donrey responded to the letter from the step-daughter (Exhibit B-1)? He answered that they did respond to him directly. He stated they acknowledged the fact that they do not have a valid lease with Mr. Burnett.

Ms. Turnbo pointed out to the applicant that the Board does not have in writing that Donrey acknowledges that they do not have a valid lease.

Mr. Bolzle stated that legal counsel has stated it does not matter that Donrey hasn't acknowledged the valid lease in writing. He further stated the documents and records show that Mr. Stokely has some interest in the property whether it is valid or not.

Mr. Stokely stated he has resolved the question as to whether or not Ms. Finnigan had the right to enter into the lease by showing, by her own admission, in writing, that she did not have the right to sign the lease. He further stated he has a copy of the deed showing that it is Mr. Burnett's property and he is here in person as being the owner.

Ms. Turnbo asked the legal counsel if the Board should go ahead and render an opinion on this application? He answered affirmatively, that the applicant and Donrey will have to work out the legal issues of who had authority to sign the lease with the courts and that may take some time to work out.

Mr. Bolzle asked the applicant for more detail on the landscaping proposal. He explained that as you enter around the curve to the right of the sign you are exposed to the back of a business and the lot itself that is now in decay. He further explained he will plant a row of Bradford Pear trees, which are very dense, and that way you are not exposed to the back of the business or the empty lot.

Mr. Bolzle asked the applicant if that would be outside the fence line? He stated affirmatively.

Mr. Bolzle asked the applicant if that would be State right-of-way? He answered affirmatively. He explained it would be like "Up With Trees" that is done all over the City, except it will not have a sign stating "Up With Trees" by Stokely Outdoor Advertising.

Case No. 17394 (continued)

Ms. Abbott stated she has no problem with making the sign smaller and the next closer sign is 420' West from the subject sign.

Mr. Bolzle asked the applicant how high would the sign be? He stated it would be less than 60' high.

Ms. Turnbo asked the applicant how many feet he would be moving the sign back? He answered he will move the sign back 45'.

Bolzle asked the applicant if that is different than the plan submitted? He answered negatively.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE 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; per plan submitted; subject to a sign area not to exceed 400 SF; subject to height not to exceed 60'; subject to the location being approximately 45' due west of the existing sign; subject to installation of 9 Bradford Pear trees outside the fence line along the SE property line.; 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:

Part of Lots 21, 22, 23, 24, Block 7, Burnett Addition, City of Tulsa, Tulsa County, Oklahoma described as follows: Beginning at the NE/c said Lot 24; thence W along N boundaries Lots 24,23, 22 and 21 for 100'; thence S along W boundary Lot 21 for 85'; thence Nely to E boundary line Lot 24 for 45' S of the NE/c Lot 24; thence N along E boundary Lot 24 for 45' to POB AND that part vacated street beginning at the NE/c said Lot 24; thence S along E Lot line Lot 24 for 45'; thence NE 61.24' to a point 41.54' E of the NE/c said Lot 24; thence W 41.54' to POB.

**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.

Case No. 17400 (continued)

**Presentation:**

The applicant, **James G. Dossey**, 3733 South 109th East Avenue, was not present for hearing.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **CONTINUE** Case No. 17400 to July 9, 1996, at 1:00 p.m.; finding that the applicant is not present for the hearing.

**NEW APPLICATIONS**

**Case No. 17405**

**Action Requested:**

Variance to permit the enlargement of a detached non-conforming accessory building. **SECTION 1405.A. STRUCTURAL NONCONFORMITIES** and a Variance of the allowable coverage on a lot for a detached accessory building to cover more than 20% of the required rear yard. **SECTION 210.B.5. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS** - Use Unit 6, located 1379 East 27th Street South.

**Presentation:**

The applicant, **SCMCO/Sam C. Mitchell, Jr.**, representing Dr. Perry Inhoffe, 10333 East 12th Street, submitted a site plan (Exhibit C-1), plot plan (Exhibit C-2) and lot and living area dimensions (Exhibit C-3). Mr. Mitchell stated Dr. Inhoffe would like to build a 19' x 14' addition on the left side of an existing two car garage. He further stated he made an application for a building permit on April 16, 1996. He explained that the subject area was built in the late 40's and early 50's. He further explained Dr. Inhoffe's home doesn't have an attached garage. He stated the garage is located at the rear and had always been a two car garage. He explained the plot plan made reference to it as a two story structure, however it is actually a story and one half. He stated the upper portion of the garage was probably used for a residence for a maid. He further stated that the upper portion has not been used for a residence in over twenty (20) years. He explained that the Inhoffe's use the upper portion for storage only. He further explained that the building inspector reviewed the layout and it is in conformity and was approved, however there is not suppose to be a two story structure built in the subject area. He stated that there are seven (7) other structures in the subject area within four (4) or five (5) houses each way that have larger and more elaborate structures than the wood frame structure Dr. Inhoffe owns. He further stated the general construction will be compatible with the rest of the building.

Case No. 17405 (continued)

**Comments and Questions:**

Mr. Bolzie asked the applicant how large Dr. Inhoffe's house measured? He stated the total square footage is approximately 2500 to 2700 SF. He further stated it does not have an attached garage. He explained the subject lot has 5,475 SF in the rear yard area, which is 54% of the lot. He further explained it has more than the 5,000 SF livability space required.

Mr. Gardner stated that 20% of the required rear yard, which is 25' x 75', is about 375'. He further stated his existing garage covers essentially what he is permitted in 20% of the rear yard. He explained that the new addition is what is over and above the 20% and what needs to be addressed in this application.

Mr. Gardner stated the hardship would be the neighborhood and the fact that the garage is detached and built in violation of what the Code would be today.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE Variance** to permit the enlargement of a detached non-conforming accessory building. **SECTION 1405.A. STRUCTURAL NONCONFORMITIES** and a **Variance** of the allowable coverage on a lot for a detached accessory building to cover more than 20% of the required rear yard. **SECTION 210.B.5. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS** - Use Unit 6, per plan submitted; finding that 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:

Lot 5 and E/2 Lot 6, Block 1, Sunset View Addition, City of Tulsa, Tulsa County, Oklahoma

**Case No. 17407**

**Action Requested:**

Appeal from the decision of the Code Enforcement Officer that the operation of a tanning facility requires Board of Adjustment approval. **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 6, located 937 South Canton.

**Presentation:**

The applicant, **Marylou Wilkinson**, represented by Don Hopkins, 4606 South Garnett, submitted an appeal (Exhibit D-3), photographs (Exhibit D-4) and a zoning violation notice (Exhibit D-1). Mr. Hopkins stated that Mr. Benton, husband to Marylou Wilkinson, and Ms. Wilkinson run a beauty salon at the subject address. He further stated the beauty salon has been operating since May, 1990. He explained that the beauty salon has two chairs and two tanning booths. He stated on May 7, 1996, Ms. Parnell, of Code Enforcement, issued a zoning violation notice. He further stated that one week later Ms. Wilkinson filed an appeal of the violation notice. He commented that he has attempted to define what part of the City Code that the Wilkinson's have violated and what part of the City Code had some provisions that regulated tanning salons. He further commented that no one has explained to Ms. Wilkinson what Code she is in violation of for the tanning booths. He explained that he would like the Board to make certain if there is a violation that not only Ms. Wilkinson's beauty salon knows about it, but any other beauty salon that has a tanning salon in this City is aware of what they violate when they don't have any type of variance in the City Code other than that they run a beauty salon.

