

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 743
Tuesday, February 10, 1998, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Cooper Dunham Turnbo White, Chair	Bolzle	Beach Chronister Stump	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 Monday, February 9, 1998, at 8:59 a.m., as well as in the Reception Area of the INCOG offices.

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

UNFINISHED BUSINESS

Case No. 17892

Action Requested:

Special exception to allow a manufactured housing in an IL zoned district **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 9** and a Variance to the all weather surface requirement for a parking lot. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, located 3 North Lawton.

Presentation:

Property owner, Andrea M. Ryan, 410 W. 7th St., #245, Tulsa, OK 74119, stated that the applicant, Sandra Edwards, was a tenant at 3 North Lawton. However, since the filing of the application the tenant has moved, thus the application for a Special Exception to permit manufactured housing is being withdrawn. A potential tenant is considering renting the building for an automotive restoration business. Over the years, portions of the gravel parking lot have been paved or covered with asphalt to accommodate employee and customer parking needs. The tenant has adequate space to park vehicles to be restored inside the building and the parking lot would only be used by customers and employees. The Variance is being requested because of a historical oak tree, was used as a hanging tree and is over 17' in

Case No. 17892 (continued)

circumference. The required parking lot surfacing would extend past the tree's drip line and if it were paved, would probably cause harm to the tree.

Comments and Questions:

In response to staff's question regarding the retaining wall, the owner stated that railroad ties were placed around the tree, the height of the railroad ties being about 6" above the ground around the tree.

Ms. Turnbo stated that the saving of the historic oak tree is the hardship. Mr. Dunham added that the owner doesn't seem to have an urgent need for parking.

Board Action

On **MOTION** by **TURNBO**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Bolzle "absent") to **WITHDRAW** Special Exception to allow a manufactured housing in an IL zoned district **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 9** and a Variance to the all weather surface requirement for a parking lot. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**, which meets the requirements of Section 1607C and the hardship being the historic hanging tree on the following described property:

Lots 2 & 3, Block 22, Owen Addition Amended, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 17895

Action Requested:

Modify a special exception condition established by the BOA in Case No. 14538 approved on July 9, 1987, limiting to 50, the maximum number of students in a preschool and daycare center, to allow the number of students permitted under the applicable licensing regulations of the City of Tulsa and State of Oklahoma for daycare centers and preschool programs. **SECTION 401 PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**, located at the SW/c 17th Street & South Peoria Avenue.

Presentation:

Charles Norman, 2900 Mid Continent Tower, stated that the synagogue's pre-school has Board approval for an enrollment of 50 students, but is licensed with the State of Oklahoma for 68 children. A new building proposal was presented and approved at the Board's last meeting. The architect has stated that the new building would accommodate 82 children. The synagogue is requesting that the enrollment limitation be amended to 82 children. Mr. Norman added that they have supplied information to the Maple Ridge Neighborhood Association and have met with the

Case No. 17895 (continued)

surrounding neighbors, and has satisfied their concerns regarding the building elevation.

Board Action

On **MOTION** by **TURNBO**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Bolzle "absent") to **APPROVE** a Special Exception condition established by the BOA in Case No. 14538 approved on July 9, 1987, limiting to 50, the maximum number of students in a preschool and daycare center, to allow the number of students permitted under the applicable licensing regulations of the City of Tulsa and State of Oklahoma for daycare centers and preschool programs. **SECTION 401 PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**, permit the maximum of 82 children, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare on the following described property:

Lots 1-24, Block 12, Morningside Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 17906

Action Requested:

Variance of the required 1,200' spacing from another outdoor advertising sign to 100' spacing. **SECTION 1221.F.2. USE CONDITIONS FOR OUTDOOR ADVERTISING SIGNS** located at the SW/c of North Detroit and East Davenport.

Presentation:

The applicant is requesting that this item be continued to March 24, 1998.

Board Action

On **MOTION** by **TURNBO**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Bolzle "absent") to **CONTINUE** Case No. 17906 to March 24, 1998.

