

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 709  
Tuesday, August 13, 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>
Bolzle Turnbo White, Vice Chair	Abbott, Chair 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 Friday, August 9, 1996, at 1:43 p.m., as well as in the Reception Area of the INCOG offices.

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

**MINUTES:**

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Box "absent") to **APPROVE** the correction of the minutes of June 25, 1996 (No. 706).

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Box "absent") to **APPROVE** the minutes of July 23, 1996 (No. 708).

**UNFINISHED BUSINESS**

**Case No. 17395**

**Action Requested:**

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

**Presentation:**

The applicant, **Sherry Moore**, 1329 East 55th Place, represented by Jerry Morris, 5345 South Peoria, submitted an amended site plan (Exhibit A-1) and stated the subject lot is 100' x 190', Lot 9, Block 6, J.E. Nichols Addition.

**Comments and Questions:**

Mr. White asked Staff if the previously approved site plan was the same as the amended site plan with exception of the playground. Mr. Gardner stated the original site plan did not have detail of the playground.

Mr. Beach stated the previously approved site plan did not include this particular lot and other site plans submitted up until today have not included any detail on the subject lot.

Mr. Morris stated the only change to the site plan is concerning the subject lot.

Mr. Bolzle asked the applicant if there will be any structures, other than playground equipment, on the subject lot? He answered affirmatively.

Mr. White asked the applicant if there was a chain link fence or a tall board fence along the east boundary of the subject lot? He stated the architect indicated chain link and that is not correct, it should indicate a board fence that is 8' tall and moved back 25' along the south boundary of the lot.

Mr. White asked the applicant if there were any plans to change the hog wire fence to any other type of fence? He stated the church would like to change the fence, but do not have any future plans at this time.

Mr. Gardner stated if the vacant lot to the west was to be developed residential, then there will be a need for a privacy fence.

Mr. Bolzle asked the applicant to initial the changes made to the amended site plan regarding the description of the fence. The applicant complied.

**Protestants:**

Ms. Munzen, 4315 South Atlanta Place, stated she owns the vacant lot to the west of the subject lot. She further stated the subject lot is 90' wide not the 100' wide as indicated by Mr. Morris. She explained the fence on the east side, which is 8' tall is fine and the church did move the front fence back 25'. She further explained there is a gate that is double-wide, large enough for trucks to go through. She stated the gate is standing open and there is a picnic table out in front of the gate. She further stated the fence between the subject lot and her vacant lot is 40 or 50 years old. She explained the fence is hog wire and it is rusted. She stated the fence is not appropriate for anything. She commented she understood the Board had requested what the long term usage of the subject lot will be? She stated the Board asked the church to satisfy her regarding removing fallen limbs on her vacant lot. She further stated the church has not removed all of the limbs from her property. She commented the neighbor to the east of the church was not able to be at the hearing due to illness in the family, but the neighbors do have some concerns regarding the possibility of lights being installed. Ms. Munzen stated she wanted to know what the long term usage of this lot is going to be. She further stated she could not understand from the drawing what the long term usage will be.

**Comments and Questions:**

Mr. Bolzle stated the site plan shows playground equipment only, with definite locations for playground equipment on the subject lot. He further stated if the Board approves this application, the approval will be for playground use per plan submitted.

Ms. Munzen asked Mr. Bolzle if there are lights shown on the drawing? He stated none are shown on the site plan.

Ms. Munzen asked if the church will be restricted from installing lights? Ms. Turnbo stated the church will not be able to put up lights unless the Board approves it. She further stated the church has not requested lights.

Mr. Bolzle advised that unless the Board prohibits lights, the church can install lights, but the plan does not show lights.

Ms. Munzen asked if the lights could be prohibited? Mr. Bolzle stated the Board will ask the applicant about installing lights and his plans regarding lights.

Ms. Munzen stated the Board has been very patient and continued this application several times for the applicant. She further stated she intends to be present each time the church is before the Board.

Mr. Bolzle asked Ms. Munzen what other concerns she has other than lighting? She stated moving limbs off of her vacant lot adjacent to the church.

Mr. Bolzle informed Ms. Munzen that the Board cannot force the church to move the limbs off of her lot, but the Board can encourage the church to remove the limbs from the lot.

**Applicant's Rebuttal:**

Mr. Morris, stated the church has made numerous attempts to satisfy Ms. Munzen by removing the limbs. He further stated the church removed several loads of limbs from her vacant lot, which were not all from the tree trimmers work. He explained it appears there are two trees down on Ms. Munzen's lot that had fallen wholly on her property and has been there for numerous years. He further explained the bark has all rotted off of the trees, they are over grown and hollow. He stated the church has owned the property for approximately one year and the time in question of trimming trees was within the past six (6) months. He further stated the church hauled off everything possible without renting chain saws and equipment. He commented the church has gone the second and third mile trying to please Ms. Munzen. He stated the church is very willing to have a third party arbitrator to help determine what is really feasible and reasonable concerning the downed trees. He further stated the church does not want to fail to do anything that would be their responsibility. He commented in regard to the lighting there was a stipulation made when the church received approval for the special exception to permit church use (playground) on the subject tract, that lighting would be restricted to be such as not to shine on the neighbors property. He further commented that presently the church does not intend to install lighting, but they will honor the restriction should the church ever decide to install lights. He stated he could not tell Ms. Munzen what the church's long term intentions of the property use will be. He commented the only thing the church is being approved for at this point is to use the subject lot as a playground and if the church wants to change the use it will require coming back to the Board for approval.

**Comments and Questions:**

Mr. Bolzle concurred with Mr. Morris statement concerning the use on the subject lot changing will require the Board's approval. Mr. Bolzle explained that would be a site plan change and it would need the Board's approval.

Mr. White read the original motion as follows: "approved; subject to any lighting installed will be installed pointing downward and away from residential properties adjoining..." Mr. White stated this would restrict the lighting on both sides of the church property.

Ms. Turnbo asked the applicant what the church will be using the property for that is located in front of the 8' privacy fence? She further asked if the picnic table shown in the pictures is being used? Mr. Morris stated the fence had been moved back 25' the day before this hearing due to the fence company delaying the work. He further stated the picnic table was setting inside of the fence originally and when it was moved back it was left outside of the fence. He explained presently the subject lot does not have any playground equipment installed and the only thing presently on the subject lot is the fence and the picnic table.

Mr. Bolzle asked the applicant if his intent is that what ever activity the church conducts will be inside the fence? Mr. Morris stated not necessarily. He further stated he assumed the church owns the 25' in front of the fence and if the church wanted to set at a picnic table they would have the freedom to do so. He explained the church will probably move the table simply because it might not stay there.

Ms. Turnbo asked the applicant if he will have any problem installing a privacy fence if the west side of the property was ever developed residential? He stated the church will install a privacy fence if the property is ever used for residential. He explained on the west side of the property there is Johnson grass that is 4' tall and because of the playground used by the church's daycare center that adjoins the property on the north, the daycare licensing people told the church it has to be cleaned up because it presents a hazard.

Mr. White asked the applicant if he felt he has removed all of the limbs and trees that were a result of the tree trimming? He stated that in the processing of trimming trees some of the limbs probably did fall on Ms. Munzen's property and they have been cleaned up in the appropriate manner. He further stated the church has hauled off three pickup loads of brush beyond what he believes the church had a responsibility to do.

**Board Action:**

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

Case No. 17395 (continued)

**1608. SPECIAL EXCEPTIONS;** per plan submitted; subject to the installation of a 6' privacy fence on the west side of the lot at such time as the property to the west is developed for residential uses; finding that approval of this request will not be injurious to the neighborhood, nor violate the spirit and intent of the Code, on the following described property:

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

**Case No. 17419**

**Action Requested:**

Variance of the one year time limit to permanent for previously approved manufactured home in a RS-3 zoned district. **SECTION 404.E.1 SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS** - Use Unit 9, located at 6210 South 101st East Avenue.

**Presentation:**

The applicant, **Patricia Giese**, 6208 South 101st East Avenue, stated she would like to have a variance to allow her mother's manufactured home to remain permanently on subject lot.

**Protestants:** None.

**Comments and Questions:**

Mr. Bolzle asked the applicant if this was a mobile home or a manufactured home? The applicant stated it is a manufactured home.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Box "absent") to **APPROVE** a **Variance** of the one year time limit to permanent for previously approved manufactured home in a RS-3 zoned district. **SECTION 404.E.1 SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS** - Use Unit 9; per plan submitted; 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 of the 275.49'; Lot 2, Block 4, Union Gardens, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17433**

**Action Requested:**

Special Exception to permit a public park containing soccer fields with lights. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT -** Use Unit 2 and a Variance to permit gravel parking. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, located at South Delaware & 107th Street.

**Presentation:**

The applicant, **Ross Weller/City of Tulsa**, Park Planner, 1710 Charles Page Blvd., submitted a site plan (Exhibit B-1). He stated the Parks Dept./Jenks Soccer Club had two (2) meetings with the neighborhood residents and submitted meeting sign-in sheets (Exhibit B-2) and a mailing list of residents contacted for the meeting (Exhibit B-3). He explained the original proposal indicated lighting on the southern soccer fields but the new plan will not have lighting on these fields. He stated that an 8' chain link fence that runs basically around the complex. He further stated an 8' privacy fence will be jointly installed directly behind the Stunkards home. He explained the Stunkards will supply the materials and the Jenks Soccer Club will provide the labor to install the privacy fence. He further explained the Jenks Soccer Club will provide the 8' protective fence, which is off-set 15' onto the soccer field area to prevent the trees from having to be removed along the property line. He commented the Parks Dept./Jenks Soccer Club are trying to work for everyone's benefit. He stated there is a plan to pave the new parking area and a post/cable fence to run from the Life Estate to the property corner to preclude access in the evening or unauthorized use. He commented the neighbors have some concerns because of people pulling into the park after hours and creating some dust problems. He further commented the Jenks Soccer Club also has some concerns about people using the site unauthorized and tearing up their turf. He stated the Parks Dept. use the post/cable fencing regularly and it is very effective. He further stated the Jenks Soccer Club would like to install some security lighting and this was discussed with the residents. He explained the security lights will be the typical PSO cobra head installation, which provides one candle foot per 75' of illumination. He further explained the original site plan indicates 426 parking spaces on the existing parking, but that has been revised down to 310 parking spaces, which is more in-line with their current parking. He requested for interior circulation with a goal to bring the participants into the south side of the property and egress through north parking lot to control traffic. He stated the lighting on the fields is proposed for the future and will not happen anytime soon.