**Interested Parties:**

Roscoe Benton, 937 South Canton, stated he was cited for violation of a City Ordinance Title 42, Sec. 404.B. He further stated he would like to appeal this violation. He commented that he had a discussion with Mr. Jim Miller, Code Enforcement, and the City Attorney, Alan Jackere. He further commented that the two things that they concur on is that there are no City Ordinances concerning tanning salons or tanning beds, either as an occupation, service and/or product. He stated he feels that he and his wife are being discriminated against in the interpretation of the quoted City Ordinance simply because he is a home occupation. He further stated there is nothing in Title 42, Sec. 404.B. that concerns tanning or tanning beds, which is what he is supposedly in violation of. He recited paragraph B., Mr. Mike Pillow, Audit Department, Oklahoma Tax Commission. He stated his contention is that the State of Oklahoma regulates and taxes tanning as a service and/or product. He further stated it is hard to understand how the City can regulate it as an occupation. He informed the Board that he researched the Tulsa Zoning Code book, which specifies Use Codes, does not recognize tanning as an occupation. He stated that none of the ordinances in the City Ordinances recognize tanning as an occupation. He further stated that 70% of the tanning salons in Tulsa are in conjunction with existing barber and beauty shops. He commented the only problems he is finding is the fact that, even though Mr. Jackere, City Attorney's office, said it was fine for a commercial beauty shop, a home occupation is not allowed to have a tanning salon and that is discrimination.

Mr. Hopkins stated that during the time that violation has been pending, he had done some calculations and 94% of the clients come in to use the tanning services also use the hair services. He further stated that the tanning salon and the beauty salon are compatible together. He commented he does not know of anything that defines a home beauty salon that excludes tanning services to the point that a violation should be entered in this case. He further commented that this is the basis of his appeal.

Mr. James Hickerson, 915 South Canton, stated that this salon has been discussed extensively in the neighborhood, he personally has discussed it with five (5) of the neighbors, and of the five (5) there are three (3) that agree they have no objections with Mr. Benton's salon except that they keep rather late hours. He further stated the late hours have been around 9:00 p.m. to 10:00 p.m. He commented that the neighbors prefer that the salon keep more reasonable hours. He further commented that the street the subject salon is located on is not a normal residential street. He explained the street is one block long between the business district on 11th Street and Braden Park. He commented that he does not have any objections to the increased traffic due to Mr. Benton's business.

**Comments and Questions:**

Ms. Abbott stated for the record that the Board received letters of protest from neighbors along with a petition signed by ten (10) neighbors. She further stated the petition is protesting customers parking their automobiles in front of their properties and the late night hours of operation.

Mr. Hopkins stated that the streets are public in this area and they are entitled to park in the public streets unless there is a no parking sign. He further stated that it is true that people are parking at the curb.

Ms. Abbott asked the applicant what his hours of operation are at this time? He stated that as of last week the shop was opened from 7:00 a.m. till 10:00 p.m. He further stated that starting July 1, 1996, the hours will be 8:00 a.m. to 9:00 p.m., Monday through Saturday. He explained that on Monday the shop will not open until 4:00 p.m.

Case No. 17407 (continued)

Mr. Bolzle asked the staff what was the code in 1969 when the exception in a U1B district was granted? Mr. Gardner stated that a U1B is the same as RS-2. He further stated that in 1969 there was a provision for home occupations, but there weren't any specific conditions. He explained that you came before the Board and was given approval, in which you could operate as a home occupation. He further explained that in 1970 when the Code was developed, there were no tanning salons. He stated that today there is a list of home occupations in the Code book and since this is an appeal with the Code Enforcer, the officer determines where it fits in the Code. He further stated there is no question that it is a business or service establishment. He commented that the applicant will argue that since it is in the same use unit as a beauty shop and barber shop, that it is not a principle use. He further commented that the staff would argue that it is a principle use and the fact that they have two principle uses operating at this particular establishment is the issue. He stated the Board could, as a home occupation, grant the applicant a tanning salon as part of the beauty shop operation, however he is not advertised for such a request. He further stated that if the Board was inclined to approve a tanning salon on a limited basis, the applicant may wish to advertise for a home occupation tanning salon and that would give the Board the opportunity to impose any conditions they feel are necessary.

Mr. Bolzle asked the staff if this is an interpretation issue? Mr. Gardner answered affirmatively.

Mr. Bolzle asked if the interpretation is that in 1969 the Board granted something other than what was considered traditionally beauty shop use and would they have anticipated tanning salons as part of that? Mr. Gardner stated that in his opinion they would not have anticipated tanning salons in 1969.

Mr. Gardner stated that the Zoning Clearance Officer interpreted that it was Use Unit 13. He further stated that when the notice was granted for the home beauty shop there would have been no way of anyone knowing that at that time they also wanted to consider something called a tanning salon.

Ms. Abbott asked the staff if the barber shop would have been an incidental use for a beauty shop in 1969? Mr. Gardner stated that whether the use was a beauty or barber shop wouldn't make any difference. He further stated that a tanning salon was not listed in the Code in 1970, if it had been a common use it would have been included.

Ms. Abbott asked the staff if the Board should interpret that the applicant has three (3) principle uses, a beauty shop, barber shop and tanning salon? Mr. Gardner stated the beauty/barber shop issue was addressed by the Board as a home occupation.



Mr. Gardner stated he is assuming that there is only one person operating the home occupation and that there is no violation of today's home occupation rules, which state that you can not have employees living outside the home. Mr. Gardner explained that only family members living in the home can participate in the home occupation.

**Protestants:**

Milton Vandiver, 929 South Canton, stated he is the neighbor on the north side of the subject property. He further stated the application in 1969 for a home beauty shop circulated a petition with the provisions that there would be no off-site parking, only one beauty operator. He explained that upon the approval the conditions were not listed on the Board action. He further explained that there was a petition filed with the items he mentioned above and that is what the Board approved in 1969.

Ms. Turnbo explained to Mr. Vandiver that the Board may not have approved the application in 1969 with the items listed in the neighborhood's petition.

Mr. Vandiver stated the home beauty shop had no stipulation that they could have a tanning salon or a men's barber shop. He further stated there is a an operator for the ladies beauty shop and an operator for the men's barber shop.

Ms. Turnbo explained to Mr. Vandiver that the ordinance allows people living in the home to participate in the home occupation. She further explained that the Benton's can not hire someone from the outside to man the second chair.

Mr. Vandiver stated the traffic created by the salon is very dangerous to the neighborhood.

Mr. Bolzle stated the use as a beauty salon has already been approved, it was approved in 1969.

Mr. Vandiver stated that Mr. and Mrs. Nelson are the applicants who originally received approval for the beauty salon. He further stated that Mrs. Nelson ran the beauty salon according to the petition conditions.