Case No. 17908

Action Requested:

Variance of required number of parking spaces **SECTION 1225. USE UNIT 25. LIGHT MANUFACTURING AND INDUSTRY; OFF-STREET PARKING AND LOADING REQUIREMENTS** and a Variance to permit required parking to be located on a lot other than the lot containing the principal use **SECTOPM 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS**, located at 6205 East Tecumseh.

Presentation:

Bobby Heflin, 6205 E. Tecumseh, stated that there are eight parking spaces required (two for the small building and six for the large building). He is requesting a Variance so that the required parking for the smaller building can be part of the eight parking spaces available at the large building.

Comments and Questions:

Staff expressed their concern that the parking spaces would not meet the requirements of 8 ½' by 18' spaces with a 24' drive aisle at the angle reflected on the site plan. Without using the alley as the aisle, the applicant would only be able to have parallel parking along the building. Using the alley as the maneuvering area, the parking spaces would have to be at an angle, or a Variance would have to be obtained to reduce the 42' to the 37 ½' shown on the site plan.

The parking space requirement is 18' deep and a 24' aisle is required to allow for maneuvering in and out of the parking spaces whether parking is allowed on one or both sides of the aisle.

Mr. Heflin added that there has never been a problem with parking at this location. The two businesses combined only have three or four vehicles.

Interested Parties:

David Patrick, 200 Civic Center, stated that there are several small businesses in the Dawson area that do not have off-street parking. He would prefer to accommodate the parking situation and keep the businesses than to have vacant buildings at this location. The neighborhood association has no problem with the current parking practices.

Board Action

On **MOTION** by **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Bolzle "absent") to **APPROVE** Variance of required number of parking spaces **SECTION 1225. USE UNIT 25. LIGHT MANUFACTURING AND INDUSTRY; OFF-STREET PARKING AND LOADING**

Case No.17908 (continued)

REQUIREMENTS and a Variance to permit required parking to be located on a lot other than the lot containing the principal use **SECTOPM 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS**, on the following described property:

West 32.5 feet, East 80 feet, Lots 13-16, Block 19, Wooley's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17909

Action Requested:

Special exception to allow a mobile home in an RS-3 district **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS. – Use Unit 9** and a Variance of time limit to permanent **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS.** or in the alternative a Special Exception to allow duplex use across both lots **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 7** located at 1110 & 1114 North Gary Avenue.

Presentation:

Rick Reno, 1404 W. Woodward Pl., desires to place mobile homes, a duplex, or multi-family unit on these two lots. The revised drawing reflects a building that could be a four-unit with eight parking spaces; or it could be an eight-unit building with additional parking spaces across the front of the lot if the parking spaces could be located within the 25' setback. There are other multi-family units within the neighborhood, one approximately one block south and east that has about 16 units, and an industrial area about one-half block north. Given the values of the neighborhood, it would be difficult to justify building a new house on the lots. The lots were previously owned by Tulsa County and have not been in use for a number of years.

Staff added that the RS-3 zoning would allow a duplex or mobile homes with a BOA Special Exception approval. Multi-family use is not allowed under the current zoning and the BOA does not have jurisdiction to grant that usage.

Interested Parties:

John Fender, 901 N. Main, Sand Springs, owns rental property at 1120 N. Gary, just north of the two lots. He is totally opposed to the proposal of placing mobile homes or duplex on the two lots, and presented the Board with a petition of 24 names of other persons opposed to the proposal. He feels mobile homes or duplexes would lower the value of the surrounding properties, including the homes of four elderly women who are in poor health and could not attend today's meeting.

Herb Sellar, 1111 N. Gary, feels that mobile homes or a duplex would be a detriment to the neighborhood, property value, and safety because they are easily torn up during a storm. He expressed that mobile homes should stay in their segregated places.

Abe Bridgeway, 1116 N. Gary Pl., bought his property in 1970, and most of the surrounding neighbors have worked hard to pay for their homes and are opposed to the property value going down. Also, the two lots cannot be built on because they are located in a floodplain.

Bernie Clark, 2439 E. 47th St., owns property about four houses south of the lots. He understood that the permanent homes that once occupied the lots were destroyed by fire. The lots are surrounded by single-residential homes of substantial structure. He challenged the necessity of allowing mobile homes that would allow the degrading of the area to continue.

