

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 390
Thursday, June 30, 1983, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Victor, Acting Chairman Wait	Purser Smith, Chairman	Gardner Jones Martin	Hubbard, Protective Inspections Jackere, Legal Dept.

The notice and agenda of said meeting were posted in the Office of the City Auditor Room 919, Monday, June 27, 1983, at 10:40 a.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Acting Chairman Victor called the meeting to order at 1:02 p.m.

MINUTES:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve the Minutes of June 2, 1983 (No. 388).

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12667

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback from the centerline of 31st Street from 85' to 80' to allow placement of a residence on an odd-shaped lot - Under the Provisions of Section 1670, located at 3036 South 140th East Avenue.

Presentation:

C. Dale Treat, 3619 South 124th East Avenue, was present and submitted a plot plan (Exhibit "A-1") and a floor plan (Exhibit "A-2") and requested that the variance be granted.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback from the centerline of 31st Street from 85' to 80' to allow placement of a residence on an odd-shaped lot - Under the Provisions of Section 1670, per plot plan submitted, on the following described property:

Lot 30, Block 5, Eastland Acres II Addition, Tulsa County, Oklahoma.

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the side yard setback from 5 feet to 4 feet - Under the Provisions of Section 1670, located at 547 South 80th East Avenue.

Presentation:

Terry Bridgewater, 547 South 80th East Avenue, was present and submitted a plat of survey (Exhibit "B-1"). The applicant proposes to construct a north wall onto the existing carport on the subject property which will encroach into the setback one-foot. There are gates on the west end of the existing carport and the applicant proposes to add a door on the east end of the carport. The purpose for the request is to provide safety for Mr. Bridgewater's personal possessions in the carport and to assure the safety of children in the neighborhood who enjoy playing around lawn mowers and other dangerous equipment on the subject tract.

Protestants:

Pat Curtis, 541 South 80th East Avenue, was present and submitted eight (8) photographs of the subject property (Exhibit "B-2") and a plat of survey on her property (Exhibit "B-3"). She advised she is opposed to the application because Mr. Bridgewater has already encroached into the side yard setback more than what is requested. She advised the applicant has constructed a fence in the front of her fence with 10" wide posts and has also dug a trench about 6" deep to allow for more pouring of concrete. Water has began to collect in the trench which promotes a greater mosquito population. She requested that the application be denied.

Comments and Questions:

Mr. Victor inquired as to the hardship and Mr. Gardner advised the application falls within a minor variance which does not require the same hardship finding as a major variance. Legal Counsel asked when the existing carport was constructed and Mr. Bridgewater advised it was constructed about ten years ago. Building Inspections advised they have no record of a building permit being issued, but the applicant advised he had received a building permit for that structure. Mr. Jackere asked if there was another accessory building in the back yard and Mr. Bridgewater answered in the affirmative and advised the structure is 12' x 24' and is used for storage of his own personal goods.

The Board suggested that the application be continued to the next meeting July 14, 1983, to allow the Board time to view the site.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to continue Case No. 12671 to the July 14, 1983 meeting to allow the Board members time to view the site.

Case No. 12676

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Request for a variance of the frontage requirement from 150' to 65' and 95' to permit a lot split in a CS District - Under the Provisions of Section 1670, located at the NE corner of 53rd Street and South Peoria Avenue.

Presentation:

Stanely Hall, 2442 East 21st Street, was present and submitted a plat (Exhibit "C-1"). Mr. Hall requested the lot split be granted on the subject tract for separate ownership purposes. The land was originally platted as three lots, but the proposal will allow for two lots. Any future construction will conform with the present CS zoning.

Protestants: None.

Staff Comments:

Mr. Gardner advised the Planning Commission approved the lot split previously. The lot split technically requires 150' of frontage on a major street, but the subject tract consists of three nonconforming lots which will be split to form two lots. The two lots will allow for a greater frontage, but still will not conform with the 150' of frontage required.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts) of the frontage requirement from 150' to 65' and 95' to permit a lot split (L-15843) in a CS District Under the Provisions of Section 1670, on the following described property:

The West 150' of Lots 5, 6, & 7, Cantrell Addition, a Subdivision in the City of Tulsa, Tulsa County, State of Oklahoma.

