

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 829  
Tuesday, October 23, 2001, 1:00 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</b>
Dunham, Vice Chair Cooper Turnbo White, Chair Perkins		Beach Butler	Boulden, Legal

The notice and agenda of said meeting was posted in the Office of INCOG, 201 W. 5<sup>th</sup> St., Suite 600, on Thursday, October 18, 2001, at 10:50 a.m., as well as at the City Clerk's office, City Hall.

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

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**Case No. 19216**

**Action Requested:**

Mr. Beach announced this case was withdrawn per Steven Schuller, the applicant.

**Case No. 19219**

**Action Requested:**

Mr. White clarified with the applicant that the legal description was correct.

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**UNFINISHED BUSINESS**

**Case No. 19198**

**Action Requested:**

Variance of the maximum sign height from 20' to 26'-3". SECTION 302.B.2. ACCESSORY SIGNS IN THE AG DISTRICT, located 6841 S. Memorial Dr.











**Presentation:**

**Patricia A. Breon**, stated she was the property owner of 17304 E. 14<sup>th</sup> St. She introduced Kathy Flannigan and Rick Vaughn with Oak Creek Village.

**Kathy Flannigan**, 11306 E. Admiral, submitted photographs (Exhibit C-1) to the Board. She described the proposed plan to move a mobile home on the subject property. There are mobile homes on either side of the property. The loan application shows an appraisal of \$172,000.00 with the mobile home on the land so it would not decrease the value of the land.

**Rick Vaughn**, stated that the home would be anchored on concrete footings, with skirting, and a 6/12 pitched roof. It is 32' x 64' manufactured home with triple dormers, and would look like a stick built home.

**Interested Parties:**

Mr. Dunham noted for the record that the Board received four letters (Exhibit E-1) of objection to the application.

**Mrs. Carl Turner**, 1213 S. 173<sup>rd</sup> E. Ave., stated there was an empty mobile set behind the barn but no one ever lived in one on the property. She does not want it to set a precedent for mobile homes in the area. She stated they have spent years improving their own property and do not want to lose property value. They have already had one bad experience with a mobile home in the neighborhood that required a lot of cleanup.

**Comments and Questions:**

Ms. Turnbo encouraged Ms. Turner to see the picture of the kind of home that they propose to build. Ms. Turner questioned the change in the time limit. Ms. Turnbo explained that it is an allowed exception in the zoning code.

**Ron Gratiff**, stated he owns property at 1402, 1410, and 1426 S. 173<sup>rd</sup> E. Ave., directly across the street to the west of the subject property. He stated that his primary residence is at 1402, and it is a 12-year-old manufactured home. He considers the proposed home to be attractive. He added that the owners have improved the property considerably.

**Carl Edmondson**, 17317 E. 14<sup>th</sup> St., stated he owns the property across the street from the subject property. He stated his concern for the rising water table in the area, causing his fences to fall.

**James Mautino**, 14628 E. 12<sup>th</sup> St., expressed concerns as listed above.

**Applicant's Rebuttal:**

Mrs. Breon informed the Board that they invested in an aerobic sewer system after they purchased the property. She stated that they thoroughly





**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye", no "nays", no "abstentions", Cooper "absent") to **DENY** a **Variance** of the allowable size for an accessory building from 500 sq. ft. to 1,130 sq. ft. for an addition to existing garage and carport; and a **Variance** of the required 5' side yard to 2', finding a lack of hardship, on the following described property:

Lot 10, Block 4, Coats 2<sup>nd</sup> Addition amended, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19219**

**Action Requested:**

Special Exception for mobile home in an RM-1 zoned district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9; and a Special Exception to extend the one-year time limit. SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located 1144 E. Haskell.

**Presentation:**

**Michael Sund**, 1247 N. Allegheny, stated he purchased the property for a permanent residence. He plans to improve the mobile home and property. Letters of support (Exhibit E-1) were submitted.

**Comments and Questions:**

Ms. Perkins asked the age of the mobile home. Mr. Sund replied that it was a 1972 model. He pointed out there are two more mobile homes across Peoria in the same housing addition. Mr. Sund proposed to tie-down and skirt the home.

**Interested Parties:**

**Raymond Miller**, 1116 E. Haskell Pl., stated he has improved his own property and neighborhood.

**Mr. Cooper arrived at 2:44 p.m.**

He stated that the subject property is an eye sore. He added that he owns other lots on Haskell. He submitted letters of objection (Exhibit E-2). He does not know of any other mobile homes in the neighborhood.

**Applicant's Rebuttal:**

Mr. Sund admitted the home does not look good now, but he has plans to improve it for a permanent residence. He stated there was also a third mobile home in the neighborhood but it burned out. He has spoken with other residents in the area and they were in support of the application.