Mr. White informed the applicant that according to land records, there is a six-inch gap between the two properties.

Applicants Rebuttal:

Mr. Reno could not agree that mobile homes or a duplex on these lots would decrease the surrounding property value. If the application were denied, the lots would continue to be vacant. When the county owned the property the lots were unkept with empty bottles, old tires, over-grown shrubs, uncut grass, etc. If houses were built on the lots, they would not be worth the cost of building them, and there would be very little use for the lots for any other purpose.

Comments and Questions:

White stated that five letters of opposition have been received.

Cooper asked staff if the lots are suitable for a duplex based on the size. Staff responded that each lot would not meet the requirements for a duplex without a variance; however, if the duplex were to span the two lots, it would meet the requirement with the lots tied together. Mr. White stated that the six-inch gap between the properties should be researched, it may be an error in recording the legal description.

Mr. White asked if a single duplex on the combined lots would be feasible. Mr. Reno responded that it would be feasible to have one duplex on the two lots. A single-family home or mobile homes would not be feasible.

Case No. 17909 (continued)

In response to Mrs. Turnbo's question, Mr. Reno stated that the duplex would be constructed, it would not be a manufactured home.

Board Action

On **MOTION** by **TURNBO**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Bolzle "absent") on Case No. 17909 to **APPROVE** one duplex that would ^{expand} ~~expand~~ both lots with the condition that a site plan is presented to the Board for approval lots **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 7**; to **DENY** the Special Exception for mobile homes **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS. – Use Unit 9**; and to **WITHDRAW** the variance on the time limit **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS.** on the following described property:

Tulsa Garden Acres Sub, N 50', S 150', E/2 Lot 9 AND Tulsa Garden Acres Sub, S 69', N 169', E/2 Lot 9, LESS E 25' thereof, City of Tulsa, Tulsa County, Oklahoma

Case No. 17925

Action Requested:

Variance to allow required parking on a lot other than lot containing the principal use. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS** located at 3939 South Harvard.

Presentation:

John Crowdis, 616 S. Boston, Suite 400, explained that Impact Productions has purchased the building on Harvard, previously used as a furniture store. With changing the usage from mercantile to offices, the parking requirements increased to 158 parking spaces. There are 57 spaces on site, and they have a letter of agreement from an adjacent church making 125 spaces available to the company. The company would only use the church spaces from 8 a.m. to 5 p.m., Monday through Friday. The church owns its property, and the agreement is effective only as long as Impact Productions owns the building.

Interested Parties:

Eunice Hatcher, 3426 E. 40th St., is not opposed to the church parking lot, but rather the semi-trucks and buses that drive into the parking lot at all hours of the night, and the headlights shine into her bedroom.

Thomas Lurkey, 3430 E. 40th St., expressed several concerns about the safety of children, preschool and neighborhood, with so many cars parked in the lot; cars are parking in a way to block utility trucks from accessing man-holes in his back yard;

owners are accessing their parked cars at 2 a.m. being very loud; a diesel bus is parked at the end of the lot; and large daytime activities for the church, such as a funeral, could not be adequately serviced.

Elaine Cormidy, 4022 S. Jamestown Ave., has a bus setting 40' outside of her house that is as wide as her back yard. The bus was parked in this space all but three days since the first of November. The bus does belong to Impact Productions and they said they have been granted permission to park there because they were trying to sell the bus. The pastor of the church said he was helping out the company by letting them park there until the bus was sold but that there was no other angle that the bus could sit. The parking of the bus and semi-truck is a detriment to the value of the neighborhood.

Martha Harris, 3429 E. 40th St., stated that the noise levels have increased significantly. Traffic due to schools and the shopping centers are enough; we don't need large trucks driving in all night long.

Mr. White noted that the site plan is not consistent with the aerial photo, and shows approximately 50 to 60 additional parking spaces in the church lot that is not reflected in the description given. There is a letter from the church granting Impact Productions the use of their parking lot, but we don't have a legal description on the church. Mr. Beach stated that the legal description, case map, and aerial photograph are all consistent, but that the site plan is different.