UNFINISHED BUSINESS:

Case No. 12570

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the lot width from 60' to 30'; and a variance of the lot area from 6,900 sq. ft. to 3,775.5 sq. ft., and a variance of the land area; and a variance of the livability space; and a request for a variance of the side yard requirement from 5' to 0'; and, a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Section 430 - Request to allow 4 dwellings on two lots of record located west of the NW corner of East 36th Place and New Haven Avenue.

Presentation:

Acting Chairman Victor advised the application was continued from the May 5th, 1983 meeting to allow for rezoning of the property. The Planning Commission will act on the request at their July 13, 1983 meeting. It was suggested to continue this matter to the next scheduled Board of Adjustment meeting.

Protestants: None.

Case No. 12570 (continued)

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0, (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to continue Case No. 12570 to the July 14, 1983 meeting.

Case No. 12629

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1207 - Section 440.3 - Request for duplex use in an RS-3 District - Under the Provisions of Section 1680; and a Variance - Section 440.3 (c) - Special Exception Uses In Residential Districts, Requirements - Request for a variance of the frontage requirements from 75' to 30' - Under the Provisions of Section 1670, located at the SW corner of 42nd Street and Detroit Avenue.

Presentation:

George Hanks, 2723 West 68th Street, was present and advised the application was continued from the June 2, 1983 meeting to allow for readvertisement of the frontage requirements. The applicant is requesting permission to construct a duplex on the subject property.

Protestants:

George Beltz, 4241 South Cincinnati Avenue, was present and submitted a protest petition bearing 48 signatures of property owners in the immediate area (Exhibit "D-1"). He stated he is in protest to the applicant constructing a duplex in the back yard. The subject area consists of ninety-five percent single family residences; therefore, by permitting duplexes in the back yard property values would decrease.

Comments and Questions:

Discussion ensued as to the location of the proposed duplex. Mr. Victor stated he was greatly concerned with the proposed land use. The Board did not feel it would be appropriate to construct a duplex behind a residence in this area.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Under the Provisions of Use Unit 1207 and Section 440.3) for duplex use in an RS-3 District - Under the Provisions of Section 1680; and a Variance (Section 440.3 (c)- Special Exception Uses in Residential Districts, Requirements) of the frontage requirements from 75' to 30' - Under the Provisions of Section 1670, on the following described property:

The South 30 feet of the East 119.55 feet of the North 127.33 feet of Lot 1, Block 3, Demorest Addition to the City of Tulsa and the West 97 feet of the South 60 feet of lot 1 and the West 97 feet of the North 33.67 feet of Lot 2, Block 3, Demorest Addition to the City of Tulsa, according to the recorded plat thereof.

Case No. 12615

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the frontage requirements from 60' to 50' to utilize existing platted lots located at 4430 South Union Avenue.

Presentation:

Dennis Hall, 4989 South Union Avenue, was present and advised he owns three 50' wide lots which are bisected by a 10' sewer easement. The lots and the sewer run east and west in depth between lots 11 and 12. The lots are zoned for duplex use which the applicant proposes to place three duplexes and are approximately 50' in width, therefore, a waiver of the frontage requirements is being requested.

Protestants: None.

Staff Comments:

Mr. Gardner advised the applicant is requesting permission to place a duplex on each of the three lots which requires a variance of the frontage requirements from 60' to 50'. If the applicant is required to have 60' of frontage on the lots he would be required to eliminate one of the existing lots to allow for the 60' of frontage.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the frontage requirements from 60' to 50' to utilize existing platted lots, on the following described property:

Lots 11, 12 and 13, Block 1, Hilldale Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Case No. 12620

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback from 81st Street from 85' to 83' & 3" to allow a new dwelling located at the NE corner of 86th East Avenue and 81st Street.