**Interested Parties:**

Cherry Stunkard, 10717 South Delaware, stated the presentation from Mr. Weller is exactly as the resident's discussed at the meetings and she is satisfied with the terms.

**Protestants:** None.

**Comments and Questions:**

Mr. Bolzle asked -Mr. Weller if the blue lines on the new site plan reflect existing fencing? He answered affirmatively.

Mr. Bolzle asked the applicant if there will be any new fencing in the north portion of the property. He stated there is no new fencing proposed in the north portion, however some of the existing fencing has been knocked down and the soccer club will be mending the fence. He further stated the Parks Dept. is taking proposals for a new boundary survey so that we adequately meet the requirement to post the fencing. He explained the existing fences indicated by the blue lines on the site plan are not on the property lines at this point.

Mr. Bolzle asked the applicant if the PSO security lights will be installed soon? Mr. Weller deferred this question to the Jenks Soccer Club.

Mr. White asked the applicant how many PSO security lights will be installed? He indicated only two (2) PSO security lights will be installed. He explained the lights will be installed by the concession stand and equipment barn.

Mike Warren, 2968 West 112th, Jenks, stated the club is currently in the process of having the PSO lighting installed. He further stated the lights will be installed as soon as possible. He explained in the last five (5) years the Jenks Soccer Club has grown probably 2% from 1992 when the lease was set. He further explained in 1992 the registration was approximately 1200 and the current registration number is approximately 1250. He stated the Jenks Soccer Club hosts annually one winter tournament and every bi-yearly hosts the State Soccer Recreational Tournament in mid April or June. He further stated the club is not trying to accommodate a massive amount of growth, but would like to have all of the games played on Saturday to avoid playing weeknights and Sundays.

Ms. Turnbo asked Mr. Warren if the State Tournament is a one day or one weekend tournament? He stated the tournament is held on a Saturday and Sunday. He explained the tournament is held at Jenks, Bixby and sometimes Broken Arrow to handle approximately 6,000 players.

Ms. Turnbo asked Mr. Warren how late the games are played currently? He stated the games are played until dark, which during the summer can go as late as 8:30 p.m. He stated in the fall the last game is scheduled for 5:00 p.m.



Case No. 17433 (continued)

Ms. Turnbo asked Mr. Warren how late the games will be played when the lights are installed on the fields? He stated the club expects to use the lights in the late fall and early spring. He further stated the club plans to have the lights off at 9:30 p.m. with exception to tournaments where there may be a need for a late game. He explained the club has discussed the possibility with the neighbors and the soccer club agreed to notify the neighbors two (2) weeks in advance when a tournament is going to be held.

Mark Steele, 11928 South Ash, Jenks, stated he is currently the treasurer of the Jenks Soccer Club. He further stated at the last meeting there was a concern raised that the club was a for profit entity. He explained the soccer club is currently 501C3 entity as recognized by the Internal Revenue Code and a summary of the last five years tax returns indicates the club has raised approximately \$500,000.00 from the generation of fees and tournaments. He further explained the club has spent \$501,000.00 back into the club for maintenance of the fields and general improvements. He stated the existing assets as of the current date in the club include the irrigation systems on the north complex, plus the work on the irrigation system on the south complex.

Mr. White asked Mr. Weller about the variance for the gravel parking and if there was any additional comments he would like to make? He stated he would like to drop the variance request for the south field because it will be paved for the 140 parking spaces.

Mr. Bolzle asked Mr. Weller how far north he planned to pave the 140 parking area? He stated the paving will extend to the driveway easement.

Mr. Bolzle asked the staff if the applicant still needed a variance for gravel on the balance or has it been previously approved? Mr. Beach stated the variance for gravel was not previously approved.

Mr. White stated the variance for gravel will be for the 310 parking space lot and the easement? Mr. Weller answered affirmatively.

Ms. Turnbo asked Mr. Weller if he foresees any traffic problems where there may be need traffic control coming in and out of the complex? He stated by directing one-way flow throughout the complex it will alleviate the problems the club currently is experiencing. He further stated he did not know if Jenks Soccer Club planned to use traffic control during their tournaments.

Mr. Warren stated in the past the soccer club has had volunteers to run traffic control and will continue during the tournaments due to the heavy traffic.

Case No. 17433 (continued)

Mr. Bolzle asked Mr. Warren if the club files special event permits for the tournaments? He stated the actual host of the tournament files the permits, not the soccer club.

Mr. Bolzle stated the City has the ability to police whether or not traffic control is required for the special events. Mr. Warren concurred with Mr. Bolzle.

Mr. Warren stated several times the Fire Marshall comes through to make sure the club has egresses.

Ms. Turnbo asked Mr. Weller if there will be any curfews for the soccer field? He stated most park use curfew is 11:00 p.m.. He further stated there are exceptions to the curfew at some sports complexes and some parks curfews are at dusk or 9:00 p.m. He explained the Park Board will address the curfew issue if there is a problem occurring. He further explained that sometimes on an event application the curfew is waived.

Ms. Turnbo commented the Park Dept./Jenks Soccer Club has done a wonderful job by meeting with the neighborhood and it seems that they have satisfied the neighborhood.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Box "absent") to **APPROVE** a **Special Exception** to permit a public park containing soccer fields with lights. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 2 and a **Variance** to permit gravel parking for the 310 spaces on the north lot only. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**; per plan submitted; subject to the 140 parking spaces being paved on the south parking lot; 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:

Beginning at 217' S & 233.9' E of NW/c, SE/4, NE/4, Sec. 29, T-18-N, R-13-E, I.B.M., Tulsa County, Oklahoma; thence S18°44'E for 176.6'; thence S7°06'E for 424.4'; thence S5°54'W for 517.5'; thence E to SE/c SE/4 NE/4; thence N. along the E. line of said SE/4 NE/4 to point on the 217' S of the NE/c, SE/4 NE/4; thence W to POB, Tulsa County, Oklahoma, according to the US Government Survey thereof; AND Lot 5 lying E of centerline of county road and N/2, NE/4, SE/4, of Sec. 29, T-18-N, R-13-E, I.B.M., Tulsa County, Oklahoma lying E of centerline county road, LESS AND EXCEPT the following described tract of land, to wit: Beginning 84.05 E SW/c N/2 NE/4, SE/4 on the centerline of county road; thence Nwly along centerline county road for 187.25', E for 478.21', S for 165', W for 389.50' to POB, Sec. 29, T-18-N, R-13-E, Tulsa County, Oklahoma.

**Case No. 17438**

**Action Requested:**

Special Exception to amend an approved site plan and landscape. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 7301 East 15th Street.

**Presentation:**

The applicant, **Darrell R. Byrd**, 202 South Main, Wagoner, submitted a site plan (Exhibit C-1) and answer to staff inquiries (Exhibit C-2). Mr. Byrd stated the school currently offers pre-k through the 12th grade. He further stated Building I, which is the existing building, 11,042 SF and Building II will be removed when Phase II is completed. He indicated Phase I total is 13,800 SF, which includes the gymnasium, toilets and future kitchen. He informed the Board that the school has amended the seating for the gymnasium to 250 in the initial construction with the opportunity to add 250 at a later date. He stated Phase II will be the locker rooms and eight (8) additional classrooms, which will be 11,787 SF for a total of 36,629 SF. He explained currently there is a church meeting in the facility, which is a small spanish speaking church, that the school is letting the church use. He further explained the gymnasium will be used only by the school and not the spanish speaking church that is using the school facilities on Sundays. He stated the days and hours of operation for the school is currently Monday through Friday, 8:00 a.m. to 3:30 p.m. He further stated the parking lot calculations for the gymnasium with 250 seats to be one (1) parking space for every four (4) seats will be 63 parking spaces. He explained the future for the gymnasium is another 250 seats for 63 parking spaces. He further stated the total classroom area is 19,229.00 SF divided approximately 1/3-2/3 for the high school, junior high showing 8 parking spaces and 11 parking spaces for total completed parking requirement of 145 parking spaces. He indicated in Phase I constructed there will only be 250 seats on the gymnasium. He explained there will be an additional 250 seats added to the gymnasium in the future and there will also be 63 additional parking spaces added at that time. He stated parking required under Phase I will be 74 parking spaces, with three handicapped spaces. He indicated the site plan is actually showing 76 parking spaces and three handicapped spaces under the Phase I construction. He further indicated there will be 151 parking spaces when the project is completed.

**Protestants:** None.

**Comments and Questions:**

Mr. White asked the staff if they had time to review the new site plan and if they had any comments on this new site plan? Mr. Gardner stated this is the first time he has seen the diagram, but he has spoken on the telephone with Mr. Byrd and as he explained the parking, the existing parking plus the new parking to accommodate Phase I will meet the requirements. He further stated Phase II will add the future parking and at that time the school can enlarge their seating from 250 seats to 500 seats within the gymnasium.

Case No. 17438 (cotinued)

Ms. Turnbo asked the applicant what the gymnasium's hours and days of operation will be? He stated he was not aware of the gymnasium use, the Board would have to ask the administrator from the school.

In response to the applicant's answer, Ms. Turnbo stated if the Board approved his application according to his notes, he wouldn't be able to use the gymnasium in the evening.

Mr. Gardner stated the gym will be used during the evening hours according to the minutes of the first meeting and the school indicated the days and time in the minutes.

Ms. Turnbo stated at the last meeting tournaments was mentioned but they are not indicated on the proposal Mr. Byrd had submitted to the Board.

Kenneth Yates, 6933 East 17th Street, stated what Mr. Byrd has submitted to the Board are the operational hours for the school itself. He further stated the gym usage will be in the evening hours after the normal operational hours of the school.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Box "absent") to **APPROVE** a **Special Exception** to amend an approved site plan and landscape plan. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; with the understanding the gymnasium will be used in the evening after school hours; finding that the approval of this request will not be injurious to the area, nor harmful to the spirit and intent of the Code; on the following described property:

Lots 1-24, Block 13, Eastmoor Park, an addition in the City of Tulsa, Tulsa County, Oklahoma.