Rosemary Peyton, owns rental property at 3419 E. 40th St., said her tenant is upset with all the buses, flashing of lights, etc. She talked with the BOA staff and understood that an 8' privacy fence should be installed. Impact informed her that they had not used their buses/truck since December and were in the process of selling these vehicles. The Peytons drove behind Impacts' building and found it very difficult to pass through, and assumed that Impact was in fact using the vehicles. She presented the Board with a petition of about 41 signatures.

Applicants Rebuttal:

Rod Tomee, 3939 S. Harvard Ave., representing Impact Productions, stated that the two buses and semi-truck are part of a touring production that are on the road 90% of the year, at home averaging 3-4 nights a month. While the semi uses the church parking lot to access Impact's parking lot, it never remains on the church lot due to the weight of the truck. Impact has purchased and installed parking and directional signs to Impact to enhance the safety of the preschool children. Impact employees enter at the Harvard access and once that lot is filled, we overflow into the church parking lot. Regarding the bus outside the lady's home, Impact will make other arrangements for the bus.

Comments and Questions:

Mr. White asked if all vehicles enter the lot from Harvard including the buses and semi. Mr. Tomee responded that it is possible to drive the truck into their lot from Harvard but it is a tight fit, so they have been driving through the church lot to enter their lot. He added that May 17, 1998 is the last night of the production team's touring events. After that date, Impact Productions will no longer need the three vehicles and they will be sold.

Dunham asked what line of business Impact Products was in. Tomee responded that Impact Productions is a ministry with various facets within it: the touring productions is Masterpiece Toy Master's Dream; produces TV commercials for churches across the country; produces films and made-for-TV movies; etc. There are approximately 60 full and part-time employees, with hours of operation of 8:30 a.m. to 5:30 p.m. In response to Mr. Dunham's question, Mr. Tomee stated that the majority of the employees occupy the building.

Ms. Turnbo asked if employees work over the weekend. Mr. Tomee responded that employees may come in at off times, but there is no schedule for weekend work. In response to White's question, Mr. Tomee stated that he could not accurately answer as to the number of staff vehicles being driven to work; however, an average of 15 vehicles per day are using the church parking lot.

Mr. Stump pointed out that the church is located in an RS-3 district that does not allow off-street parking except as accessory parking for a permitted use. This application is asking for an office use with off-street, accessory parking, which is not allowed in an RS-3 district.

Ms. Turnbo stated that they needed 101 parking spaces, noting that there is parking on a portion that was not advertised. White added that the legal description was incorrect. Mr. Romig recalled prior discussions of this application, and anticipated the parking to be located in CH district. He concurred with Mr. Stump and stated, the Board will not be able to allow this use in an RS-3 district.

Mr. Dunham stated that the church would have to rezone their parking lot to allow office parking.

Board Action

On **MOTION** by **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Bolzle "absent") to **DENY** Variance to allow required parking on a lot other than lot containing the principal use. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS** based on the change of use, and also note that the application was improperly advertised, on the following described property:

Case No. 17925 (continued)

That part of SW/4, Sec. 21, T-19-N, R-13-E, IBM, Tulsa County, Oklahoma, according to the US Government survey thereof; Beg. 481.75' N, of said SW/c, Sec. 21; thence E 285'; thence N 68.45', thence W 285'; thence S 68.45' to the POB AND the W 300', N 168.47', S 481.75', SW/4, SW/4, SW/4, Sec. 21, T-19-N, R-13-E, IBM, Tulsa County, Oklahoma, according to the US Government survey thereof, AND Beg. 155' E, SW/c, SW, thence E 327.6', N 313.28', W 327.6', S 313.28', to Beg. LESS S 35' for Street, Sec. 21, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma

Case No. 17931

Action Requested:

Special Exception of 110% setback from an adjoining residential lot line to allow a 70' monopole tower. **SECTION 1204.C.3.g.1. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES; GENERAL REQUIREMENTS FOR ANTENNAS AND TOWERS** located at 1200 West Pine Street.