Presentation:

David Perkins, 7229 East 65th Street, submitted a site plan (Exhibit "E-1"). A variance of the setback is requested in order to construct a new residence on the subject property.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback from 81st Street from 85' to 83' & 3" to allow a new dwelling, per site plan, on the following described property:

Case No. 12620 (continued)

Lot 17, Block 12, Woodland Meadows Addition to the City of Tulsa,
Tulsa County, Oklahoma.

Case No. 12547

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to permit a mobile home in an RS-3 District located at the NW corner of 31st Place North and North Xanthus Avenue.

Presentation:

The applicant, Robert Knight, was not present.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to continue Case No. 12547 to the July 14, 1983 meeting.

Case No. 12607

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the side yard setback from 5 feet to 1-foot to allow an addition to an existing residence located at 2022 North Maybelle Avenue.

Presentation:

Steve Curlee, 2022 North Maybelle Avenue, was present and submitted a plat of survey (Exhibit "F-1") and twelve (12) photographs of the subject property (Exhibit "F-2"). Mr. Curlee advised the variance request has been amended from a 5' side yard setback to 3' in order to add an addition to the existing residence. A 10' side yard would still be maintained between the subject residence and the residence most affected by the proposed addition. Mr. Curlee advised he had talked to that property owner and he has no objection to the application.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the side yard setback from 5' to 3' to allow an addition to an existing residence, per plat of survey, on the following described property:

Lot 15, Block 18, Gilcrease Hills Village II Addition to the City of Tulsa, Oklahoma.

Case No. 12643

Action Requested:

Special Exception - Section 630 - Bulk and Area Requirements in the Office Districts - Request for a special exception of the floor area ratio from 25% to 40% in an OL District - Under the Provisions of Section 1680, located west of the SW corner of Skelly Drive and Lewis Avenue.

Presentation:

Craig Armstrong, P. O. Box 52085, was present on behalf of Larry Oliver, the applicant, and submitted a site plan (Exhibit "G-1"). The proposed structure will be used as a law office, and the special exception request is to allow a floor area ratio of .40 for development. At present, the applicant only proposes to develop .33 of the floor area ratio.

Protestants: None.

Comments and Questions:

Mr. Jackere asked if the .33 floor area ratio would be sufficient for the request because this Board should only grant what is needed. Mr. Armstrong advised the .33 is the amount proposed, but the applicant had requested the maximum amount allowed.

The Board inquired as to the parking provided on the subject property and Mr. Armstrong advised the plan allows for one space for every 400 square feet of building which would require approximately 21 parking spaces, but the plan provides for 29 parking spaces.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 630 - Bulk and Area Requirements in the Office Districts) of the floor area ratio from .25 to .33 in an OL District - Under the Provisions of Section 1680, per site plan submitted, on the following described property:

Part of the SE/4 of the SE/4 of Section 30, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, more particularly described as follows, to wit: Beginning at the Southeast corner of Lot 2, Block 2, Jordan Addition; thence North 0°-23.2025' West and on the East line of Lot 2 for 240.19 feet; thence East 102.572 feet; thence South 0°-23.2025' East for 215.65 feet to North Railway line of Skelly Drive; thence Southwesterly on North Railway line of Skelly Drive for 105.28 feet to the POINT OF BEGINNING.

Case No. 12646

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the side yard requirement from 10' to 2.5' on the South, and 10' to 7' on the North to allow for new construction - Under the Provisions of Section 1670; and a Variance - Section 1340 (d) - Design Standards for Off-Street Parking Areas - Request for a variance of the dust-free all-weather surface for off-street parking - Under the Provisions of Section 1670 located at 916 North Cheyenne Avenue.

6.30.83:390(7)

Case No. 12646 (continued)

Presentation:

Acting Chairman Victor advised the Board received a request for a continuance concerning Case No. 12646.

Ms. Hubbard, Protective Inspections, advised she had been informed that the applicant removed the structure on the subject property, therefore, there is no need for relief. Legal Counsel Jackere suggested that the case be postponed for a two-week period since the request was for a continuance.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to continue Case No. 12646 to the July 14, 1983 meeting.