**NEW APPLICATIONS**

**Case No. 17451**

**Action Requested:**

Special Exception to allow a home occupation (beauty shop) in an RS-3 District. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 13, located 1544 South Columbia Place.

**Presentation:**

The applicant, **Darryl W. Hawkins**, 1544 South Columbia Place, submitted a site plan (Exhibit D-6), letter to residents (Exhibit D-1) and letters of approval from neighbors (Exhibit D-4). Mr. Hawkins stated this is a special exception for haircutting that is done by his wife. He further stated approximately seven (7) years ago he stopped renting his garage apartment and his wife started cutting hair in the vacant apartment. He explained recently he was told he needed the special exception and the neighbors immediately next door on either side stated they have no problem with the beauty shop. He stated he circulated a letter to the residents explaining the requirements for in-home occupation for the City of Tulsa per section 404 (see Exhibit D-1). He further stated his wife is willing to set her days of operation and hours to what ever the neighborhood is in agreement with. He explained his wife has one client at a time with one chair. He further explained his wife does not advertise, nor is she listed in the phone book. He stated his wife started cutting hair in the garage apartment because many of her former clients did not want to go to a new hairdresser. He further stated his wife quit working outside of the home to have their family and many of her customers requested she keep cutting their hair. He explained his wife has a very small operation and plans to keep the operation small.

**Comments and Questions:**

Mr. White asked Mr. Hawkins if there will be any tanning booths in the beauty shop? He answered negatively.

Ms. Turnbo asked the applicant how many clients his wife sees in one day? Ms. Hawkins stated she has maybe three clients a week. She further stated there are weeks that she may see only one client and sometimes there are weeks she never has a client. She explained the most she would ever want to see a day would be two clients. She further explained she has two children to take care of and she wouldn't have time to see more than two clients per day.

Ms. Turnbo asked Ms. Hawkins what her hours of operation will be? She stated right now she does not have any set hours, whatever is convenient for the client. She explained that the hours of operation are open for discussion with the Board and the neighborhood.

Ms. Turnbo asked Ms. Hawkins if she had clients who come late in the evening or early in the morning? She stated usually not early in the morning and if it is in the evening it is usually about 5:30 or 6:00 p.m. She further stated her clients are usually done by 7:00 p.m.

**Protestants:**

Anthony Yohe, 1535 South Columbia Avenue, stated he has resided in this neighborhood for 16 years and he has worked for Southwestern Bell for 21 years. He further stated there is several issues that make this request for a variance for the residents of 1544 South Columbia Place a questionable one. He addressed the concern of the additional traffic to the neighborhood. He stated although Mr. Hawkins contends only one person will visit at a time, what controls are in place when the business becomes more popular and more clients schedule back to back appointments? He commented when the dollar comes in, we will crawl through a lot of stuff for money. He asked where the clients will park while waiting their turn and secondly, will the business be approved by the Health Department? He alluded to the dyes and chemicals used for hair coloring and permanents, which are so abrasive that the beautician must wear rubber gloves, be poured into the drainage system. He stated third, it is a known fact that beauty and hair products will be sold out of this home and the Tulsa World article dated 8/11/96 (Exhibit D-5), specifically states that retail products cannot be sold from a home. He further stated fourth, will the business be ADA approved providing for handicapped accessibility? He explained there are three beauty parlors already operating along 15th Street in the neighborhood and he did not feel there needed to be another beauty parlor. He expressed concerns that the City Codes can and will be violated. He asked who would monitor the violations and what recourse did the neighbors have if a violation occurs? He submitted a petition with approximately 45 signatures (Exhibit D-2), which represent more than two-thirds of the homes affected by this request. He stated the neighbors do not want a business in their neighborhood of any type. He further stated the Board's decision should reflect the majority of the people and any other action, other than a denial, fractures the foundation of Florence Park. He explained before any of the neighbors signed the petition, he let the neighbors read Mr. Hawkin's letter to the residents.

**Comments and Questions:**

Ms. Turnbo asked Mr. Yohe where the three other beauty salons were located? He stated they are zoned because they are on 15th Street.

Ms. Turnbo stated that since the beauty salons are on 15th Street where they are zoned than they are not in-home occupations or out of homes. Mr. Yohe confirmed Ms. Turnbo's statement. He stated he has his hair cut at one of the shops on 15th Street and it cost the owner about \$900.00 per sink to get approved for the backwash, etc.

**Protestants:**

Gail Reese, 1743 South Delaware Avenue, stated there is a beauty shop that is right off of 15th Street on Columbia Place that is built out of a home. She further stated Florence Park is trying to be a historical neighborhood. She commented with more and more businesses being opened in the neighborhood, it will stop the historical preservation. She stated that once the home is zoned commercial, should the homeowners move, that perhaps a tattoo shop or something else could move in. She further stated the neighborhood has fought many times against the bars on 15th Street. She commented the neighbors want to keep the neighborhood as one that people will want to move in and out. She stated she believes with more commercial zoning it will de-value her property.

**Applicant's Rebuttal:**

Mr. Hawkins stated he sat at the petition table along with the neighbor who started the petition, but has now withdrawn from the petition. He further stated the newsletter sent to the residents (Exhibit D-5) was targeted at pushing all of the right buttons and it mentioned the tattoo parlors and gun sales, which are items that would never be acceptable to the City of Tulsa. He commented he is a ten year resident of Florence Park and would hope that the items suggested would not be allowed. He stated the letters from his two neighbors addresses the traffic issue (Exhibit D-4) because he is not increasing what is already in existence and there has never been a traffic or parking problem. He explained the Health Department does regulate in-home beauty shops and that is how he found out he needed the special exception. He further explained the State Board of Cosmetology checks to see if beauty salons are approved for operation. He commented the special exception is not changing the zoning to commercial zoning. He further commented he wife does sell hair care products, but it is not crucial to the operation. He stated his wife has a license where she can buy hair care products at a discount and will occasionally buy for her clients. He further stated the beauty salon does have a separate entrance and he is not sure of what all of the requirements are for ADA. He concurred there are three hair salons on 15th Street that are zoned commercial. He stated when the newsletter was issued to the residents they came by the petition table with a mission to sign a petition, but over half of the neighbors turned away and said they did not have a problem with Ms. Hawkins' beauty shop.

**Comments and Questions:**

Candy Parnell, Code Enforcement, asked the applicant what steps brought him before the Board today? She further stated if Ms. Hawkins has been operating at the subject address for seven (7) years, Code Enforcement has never been made aware of the salon. Mr. Hawkins stated originally his wife received a few calls from former clients who did not want to go to someone new to cut their hair, so she cut their hair in her home. He further stated since then, his wife has moved out into the garage apartment to devote the area to cutting hair and did not know they were doing anything wrong.

Mr. Bolzle asked the applicant how he found out he was operating illegally? He stated when he received the regulations from the State Board of Cosmetology it mentioned zoning. He further stated he called INCOG and he was informed he needed a special exception.

Mr. Bolzle stated it is important that if the Board is inclined to approve this request to limit the number of clients, hours and days of operation. He further stated he will need some help from the applicant to determine the limits.

Ms. Turnbo stated Ms. Hawkins commented she only averages three clients a week. Mr. Hawkins stated he was trying to find out what would be agreeable to the neighborhood.

Mr. Beach stated in the past the Board has limited these to one client at a time and stagger the appointment with 15 to 30 minutes between appointments.

Ms. Turnbo stated she did not know how you could enforce a limit to three clients a day or two a day. Mr. Hawkins stated that the enforcement of the limits were issues of concerns for the neighborhood along with other issues that are going on in the neighborhood. He further stated the neighborhood was hoping to find out today a process to go about controlling the commercial activity already going on in the neighborhood.

Mr. Gardner stated one of the applications the Board did hear and denied (that was up held in the courts), was the family who had two box trucks three blocks south of the subject property. He commented that is the only commercial activity he is aware of and that application was denied.

Mr. Hawkins stated the application was denied but the trucks are still present and the neighborhood did not know what to do at this point.

Mr. Gardner stated the neighborhood needs to call Code Enforcement if the trucks are back.



Case No. 17451 (continued)

Ms. Turnbo stated she didn't feel there should be any retail sales of hair products because it is not allowed by the Code, nor any tanning booths or anything else added to the salon.

Mr. Bolzle stated in the past the Board has limited the hours and days of operation per day. He further stated to see a 10:00 a.m. to 6:00 p.m., Monday through Saturday is not unusual with a 30 minute period between customers. He commented the beauty salon is a reasonable use properly controlled within the limits of the zoning Code. He further commented the Code provides for home occupation uses and it is not a re-zoning. He stated it is unfortunate that there has been a great deal of misinformation published. He revealed the Code has always provided for these type of uses if properly controlled. He stated this application is a reasonable usage.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Box "absent") to **APPROVE** a **Special Exception** to allow a home occupation (beauty shop) in an RS-3 District. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 13; per plan submitted; subject to hours of operation 10:00 a.m. to 6:00 p.m., Monday through Saturday; subject to 30 minutes between appointments; subject to no tanning booths or nail booths being allowed; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit or intent of the Code; on the following described property:

Lot 8, Block 1, Oliver Terrace Second Addition an addition to the City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17456**

**Action Requested:**

Special Exception for a 40' utility pole for cellular use in a RS-2 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 13, located 3701 East 71st. Street.

**Presentation:**

The applicant, **Robert A. Hinton**, represented by Kevin Coutant, 320 South Boston, submitted a site plan (Exhibit E-2) and stated this is an application for a 40' utility pole located in the center of the a 40' x 40' parcel between Harvard and Yale on the north side of 71st Street. He further stated to the east of the 40' x 40' parcel is a parcel that is entirely dedicated to storm water detention that is owned by the City of Tulsa. He pointed out that there is an improved drainage way through the area running across 71st Street running south and then comes back open on the southside of 71st Street directly across from the subject location. He stated the larger piece of the parcel the subject tract is on has not been platted and there is a frame home located to the west of the 40' x 40' parcel. He explained the utility pole is relatively short compared to other poles before the Board. He further explained the utility pole will be 40' in height with clustered antennas at the top. He stated the antennas are panels that are 6" wide, about 3' long and a 2" deep. He further stated the antennas set approximately 1' away from the pole.