Mr. Bolzle asked the client if the petition stipulated how the beauty salon was to be operated in 1969? He answered affirmatively.

Mr. Gardner stated that in 1969 and prior to the change in the law, the City did have consent petitions to allow a home occupation.

Ms. Abbott asked the staff if there was a copy of the consent petition? Mr. Beach stated there may be a copy, but he would have to research the file to confirm that there is a consent petition.

Mr. Gardner stated it is safe to say that it was approved as a beauty shop by the neighborhood and the owner stated they could meet the conditions of a home occupation beauty shop under the ordinance today. He further stated the beauty shop is not what is being appealed today. He explained that the appeal deals with the issue of the tanning salon. He stated there is no disagreement by the protestants that there was no tanning salon involved when they signed the petition and it came to the Board the first time. He further stated the minutes do not reflect any tanning salon or any language about a tanning salon.

Mr. Bolzle stated that if the Board's action was based upon the consent petition in 1969, than wouldn't that be the conditions of the approval? Mr. Gardner answered affirmatively.

Mr. Vandiver stated that there are three (3) principle uses in the home occupation, a beauty shop, barber shop and a tanning salon. He further stated this is too great of a business to be permitted as a home occupation, they should have a commercial building suitable for the uses. He commented that if there was no tanning salon mentioned in the home occupation approval than it is a violation.

**Additional Comments:**

Ms. Abbott stated that the Code Enforcement Officer was correct to issue a violation for the tanning facility. She further stated that if the tanning facility is an incidental business it doesn't need Board of Adjustment approval. She commented that there is no evidence that a tanning salon was approved \_\_\_\_\_. She explained that the approval of a tanning facility is not before the Board today and so the applicant will need to come back and request a Board of Adjustment approval to operate the tanning salon.

**Board Action:**

On **MOTION** of **TURNBO** the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **DENY** the **Appeal** and **UPHOLD** the decision of the Code Enforcement Officer that the operation of a tanning facility requires Board of Adjustment approval. **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 6; finding that the tanning salon is a separate business; finding that the tanning salon requires Board of Adjustment approval; finding that the tanning salon has never been approved by the Board of Adjustment; finding that the tanning salon has never been before the Board of Adjustment for approval, on the following described property:

Lot 10, Block 28, White City Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17407 (continued)

**Additional Comments:**

Mr. Gardner informed the applicant if they are inclined to file for a home occupation for the tanning salon, the Board could continue the balance of the application to allow the applicant to so. He stated a new notice would have to be advertised and it could be heard on August 13, 1996. He explained that by continuing the balance the applicant wouldn't have to file a new application.

Ms. Abbott asked the applicant if he would like to continue the balance of his application? Mr. Hopkins stated in light of the Board's ruling denying their appeal and, he assumes the Board's ruling goes for every beauty salon in Tulsa with tanning salons, everyone is effected by this ruling?

Ms. Turnbo clarified that the ruling applies to home occupation only. Mr. Hopkins stated he would like to file an application for a home occupation tanning salon.

Mr. Hopkins stated he did not file an application today and so they will have to file a new application.

Mr. Benton asked the Board if his case has been continued? The Board stated that his application has not been continued.

Mr. Beach informed Mr. Benton that he will need to file an application to permit tanning as a home occupation.

**Case No. 17408**

**Action Requested:**

Special Exception to allow a fence 6' in height in the front yard. **SECTION 210.B. YARDS**, and a Variance to allow a fence to extend into the street right-of-way. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 6, located at 3318 South. 114th East Avenue.

**Presentation:**

The applicant, **David L. Lankford**, 3328 South 114th East Avenue, stated he constructed a concrete block wall 39' long and 5'3" tall up to 7' tall where the driveway goes toward the street. He further stated that the wall is to provide privacy for his front yard, which is very short because the neighbor has paved his driveway over to the property line and with his cars parked over next to his property line all he has is a very short front yard. He requested that the wall be permitted to remain in place for privacy. He submitted photographs (Exhibit E-5) and letter requesting that the wall remain in place (Exhibit E-1).

**Comments and Questions:**

Ms. Abbott asked the applicant if the wall extends beyond the property line in the front? He explained that the fence does go to the sidewalk, but he was told the easement to the City is 12'. He stated the fence is approximately within 10' of the curb, but it is within the sidewalk. He further stated the front yard is very beautiful and the wall enhances the front yard.

**Protestants:**

Bruce Lightle, 3336 South 114th East Avenue, stated he lives two doors south of the subject property. He submitted a petition of protest from the neighborhood (Exhibit E-4). He stated that when he backs out of his driveway and looks to the north, all he can see is the wall. He further stated esthetically the wall takes away from the neighborhood. He explained he cannot see to the other end of the neighborhood anymore and if there was a fire or trouble he wouldn't be able to help. He further explained that their neighborhood is very close and look out for each other and now he is unable to see his neighbors to the north. He stated he can not back out of his drive with out going really slow and watching out for fear that there is someone driving down the street that he cannot see. He further stated that according to Realtors the wall takes away from property value in the neighborhood. He commented the wall literally cuts the neighborhood in half, it is like putting a back yard in a front yard. He further commented that the wall is an eye sore and it is against the law. He stated the Lankfords did not go around to the neighbors to ask for permission to build the subject wall. He stated he is in protest of the wall.

Joe Rodanski, 3332 South 114th Street East Avenue, stated he lives directly south of Mr. Lankford. He further stated he has trouble backing out of his driveway because the wall cuts off his view. He explained that he has to have the end of his car in the street before he can see down the street. He commented that his extra driveway was built 25 years ago with a permit.

**Comments and Questions:**

Mr. Beach commented that if the wall was shortened by 2' in height and taken approximately 2' back from the sidewalk, technically it could exist without the Board's approval. He further commented it would still pose a hazard for neighbors backing out of their drives, but it would be legal. He explained that if the fence remains in its current location, the applicant will have to get approval from the City Council to use City owned property.

Case No. 17408 (continued)

Mr. Lankford asked if he removed the wall 2' from the front than he would not need approval from the Board? Mr. Beach explained that 25' from the centerline of the street is where the property line is located and that between the property line and the building setback line, which is probably around the front face of his home, the fence cannot be taller than 4'.

Mr. Lankford asked if he would have to take some height off the top of the fence? Mr. Beach answered affirmatively, however he did point out that it would still be a sight hazard for people backing in and out of their driveways.

**Applicant's Rebuttal:**

Mr. Lankford indicated he needed the fence for privacy.

**Additional Comments:**

Mr. White stated if the fence was shortened to 4' and taken back to the property line, which would be approximately 2' further back if that would solve the traffic problem? Mr. Beach stated he felt that there would still be a hazard, but it would be permitted by Code.