Case No. 12651

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request to permit 0' side yard setbacks in an RMH District (entire subdivision) - Under the Provisions of Section 1670, located east of the NE corner of Garnett Road and Admiral Place.

Presentation:

The applicant, Warren G. Morris, was not present.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to continue Case No. 12651 to the July 14, 1983 meeting.

Case No. 12657

Action Requested:

Variance - Section 420.2 (a) 2 - Accessory Use Conditions - Request to allow a detached accessory building (3-car garage) in the front yard, garage to be attached to house with covered portico - Under the Provisions of Section 1670, located at 4310 South Victor Avenue.

Presentation:

The applicant, Densel Williams, was not present.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to continue Case No. 12657 to the July 14, 1983 meeting.

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Request for a variance of the setback from Pine Street from 100' to 60' and from the south property line from 75' to 30' to allow construction of a building - Under the Provisions of Section 1670; and a Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Request for an exception to allow auto salvage and related sales in an IM District - Under the Provisions of Section 1680; and a Variance - Section 1226.3 - Use Conditions - Request for a variance of the required screening - Under the Provisions of Section 1670, located at the SW corner of Pine Street and Troost Avenue.

Presentation:

Bill Beard, 1844 North 106th East Avenue, was present and submitted a plot plan (Exhibit "H-1"). Mr. Beard requested a variance of the setback to allow construction of a building to be used for auto salvage and warehousing purposes. There has been auto salvage use on the property for about 50 years. There are numerous commercial buildings located in the immediate area which have 50' setbacks. The proposed metal building will serve in upgrading the area. There will be no dismantling of automobiles on the subject property. Mr. Beard advised he is withdrawing his request for a variance of the screening as he plans to provide screening on the subject property.

Protestants: None.

Comments and Questions:

The Board inquired as to the proposed location of the structure and the applicant advised the new building will front on Pine Street.

Mr. Victor inquired about the screening on the subject property and Mr. Beard advised there is presently screening on all four sides with the exception of a chain link fence on the south side. Mr. Beard advised he would place a screening fence on the south side to provide the proper screening.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts) of the setback from Pine Street from 100' to 60' and from the south property line from 65' to 30' to allow construction of a building - Under the Provisions of Section 1670; and a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts) to allow auto salvage and related sales in an IM District - Under the Provisions of Section 1680, subject to no dismantling of automobiles be permitted on this tract, and to allow for a solid screening fence on the south side of the property, on the following described property:

Lots 1 and 2, Block 2, Utica Addition to the City of Tulsa, Oklahoma.

NEW APPLICATIONS:

Case No. 12660

Action Requested:

Special Exception - Section 630 - Bulk and Area Requirements in the Office Districts - Request to allow a floor area ratio from .25 to .38 in an OL District - Under the Provisions of Section 1680 located at the NW corner of 14th Street and Garnett Road.

Presentation:

Charles Murphy, 9930 East 21st Street, represented Murphy Properties and submitted a plot plan (Exhibit "I-1"). An office building containing 7,030 square feet is proposed for the subject tract, which exceeds the square footage permitted in an OL District. The Zoning Code requires 18 parking spaces, but the proposed plan will provide for 27 parking spaces. The proposed structure when completed will be almost identical to one of their offices located at 23rd Street and Garnett Road, which also exceeds the allowable floor area. The neighbors in the immediate area have been contacted concerning the request and have no objection.

Protestants: None.

Staff Comments:

The Staff advised the Zoning Code permits up to .40 floor area ratio. The main concern of the Staff is that adequate parking is provided.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 630 - Bulk and Area Requirements in the Office Districts) to allow a floor area ratio from .25 to .38 in an OL District - Under the Provision of Section 1680, per plot plan, on the following described property:

A tract of land lying in Lot 1, Block 2, Pheasant Run, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, being more particularly described as follows, to wit:

Beginning at the Southeast corner of said Lot 1; thence North 00°-28'-30" West along the East line of said Lot 1 a distance of 90.00' to a point; thence due West a distance of 211.99' to a point; thence South 00°-28'-30" East parallel to the East line of said Lot 1 a distance of 90.00' to a point on the North line of East 14th Street South, said point also being on the East line of vacated south 112th East Avenue; thence due East along the North line of said East 14th Street South a distance of 211.99' to the point of beginning, containing 0.438 acres, more or less.