**Comments and Questions:**

Mr. Gardner asked Mr. Coutant, a former Planning Commissioner, if he thought the placement of the 40' pole on the small tract of land would be justification for someone to maybe seek a zoning change on the balance of property since it is not a part of the original sub-division and is not bound by restrictive covenants. He asked since the property has a small frame house existing, would the placement of the utility pole lend justification for someone seeking a zoning change such as light office? Mr. Coutant stated it is an interesting theory question. He further stated he does not recall any situation where somebody came before the Planning Commission and said that a permitted special exception use on this property is a basis for now a requested zoning change. He commented the Comprehensive Plan, which is pretty compelling in this area with regard to residential use and the zoning pattern in the general area would be pretty convincing as to a limitation to someone's ability to try to come in and do something non-residential or more intensive use.

Mr. Gardner stated he did not buy that theory either and would think the landowner in arranging for this use would have to take that into account. He further stated he asked the question for the purpose of building a record for future.

Mr. Coutant stated he wished he could be more helpful, but is not sure he understands the whole scope and intent of the question and I have given it my best shot.

Mr. Gardner stated for clarity, if there is any hardship it is self imposed since the owner is selling the site for the purpose of erecting the 40' cellular tower. He further stated he just wanted Mr. Coutant's feelings on this. Mr. Coutant stated it certainly isn't inconsistent with what he just said. He further stated this is a 40' utility pole and is roughly the same height as a relatively standard electrical distribution line pole. He explained the pole is a stick type pole and someone would be hard pressed to suggest that the existence of the utility pole structure changes the character of the neighborhood in a way that would compel other zoning.

Mr. Bolzle asked the applicant if there are electrical service over head lines down 71st Street? He answered negatively.

**Interested Parties:**

Robert A. Hinton, Engineering Consultant to U.S. Cellular, stated the forms of power are east and west of this area with the main line west of Harvard. He further stated there is another power line east of the area on the backside of a sub-division. He explained the interior lines to the sub-division are primarily underground so you do not have the overhead problem.

Mr. Hinton submitted a letter and photo of the proposed tower (Exhibit E-1) and stated he received one call from an interested party. He further stated he met with the caller and supplied colored copies of the proposed tower. He explained the caller had no concerns after seeing the pictures and information.

Mr. Hinton stated the customers are the very people who live next to U.S. Cellular and so it is not their intent to make the customers mad. He further stated U.S. Cellular is trying to be a good neighbor and have done so with this facility. He explained the pole is a laminated wood pole so the center of the pole allows the wires inside the pole and thereby eliminating damage to the facility.

**Protestants:** None.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Box "absent") to **APPROVE** a **Special Exception** for a 40' laminated wood utility pole with the antenna type shown on the third page of Exhibit E-1) and an equipment cabinet for cellular use in a RS-2 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 13, per plan submitted; finding that the approval of this request will not be injurious to the area, nor harmful to the spirit and intent of the Code, on the following described property:

Case No. 17456 (continued)

Commencing at the SW/c of the SE/4, SW/4, SE/4, SW/4, Sec. 4, T-18-N, R-13-E, I.B.M., Tulsa County, Oklahoma, thence Nly along the W line of said SE/4, SW/4, SE/4, SW/4 which is the E line of Vienna Woods Addition to the City of Tulsa for 60.00'; thence due east for 91.00' to P.O.B.; thence N0°27'33"W for 44.00'; thence S89°17'02"E for 40.01'; thence S0°27'33"E for 43.50'; thence due west for 40.00' to P.O.B., City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17457**

**Action Requested:**

Special Exception to allow a "Project Headstart Program" classified U.U.11 Children's Nursery in an AG zoned district. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT** - Use Unit 11, located NW/c 54th Street North & North Cincinnati Avenue.

**Comments and Questions:**

Mr. Beach informed the Board that the Staff has determined this application is not necessary, since the use requested is a use by right and therefore does not require Board of Adjustment approval.

Mr. Gardner stated at one time Headstart Programs did have to go before the Board of Adjustment for approval, but when the children's nursery was moved into Use Unit 11, there was a provision under schools that states if it has been approved for a school, Headstart Programs would be a use permitted by right.

**Presentation:**

The applicant, **Sylvia L. Wilson**, asked the Board if she did not need to apply for the special exception, could she receive a refund of the \$235.00 application fees?

**Protestants:** None.

**Additional Comments:**

Mr. Gardner explained the Board can authorize a refund, but she will need to send a letter requesting the refund, which will be heard on August 27, 1996.

**Case No. 17458**

**Action Requested:**

A Variance to allow a 1,500 SF accessory building in a RS-1 district. **SECTION 402.B.1.D. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 8968 East 14th Street.

**Presentation:**

The applicant, **Mark D. Hailey**, 8968 East 14th Street, submitted a site plan (Exhibit F-1) and stated the reason for the 1500 SF building is because he is setting on an acre of land 132' x 305' deep and he has a 2057 SF house with no garage. He indicated he has a concrete storage building that is falling down. He explained he has five (5) vehicles, two (2) boats and a mower. He further explained he would like to house all of the listed above in the proposed building with a small woodworking shop in the back. He stated the 1500 SF building will be large enough to house everything so that the neighbors will not have to look at the vehicles parked out on a concrete pad in the middle of the back yard.

**Comments and Questions:**

Mr. White asked the applicant if he anticipated any commercial activities being conducted in the new building? He stated it will be for storage and hobby use only.

Mr. White asked the applicant if there will be any living quarters where it could be used as a dwelling? The applicant asked Mr. White if he meant would someone be sleeping in the building? Mr. White answered affirmatively. The applicant stated there will be running water, but no one will be living in the building.

Mr. White asked the applicant if he planned to remove the concrete block shed when the new building is built? He answered affirmatively.

Ms. Turnbo asked the applicant if there will be any sales of hobby items from the building? He answered negatively.

**Protestants:**

Hank Brent, representing the Mingo Valley Homeowner's Association, stated he had two issues regarding the association and one issue personally. He explained he has received numerous calls about the size of the building proposed. He further explained the building is about 1 1/2 times larger than a double car garage and so the size is an issue. He stated the other issue is the possibility of a business moving into the building this size. He further stated the area already has two (2) businesses that the association is trying to shut down. He explained Mr. Hailey could sale his property and the new owner may try to open a business. He further explained he has an issue regarding the water flow through the area. He stated the water runs between his lot and the neighbors, which is one lot over from the applicant. He further stated when there is a hard rain the water in his neighbor's yard stands about up to his thigh. He explained his yard is up shin deep and on the west shoe top level. He further explained all of the water drains through the area where the applicant wants to put the building. He stated he has real concerns with allowing anything in the subject area that will block the drainage of the water. He further stated the neighborhood has already experienced two (2) businesses moving into the area. He explained a 1500 SF building is larger than most of the homes in the area.

Al Nichols, 8525 East 16th Street, representing the Mingo Valley Home Owner's Association, stated the neighbors would have no objections to the applicant building a reasonable building that would be approximate dimensions of a two (2) car garage. He further stated a 1500 SF building is larger or equivalent to most of the homes in the area. He commented the proposed building will be doubling the size of the structure on the lot.

**Applicant's Rebuttal:**

Mr. Hailey stated the pictures show other buildings of the same size or larger than the proposed building within the neighborhood. He further stated the proposed building will be on the crest of a hill and the water comes down the east side, runs through the patio and onto the neighbors yard. He explained he did not move the water flow because he does not want his house to flood. He stated he plans to keep the property for a while. He further stated his neighbors directly across the street and next door do not have a problem with this application. He explained a two (2) car garage is not large enough to house his boats and vehicles, which will cause the vehicles to be parked in the yard on another concrete pad.

**Comments and Questions:**

Mr. White asked the applicant if the photos he submitted reflect the type of building he is going to install? He answered affirmatively. He stated the building will be prefabricated steel with tan coloring to match the house.

Mr. Bolzle asked Mr. Brent if he had a rather large building on his lot? He stated most of the buildings were built before it was in the City limits. He further stated the buildings were not subject to zoning at the time.

Mr. Bolzle asked Mr. Brent if his primary concern is the possibility that the building could be converted to commercial use as well as your concerns about storm water issues? He answered affirmatively. He stated there is no guarantee on how long we will live, Mr. Hailey could have an accident, he and his wife could be killed, his property is put up for sale. He further stated someone could buy the property and install a business.

Mr. Bolzle asked the staff if Mr. Hailey's proposed sight is in a City regulated floodway or floodplain? Mr. Beach stated he did not pull up a copy of the flood map.

Mr. Brent stated he did not know for sure, but he thought the subject lot is located in a floodplain. He further stated the house west of him had to buy flood insurance.

Mr. Hailey stated when he purchased his home he had to have flood insurance, but at the time of closing the Corp. of Engineers had upgraded the land and therefore he is not required to have flood insurance currently. He further stated that several of the pictures he submitted, of similar buildings as the proposed, have been installed in the last five (5) years. He explained that if he were to ever open his building up for a commercial building, with the area being zoned as residential, that would give the neighbors legal recourse.

Mr. Bolzle asked the applicant if the upgrading was the result of the Mingo Creek improvements? He answered affirmatively.

Mr. Gardner stated that in the past when the Board was concerned about the possibility that a large building would be used for a commercial business, the Board has required the filing of a document with the clerk's office that would run with the land stating the large building cannot be used for commercial purposes. He explained the document will put any future buyers on notice that the building cannot be used for commercial use.

Mr. White asked the staff if the document is adequately binding? Mr. Gardner stated the document would be picked up in the abstract when it is brought up to date for sale.

Mr. Bolzle asked the staff if the applicant's building permit would go to stormwater management as a matter of course? Mr. Gardner stated he believes the stormwater management will look at the plan, but it is no longer in a floodplain. He further stated certain size buildings require a review by stormwater management, but there may not be any requirement on this subject lot since it is no longer in a regulatory floodplain for stormwater to actually review this application.