Mr. White stated the height of the eye will generally, in a car, is going to be 4' or less. Mr. Beach stated probably closer to 3'.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **DENY** the **Special Exception** to allow a fence 6' in height in the front yard. **SECTION 210.B. YARDS**, and **DENY** a **Variance** to allow a fence to extend into the street right-of-way. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 6, finding the use to be injurious to the neighborhood; and finding that approval of the special exception and variance would violate the spirit and intent of the Code and would not be in harmony with the Comprehensive Plan; on the following described property:

Lot 4, Block 5, Briarglen Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17409**

**Action Requested:**

Special Exception to permit a public school and to allow temporary non-residential Mobile Home used for temporary class. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS.** - Use Unit 2, located. at 525 East 46th Street North.

Case No. 17409 (continued)

**Presentation:**

The applicant, **Aaron Peters/Tulsa Public Schools**, represented by Kit Peck, 1555 North 77th East Avenue, submitted a site plan (Exhibit F-1), survey (Exhibit F-2) and a general warranty deed (Exhibit F-3). Mr. Peck stated the school needed a trailer to be used as a classroom because of increased student enrollment.

**Comments and Questions:**

Ms. Turnbo asked the applicant what he meant by temporary in his application? He stated it is a mobile home style class room that measures 10' x 60'.

Ms. Turnbo asked how long will the mobile home class room be used? He stated at least for one year.

Mr. Gardner stated that under the law the public schools are required to have so much class room space based on enrollment. He further stated temporary may mean one year or ten years and once they fall below the state required number of class rooms then they no longer need the mobile class room and can remove it.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to permit a public school and to allow temporary non-residential Mobile Home used for temporary class. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS.** - Use Unit 2; 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:

SW/4, SE/4, SW/4, Sec. 12, T-20-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma

**Case No. 17410**

**Action Requested:**

Variance of the required front yard from 35' to 23.9' to permit an existing dwelling and a proposed addition (25') **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**; a Variance of the required rear yard from 25' to 10' to permit an existing dwelling **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**; a Variance of the required side yard abutting a non-arterial public street w/garage access from 20' to 15.3' to permit an existing garage **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**; and a Variance of the same required side yard abutting a non-arterial public street from 15' to 11.5' to permit an existing dwelling and porte cochere **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located at 3160 South Atlanta.

**Presentation:**

The applicant, **John E. Rooney, Jr.**, 320 South Boston, representing Mrs. Wheeler, submitted a plot plan (Exhibit G-1) and stated this house managed to be built with prior approvals over three out of four setback lines and he advised Mrs. Wheeler to obtain approval of this Board. He further stated the zoning code must have changed over the years and that several homes in the same area have received the same approval that he is seeking now. He explained the proposed addition, if approved, will allow Mrs. Wheeler to build a small 5' x 8' closet off of her master bedroom.

**Comments and Questions:**

Ms. Abbott asked the applicant if the addition would be conforming to the side yard? He stated it would be conforming to the side yard, but it would be over the front yard setback.

Mr. Gardner stated the area used to be zoned U-1 and even before it was zoned RS-2, and it was probably established with a 25' front yard and that is why the building setback line is on the plat at 25' rather than 30'. He further stated he is assuming that Atlanta Avenue was used as the front yard and met the 25' front yard.

Mr. Bolzle stated if the house is going to stay there then the only issue before the Board is the 1' variance on the side yard for the addition.

Ms. Turnbo agreed and stated she has no problem with the request.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Variance** of the required front yard from 35' to 23.9' to permit an existing dwelling and a proposed addition (25') **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**; a **Variance** of the required rear yard from 25' to 10' to permit an existing dwelling **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**; a **Variance** of the required side yard abutting a non-arterial public street w/garage access from 20' to 15.3' to permit an existing garage **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**; and a **Variance** of the same required side yard abutting a non-arterial public street from 15' to 11.5' to permit an existing dwelling and porte cochere. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, per plan submitted; finding the house was built many years ago under different regulations and 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:

Legal Description: Lot 7, Block 2, Forest Estates, Blocks 1,2 and 3, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

## **Case No. 17411**

### **Action Requested:**

Special Exception to allow a church and church use in a RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**, and a Variance of the required lot area for a church from 1 acre to .88 acres. **SECTION 1202.C.5.a. Use Unit 2. AREA-WIDE SPECIAL EXCEPTION USES;** Use Conditions - Use Unit 2, located at 2525 East 54th Street North.

### **Presentation:**

The applicant, **Clayton Wilson**, represented by Mabelle Wilson, 1820 East 56th Street North, submitted a site plan (Exhibit H-1) stated her son, Clayton Wilson, is a minister and would like to build a small church on the subject property. She further stated the lot was large and was a real nice place to start a mission.

### **Comments and Questions:**

Ms. Abbott asked the applicant if she knew the square footage of the proposed building? She stated it would measure about a 30' x 50'.

Mr. Beach asked the applicant if the 30' x 50' building would be the entire sanctuary? She answered affirmatively.

Mr. Beach asked her if any of the 30' x 50' space would be used for other purposes besides sanctuary space? She stated none other than parking areas.

Mr. Bolzle asked the staff if the Board were to approve this application, can the Board require the applicant to return with a detailed site plan? Mr. Gardner stated that Mr. Wilson will have to have a detailed site plan in order to get a building permit.

### **Protestants:**

Teresa Johnson, 2542 East 54th Street North, stated she has lived on her property for 15 years and there are about eight (8) families on the block. She further stated she owns 10 acres on the subject block and it is residential with very little traffic. She expressed concerns about the traffic and the parking that would be generated by the proposed church. She further expressed concerns for the horses in the area and the agricultural use. She explained that there is not enough room on the subject lot for the building and parking. She stated the land is on a septic tank and there is only supposed to be a limited number of occupants on a septic tank. She further stated she talked with five (5) families on the block who agree with her about the protest of this proposal.

### **Additional Comments:**

Mr. Beach informed the Board that any church that is approved by this Board is subject to platting and all issues about sanitary sewer and utilities are addressed during the platting process.



**Applicant's Rebuttal:**

Mrs. Wilson stated she did not understand why the horses would be out of the fences and in the road.

**Additional Comments:**

Ms. Abbott explained that the protestant was making a point that there is agriculture in the area.

Ms. Abbott asked the applicant if the land is less than 1 acre? She stated the lot is .88 acres. She further stated there is enough room for parking and a small building.

Ms. Abbott asked the staff if the applicant had a 1500 SF facility could they meet the required parking? Mr. Gardner stated if it is all sanctuary they would need 43 parking spaces.

Mr. Bolzle expressed concerns that the proposed lot is not on an arterial street and is a somewhat rural residential area.

Ms. Abbott and Ms. Turnbo expressed the same concerns as Mr. Bolzle about the location of the said lot.

