



On **Amended MOTION of Dunham**, the Board voted 3-0-0 (White, Dunham, Paddock "aye"; no "nays"; no "abstentions"; Turnbo, Stevens "absent") to **APPROVE** the Minutes of September 28, 2004 (No. 896) per an amendment regarding Case No. 19890.

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## **NEW APPLICATIONS**

### **Case No. 19921**

#### **Action Requested:**

Variance of the required setback for an accessory building from 3 ft to 6 in. and a special exception of the allowable height for a fence in the front yard from 4 ft to 5 ft 7 in. (Section 210.B.3 & 5), 114 South Xanthus Avenue.

#### **Presentation:**

**Elia Olazaba**, 114 South Xanthus Avenue, stated they requested a permit to build a carport.

#### **Comments and Questions:**

Mr. White noted the carport is under construction and asked if they received a citation from Neighborhood Inspections. She replied it was not the result of a citation, but they were told to request a building permit. Mr. Dunham noted the fence is already built. Ms. Olazaba submitted photographs (Exhibit A-1) and stated they had a burglary before they even moved in so they built a fence. Mr. White asked if the neighbors to the south were present. She replied they could not be at the meeting but they are in favor of the project. Ms. Olazaba submitted a letter of support from the neighbor across the street (Exhibit A-2) to the Board.

#### **Interested Parties:**

**Michael Bulmar**, 110 South Xanthus, expressed his support of the application. He stated the applicants had made many good improvements. He believed the fence had increased the value of the property and those around. He stated he does remodeling for a living and he was impressed with the design of the carport.

**Catherine Sukkar**, 110 South Xanthus, stated the fence is artistic and well built. It does not block the view at all.

**Maria Barnes**, 2252 East 7<sup>th</sup> Street, stated she is the President of the Kendall-Whittier Neighborhood Association. She added it is one of the nicer houses on the street. They did not believe the carport would be a problem. They are in support of the application.

A petition (Exhibit A-3), signed by about 35 people, was submitted in support of the application. A site plan was provided (Exhibit A-4).

**Board Action:**

On **Motion of Dunham**, the Board voted 3-0-0 (White, Dunham, Paddock "aye"; no "nays"; no "abstentions"; Turnbo, Stephens "absent") to **APPROVE** a **Variance** of the required setback for an accessory building from 3 ft to 6 in.; and a **Special Exception** of the allowable height for a fence in the front yard from 4 ft to 5 ft 7 in., finding the existing conditions limit placement of the carport, and the neighbors next to it are in support, per plan, on the following described property:

LT 4 BLK 15, GILLETTE-HALL ADDN

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**Case No. 19922**

**Action Requested:**

Variance of the required setback from centerline of South Lewis Ave. for a ground sign from 50 feet to 34 feet, 5800 South Lewis Avenue East.

**Presentation:**

**Mike Moydell**, 1221 Charles Page Boulevard, stated he is with Oil Capital Neon. He stated the shopping center was built in 1960 or 1961. Since then the right-of-ways have changed. He submitted a computer enhanced photograph (Exhibit B-1). It would be a directory sign and main identifying sign. He pointed out the center entrance and stated the sign would be 34' from the centerline. The north end of the lot has trees and at the south end is a bank with a fairly large pole sign. If he had to place the sign at setback it would be in the middle of the driving lane.

**Comments and Questions:**

Mr. Dunham asked if he would agree to a removal contract. Mr. Moydell stated he told the applicant that would probably be required and they would agree to it.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion of Dunham**, the Board voted 3-0-0 (White, Dunham, Paddock "aye"; no "nays"; no "abstentions"; Turnbo, Stephens "absent") to **APPROVE** a **Variance** of the required setback from centerline of South Lewis Ave. for a ground sign from 50 feet to 34 feet, subject to a removal contract, finding the hardship to be the existing center and to move the sign to the setback requirement would disrupt the flow of traffic in the center, on the following described property:

PRT NE SE BEG 543 S NEC SE TH W258 S595.62 E258 N595.50 POB LESS E50 THEREOF FOR ST SEC 31 19 13 2.84 ACS AND W53 N150 S180 E258 NE SE SEC 31-19-13 AND BEG. 30N & 80W SE COR NE SE TH W125 N150 E125 S150 TO BEG SEC 31-19-13

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**Case No. 19923**

**Action Requested:**

Special exception to allow medical offices (Use Unit 11) in an RM-1 zoned district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS, 68 North Lewis.

**Presentation:**

**Ray Thomas**, 9105 North 135<sup>th</sup>, Owasso, Oklahoma, stated he is Vice-Chairman of the Board of Community Health Connection, a non-profit corporation. They proposed to provide medical services at the old Kendall-Whittier Elementary School. It would be directed toward the uninsured and low-insured people. The superintendent has allowed the use of the Kindergarten building through June 2005. They planned to seek a federal grant with the hope of re-locating to a permanent structure.