Mr. Bolzle stated the large lots seem to appeal to people who would want to have an out building where they could have a personal shop or where they could work on their own personal cars, etc.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Box "absent") to **APPROVE** a **Variance** to allow no greater than a 1,500 SF accessory building in a RS-1 district. **SECTION 402.B.1.D. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6, per plan submitted; subject to the land owner filing a use restriction of record with the county clerk for this property which prohibits the use of the structure for commercial purposes now or in the future; subject to the out building not having cooking facilities; subject to the location being approved by stormwater management; finding that the approval of this application as restricted will not be injurious to the

Case No. 17458 (continued)

neighborhood, nor harmful to the spirit and intent of the Code; on the following described property:

Part of the S/2, SW/4, NE/4, Sec. 12, T-19-N, R-13-E of the I.B.M., Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, more particularly described as follows: Beginning at a point 2007.13' S and 805' E, NW/c, NE/4, Sec. 12, T-19-N, R-13-E, thence S 305', thence E 132', thence N 305', thence W 132' to the POB

**Case No. 17459**

**Action Requested:**

A Special Exception to allow a home occupation (beauty shop). **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 4728 North Elgin Avenue.

**Presentation:**

The applicant, **Alvin L. Woodrow**, 4728 North Elgin Avenue, submitted a site plan (Exhibit G-1), photos (Exhibit G-2) and stated he bought the subject home one year ago. He further stated his girlfriend, Elaine Scott, is a hairdresser and prefers to work in the home. He explained the two car garage has been converted into a beauty salon and Ms. Scott will be the only operator in the shop. He further explained he installed a bathroom and it is equipped for handicapped accessibility. He stated he has room to park four (4) cars in his driveway, however he is going to widen the driveway to insure he has adequate parking area. He revealed that the Code Enforcement Officer told him a neighbor filed a complaint stating he couldn't get in or out of his driveway due to the salon. He stated the cars parked in his neighbors driveway has never been moved for the year since he has lived in the neighborhood. He further stated he wanted to get along with everyone in the neighborhood and when he converted the garage into a beauty shop he didn't realize it was going to cause problems. He commented he talked with the pastor at the church across the street and the pastor has no problem with the beauty salon. He further commented he discussed the beauty salon with several neighbors and they do not have any problems with the beauty shop in the neighborhood. He indicated there are never any cars parked on the street at anytime. He indicated the customers' appointments are staggered so there are never two women waiting at one time.

**Comments and Questions:**

Mr. Bolzle asked the applicant if there were any other beauty salons or barber shops in the area? He stated there is one on 46th Street, which is approximately 1/4 mile from his home. He further stated there is a barber shop on the south side of 46th Street.



Mr. Bolzle asked the applicant if there was a beauty salon located at 4720 N. Elgin, which would be approximately two (2) houses south of his home? He stated he did not know if there was a beauty salon located there. He further stated he does not know anyone's business on the street.

Mr. White asked the applicant if there any tanning facilities? He stated the shop will be strictly hairdressing, no tanning or finger nails.

Ms. Turnbo asked the applicant what the hours and days of operation will be? Ms. Scott stated she works Tuesday through Friday, 6 customers a day, 10:00 a.m. to 7:00 p.m., Saturday 9:00 a.m. or 9:30 a.m. to 5:00 p.m.

**Protestants:**

M.J. Oakley, 4733 North Elgin, stated his home is directly across the street from the subject property. He further stated the cars in his driveway will run and they are up to date cars, but the issue is the beauty shop in the home. He commented the applicant stated there are other beauty shops in the area, however they are not in the home, they are located in the business areas. He explained he has owned his home for 19 years and he works at night. He further explained he moved into the area because it is quiet and because there are no straight through streets. He stated he has been awakened at 7:00 a.m. with customers honking their horns. He further stated he cannot leave windows open on cool days because of the noise. He explained there has been a business running out of the subject property for several months and when he comes home from work there is litter on his lawn from the business. He stated it is very important that he sleeps in the morning, but he hears doors slamming, conversations from this residence. He indicated the City Codes were not met when the beauty salon was started and the traffic has stepped up since the business started. Mr. Oakley stated he wanted to get along with the neighbors, but he is not setting up a business in his home to disturb the neighbors. He further stated the customers play loud music and he cannot sleep. He expressed concerns of the beauty salon bringing down the property value. He indicated there are four (4) to five (5) cars parked in the driveway of the subject property. He further indicated the customers have parked their cars across the neighbor's driveway. He commented he plans to retire at his present location and would like to enjoy his home and neighborhood. He stated he is opposed to this application.

Jane Malone, 4735 North Detroit, President of the Chamberlain Area Neighbors, stated the majority of the organization oppose the application of Alvin Woodrow for a special exception to allow a home occupation on the property located at 4728 North Elgin. She further stated she lives directly behind the subject lot and the business has been operating for quite some time. She indicated that Ms. Lilly Brown, Ms. Minyan Burton, Ms. Brooks, Mr. Oakley and I have lived in the neighborhood for in excess of

15 years. She further indicated the reason the neighbors moved into the area was because it was -a neighborhood, not a business area. She explained the neighborhood is zoned for residential and not business. She further explained the neighbors would like the area to remain a neighborhood. She stated the neighbors object based on the following reasons: Increased traffic in the area; insufficient parking; the beauty shop should be located in a business district or an area presently zoned for such uses. She further stated if the neighborhood allowed an exception for the beauty salon there will be others to follow. She commented the beauty salon will attract business traffic into the neighborhood and the neighbors do not feel it is proper to do things that generate commercial activity outside, which would or could include clients parking on the street. She further commented merchandise and services will be sold from this subject property. She stated the neighborhood does not have a real street with curbs and drainage. She further stated the street is constructed of asphalt with bar ditches. She indicated the subject home is located in the middle of a block, not on a corner. She commented she realizes in Tulsa there are certain home businesses that area approved by right, but this applicant has already changed the structure, which has taken away from the residential character of the home. She expressed the allowance of this business will definitely change the characteristics of the residential neighborhood. She commented it is a more convenient, cheaper alternative for Mr. Woodrow to want a beauty shop in his home for his girlfriend, but if he changes girlfriends will the different girlfriend want a different business? She further commented if a person is about business than that person should place their business in an area that is zoned for business. She indicated the Mr. Woodrow is not far from a shopping center that is in need of tenants, so therefore, Mr. Woodrow could place his beauty shop in the shopping center that has parking available. She submitted a petition (Exhibit G-3) with approximately 50 signatures opposing this application. She commented the neighbors are proud of their neighborhood and want it to remain a neighborhood, not a businesshood. She stated the neighborhood welcomes Mr. Woodrow as a neighbor, but not his business. She requested the application to be denied.

Algerita Brooks, 4726 North Frankfort Avenue, stated she represents two entities this afternoon, The Suburban Acres Neighborhood Association, which has been newly formed. She further stated the association is pressing for some positive things to occur in the subject neighborhood. She explained the neighborhood want to encourage more homeowners to move into the neighborhood. She commented the neighborhood does welcome Mr. Woodrow, but the association discourages home business. She stated she is also Co-Chair of Planning District 25, and we are desperately and vigorously working for the first time in many years to upgrade the community. She further stated the neighborhood is located in an extremely low income area and are experiencing a great influx of in-home businesses. She indicated the in-home businesses is one of the uses the association is trying to

discourage because of low home ownership in the area. She stated the area has 50,000 adult residents over 18, but only 10,000 that are actually homeowners. She further stated that 40,000 people are renters in the area and creates a great travesty for the district. She indicated the district has been able to generate a community interest more so than in the past 20 years and because of this the district is working diligently to encourage homeowners in the area to draw commercial business. She explained the district encourages commercial business in the area, but at that juncture we are hoping they will house their businesses in a commercial area. She further explained the district is hoping for 46th Street to be a viewer site and there are many vacancies in the area. She stated the district encourages all businesses to come and locate on 46th Street. She further stated at this particular time, as representative of Planning District 25 and Suburban Acres Homeowners Association, we discourage an in-home business.

Minyan Burton, 4922 North Detroit, stated just recently the Chamberlain Park was improved and looks really nice. She further stated her main concern is increased traffic caused by in-home businesses. She explained she opposes this application and would rather see it located in a business zoned location. She further explained she has concerns for the chemicals going down the drain and the sewage. She stated there are several homes in the area that are vacant and she is unsure that anyone will buy the homes with a business located there.

**Interested Parties:**

Joann Horton, 4736 North Detroit, stated she moved into the area six (6) years ago and recently bought her home two (2) years ago. She indicated in the six (6) years she has lived in the neighborhood she has not noticed any increase in traffic. She further indicated she has known Mr. Woodrow for eight (8) years and has known Elaine Scott for almost five (5) years. She explained Mr. Woodrow has always lived a quiet life. She expressed she has no problem with Ms. Scott having a business in her home. She stated her sister-in-law lives two (2) houses down from her and she has no problem with the business. She further stated she drives by the subject property during the day and most of the time she has not noticed any vehicles in the street. She commented the neighbor across the street did have cars parked out in front and was almost blocking traffic.

**Applicant's Rebuttal:**

Ms. Scott stated she has been a beautician for 11 years and she doesn't have a lot of customers coming back and forth. She indicated she had a business permit before starting the beauty salon. She stated there are no hair products sold out of her home. She explained that her customers are older and very respectful people. She commented she enjoys working at home and would like to continue.

**Comments and Questions:**

Mr. Bolzle asked Ms. Parnell, Code Enforcement, if a complaint was filed on the applicant's home business? Ms. Parnell stated Mr. Ballentine received the complaint.

Mr. Ballentine stated he received a complaint from the neighborhood regarding the home occupation. He further stated on investigation it was determined that they were converting the garage into a beauty salon. He explained at the time of the complaint the beauty salon was already going through the inspection process through the permit office. He stated he notified the permit office that the applicant needed to apply for a home occupation. He commented the permit office may not have been aware that the conversion was for a home occupation, since the permits were issued for remodeling of the garage. He indicated there is a traffic situation in this area. He explained the streets do not have curbs and it is a consideration.

Mr. Bolzle asked Mr. Ballentine how many physical inspections he made on the subject lot? He stated he was in the area on two different occasions while working on other complaints in the neighborhood and had several opportunities to drive by the subject lot. He indicated there is a parking problem due to the narrow streets and being an older residential neighborhood. He stated there are cars parking half on the street and half on the grass type of situation.

Mr. Bolzle asked Mr. Ballentine if there appeared to be a parking problem at this particular location as a result of this business? He stated he couldn't really tell, however one time he observed there was a client at the residence and there were two vehicles in the driveway and one on the street. He further stated it is a congested area.