PRESENTATION:

Jon Brightmire, 1200 West Pine Street, withdrew the application prior to the meeting.

NEW APPLICATIONS

Case No. 17934

Action Requested:

Variance to allow 2 dwelling units on one lot of record; **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD-Use Unit 9** a Special Exception to allow a manufactured home in an RS-3 zoned district **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Variance of the one year timer limit to allow the manufactured home permanently **SECTION 404.E. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** located at 2951 West 81st.

Presentation:

Nelda Wainwright, 2951 W. 81st St. S., explained that her father passed away in June. Since that time, her mother's home had been broken into twice, once while she was in the house. The mother is very independent and would not want to move into a retirement home. They are asking for a Special Exception to temporarily place a small 14' x 50' mobile home under the trees by their swimming pool for her mother to reside in. She stated INCOG staff suggested that she request the variance of the one-year time limit to avoid filing new applications each year. We do not want a

permanent mobile home, once the mother has gone, the mobile home will be removed.

Ms. Turnbo asked if there were other buildings on the property. Mrs. Wainwright responded that they have a building for their hobby. Her husband has a backhoe and tractor that he uses to dig out large boulders, have hauled in 500 loads of dirt for landscaping, are building stone walls, dig out French drains for the foundation. They do have a building permit, but their building project has been put on hold due to major health problems. Rumors are going around that we are starting a business in the hobby building, but that is not true, we are both retiring.

Mrs. Turnbo asked the square footage of the building, but the applicant was unsure of the size.

Interested Parties:

Fred Barnett, 4545 S. 29th W. Ave., stated that Mrs. Fitzgerald (Ms. Wainwright's mother) has been violated twice. She needs a place of her own where she can feel safe and live her later years.

Elmer Powell, 5012 S. 35th W. Ave., has known the Fitzgeralds for several years. Believes that the Wainwrights will improve their property with the mobile home, and will not put in something that would decrease the value of their property. The mobile home would be a distance from the street that it would not be seen from 81st Street.

Sue Ann Love, 4564 W. 141st, Kiefer, stated that her parents purchased the house several years ago and have done a tremendous amount of work to enhance the property. The location for the temporary housing is not on the street, and most people don't even see the pool. The desire is for the grandmother to have a safe place to sleep and feel secure around family.

Daisy Fitzgerald, 5817 S. 32nd W. Ave., does not feel safe in her house, but she would feel more secure to live close by her family.

Tulsa City Councilor Darla Hall, also lost her father last year, and has been working diligently to teach her mother how to work a burglar alarm. She is not opposed to a mobile home with a temporary approval with the applicant returning every year. However, a permanent approval would open the door for other mobile homes to be placed in the area. In response to Mrs. Turnbo's question, Mrs. Hall stated that she would not be opposed to the mobile home receiving a temporary approval, with the applicant returning every three years for approval.

Robert Elias, 3025 W. 79th St. S., moved into this area in 1974, knowing the covenants of the neighborhood, as did the Wainwrights. He has talked to Code Enforcement about the backhoes and the loads of dirt that have been on their

property for several years, but have been told that the Wainwrights have a building permit. Mr. Elias is sure that the Wainwrights are planning to do commercial business at their residence. There are 80 acres for sale just south of him and he is concerned that the buyers of that property will want to rezone to place mobile homes on it.

Marvin McDonald, 3036 W. 78th St., gave the Board a petition with approximately 100 signatures that are opposed to the approval of this application. Two of the Wainwrights' neighbors have a parent or sibling living with them due to poor health. He has a substantial investment in his property and is concerned that the value will go down. He also noted that they are on a septic system, which would require approval from the Department of Environmental Quality to put in an additional septic system.

Dean England, 7624 S. 26th W. Ave., although sympathetic, believes there are other alternatives to placing mobile homes within the Pearl Harbor Addition. He is opposed to a mobile home, even on a temporary basis.