Case No. 12661

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback from the centerline of 55th Place from 55' to 41.6' and a request for a variance of the rear yard setback from 25' to 19' - Under the Provisions of Section 1670 located at the NE corner of Urbana Avenue and 55th Place.

Presentation:

Russell King was present on behalf of Sharon Davis, 5521 South Urbana, and submitted a plat of survey (Exhibit "J-1"). Ms. Davis proposes to add a room addition to her residence which requires a variance of setback. The addition will be constructed on the east side which will line up with the existing residence.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback from the centerline of 55th Place from 55' to 41.6' and a variance of the rear yard setback from 25' to 19' - Under the Provisions of Section 1670, per plat of survey, on the following described property:

Lot 11, Block 2, Tip Top View Addition to the City of Tulsa, Oklahoma.

Case No. 12662

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback from the centerline of Urbana Avenue from 55' to 41.6' - Under the Provisions of Section 1670; and a Special Exception - Section 240.2 (c) - Permitted Yard Obstructions - Request to allow a 6' decorative fence in the front and side yard - Under the Provisions of Section 1680 located at 4555 East 85th Street.

Presentation:

Jay Menger, 4543 East 85th Street, was present and submitted a plot plan (Exhibit "K-1") and photographs of the subject area (Exhibit "K-2"). Mr. Menger proposes to construct a residence on the subject property which is triangular in shape, therefore, the variance of the setback is requested. The plan indicates that the house will contain 3,000 square feet and the subdivision requires that houses contain a minimum of 2,000 square feet. The wall as proposed is actually 4' in height, but reaches 6' on the stone post at the highest point. The subject lot is the highest lot in the area as Urbana drops off drastically.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser,

Case No. 12662 (continued)

Smith, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback from the centerline of Urbana Avenue from 55' to 41.6' - Under the Provisions of Section 1670' and a Special Exception (Section 240.2 (c) - Permitted Yard Obstructions) to allow a 6' decorative fence in the front side yard - Under the Provisions of section 1680, per plot plan, on the following described property:

Lot 25, Block 2, Brookwood II Addition to the City of Tulsa, Okla.

Case No. 12664

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1217 - Section 440.2 - Request to allow a home occupation (auto repair, tune-up) - Under the Provisions of Section 1680 located at 1430 East 49th Street.

Presentation:

Andrew Spears, 1430 East 49th Street, was present and submitted a petition in support of the application bearing 82 signatures of property owners in the immediate area (Exhibit "L-1"); photographs showing three other property owners conducting a home occupation in the area (Exhibit "L-2"); a letter from David Zacker stating his support for the application (Exhibit "L-3"); and, advertisements of one of the home occupations in the surrounding area (Exhibit "L-4").

Mr. Spears requested permission to operate a home occupation (auto repair, tune-up) at the subject location. He advised a 6' privacy fence was installed to maintain the integrity of the neighborhood. There will be no loud noises, no other employees, and no advertising of the business. Mr. Spears also stated he had heard no complaints from his neighbors.

Protestants:

Commissioner Terry Young, 1309 South Indian Avenue, was present on behalf of his parents who reside at 1518 East 49th Place and have lived at that location since 1951. Commissioner Young advised with the exception of the expansion of John Zinc Company located close to 43rd Street and Peoria Avenue the Brookside area has remained exclusively residential in character. A special district study has been requested as a result of increased activity between 31st and 41st Streets in the Brookside area. Commissioner Young did not feel the type of activity associated with an auto repair business would coincide with the rules of the home occupation.