Ms. Turnbo stated she has a problem with this application because it is probably a very fragile neighborhood and this could be a detriment to the neighborhood. She further stated there have been complaints of noise, driveways being blocked by customers. She indicated she will not be in favor of a home occupation in this neighborhood.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Box "absent") to **DENY** a **Special Exception** to allow a home occupation (beauty shop). **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the approval of this request will be detrimental to the neighborhood nor in harmony with the spirit and intent of the Code; on the following described property:

Lot 4, Block 8, FAIRHILL 2nd Addition, addition to the City of Tulsa, Tulsa County, State of Oklahoma.

**Case No. 17460**

**Action Requested:**

A Variance to locate a business sign for Studio Plus on a lot other than where the principal use is located. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 6, located SE/c Skelly Drive & East 31st Street.

**Presentation:**

The applicant, **JIMCO Sign/Jim Compton**, withdrew this application.

**Protestants:** None.

**Case No. 17461**

**Action Requested:**

A Variance of the required 20' rear yard to 5' to allow an addition to an existing encroaching structure. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, and a Variance of the required 5' side yard to 3'.6" to allow an existing encroachment. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 507 South 39th West Avenue.

**Presentation:**

The applicant, **Kayla D. Scott**, 507 South 39th West Avenue, submitted a site plan (Exhibit I-1) and stated she has lived in her home for seven (7) years, which is a very small home. She further stated when she bought the home she only had two (2) children and now she has four (4) children. She indicated that with four (4) children she needed more room in her home. She stated her home is setback farther than the 20' required and she wants to lengthen what is already in existence. She explained by lengthening the home is the most economical way to build on.

**Protestants:** None.

**Comments and Questions:**

Mr. Gardner asked the applicant if her home sets on the back of the lot and the other homes are on the front of the lot? She explained all the houses are on the back of the lots.

Mr. White stated in the area of the subject property there are several houses that set near the year of the property.

Case No. 17461 (continued)

Mr. White asked the applicant if the storage building will remain after the addition is made? She indicated the storage building would remain on the property after the addition is built.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Box "absent") to **APPROVE** a **Variance** of the required 20' rear yard to 5' to allow an addition to an existing encroaching structure. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, and a **Variance** of the required 5' side yard to 3'.6" to allow an existing encroachment. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the approval of this request will not be injurious to the neighborhood, nor to the spirit and intent of the Code; on the following described property:

Park View Place Addition, Lot 3, Block 5, City of Tulsa, Tulsa County, State of Oklahoma.

**Case No. 17462**

**Action Requested:**

A Special Exception to permit a temporary trailer to provide additional classroom space at a public school. **SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 2, located 1770 East 61st Street.

**Presentation:**

The applicant, **Aaron Peters/Tulsa Public Schools**, 1555 North 77th East Avenue, submitted a site plan (Exhibit J-1) and stated the trailer is needed due to the increase of enrollment at McClure Elementary School.

**Protestants:** None.

**Comments and Questions:**

Mr. Bolzle asked the applicant if the new trailer is between the existing trailers and the school itself? He answered affirmatively.

Case No. 17462 (continued)

Mr. Bolzle asked the applicant if the trailer extends any farther toward the residential neighborhood? He stated the trailer does not extend out toward the residential.

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Box "absent") to **APPROVE** a **Special Exception** to permit a temporary trailer to provide additional classroom space at a public school. **SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; 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:

Being a part of the E/2, NW/4, NE/4 of Sec. 6, T-18-N, R-13-E, Tulsa County, Oklahoma, and more particularly described as follows: Beginning at the NE/c, W/2, NW/4, NE/4 of said Sec. 6, thence S for 1309.69' to a point said point being the SE/c, W/2, NW/4, NE/4 aforesaid; thence E along the S line of the E/2, NW/4, NE/4 for 510.05' to a point, said point being on the W boundary line of Pecan Acres Addition, filed of record June 27, 1946, and being Plat No. 1288; thence N along the W boundary line of Pecan Acres for 1307.47' to a point, said point being the NW/c, Pecan Acres aforesaid; thence W along the North line of said Sec. 6 for 510.00' to the POB, containing 15.321 acres more or less, City of Tulsa, Tulsa County, State of Oklahoma.

**Case No. 17463**

**Action Requested:**

A Variance to allow parking on a lot other than where principal use is located. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING** - Use Unit 11, located NW/c 17th Place and South Utica Avenue.

**Presentation:**

The applicant, **Triple-S, Ltd.**, represented by Michael Sager, 1156 East 61st Street, submitted a site plan (Exhibit K-1) and stated that since the mid-1950's there are two lots on Utica at 17th Place South that have been operated since the 1950's as the "Old Glenn Nelson Photo Studio" properties. He indicated on the corner of 17th Place and Utica there is a stone structure and proceeding north from the stone structure there is an asphalt parking lot. He further indicated that proceeding north from the asphalt parking lot there is a brick structure. He stated the two properties were under the Nelson owner ship since the '50's and were acquired a year ago by Triple-S, Ltd. He explained that the need for a tie agreement for the two lots was recently brought to their attention in order to facilitate the north structure to be able to use the parking lot, which is partially housed on the south property. He requested a variance to allow Tract A to be allowed to use a portion of the asphalt parking lot located on Tract B, which adjoins Tract A. He stated the parking lot has been used by Tract A since the 1950's.

**Protestants:**

Cynthia Carter, 1711 South Troost Avenue, stated her home backs up to Victoria. She stated she is trying to get a clarification on where the parking lot is located and if it will be against her property?

In response to the applicant's site plan and directions, it was determined that the parking lot was not located near the protestant's property. The protestant therefore did not oppose this application.

**Comments and Questions:**

Mr. White asked the staff if there were any problems with the number of parking spaces? Mr. Beach stated he did not notice any problems. He further stated he did not have enough information to calculate the number of required parking spaces. He explained he did not know what the uses or the size of the building.

Mr. Bolzle asked the applicant if basically what he wanted is to share the parking between the two buildings? He answered affirmatively.

Mr. Gardner stated the parking may have been considered nonconforming under the Code, but there was no provision that tied the two lots together to share the parking. He further explained the other property to the north started utilizing the lot and there was nothing in the record that allowed the shared parking.

Mr. Bolzle asked the staff if they were recommending that the two lots enter a tie contract? Mr. Gardner stated a tie contract was needed to satisfy the parking requirements for both of the uses.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Box "absent") to **APPROVE** a **Variance** to allow parking on a lot other than where the office uses are located. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING** - Use Unit 11; per plan submitted; subject to a tie contract; finding that the approval of this request will not be injurious to the area, nor harmful to the spirit and intent of the Code; on the following described property:

Tract A: all of Lot 3, Block 18, and the E 10' of vacated alley, Amended Plat of Block 18, 19, & 20, Orcutt Addition, City of Tulsa, Tulsa County, State of Oklahoma according to the recorded plat thereof. Tract B: E 50', Lots 4, 5 & 6, Block 18, amended plat of Block 18, 19 & 20, Orcutt Addition, City of Tulsa, Tulsa County, Oklahoma.



## **Case No. 17464**

### **Action Requested:**

Special Exception to waive the screening requirement along property lines adjacent to I-44. **SECTION 1212. USE UNIT 12. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS; USE CONDITIONS**, and a Variance to permit an outdoor advertising sign to be located outside of an expressway corridor and to not be counted toward the allowable sign display surface area for Tract IV. **SECTION 1221. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**; Use Conditions for Outdoor Advertising Signs, located 500' West of South Memorial Drive, East 31st Street & I-44 Frontage Road.

### **Presentation:**

The applicant, **Phil Tomlinson**, representing 31st & Memorial, L.L.C., submitted a site plan (Exhibit L-1) and stated he is one of the owners of the property. He explained the property is located in the Landmark Business Park that was developed in the 80's. He further explained the property is located at I-44 and the Broken Arrow Expressway. He stated the property was acquired about a year ago and started developing. He indicated the property owners, Cracker Barrel Restaurant, found that whenever they applied for the building permit that you have to install a screening fence regarding being adjacent to R zoned property, which in this case is the interstate that is R zoned. He is requesting a special exception to waive the screening fence because the fencing would hide the restaurant from the interstate, not a residential area. He stated the second request Cracker Barrel Restaurant needs is a directional sign. He explained the restaurant will need a small 2' x 2' sign on Memorial Drive at the entry of the business park to direct customers to the restaurant. He further explained the sign is a 2' x 2' ground sign that will be off premise. He indicated if the restaurant had a left turn possibility or access from 31st Street, it would be easier to find the restaurant and the sign would not be needed. He explained there is a concrete median on 31st Street, which makes a left hand turn impossible. He stated he had asked in his request not to count the 2' x 2' sign in any other way toward what signage will be allowed on Memorial Drive, because the lot the sign will be located on is for sale to someone else who will need signage. He explained that the 2' x 2' sign will count against the lot as though it were a 500 SF billboard, but he has decided to withdraw this request and make an application later when he is sure what is actually being built on the lot.

### **Protestants:**

None.

**Comments and Questions:**

Mr. Bolzle stated the request seems to be a planned unit development without a PUD and the Board is making sign, floor area and various decisions on a lot per lot basis. He further stated it is difficult to keep the whole project in mind when we make these decisions. He agreed with Mr. Tomlinson that there probably is a real need to have an identification and directional signs on 31st Street and on the access road in order to direct traffic to all of the various businesses into the complex. He stated he was not sure how the Board can really properly evaluate each of these applications on a case by case basis. He commented this procedure for making decisions could create a problem in the future.

Mr. Gardner stated when the ordinance was first written there never was intended to be any prohibition against signs on streets that are not arterial streets, because every lot in the industrial subdivision that has only access to one of the industrial internal streets has the right to have a sign. He explained what happened in an effort to regulate numbers of signs in the commercial and industrial districts where they actually fronted an arterial, like a shopping center, the purpose of the ordinance was to limit signage so that not all tenants would be able to put up individual pole signs. The building inspector is saying you need permission to put a sign on a non-arterial street, even if it is the only street frontage you have to the business. He stated that is why Mr. Tomlinson needs the variance and is before the Board. He further stated the directional type sign is permitted 3 SF, but that would be basically an arrow to enter and that wouldn't tell people what they are looking for. He explained the proposed sign has the name of the restaurant on it and it makes the sign an off premise sign. He further explained it is not an outdoor advertising sign, but a small directional type sign, which still has some advertising on it so you have to have a variance. He stated if it was a PUD the sign would be allowed off premise to advertise the business, but short of that it requires a variance through this Board. He further stated the request that was withdrawn was a business sign, but it could be counted as an outdoor advertising sign and so therefore they had the right to put up a big billboard.