Ms. Abbott explained to the applicant that since the lot is located on a residential street, not a heavily traveled area. She further explained that the Board would rather see the proposal for a lot on an arterial street

Ms. Abbott stated she doesn't see any true hardship for the approval of the variance on the 1 acre to .88 acre issue.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **DENY** a **Special Exception** to allow a church and church use in a RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**, and **DENY** a **Variance** of the required lot area for a church from 1 acre to .88 acres. **SECTION 1202.C.5.a. Use Unit 2. AREA-WIDE SPECIAL EXCEPTION USES**; Use Conditions - Use Unit 2, finding the use to be injurious to the neighborhood; finding that approval of the special exception would violate the spirit and intent of the Code; and finding that the applicant failed to present a hardship unique to the property that would warrant the granting of the variance requests; on the following described property:

Legal Description: E/2, S231, SW, SE, NW, NW, Sec. 8, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

## **Case No. 17413**

### **Action Requested:**

Variance to allow an accessory building in excess of 750 SF. **SECTION 402.B. ACCESSORY USES IN RESIDENTIAL DISTRICTS**, a Variance to allow a 2 story accessory building. **SECTION 210.B.5. YARDS**, a Variance from 4,000 SF to 2946 SF of livability space. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, and a Variance to allow an accessory building to cover more than 20% of the rear yard. **SECTION 210.B.5. YARDS** - Use Unit 6; located at 920 East 36th Place.

### **Presentation:**

The applicant, **Richard Beech**, 920 East 36th Place, submitted a site plan (Exhibit J-1), plot plan (Exhibit J-2) and photographs (Exhibit J-3). Mr. Beech stated he bought this piece of property about one year ago. He further stated at the time it had an old two-story garage that was in ill repair and had it destroyed. He explained that he had a slab poured in hopes to build a new garage and found out that he was in violation of the requested codes when he applied for a building permit. He stated he would like to build a three car garage to store his cars and boat. He further stated the house was built in 1935 and there is limited storage in the house. He proposes to build a second story over the garage to use as office space, workout space and storage. He stated he did not know that he had violated the codes when the builder poured the concrete in the same area the old garage was located. He stated the garage will be 13' into the year yard and will not exceed the size of an accessory building which is 750' (one story). He further stated several neighbors have garages approximately the same size he is proposing. He explained that there are condominiums that are two story in his area. He further explained the neighbors do not have any protests with his proposal.

### **Comments and Questions:**

Ms. Turnbo asked the applicant if he will have plumbing in the second story or cooking facilities? He stated he would like to install a bathroom, but he will not be building any cooking facilities.

Ms. Turnbo asked the applicant if he would be using the addition as a workout room or office? He stated it would be an office and workout room. He further stated the office will be for personal use and not a home occupation.

Ms. Turnbo asked the applicant if he would rent the extra room out? He stated he would not be renting the space out, it is strictly for his use.

Mr. Beach stated this lot is non-conforming, it is narrower than what the Code would allow today. He further stated that the applicant is really only required to have 3750 SF of livability space, which is half the lot.

Case No. 17413 (continued)

In response to Mr. Beach, the applicant stated he figured his overage of the livability space to be 11% based on the 3750 SF required livability space.

Ms. Turnbo stated she drove through the neighborhood and there are several two story garages that are not attached to the home. She has no problem with the applicant's proposal as long as the second story is not rented out.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Variance** to allow an accessory building in excess of 750 SF. **SECTION 402.B. ACCESSORY USES IN RESIDENTIAL DISTRICTS**, a **Variance** to allow a 2 story accessory building. **SECTION 210.B.5. YARDS**, a **Variance** from 4,000 SF to 2946 SF of livability space. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, and a **Variance** to allow an accessory building to cover more than 20% of the rear yard. **SECTION 210.B.5. YARDS** - Use Unit 6; per plan submitted; subject to no cooking facilities in the second story of the garage; subject to only a bathroom being allowed in the second story garage; finding that with the exceptional narrowness and size of the lot, the literal enforcement of the Code will result in unnecessary hardship; finding that the approval of this application will not cause substantial detriment to the public good or impair the spirit, purposes and intent of the Code, or the Comprehensive Plan; on the following described property:

Lot 14, Block 3, Peoria Park Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17414**

**Action Requested:**

Special Exception to permit outdoor flea market sales Friday, Saturday and Sunday. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 2, located at 4343 South Memorial Drive.

**Presentation:**

The applicant, **Allen F. Crockett**, 8141 East 44th Street, submitted a site plan (Exhibit K-1) and letter of intent (Exhibit K-2). Mr. Crockett stated the existing flea market is located in part of a building he owns. He further stated the total building is approximately 63,000 SF and part of the building is rented out to individual indoor vendors presently on a SF basis. He explained that the flea market and mini-mall has been in existence for two years. He further explained that recently the indoor vendors requested outdoor sales and he allowed the vendors to set up booths outside the building. He stated he immediately found out that you have to have a permit and license to do so. He further stated he would like to request permission to allow his indoor vendors to set up booths outdoors and possibly new vendors as well. He indicated that the current hours of the flea market are Friday, 12:00 p.m.-5:00 p.m.; Saturday, 9:00 a.m.-6:00 p.m.; Sunday 10:00 a.m.-5:00 p.m. He stated the indoor flea market is about 15,000 SF. He further stated the booths outside would be about card table size located on the north side. He indicated that there is adequate parking to meet the required parking. He stated he has licensed security people on duty during the flea market hours. He further stated that the vendors will park off-site nearby.

**Comments and Questions:**

Ms. Abbott asked the applicant if he is asking for outside flea market sales on the North end and West end of the building? He stated he hasn't specifically indicated where the outdoor vendors would set up. He further stated he doesn't have the slightest idea how many requests he will have for outdoor vendors or how many booths he will need. He indicated the booths would start in the north end where the grassy area is located and progress to the secondary sidewalk that is never used, which is right in front of the glass windows of the building.

Ms. Abbott asked the applicant if he would limit the outdoor booths to the tenants of the building only. He answered negatively. He stated he didn't think he could legally refuse someone who wants to rent a small space on the outside.

Mr. Bolzle asked the staff if the outdoor sales would be allowed as a matter of right with conditions under Use Unit 14? Mr. Gardner stated a flea market is not considered a Use Unit 14 and it is probably a Use Unit 15. He further stated the area is zoned industrial, but in order to have commercial sales you must have approval by this Board for commercial sales. He explained that Use Unit 15 is a permitted use in an industrial district and the fact that they were all indoors is how they received their permit. He further explained that when the permit was granted they must have met the parking requirement because they would need 67 spaces for the flea market operation. He stated that since the flea market use required parking spaces for outdoor sales then that could create a problem.

Mr. Crockett stated there are approximately 150 parking spaces on the property site.

Case No. 17414 (continued)

Mr. Gardner stated that as long as the flea market stays within the building they are considered a Use Unit 15 and are permitted. He further stated that when they go outside the building that brings in Use Unit 2 and that is why they need an exception. He explained it is considered a principal use under Use Unit 2, which is temporary open air sales of products.

Ms. Abbott asked the applicant what is the primary use presently? Mr. Crockett stated that the primary use is an indoor flea market. He further stated the building is approximately 63,000 SF and they lease 15,000 SF to the indoor flea markets. He explained that there is 7,000 SF that is company owned and used for offices at the east end of the building. He further explained that there is 25,000 SF that is a furniture store that is owned by the building owner and whatever is left in SF is used for a furniture warehouse.

Mr. Gardner stated that the building inspector has permitted the indoor flea market use as a permitted use, so that is not before the Board. He further stated the outdoor flea market sales is what the Board needs to consider.