Tom Kuhn, 4670 South Rockford Avenue, submitted a protest petition signed by 65 property owners in the surrounding area (Exhibit "L-5"). Mr. Kuhn, who represented many of the property owners in the area, stated their protest to the request and felt it would be incompatible with the residential area.

Others present in protest to the application stated their names and addresses: Mr. & Mrs. F. A. Young, 1518 East 49th Place; Nancy Baginski, 1523 East 49th Place; Bill Kelly, 4665 South Rockford Avenue and Charles Roberts, 1524 East 49th Street.

Case No. 12664 (continued)

Interested Party:

Bill Chick, 1217 East 29th Place, spoke in support of the application and advised he owns a residence located next door to Mr. Spears. Mr. Chick felt the fence would protect the neighborhood.

Comments and Questions:

Mr. Victor asked if the applicant had been operating the auto repair business at the subject location and Mr. Spears advised he had been operating the home occupation for approximately two years. Paula Hubbard, Protective Inspections, advised the City Commission approved the applicant's privacy fence on the City right-of-way. Mr. Spears added that his 6-foot privacy fence was installed approximately two years ago.

Mr. Victor inquired as to the days and hours of operation and the applicant advised he works five days a week from 8 to 10 hours a day. The Board asked where the cars were located and the number of cars to be repaired each day. Mr. Spears advised he normally works on four to five cars a day. Most of his work is performed inside the garage and the automobiles are stored inside the fence in the back yard. Mr. Jackere, Legal Counsel, advised the home occupation regulations require that all work be conducted within a customary accessory or principal building. Storage of vehicles outside would be included in the business being conducted.

Mr. Victor submitted the photographs of other nonconforming home occupations in the area to the Building Inspector for their inspection.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Under the Provisions of Use Unit 1217 and Section 440.2) to allow a home occupation (auto repair, tune-up) - Under the Provisions of Section 1680, on the following described property:

Lot 2, Block 7, Bellaire Acres Addition Extended, City of Tulsa, Oklahoma.

Case No. 12665

Action Requested:

Appeal - Section 1650 - Appeals from the Building Inspector - Request regarding said lot in the meaning of "Approval Per Plot Plan" in Case #12492 located at 7000 South Birmingham Court.

Presentation:

Larry Andrews, 7014 South Birmingham Court, advised the Board previously granted approval of a variance of the setback from Birmingham Court from 35' to 29' for the property located at 7000 South Birmingham Court on March 10, 1983. At the May 19, 1983 hearing Mr. Andrews sought an answer as to the question if approval per plot plan means "per plot plan". The Board voted unanimously that granting a request per plot plan means one hundred percent per plot plan. Since that meeting Mr.

Case No. 12665 (continued)

Andrews was informed that the May 19, 1983 action was given without jurisdiction. Mr. Andrews again posed the question to the Board through an appeal from the Building Inspection Department.

Correspondence from Alan Jackere and Don Irwin were submitted for the Board's review (Exhibit "M-1").

Protestant or Interested Party:

Max Heidenreich, 7002 South Birmingham Court, architect for the residence constructed at 7000 South Birmingham Court, was present and advised the dwelling was constructed per the site plan. The location of the driveway was altered in order to save the only two large trees on the front of the property. Mr. Heidenreich advised he had submitted a survey to the Building Inspection Department after the stem walls were installed and the plot plan as constructed. He advised a 6-foot variance was requested by the applicant and approximately 3' were used instead of what was originally asked.

Comments and Questions:

Paula Hubbard, Protective Inspections, submitted the plot plan which had been approved at the previous hearing (Exhibit "M-2") for the Board's viewing. The plot plan indicates the only change being the location of the driveway and the garage entrance, but the house and garage are located as indicated previously.

Legal Counsel Jackere advised the request was approved per plot plan, which showed the driveway in a particular location among other things. When the applicant went to the Building Inspection Department he changed the location of the driveway causing confusion in what is meant by per plot plan approval. On the May 19, 1983 meeting the Board was asked to act on a matter that had not been published or advertised. The procedure which was followed by the Board at that time was not in accordance with the powers granted to the BOA. The applicant (Mr. Andrews) has refiled an application for considering an appeal to the decision of the Building Inspector whose interpretation is that per plot plan does not mean everything, i.e., remain as is including driveways and trees, etc. Conditions placed on a case, unless specific, are subject to interpretation, and any condition imposed must be reasonably related to the matter of the relief sought.