Mr. Bolzle stated he understands the reason why the applicant is before the Board, but there is no easy way for the Board to evaluate the impact of the Cracker Barrel Sign on the allowable signage that will remain available on the lot. He further stated that by the Board approving the directional sign, the Board is not prohibiting another ground sign on the lot but reducing the amount of sign area that would be allowed another pole sign.

Mr. Gardner stated the ordinance is specific that if you have arterial street frontage and if you have non-arterial street frontage, which would be 31st Pl., the ordinance does not allow you to count both streets. The only street that the applicant can count on this lot toward allowable signage is Memorial Drive. He explained if you have two free standing signs, your signage is cut in half. He further explained the signage will go from 2 SF per LF of frontage potential to 1 SF.

Mr. Bolzle stated the Board is put in a position of making decisions in this little slot and sometimes it has effects on much broader issues in a development like this that the Board does not think about and can't foresee. He further stated when you have a development such as this application and everything is understood as a planned unit, it is easier to make those kind of decisions. He stated a decision like this made repeatedly across a district could have a domino effect.

Mr. Tomlinson stated this development has three hotels located in it presently and a fourth hotel under construction. He further stated that each of the three existing hotels was built in the 80's and the one under construction, has had a variance of some nature. He explained normally it has been a F.A.R. variance because they are slightly over.

Mr. Beach stated it is possible that any of the lots could be split again and change the amount of signage they would be permitted. He further stated in this particular case tract 4, if you permitted the sign requested and required it to count against all of the signage permitted on the lot, there is no reason the lot couldn't be split again in an east/west direction and then the resulting tract to the south would be probably have adequate signage and the next tract would get more signage again.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Box "absent") to **APPROVE** a **Special Exception** to waive the screening requirement along property lines adjacent to I-44. **SECTION 1212. USE UNIT 12. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS; USE CONDITIONS**, per plan submitted; finding that the residential zoning is the expressway and approval of this request will not be injurious to the area, nor harmful to the spirit and intent of the Code; and a **Variance** to permit an outdoor advertising sign to be located outside of an expressway corridor. **SECTION 1221. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**; Use Conditions for Outdoor Advertising Signs; per drawing submitted for a 2'-4" x 2'-2 3/8" sign at the location the plan submitted; Board agreed to the applicant's withdrawal that the display surface area not be counted toward allowable sign display surface area for Tract IV; finding that the proposed off premise signs is a small directional sign and approval of this request will not be injurious to the area, nor harmful to the spirit and intent of the Code, on the following described property:

Tract I: All that part of Lot 2 & 3, Interchange Center, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the official recorded plat thereof, situated in the NE/4, Sec. 23, T-19-N, R-13-E, I.B.M., Tulsa County, Oklahoma, according to the U.S. Government survey thereof, more particularly described as follows; to wit: Beginning at a point NWly boundary of said Lot 2, SEly right-of-way of I-44, 1.21'

Case No. 17464 (continued)

from NW/c thereof; thence S89°55'15"E for 164.38'; thence S00°04'45"W for 1'; thence S89°55'15"E for 46'; thence S00°01'30"E for 235.79'; thence N89°56'29"W for 10'; thence S00°01'30"E for 60'; thence N89°56'29"W for 328.27'; thence S48°55'30"W for 146.31' to a point in Nly right-of-way of E 31st Ct S.; thence N41°23'34"W along the right-of-way for 124.74'; thence N03°45'58"E for 21.15' to a point in NWly boundary of said Lot 3, SEly right-of-way of I-44; thence N48°55'30"E along I-44 right-of-way for 423.37' to POB, containing 121,521 SF, or 2.78973 acres, more or less, Tract IV: All that part of Lot 1 & 3, Interchange Center, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the official recorded plat thereof, situated in the NE/4, Sec. 23, T-19-N, R-13-E, I.B.M., Tulsa County, Oklahoma, according to the U.S. Government survey thereof, more particularly described as follows to wit: Beginning at a point on E boundary of said Lot 1 for 166.88' from NE/c thereof; thence S00°01'30"E along the boundary of said Lot 1 & 3 for 299.81'; thence S45°01'01"W for 35.33' to a point in the N right-of-way of E 31st Ct. S.; thence N 89°56'29"W for 185.00'; thence N0°01'30"W for 194.00'; thence N89°56'29"W for 10'; thence N0°01'30"W for 60'; thence S89°56'29"E for 10'; thence N00°01'30"W for 70.79'; thence S89°56'45"E for 210' to the POB; containing 68,502 SF or 1.57260 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17465**

**Action Requested:**

A Variance to allow a ground sign on a non-arterial street. **SECTION 1221.C.9.a. BUSINESS SIGNS AND OUTDOOR ADVERTISING;** General Use Conditions for Business Signs - Use Unit 21, and a Variance of the required .50 F.A.R. to .54 F.A.R. to allow construction of a motel. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 19, located SW/c East 31st Street and South Memorial Drive, East 31st Court South.

**Presentation:**

The applicant, **Phil Tomlinson**, representing 31st and Memorial, L.L.C., submitted a hotel site plan (Exhibit M-2), sign drawing (Exhibit M-1), plot plan (Exhibit M-3) and photographs (Exhibit M-4). Mr. Tomlinson stated this site is adjacent to the Cracker Barrel on the south and this site has no frontage on an arterial street and therefore no rights to a pole sign. He further stated this request is for a monument sign that measures approximately 60 SF. He explained the hotel is an extended stay hotel with low intensity use. He stated there is sufficient parking, green area, landscaping. He explained the prototype is how many rooms the hotel can efficiently manage, the size of the rooms, marketing programs, so this is more than an architectural prototype, it is their product. He further explained that if you try to change the prototype you have to take off rooms, not square footage.

Case No. 17465 (continued)

**Protestants:** None.

**Comments and Questions:**

Mr. Bolzle asked the applicant if the hotel will have only one sign? He stated they will have an off-premise pole sign that qualifies as an advertising sign.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Box "absent") to **APPROVE** a **Variance** to allow a ground sign on a non-arterial street. **SECTION 1221.C.9.a. BUSINESS SIGNS AND OUTDOOR ADVERTISING;** General Use Conditions for Business Signs - Use Unit 21, and a **Variance** of the required .50 F.A.R. to .54 F.A.R. to allow construction of a motel. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 19, per plan submitted; finding the area has mixed zoning of OMH and CS and that the approval of this request will not be injurious to the area, nor harmful to the spirit and intent of the Code; on the following described property:

All that part of Lot 3, Interchange Center, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the official recorded plat thereof, situated in the NE/4, Sec. 23, T-19-N, R-13-E, I.B.M., Tulsa County, Oklahoma, according to the U.S. Government survey thereof, more particularly described as follows to wit: Commencing ENE/c said Lot 3; thence S00°01'30"E along E boundary of said Lot 3, W right-of-way of Memorial Drive, for 266.69'; thence S45°01'01"W for 35.33' to a point in N right-of-way of E 31st Ct. S.; thence N89°56'29"W along the right-of-way for 185' to the POB; thence N89°56'39"W along N right-of-way E 31st Ct. S. for 256.44'; thence on a curve to the right having a radius of 235' for 199.12'; thence N41°23'34"W for 24.44'; thence N48°55'30"E for 146.31'; thence S89°56'29"E for 338.27'; thence S00°01'30"E for 194' to the POB; containing 76,000 SF or 1.74472 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17466**

**Action Requested:**

A Variance to allow a business ground sign on a non-arterial street. **SECTION 1221.C.9.a. BUSINESS SIGNS AND OUTDOOR ADVERTISING;** General Use Conditions for Business Signs - Use Unit 21, a Variance of the required .50 F.A.R. to .52 F.A.R. to allow a motel. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 19, and a Variance of the requirement to screen from an abutting R district (Freeway right-of-way). **SECTION 1219. USE UNIT 19. HOTEL, MOTEL AND RECREATIONAL FACILITIES** - Use Conditions, located 3400 South 79th East Avenue & I-44.

**Presentation:**

The applicant, **Phil Tomlinson**, representing 31st and Memorial, L.L.C., submitted a site plan (Exhibit N-2), plot plan (Exhibit N-1), sign drawing (Exhibit N-3) and photographs (Exhibit N-4). Mr. Tomlinson requested the waiver of the screening from an abutting R district, which is a freeway. He stated it is an R district but there are no houses because it is the Broken Arrow Expressway and I-44. He further stated the hotel would like the screening waived to prevent the view from the freeways being blocked. He explained the signage in front of the motel will be a small monument sign measuring approximately 35 SF. He stated the motel by right will have a pole sign out toward the Interstate. He further stated the motel is a limited service with extended stay. He explained the motel is a low intensity use adjacent to what could likely be a Corridor zoning use.

**Protestants:** None.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Box "absent") to **APPROVE** a **Variance** to allow a business ground sign on a non-arterial street. **SECTION 1221.C.9.a. BUSINESS SIGNS AND OUTDOOR ADVERTISING; General Use Conditions for Business Signs** - Use Unit 21, a **Variance** of the required .50 F.A.R. to .52 F.A.R. to allow a motel. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 19, and a **Variance** of the requirement to screen from an abutting R district (Freeway right-of-way). **SECTION 1219. USE UNIT 19. HOTEL, MOTEL AND RECREATIONAL FACILITIES** - Use Conditions; per plan submitted; finding that the R district is an expressway and the area is mixed CS and OMH zoning and approval of this request will not be injurious to the area, nor harmful to the spirit and intent of the Code; on the following described property:

All that part of Lot 3, Interchange Place, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the official recorded plat thereof, more particularly described as follows to wit: Commencing SW/c of said Lot 3; thence N18°34'40"W along the Wly boundary of said Lot 3, Ely right-of-way of I-44, for 256.12'; thence N06°09'05"E along the Wly boundary of said Lot 3 for 55.34' to POB; thence N89°57'52"E for 531.95' to a point E boundary of Said Lot 3, W right-of-way line of S. 79th E. Ave.; thence S00°02'08"E along the E boundary of said Lot 3 for 74.87'; thence on a curve to the right having a radius of 107' for 11.79'; thence S06°16'31"W for 0'; thence S89°57'52"W for 25.20'; thence S64°19'57"W for 157.90'; thence S67°06'51"W for 80'; thence S89°57'52"W for 251'; thence N18°34'40"W parallel to and 1' from the Wly boundary of said Lot 3, Ely right-of-way of I-44, for 63.13'; thence S71°25'20"W for 1' to a point in Wly boundary of said Lot 3; thence N18°34'40"W along the Wly boundary for 75.35'; thence N06°09'05"E

Case No. 17466 (continued)

along the Wly boundary of said Lot 3 for 55.34' to POB, containing 83,947 SF or 1.92716 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17467**

**Action Requested:**

A Variance to permit a Corridor development's access to be from an arterial street.  
**SECTION 804. ACCESS REQUIREMENTS** - Use Unit 2, located South of the SE/c 81st Street and Mingo Road.