Brian Curthoys, 111 W. 5th St., Suite 800, speaking on behalf of Mary Matthus, owner of the property previously used as a dairy farm. Mrs. Matthus' property is currently on the real estate market. Allowing a mobile home on the property would not be keeping with the spirit of the neighborhood, with larger homes on large lots. To allow a mobile home permanently, it would be changing to RMH zoning on that tract. Also, we are to look for hardships on this property, not the property in a different neighborhood that has been experiencing crime.

Jay Minger, 7805 S. Xenophon, stated that he pulled some records on file at the Tulsa County Courthouse and found that the Wainwrights have a substantial four-bedroom home, and feels that there should be a suitable alternative. He has a 2½-acre vacant lot next door to his property, and he is concerned about that buyer wanting a mobile home on that property.

Frank Sandman, 7804 S. 28th W. Ave., is in agreement with the previous speakers. He is against waiving the covenant, once it is started it deteriorates the area.

The following persons signed that they were opposed to the approval of this application but did not wish to speak:

Jodi LeMaster, 7625 S. Xenophon
Anita Lousch, 2425 West 81st Street
Jana Davis, 2627 West 81st Street South
Nat LeMaster, 7625 S. Xenophon
Karen Clark, 7902 S. Waco
Virginia Waddington, 7701 S. Xenophon

John McDowell, 3045 West 77th Street
Sue Featherston, 3030 West 79th Street
Shelley Locke, 13793 Nyssa Ct., Glenpool
Lillie McDowell, 3045 West 77th Street
Dolores Sonmann, 7804 S. 28th W. Avenue
Peggy Hughes, 7839 South 26th West Avenue
Wynelle C. Holden, 2202 West 78th Street
Marie Billingly, 7902 South Yukon
John B. West, 7901 South Yukon
Mary Mathis, 3006 West 81st Street

Applicants Rebuttal:

Mrs. Wainwright stated that they are not running a business at their property. They did purchase a backhoe in order to build the walls with the 3,000-pound sandstone boulders. Also, because of the boulders, they were unable to mow their acreage with a brush hog. The piles of dirt referred to are actually mulch. Their construction plans had to be put on hold due to major health problems and surgeries. She reiterated that she did not ask for a change of the zoning code and that she had originally asked that the mobile home be allowed temporarily, not permanently. Their house only has three bedrooms. Mrs. Wainwright added that her mother has earned the right to have her only place for as long as she is able to do so.

Regarding the building that is not reflected on the plan, Mr. Cooper asked what it is being used for and what is the square footage. Mrs. Wainwright responded that they keep the backhoe and tools in that building and that is also where they work on their personal cars. She was unable to guess at the square footage, but added that it was included on the building permit, which has been approved.

Comments and Questions:

Mr. White stated that the house is 2,600 square feet and guessed by the aerial photograph that the building would be about 60% of the house size.

Mrs. Turnbo sympathized with the applicant, but felt there was a problem with allowing a mobile home, realizing that yearly renewals are not always applied for.

Mr. Dunham felt that other alternatives were available, even to the adding of a separate entry and living area onto the existing house. He does have a problem with allowing a mobile home on the property.

Mr. Stump noted that the first request, a Variance to allow two dwelling units on one lot of record, would have to be approved by the Board in order to allow an additional

Case No. 17934 (continued)

dwelling unit to be created in the existing accessory building. Mr. White stated that it would not be necessary if the applicant added an entry and living area to the existing dwelling unit. Mr. Stump added that a second dwelling unit is allowable, but it would have to be a constructed home, not a manufactured home.

Mr. Cooper concurred with the Board and stated that there is a personal hardship but no true hardship as defined by the Code.

Board Action

On **MOTION** by **COOPER**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Bolzle "absent") to **DENY** Variance to allow 2 dwelling units on one lot of record; **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD-Use Unit 9** a Special Exception to allow a manufactured home in an RS-3 zoned district **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Variance of the one year timer limit to allow the manufactured home permanently **SECTION 404.E. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** noting that no hardship was presented on the following described property:

Unplatted, SE, SE, SW, SW, LESS W 25' thereof for road, Sec. 10, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17935

Presentation:

Charles Norman, 2900 Mid Continent Building, stated that the legal description was published incorrectly and requested that the meeting be continued to March 24, 1998.