**Comments and Questions:**

Mr. Beach asked Mr. Sund to describe his plans to make the house look better. Mr. Sund replied he planned to add on about 15' with a peaked roof, an unattached garage toward the middle and back of the property, and a front porch across front. He planned to use wood siding over the exterior of the mobile.

**Board Action:**

On **Motion** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye", no "nays", no "abstentions", no "absences") to **DENY** a **Special Exception** for mobile home in an RM-1 zoned district; and a **Special Exception** to extend the one-year time limit, finding it would not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Lots 5 and 6, Block 4, Frisco Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19220**

**Action Requested:**

Variance of required front yard of 30' down to 28'4". SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 135 E. 26<sup>th</sup> Ct.

**Presentation:**

The applicant, **Susan Haas**, 135 E. 26<sup>th</sup> Ct., stated she would like for her architect to speak for her.

**Steve Brown**, 3015 S. Madison, stated that the project is a front porch across the front of the house. He stated part of the porch is covered with the roof and part is open to the sky. Mr. Brown described the house at the end of a dead end street. The street is divided by a 30' landscaped island with 20' paved streets on either side. There is no plan to enclose the porch.



impair the purposes, spirit, and intent of the Code, or Comprehensive Plan. on the property described as follows:

The E 80.60' of the W 241.00' of the N 193.00' of Lot 29, Herters 2<sup>nd</sup> Sub-Division, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No.19222**

**Action Requested:**

Special Exception to allow auto sales on the west 90' of subject tract. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17; and a Special Exception to allow auto repair on the west 60' of subject tract. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS, located 12545 A&B E. 21<sup>st</sup> St.

**Presentation:**

**Mark Smiling**, 8908 S. Yale, Ste. 450, submitted a packet of exhibits (Exhibit H-1) to the Board. He explained to the Board that 50' was deeded back to the owner by the mini-storage. They would like the same special exception to the back of the lot as the front of the lot. The applicant was unable to produce the documents to prove that the Board had approved the relief he indicated the owner had obtained for auto repair.

**Comments and Questions:**

After much discussion and confusion the Board determined that auto repair was denied in Case No. 19803 on July 25, 2000, and only auto sales was approved in Case No. 16285 in 1983. There was also confusion over which parts of the property were actually involved.

**Dunham out at 3:10 p.m.**

Mr. Boulden commented to Mr. Smiling about open-air storage and display of merchandise within 300' of an adjoining R district. Mr. Cooper noted that he was not advertised for that relief.

**Dunham returned at 3:13 p.m.**

**Interested Parties:**

**Eric Paschal**, 12420 E. 14<sup>th</sup> Pl., submitted letters of objection (Exhibit H-2). He stated that the appearance of this property has been degrading the area. He expressed his opinion that this application would be detrimental to east Tulsa.

**James Mautino**, 14628 E. 12<sup>th</sup> St., stated that they went through a lot of effort with Neighborhood Inspections to get this area cleaned up. He stated

that the property is not land-locked, but can be accessed. Mr. Mautino suggested that they should apply for re-zoning.

**Applicant's Rebuttal:**

Mr. Smiling stated that they want the exception to be consistent on the whole property. Mr. White noted that the case map outlines more property than the legal description and the Board does not have a record of previous approval for auto repair.

Mr. Smiling withdrew Case 19222 in order to review the files and obtain the correct information for a future case.

**Board Action:**

No Board action was needed for Case No. 19222, on the following described property:

A tract of land located in Lot 1, Block 1, Stacey Lynn Third Annex, being more particularly described as follows: Beg. at the most NWly SW/c of Lot 1, Block 1, Stacey Lynn Third Annex; thence N 00°00'00" E along the W line of Lot 1, Block 1, Stacey Lynn Third Annex a distance of 50.00'; thence S 89°47'00" E and parallel with the S line of Lot 1, Block 1, Stacey Lynn Third Annex, a distance of 150.00'; thence S 00°00'00" W and parallel with the W line of Lot 1, Block 1, Stacey Lynn Third Annex, a distance of 50.00' to the most NEly SW/c of Lot 1, Block 1, Stacey Lynn Third Annex; thence N 89°47'00" W along the S line of Lot 1, Block 1, Stacey Lynn Third Annex a distance of 150.00' to the most NWly SW/c of Lot 1, Block 1, Stacey Lynn Third Annex the POB AND Lot 1, Block 1, Shannon Park Plaza, all in the City of Tulsa, Tulsa County, State of Oklahoma.

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There being no further business, the meeting was adjourned at 3:34 p.m.

Date approved: November 13, 2001

  
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Chair