**Comments and Questions:**

Mr. Dunham noted the hours stated are noon to 9:00 p.m. on weekdays and 10:00 a.m. to 2:00 p.m. on Saturdays.

**Interested Parties:**

**Maria Barnes**, 2252 East 7<sup>th</sup> Street, President of the Kendall-Whittier Neighborhood Association, expressed support of the application. She stated the neighborhood needs these services. They were pleased with the clean-up the applicant has already accomplished.

Mr. White mentioned a letter to the Board (Exhibit C-1) from the Kendall-Whittier Ministry in support of the application.

**Board Action:**

On **Motion of Dunham**, the Board voted 3-0-0 (White, Dunham, Paddock "aye"; no "nays"; no "abstentions"; Turnbo, Stephens "absent") to **APPROVE** a **Special Exception** to allow medical offices (Use Unit 11) in an RM-1 zoned district, during the operating hours noon to 9:00 p.m. on weekdays and 10:00 a.m. to 2:00 p.m. on Saturdays, on the following described property:

ALL LTS 1 THRU 20 & LT 31 LESS HWY BG SWC TH N18 S E109.26 W107.5  
POB & ALL LTS 32 THRU 50 BLK 4, EASTLAND ADDN

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**Case No. 19924**

**Action Requested:**

Variance of the allowable height for an accessory building from 18 ft to 22 ft for a pool house. SECTION 210.B.5.a. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS, 3028 South Birmingham Place East.

**Presentation:**

**Brad McMains**, 10051 South Yale, Hunter Homes, Inc., stated his client proposed to build a pool and pool house. He mentioned that over the years the traffic has increased on 31<sup>st</sup> Street and this structure would buffer the noise. The location of the house on the property does not allow room elsewhere for the pool house. He indicated that the size of the structure dictates the ridge height.

**Comments and Questions:**

Mr. White asked if the pool is inside the structure. Mr. McMains pointed out the location of the pool would be to the north of the pool house. He pointed out the boundaries of easements to the west and north. Mr. Boulden asked what amenities would be in the pool house. Mr. McMains replied there would be a full bathroom, kitchen area with refrigerator and sink, but no cooking facilities. There would be a pool table and television with no provision for sleeping accommodations.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion of Dunham**, the Board voted 3-0-0 (White, Dunham, Paddock "aye"; no "nays"; no "abstentions"; Turnbo, Stephens "absent") to **APPROVE** a **Variance** of the allowable height for an accessory building from 18 ft to 22 ft for a pool house, per plan, with condition for no sleeping quarters or use as a second residence, finding the unnecessary hardship in that it borders an arterial street and therefore the height would not be imposing on the neighborhood and would be in keeping with the house, on the following described property:

PRT LT 1 BEG 202.6E SWC TH E212.4 TH ON CRV LF 50. 8 N157.55 W223.26  
S190 POB LESS S25 THEREOF FOR ST REET BLK 3, WOODY-CREST SUB

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**Case No. 18537**

**Action Requested:**

Additional extension of time for a period of three years from October 12, 2004 to commence construction of residence according to the site plan approved by the Board of Adjustment 10/12/99, 1780 East 30<sup>th</sup> Street South.

**Presentation:**

**Charles Norman**, 2900 Mid-Continent Tower, stated the house plan (Exhibit D-1) is the result of two previous applications before the Board of Adjustment. The first application was appealed to the District Court and the second was filed after a redesign of the residence and approved. The appeal was withdrawn by agreement with the neighborhood. Mr. Norman stated he spoke with the attorney, Larry Henry, about this application for an extension of time and one resident of the

neighborhood. He added that health and economic issues have precluded the start of construction.

**Comments and Questions:**

Mr. White confirmed it was the same plan. Mr. Norman understood that any change in the plan would require a new application to the Board.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

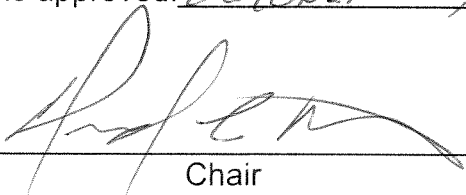
On **Motion of Dunham**, the Board voted 3-0-0 (White, Dunham, Paddock "aye"; no "nays"; no "abstentions"; Turnbo, Stephens "absent") to **APPROVE** a Additional extension of time for a period of three years from October 12, 2004 to commence construction of residence according to the site plan approved by the Board of Adjustment 10/12/99, on the following described property:

LT 1 LESS BEG 90.10SW NEC TH SW84.52 NW135.38 NE83 .96 NE130.12  
POB BLK 17, FOREST HILLS

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There being no further business, the meeting was adjourned at 1:37 p.m.

Date approved: OCTOBER 26, 2004

  
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Chair