Board Action

On **MOTION** by **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Bolzle "absent") to **CONTINUE** Case No. 17935 to February 24, 1998.

Case No. 17937

Action Requested:

Special Exception to allow open air sales of flowers, produce and trees utilizing one tent for a period of five years (March 15 to July 15, October 1 to October 31, and December 1 to December 25) **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 2** and a Variance of time limit to allow 175 days **SECTION 1202.C.1. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES** located at 6424 East 91st Street.

Presentation:

Craig Bay, 1137 E. 25th, stated that he has been selling spring and fall plants and décor at this location for four years. Three years ago he applied for a three-year permit and this time he is asking for a five year permit rather than three year. Also, he is asking for an additional 25 days for Christmas sales.

Mr. White read a letter of opposition from the Chimney Ridge Condominiums Association, which would prefer that the property be redeveloped for a positive asset for the neighborhood. The letter also noted that the lot is often used as a used car lot.

Mr. Stump stated that he received a phone call from a property owner to the south of the lot expressing the same concerns. He also mentioned that the pavement had cracked and was in significant need of repair, and questioned if long-term temporary facilities were in the best interest of developing this intersection commercially.

Mr. Bay stated that he monitors the area but doesn't think there is a significant problem with parked cars. He assured the Board that he keeps the property up during his stay.

Board Action

On **MOTION** by **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Bolzle "absent") to **APPROVE** Special Exception to allow open air sales of flowers, produce and trees utilizing one tent for a period of five years (March 15 to July 15, October 1 to October 31, and December 1 to December 25) **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 2** and a Variance of time limit to allow 175 days **SECTION 1202.C.1. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES** finding the use would not be injurious to the area on the following described property:

Lot 1, Block 1, Grand Point, City of Tulsa, Tulsa County, Oklahoma and being located in a CS zoned district.

Case No. 17938

Action Requested:

Special Exception to allow outdoor sales of flowers and produce utilizing one tent for a period of five years (March 15 to July 15 and October 1 to October 31) **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 2** located at 5340 East 41st Street.

Presentation:

Craig Bay, 1137 E. 25th, stated that this is the same request as the previous application but without the additional 25 days in December.

Board Action

On **MOTION** by **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White, “aye”; no “nays”, no “abstentions”; Bolzle “absent”) to **APPROVE** Special Exception to allow outdoor sales of flowers and produce utilizing one tent for a period of five years (March 15 to July 15 and October 1 to October 31) **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 2** finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare on the following described property:

E 225', w 410' of a tract of land beginning 1686' E and 90'S of the NW/c of Sec. 27, T-19-N, R-13-E, thence S 249.91', E 770', N 249.53, W 770' to POB, City of Tulsa, Tulsa County, Oklahoma.

Mr. Stump noted that the site plan reflects a setback of 90' but it should be 110' from the centerline in order to meet the zoning code.

Case No. 17939

Action Requested:

Variance of the required 15' side yard to 8.4' and a Variance of the required 25' rear yard to 23' to allow remodeling to attach a detached garage to an existing dwelling unit **SECTION 403. BULK AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICT – Use Unit 6** located at 4389 South Victor Avenue.

Presentation:

Kevin O'Sullivan, 4389 S. Victor, stated he is remodeling his residence and wishes to attach the garage to the house. It is currently detached and, if attached, would no longer meet the required setbacks. He stated that, if this were approved, there would be no apparent difference to any of the surrounding properties because the garage is existing.

Board Action

On **MOTION** by **DUNHAM**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Bolzle "absent") to **APPROVE** Variance of the required 15' side yard to 8.4' and a Variance of the required 25' rear yard to 23' to allow remodeling to attach a detached garage to an existing dwelling unit **SECTION 403. BULK AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICT – Use Unit 6** to allow the attaching of the detached garage per plan finding that the garage is existing at the current setbacks and approval would not cause substantial detriment to the public good or impair the spirit or intent of the Code on the following described property:

Part of Lot 4, Block 6, Bolewood Acres, a Subdivision in Tulsa County, Oklahoma, according to the recorded plat number 1181, being more particularly described as follows, to-wit: Beg. Wly corner of said Lot 4; thence NEly along the NWly line for 253.35" to a point; thence on an assumed bearing of S 33°00' E for 116.90' to a point (the extension of the aforesaid line would intersect the SEly line of said Lot 4 for 125.50' SWly of the Ely corner thereof); thence S 29° 22' W for 160.00' to a point, thence S 12° 19' W for 74.14' to a point of SWly line of said Lot 4; thence NWly along the SWly line of said Lot 4, around a curve to the right, with a radius of 372.18', for 263' to the point of beg. and known as 4389 S. Victor Ave., City of Tulsa, Tulsa County, Oklahoma.

Case No. 17940

Action Requested:

Special Exception to allow an in-door soccer facility in an IL zoned district **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 19** and a Variance of the 50' frontage requirement for the S/2 of property to allow a lot split **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** located North & East of the NE/c of East 61st Street & South 118th East Avenue.

Presentation:

Roy Johnsen, 201 W. 5th St. Suite 440, explained that the property's panhandle is approximately 7.8 acres. When the lot is split, the south lot will include the southern 10' (about 3.8 acres) of the panhandle and will be retained by the owner. The north lot will include the north 40' (about 4 acres) of the panhandle and will contain an indoor soccer field. A mutual access easement will run along the panhandle but there will be ownership of the 10' strip.

Case No. 17940 (continued)

Board Action

On **MOTION** by **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Bolzle, Cooper "absent") to **APPROVE** Special Exception to allow an in-door soccer facility in an IL zoned district **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 19** and a Variance of the 50' frontage requirement for the S/2 of property to allow a lot split **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** on the following described property:

N 285.91', Lot 1, Block 1, Metro Park II, City of Tulsa, Tulsa County, Oklahoma.

Mr. Cooper left the meeting at 3:25.

Case No. 17942

Action Requested:

Special Exception to allow a beauty shop in an OL zoned district **SECTION 602. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS – Use Unit 13** located at 1723 East 15th Street.

Presentation:

Lon Godwin, 750 S. Cherokee St., Suite M, Catoosa, property manager for applicant, stated that one of his tenants currently markets Arbond, hair treatment supplies, and she is also a licensed beautician. She would like to expand her business to include hair styling during the hours of 10 a.m. – 8 p.m., Monday through Saturday.

Ms. Turnbo asked if the parking requirements would be meet. Mr. Beach responded that for a 300 square feet beauty salon two parking spaces would be required. The balance of the office building would require 10 spaces for a total of 12. 13 spaces are provided.

Pat Dant, 1711 E. 15th St., stated that 15th Street between Utica and Lewis does not have retail except the corner of 15th and Lewis. Adding a beauty shop, regardless how elegant, would irrevocably change the character that has been preserved. Should one exception be made, there will not be any control over other such businesses.

Applicant Rebuttal:

Mr. Godwin stated that the owner renovated the building to a true restoration and character, which is what attracted the tenant. Mr. Dunham asked if a sign would be required. Mr. Godwin responded that once permits are obtained, the owner would have one permanent sign for all the tenants in the building.

Case No. 17942 (continued)

Ms. Turnbo asked if there would only be one operator. Mr. Godwin responded that there would be one person doing hair and skin care, and a part-time manicurist.

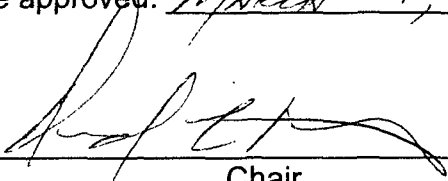
Board Action

On **MOTION** by **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Bolzle, Cooper "absent") to **APPROVE** Special Exception to allow a beauty shop in an OL zoned district **SECTION 602. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS – Use Unit 13** subject to the beauty shop occupying only 300 sq. ft. and the hours of operation will be 10:00 a.m. to 8:00 p.m., Monday through Saturday also that there be only one beauty operator and one manicurist, on the following described property:

Lot 11, Block 3, Terrace Drive Addition, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:36 p.m.

Date approved: March 27, 1998



Chair