Ms. Turnbo asked the staff if the outdoor sales would be subject to the 150 day limit? Mr. Gardner answered affirmatively.

Mr. Beach informed the Board that the applicant is advertised for the entire property that contains the building but the site plan indicates outdoor sales on one portion of the property only and the Board may want to condition to one portion only.

**Protestants:**

Mark Segers, 8118 East 44th Street, representing Sutherland Material Handling Company, stated he came for a fact finding mission. He expressed concerns about the parking situation for the flea market. He asked if the applicant will be parking in the street? He stated his business is located across the street from the flea market and his business receives a lot of heavy truck traffic. He further stated that if there is parking in the street it limits the ability to bring in the heavy trucks and would be a safety issue.

**Comments and Questions:**

In response to Ms. Abbott, Mr. Segers responded that his business hours are Monday through Friday, 8:00 a.m. to 4:30 p.m. He stated they receive forklifts and parts because they are an industrial business. He expressed concerns about the flea market's outdoor business during the Friday business hours. He stated that there is heavy industrial businesses along 44th Street and if there is a flea market outside that is utilizing the street parking it becomes a safety issue. He further stated if the flea market uses the street for parking then he wouldn't be able to bring in semi-trailers to load and unload his products. He commented that his business has no problem with the flea market on the weekends. He further commented that the flea market outside will bring more foot traffic into an industrial area and he is concerned about the safety issues. He stated his business has been established since 1969 and they have 71 employees, which creates a lot of traffic going in and out of his business.

Calvin Bagel, 8118 East 44th Street, Vice-President of Sutherland Material Handling, stated he is across the street of the proposed flea market. He further stated that Memorial is heavily traveled road and the outdoor flea market will be a distraction to the drivers on Memorial. He reaffirmed Mr. Segers' concerns about the safety issues and parking issues. He stated there are 300 short term rental forklifts, two (2) large delivery vehicles that are in and out of the business all day. He further stated that Friday is a busy and hectic day for his business. He explained that there are about eight (8) parking spaces that are directly in front of his building for customer parking. He further explained that there have not been any problems since the security people have helped the traffic situation on the weekend. He stated his company has three industrial buildings along 44th Street and fears there will be a safety hazard if the flea market moves outside on Fridays.

Herbert Arst, 8118 East 44th Street, stated he is the owner of the property that Sutherland Materials Company occupies. He further stated he established the business in 1947 and that he spends about \$150.00 to \$200.00 per month on the lawn in front. He commented that a flea market set up outside with card tables certainly do not add anything to the neighborhood. He further commented the flea market would be a distraction for the drivers on Memorial drive and could cause some automobile accidents.

**Applicant's Rebuttal:**

Mr. Crockett stated that on 44th Street there is a sign directly in front of the first Sutherland Materials building that states "no parking to corner" or "no parking this side." He further stated that public parking is allowed on the north curb of 44th Street. He stated he could not stop people from parking on the north side of 44th Street where it is allowed legally. He further stated as long as he handles the in house parking with dealers, employees and security people, to make sure that the vendors and employees park at the other site to provide plenty of parking for customers. He explained that the indoor flea market has been in business for over two (2) years and is well advertised, so it does attract some attention from the traffic on Memorial. He commented that the Memorial traffic on any day between 4:00 p.m. and 4:30 p.m. is bad and there is nothing the flea market can do about the traffic on Memorial. He addressed the comment regarding the flea market being a distraction for the traffic on Memorial and felt that it would be debatable. He commented he appreciates Sutherland Material Handling as a neighbor because they do spend a lot of money on their exterior and lawn. He further commented that the flea market also spends a great deal of money on their exterior and lawn. He proposed changing the application to outside flea market sales only on Saturday and Sunday. He reminded the Board that it is an industrial area and there is no one working at the industrial buildings on Saturday and Sunday.

**Additional Comments:**

Ms. Abbott asked the applicant if he is asking for the application to be changed to Saturday and Sunday sales only? He stated he would prefer to have the sales for outdoor on Friday, Saturday and Sunday, however, instead he would change it to Saturday and Sunday to be a good neighbor to Sutherland Material Handling and so the Board will not turn this application down.

Ms. Abbott asked the applicant if he would be opposed to the Board limiting his outdoor flea market activities to Lot 1 only? He stated that would not be a problem.

Ms. Abbott asked the applicant how many parking spaces he had available presently? He stated approximately 150 spaces.

In response to Ms. Abbott, he stated he is within the zoning code for required parking. He further stated he bought the building six (6) years ago and did extensive remodeling inside. He explained that during the remodeling projects the parking issue was addressed and he is up to Code.

Case No. 17414 (continued)

Ms. Abbott asked the staff if they knew what the required parking is for his current operation? Mr. Gardner stated the required parking for the current operation is 67 parking spaces.

Mr. Gardner stated Mr. Crockett is not before the Board for a variance of parking, he has met the parking requirements and he has certificates of occupancy. He further stated that if he uses any portion of the paved parking area for outdoor sales he is using part of the required parking and that may put him into another situation depending how much area the Board might grant. He advised the Board to make any approval subject to the approval of the building inspector that he meets all parking requirements.

Mr. White stated he is in favor of the concept of having the outdoor flea market on Saturday and Sunday only as opposed to Friday because it certainly frees up the industrial area.

Ms. Turnbo stated she agreed with Mr. White. She further stated the Board should approve it to a certain area.

Mr. White asked the Staff if it would be appropriate to limit the flea market to the Lot 1, but let the parking be on Lots 2-8? Mr. Gardner stated if the lots are separate, the way the ordinance is written, use and parking must be on the lot in which it is located. He summarized that if the lots are separate then the parking which serves Lot 1 cannot be on Lots 1-8.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 2-2-0 (Abbott, White, "aye"; Bolzle, Turnbo, "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to permit outdoor flea market sales on Lot 1 only; subject to the days of operation be on Saturday and Sunday only; subject to parking requirement being approved by the building inspector. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** - Use Unit 2; on the following described property:

Lots 1 through 8, Block 1, Memorial Industrial Park, City of Tulsa, Tulsa County, Oklahoma.

**\*MOTION FAILED FOR LACK OF 3 AFFIRMATIVE VOTES.**

**Additional Comments:**

Mr. Gardner explained to the applicant and audience that the application needs three affirmative votes for approval and the Board voted 2-2-0.



**Case No. 17416**

**Action Requested:**

Special Exception to permit a residential care home for 9 elderly residents with a staff of 2 for 24 hour care. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 5709 South 66th East Avenue.

**Presentation:**

The applicant, **Christopher A. Walker**, 5153 East 51st, requested a continuance or delay for one month to resolve issues related to some improvements to the property that he discovered in a previous action about 15 months ago with a special exception request, citing some issues related to repair of a fence and trash containers. He stated he faxed a continue request to INCOG one day late.

**Comments and Questions:**

Mr. Beach stated he did receive the request and it is in the file. Mr. Beach apologized to the protestant and the Board for not announcing the request at the beginning of the meeting.

Ms. Abbott asked the protestant if she had a problem with the continuance? She stated it was no problem.