**Bob Gardner out at 3:45 p.m.**

**Michael Romig out at 4:00 p.m.**

**Presentation:**

The applicant, **Roy Johnsen**, stated he understood this case had a defective notice and would need to be re-advertised for the August 27, 1996 meeting.

**Protestants:** None.

**Comments and Questions:**

Mr. Beach confirmed Mr. Johnsen's statement and stated the case will need to be continued to August 27, 1996. He further stated the map was incorrect, but the legal description was correct on the notice sent out. He explained the correction has been made and re-advertised, but it will need to be on the August 27, 1996 meeting.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Box "absent") to **CONTINUE** Case No. 17467 to August 27, 1996 at 1:00 p.m. to allow time for re-advertising with a corrected notice.

**Case No. 17468**

**Action Requested:**

A Special Exception to permit a mobile home sales in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS**, and a Variance of the required all weather surface. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 17, located SE/c Mingo Road and Admiral Boulevard.

**Presentation:**

The applicant, **Wayne A. Williams**, represented by Roy Johnsen, stated his client is under contract to purchase the property at the SE/c of Mingo Road and Admiral Boulevard where the traffic circle is located. He further stated the general use question, which would be the request for a special exception to permit use unit 17, the zoning map and surrounding land use make the case very strongly. He explained that Use Unit 17 is permitted by right in CG and CH zoning and both the northwest/northeast corners are zoned CG and CH. He stated the use his client is seeking would be permitted by right at two other corners of the intersection. He indicated that the southwest corner has an existing manufactured home sales lot approved by this Board in 1992. He stated the nature of the use seems well confirmed by zoning and past actions. He explained the variance of the all-weather surface requirement is customary and was utilized in the action located at the southwest corner. He stated his understanding of the Board's past policy in effect it is a recognition that the manufactured homes setting on gravel is not the same as the normal traffic load that a retail store would have. He further stated to require all of the area to be hard surfaced puts an economic strain on the use that is probably unnecessary. He indicated in most instances with which he is familiar, the Board has required that the office area and the customer parking be hard surfaced as well as the entry drive and then waive the requirement on the balance of the manufactured home sales lot. He explained the lot is fairly small and the client understand he will need to comply with the floodplain ordinances in the AG zoned area of the lot. He stated the client understands the manufacture home activities will have to be conducted outside of the floodplain area. He requested the Board not to require a site plan and suggested a language development standards. Mr. Johnsen submitted development standards (Exhibit O-1) and stated the entry drive be all-weather surfaced, 20' in width extending from the arterial to the sales lot office. He further stated he anticipates approximately 10 parking spaces in front of the sales lot office that will be hard surfaced. He indicated the access points shall meet the requirements of the City of Tulsa Traffic Engineering and the Manufactured home sales, display, storage shall be conducted within the CS-Commercial Shopping zoned portion of the property. He commented in the past the Board has approved applications subject to submission of a site plan, which will be docketed without notice, and he is willing to do so. He explained he did not have a site plan that is sufficiently accurate to submit to day (Exhibit O-2), which generally the Board approves per plan submitted and this could create a problem later. He indicated he would be in agreement with submitting a site plan to be reviewed by Staff and if the Staff is not satisfied with the site plan then he would come before the Board again.



**Comments and Questions:**

Mr. Bolzle asked the Board if they thought it was important to limit the number of mobile homes displayed? Mr. Johnsen explained the site plan submitted was submitted before he was hired to represent Mr. Williams and the most recent site plan shows 25 mobile homes, however after a follow up with the client the number has changed to approximately 15 mobile homes. He further explained the majority of the mobile homes are sold by order, which means the mobile homes on site are models. He stated if the Board needs a number limitation, given the floodplain area, 20 mobile homes would be the absolute maximum and 15 mobile homes is more likely.

Mr. White stated the limit of mobile homes on site are self imposed because of the floodplain line, driveway and the size of the lot. Mr. Johnsen stated he tried to analyze the site plan that was submitted to him with the greater number of mobile homes shown and he didn't see how there could be more than 15 mobile homes shown on the lot, but he isn't sure.

Mr. Bolzle asked the applicant if he would agree that not only the parking, but the drives accessing the parking be all-weather? Mr. Johnsen stated the access drives will be hard surfaced with at least 10 parking spaces that will be hard surfaced (paved).

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Box "absent") to **APPROVE** a **Special Exception** to permit a mobile home sales in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS**, and a **Variance** of the required all weather surface. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 17, subject to the development standards supplied by the applicant as follows: 1) The customer entry drive shall be all-weather surface not less than 20' in width and extending from the public street access point to the sales office parking area; 2) Customer parking shall be located at the sales office and shall contain not less than 10 all-weather surface spaces; 3) access points shall meet the requirements of the City of Tulsa Traffic Engineering and 4) Manufactured homes sales and display storage shall be conducted within the CS-Commercial Shopping zoned portion of the property; subject to a site plan approved by Staff; finding similar usage in the area and that the approval of this request will not be injurious to the area, nor harmful to the spirit or intent of the Code; on the following described property:

Lot 1, Block 1, Van Estates III, City of Tulsa, Tulsa County, Oklahoma.

## **Case No. 17335**

### **Action Requested:**

Variance to permit 15 of the required parking spaces to be located on a lot other than the lot containing the principal use. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS** and a Variance to permit expansion of a nonconforming structure to add a drive-thru on the north side of the building. **SECTION 1405.A. STRUCTURAL NONCONFORMITIES** - Use Unit 12, located 2115 North Cincinnati Avenue.

### **Comments and Questions:**

Mr. Beach informed the Board that this case has already been heard and approved by this Board, however the applicant was seeking some clarification of one of the conditions that was imposed concerning a screening fence on the north side. He explained that after looking into the file and reading the minutes, it was discovered that Mr. Parker was improperly advertised originally. He stated the case has been re-advertised to include all of the lots that are being used and he is now properly before you. He further stated the applicant is asking the Board to re-approve the same request in light of the new legal description.

Mr. White asked Mr. Beach if there were other issues other than the clarification of the conditions imposed? Mr. Beach stated there are no other issues or changes, except for the re-advertising.

### **Presentation:**

The applicant, **Arlando Parker**, 207 East Young Place, stated there was a typing error on the legal description. He further stated he would like to clarify the issue of the privacy fence to the north. He explained Mr. Dwain Midget stated in his request from the community that the privacy fence extend 30' to the west of the northeast corner and in the minutes it states a full privacy fence of 150' from the northeast corner. He explained this could not be possible and have any business exposure from Cincinnati Avenue.

**Protestants:** None.

### **Comments and Questions:**

Mr. Bolzle asked the applicant to explain which side of the project he is talking about? He stated starting from the northeast corner there was to be a privacy fence directly west from the northeast corner for 30'.

Mr. Bolzle asked the applicant what the purpose for 30' of privacy fencing? He stated there is a residence across Woodrow that requested some sort of privacy at that specific point and the residence is 50' to the east and back 30' or 40' to the north.

Mr. Bolzle asked the applicant how 30' of privacy fence was arrived at? He stated it was an understanding with Mr. Midget and that it would be enough barrier for the residential home.

Mr. Bolzle asked the applicant, since this is the 20' parking space and 10' drive lane, the purpose of the privacy fence is to keep evening lights from shining across into the residential home? He answer affirmatively.

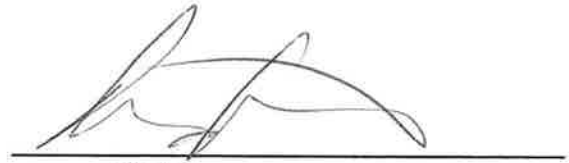
**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzle, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Box "absent") to **APPROVE Variance** to permit 15 of the required parking spaces to be located on a lot other than the lot containing the principal use. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS**, Use Unit 12; subject to the following agreed-upon conditions by the neighborhood and that were provided by Mr. Midget and the applicant (Exhibit D-1). 1.) Vehicular access to the development site be closed to the north along Woodrow Street in order to prevent commercial traffic from flowing into the residential area; 2.) The development project shall be screened from view along the property line adjacent to the residential property to the east and north of the development site and limited to 30' in length, screening should also be provided along the south boundary line adjacent to the existing commercial property; 3.) Screening should be designed to help enhance the visual character of the neighborhood and buffer certain adverse effects associated with commercial property that abuts residential property; 4.) Adequate lighting shall be provided on the development site, but the height and location of light should not adversely impact residential property adjacent to the site; 5.) Hours of operation shall be between 7:00 a.m. to 11:00 p.m.; 6.) Include as much landscaping as possible; and **APPROVE a Variance** to permit expansion of a nonconforming structure to add a drive-thru on the north side of the building. **SECTION 1405.A. STRUCTURAL NONCONFORMITIES** - Use Unit 12; subject to the approval of the traffic engineer; subject to a modification of the site plan if required by the traffic engineer finding the use per conditions to be compatible with the area and in harmony with the spirit and intent of the Code; on the following property:

Lot 6 & 15, Block 8 and Lot 6-15, Block 9, Meadowvale Addition Resub. and Lot 13, Block 1, Acre Gardens, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 4:15 p.m.

Date approved: SEPTEMBER 10, 1996

  
Chair