Mr. Bolzle stated there is no reason to continue this case if it is not properly before the Board. He asked the applicant to address this question.

Mr. Bolzle asked the applicant what has changed in his application which would compel the Board to change the denial of March 14, 1995? Mr. Walker stated the ownership has changed.

Mr. Bolzle stated he is not sure the ownership has any bearing on the terms of zoning and land use. He further stated the Board hears land use issues, not ownership issues.

Mr. Bolzle asked the applicant if there was change in the proposal itself, such as the number of clients, the way it is going to be operated? He answered no. He explained the State Special Services had certified the building for 9 beds and he is requesting that the building be able to operate with 9 beds.

Mr. Bolzle stated the building was previously certified by the State for 9 beds, but the Board denied the request. Mr. Walker concurred with Mr. Bolzle's statement.

Ms. Turnbo stated there is not change and she doesn't see why it is before the Board again.

Mr. White concurred with Ms. Turnbo statement. He stated the Court upheld the Board's decision.

Ms. Turnbo stated she doesn't see any reason to hear this again.

Mr. White asked the applicant if the change in ownership is the only one that occurred. He answered affirmatively. He further stated there has been no change with the structure of the home, it is still a six bedroom, 3 bath home as in the previous application. He explained that he is applying again as a new operator within that structure to make this request that 9 clients would be allowed to reside in this setting. He further explained the owners have another home about 1/2 mile away and this an opportunity for us as opposed to starting a third home in the area.

Mr. Gardner stated the special exception to permit a residential home for 9 elderly residents with a staff of 2 for 24 hour care heard March 14, 1995, was denied finding that the expansion of the use would be injurious to the neighborhood and would violate the spirit and intent of the Code. He further stated Mr. Walker is asking for the same special exception and other than the ownership, nothing has changed.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **DENY** a **CONTINUANCE** for a **Special Exception** to permit a residential care home for 9 elderly residents with a staff of 2 for 24 hour care. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; finding that the continuance was not requested in a timely manner, on the following described property:

Lot 17, Block 4, Woodland View 1st Addition, City of Tulsa, Tulsa County, Oklahoma.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **DENY** a **Special Exception** to permit a residential care home for 9 elderly residents with a staff of 2 for 24 hour care. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; finding that nothing has changed except the ownership and the use if approved would be injurious to the neighborhood; on the following described property:

Lot 17, Block 4, Woodland View 1st Addition, City of Tulsa, Tulsa County, Oklahoma.

## **Case No. 17417**

### **Action Requested:**

Variance of the required setback from Harvard Ave. to expand existing porch from 100' to 39'4" and a Variance of the required 50' setback from centerline of E. 16th to 37'. **SECTION 902. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS** - Use Unit 12; located 1607 South Harvard Avenue.

### **Presentation:**

The applicant, **Ken Alexander**, represented by James Kilman, Taylor-Scott Architects, 1437 South Boulder, submitted a site plan (Exhibit M-1) and stated his firm represents the Rib Crib. He further stated the variance request is for renovation of the existing restaurant at the corner of 16th and Harvard Avenue. He explained the request is to expand the existing restaurant with a seating area toward Harvard up to the existing porch. He further explained the square footage would be increased 560' and the restaurant would remove an existing metal building on the site that currently houses offices for Rib Crib, Inc. He stated the removal of the metal building will increase the parking availability. He further stated the main elevation of the building to the right will enhance the existing building, but also maintain a residential scale to the building. He explained the building would have limestone columns and refinishing the outside of the building with lap siding. He further explained the building currently has a new wood shingled roof.

### **Comments and Questions:**

Ms. Abbott asked the applicant if he was extending any further than the existing porch on Harvard Avenue? Mr. Kilman indicated the location of the existing porch on the site plan for the Board. He stated the expansion will not be going any closer to Harvard Avenue than the existing porch.

Ms. Turnbo asked the staff why the applicant is asking for a variance to extend the front porch from 100' to 39'4" when he says he is not going any further than 45'? Mr. Gardner stated the existing building probably has never been approved for a variance of the setback from Harvard Avenue and since it encroaches the 100' requirement and was never approved, now he is asking for that variance.

Mr. Beach stated he had been approved previously to 45', but technically he is going down from the prior approval of 45' to 39'4" from the centerline of Harvard Avenue. Mr. Kilman stated there is an existing porch at the 39'4" distance.

Mr. Gardner asked the applicant if the existing porch is enclosed or has a roof over it? He stated it is not enclosed but it does have a roof.

Case No. 17417 (continued)

Mr. Gardner stated the porch has a roof, floor, ramp and stairs, and no walls, but is a building by definition. Mr. Gardner stated that according to the City Atlas Map, the City owns 40' and if they do the building is encroaching on the City right-of-way.

Mr. Gardner asked the applicant if the building inspector reviewed his plot plan to determine what relief was necessary? He answered negatively.

Mr. Gardner informed the Board they wouldn't know if the parking requirement is being met and the question of whether the building is on the City right-of-way, since the building inspector hasn't seen the plot plan.

Mr. Kilman stated he figured the parking based on 100 SF per patron and they exceed the 23 parking spaces. He further stated the restaurant will have 35 parking spaces when the metal building is removed.

Mr. Gardner stated that based on the what the City owns the Rib Crib may need a license agreement to occupy part of that area. He further stated that the Board is being asked to make a decision about enclosing the porch to make it into a room where he probably doesn't have a right to occupy. He explained the issue of the City owned property needs to be resolved before any decisions are made.

Ms. Abbott suggested the application be continued to July 9, 1996, and have the building inspector review the plans.

Mr. Gardner stated that someone from public works needs to determine for sure what the right-of-way is and how much the City owns. He further stated that if the City owns 40' as the map reflects, then if you approve a variance it would need to be subject to a license agreement to have a structure in the City right-of-way. He reminded the Board they would have to find a hardship to approve the variance.

Mr. Beach stated the original 45' variance was to allow for the porch that is currently a glass enclosed porch and since that time there has been a deck with a roof added on without a variance approval.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **CONTINUE** Case No. 17417 to July 9, 1996 at 1:00 p.m.; subject to public works determining the City right-of-way; subject to applicant preparing a plot plan with the expansion indicated clearly; on the following described property:

Lots 1&2, less W10' thereof, Block 8, Sunrise Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17418**

**Action Requested:**

Variance to allow two dwelling units on one lot of record. **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** and a Special Exception to allow manufactured homes on the subject tract. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located at 2418 North Canton Avenue.

**Presentation:**

The applicant, **Mary S. Hall**, 1323 North Richmond, submitted a site plan (Exhibit N-1), photographs (Exhibit N-2) and stated she would like to withdraw her first request for two mobile homes on one lot of record, but would like to move forward with her second request to allow a manufactured home on the subject tract. She further explained she will keep the smaller home that is in front of the property according to the site plan. She stated she was looking at having a home built on the subject lot and found it was of lower quality than the manufactured home she has ordered. She further stated the mobile home she has ordered has a composition roof, exterior siding and will be installed on footing that will meet all the required inspections. She detailed that the house will be blocked and tied down. She stated there are mobile homes in the area where the subject lot is located. She further stated there is a mobile home across the street from the subject lot and belongs to the son of one of the protestants that is here today. She explained that the photographs submitted indicates the location and all are within two (2) to three (3) lots of the subject lot. She further explained the home is in excess of \$40,000 for the home itself and she personally does not feel that it will depreciate the property values in this area. She stated she feels that her application stands on its own merit.

**Comments and Questions:**

Mr. Gardner asked the applicant if she had a double-wide manufactured home? She answered affirmatively.

Ms. Turnbo asked the applicant if the manufactured home will be skirted? She stated it would be on a block foundation with poured footing just like a house would be built. She further stated the manufactured home will also be tied down.

**Protestants:**

Ruth Hudson, 2410 North Canton, stated she lives beside the subject lot. She indicated the trailer house on her property is owned by her son and he is supposed to live in it once he renovates it. She questioned who would be occupying the manufactured home?

**Additional Comments:**

Ms. Turnbo stated the question of who lives in the manufactured home is not before the Board. She explained that the Board determines land use issues.

Ms. Hudson asked if the Board would be watching the manufactured home to see who lives in it? Ms. Turnbo stated the question of occupancy would only come before the Board if it was proposed to be a residential treatment center, but if it is going to be lived in as a home, the City can not regulate who occupies the home.

Mr. Bolzle asked Ms. Hudson if she was afraid the manufactured home would be rented? She answered affirmatively.

**Protestants:**

Nancy McBroom, 2424 North Canton, stated she understood that there were two homes and a mobile home occupying the one lot. She further stated she was concerned that it would be rental property. She explained that the applicant has owned the property for one (1) year and it has been mowed twice. She further explained there are a lot of field mice and snakes coming onto her property. She stated her main concern was whether or not the property was going to be used for rental property.

**Applicant's Rebuttal:**

Ms. Hall stated she acquired the property from a County sale. She further stated the people who previously owned the property came up about 2 hours after she purchased it and stated they had not been properly notified. She explained that is why she did not build right away. She stated she was advised to do a Quiet Title to make sure the property truly was hers before moving a manufactured home on the subject lot. She further stated that since she has been assured that she does indeed own the lot it has been mowed and cared for. She explained there will only be one home on the lot and it will be for her mother and father-in-law. She further explained that her mother-in-law is in bad health and her husband is retired. She stated she is having the other manufactured home installed in Inola instead of the subject lot.

Case No. 17418 (continued)

**Additional Comments:**

Mr. Bolzle stated he did not see anything that would keep this from being appropriate.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **WITHDRAW** a **Variance** to allow two dwelling units on one lot of record. **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** and **APPROVE** a **Special Exception** to allow a double-wide manufactured home on the subject tract. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, subject to being tied down; subject to being installed on a permanent foundation; subject to the City/County Health Department approval; subject to a building permit; finding that approval of this application will not be detrimental to the neighborhood nor harmful to the spirit and intent of the Code; on the following described property;

E. 270' Lot 3, Block 2, S.R. Lewis Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17419**

**Action Requested:**

Special Exception to allow a manufactured home in a RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9, located at 6210 South 101st East Avenue.

**Presentation:**

The applicant, **Patricia Giese**, 6208 South 101st East Avenue, submitted a site plan (Exhibit O-2) and stated she would like to install a manufactured home on 1/2 acre tract beside her home. She further stated there is a trailer several blocks down the road from the subject lot on the same side of the road that received an approval one (1) year ago. She explained that there are several trailers in the area and submitted photographs (Exhibit O-1).

**Comments and Questions:**

Mr. White asked the applicant if the trailer was tied in any way to the child care facility located immediately north of the subject lot? She answered negatively. She stated she lives in the house behind the child care facility and her mother will be living in the manufactured home.

Mr. Bolzle asked the Staff if the special exceptions for mobile homes granted for one (1) year unless otherwise requested for permanent special exception? Mr. Beach answered affirmatively.

Case No. 17419 (continued)

Mr. Bolzle asked the applicant if she was aware of the time limit for the special exception being one (1) year? She answered negatively.

Mr. Bolzle explained to the applicant that the special exceptions to permit a mobile home is approved for a period of (1) year unless requested to be permanent.

Mr. Bolzle explained to the applicant that she did not advertise for it to be permanent so she would need to either continue the balance of the request to re-advertise for permanent or come back in one year to request it to be permanent.

Ms. Abbott asked the applicant if the home would be on a permanent foundation? She stated it would be on a permanent foundation and that the sewer is being installed as well. She further explained the manufactured home will be 28'x50' and will look like a home.

Ms. Abbott asked the applicant if she would like to continue her request to advertise for the mobile home to be permanent or rule on the special exception for one (1) year?

The applicant stated that there was a home previously on the land she is proposing to install the manufactured home on. She further stated the home was bulldozed and she purchased the property for her mother.

**Protestants:**

Jeff Allen, 9933 East 63rd, stated he recently purchased a three (3) bedroom home and protested the mobile home being installed. He further stated the mobile home will have a negative effect on property value and the aesthetics.

**Additional Comments:**

Mr. Bolzle asked Mr. Allen if he was aware of other existing mobile homes in the area at the time he purchased his home? He answered affirmatively. He stated he actually has only seen one mobile home and thought it had been grandfathered in the zoning. He further stated he did not know that you could move mobile homes into the area.

**Applicant's Rebuttal:**

Ms. Giese stated that if the size is a problem she can go to a smaller size.

**Additional Comments:**

Mr. Gardner stated that if the Board were to approve a double-wide mobile home without specifying the size and continued the application for the purpose of granting a variance to allow permanent use, would the applicant have a problem with that decision? She stated she would not.



Case No. 17419 (continued)

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE** a **Special Exception** to allow a manufactured home in a RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; subject to the manufactured home being a double-wide home; subject to City/County Health Departments approval; subject to a building permit; and **CONTINUE** the balance of the application to July 23, 1996, at 1:00 p.m. to allow the applicant to request and advertise for a variance to allow the manufactured home to be permanent; finding that the approval of this request will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code; on the following described property:

The S. 76.27' of the E. 275.49', Lot 2, Block 4, Union Gardens, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17420**

**Action Requested:**

Variance to permit off-premise signage for Crown Chase Apartments in an AG/RM-1/PUD 105 zoned district. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 21 located West of Southwest corner East 81st Street South and South Lewis.

**Presentation:**

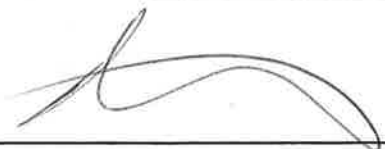
The applicant, **Roy Johnsen**, 201 W. 5th St., #440, submitted a letter requesting the application to be continued to July 9, 1996 due to a conflict in scheduling.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **CONTINUE** Case No. 17420 to July 9, 1996 at 1:00 p.m.; finding that a conflict in scheduling prevented the applicant from presenting his case on this date.

There being no further business, the meeting was adjourned at 4:45 p.m.

Date approved: August 13, 1996



Chair