Discussion ensued as to how the relocation of the driveway affected Mr. Andrews in terms of drainage. Mr. Jackere advised the Board must determine if their granting of the variance has caused the drainage problems. He did not feel their decision had caused the problems which Mr. Andrews has stated. It was also expressed that Mr. Andrews could solve this problem through the appropriate authority. If the Board feels that granting the relief sought will create problems they have the authority to place specific conditions. He did not feel the granting of this variance relates to the relief sought.

The Board was confused as to what per plot plan meant at this point. Mr. Jackere felt that it's meaning must relate to the relief sought.

Applicant's Rebuttal:

Mr. Andrews stated he had talked to INCOG and was furnished with a plot plan and felt the garage had been located closer to his property.

Case No. 12665 (continued)

He felt there was an obvious difference of opinion among the individuals in authority and himself. He stated the movement of the driveway is a detriment to the property in a major way and felt it would reduce the mount of off-street parking and turn-around space.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to uphold the decision of the Building Inspector in regard to said lot in the meaning of "approval per plot plan" and that the appeal be denied, on the following described property:

Lot 8, Block 1, South Oaks Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12666

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback from the abutting streets from 25' to 15' - Under the Provisions of Section 1670 located at 3021 South 140th East Avenue.

Presentation:

C. Dale Treat, 8262 East 41st Street, was present and submitted a plot plan (Exhibit "N-1") and a floor plan (Exhibit "N-2"). The applicant proposes to construct a residence on a cul-de-sac and is requesting a variance of setback from the required 25' to 15'.

Protestants:

Augustus Oliver, Jr., 3017 South 140th East Avenue, was present and submitted an exhibit showing how the subject lot could be developed within the existing building lines (Exhibit "N-3"). Mr. Oliver contended that a residence could be constructed on the tract which would not require the variance, and therefore, requested that the variance be denied.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to DENY a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback from the abutting streets from 25' to 15' - Under the Provisions of Section 1670, on the following described property:

Lot 13, Block 8, Eastland Acres II Addition, Tulsa County, Okla.

Case No. 12668

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1209 - Section 440.6 - Request to allow a mobile home in an RS-3 District - Under the Provisions of Section 1680 located at 3617 South Galveston Avenue.

Presentation:

Linda Prince, 4326 Sunburst West, Sand Springs, Oklahoma, was present and requested permission to place a mobile home on the subject property. The Board previously approved mobile home use on the property for a one-year period.

Protestants: None.

Board Questions:

Acting Chairman Victor asked if other mobile homes are located in the immediate area and Ms. Prince answered in the affirmative.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Under the Provisions of Use Unit 1209 and Section 440.6) to allow a mobile home in an RS-3 District - Under the Provisions of Section 1680, for a one-year period, removal bond required, subject to Tulsa City-County Health Department approval, on the following described property:

Lots 16 and 17, Block 1, Garden City Addition to the City of Tulsa, Oklahoma.

Case No. 12669

Action Requested:

Variance - Section 207 - Street Frontage Required - Request for a variance of the minimum of 30' of frontage on a public street or dedicated right-of-way (private access easement) to allow construction of a single-family dwelling - Under the Provisions of Section 1670 located at 7028 East 101st Street.

Presentation:

Steve Nelson, 74 Cedar Road, was present and submitted a detail topographic survey (Exhibit "0-1") and a copy of the easement agreement (Exhibit "0-2"). There is an easement road on the 2 1/2 acre site which was granted by Republic National Bank to the owner in 1966. Access to the property is from 101st Street. Mr. Nelson, a home builder, proposes to construct a single-family dwelling on the 2 1/2 acre subject tract.

Protestants: None.

Comments and Questions:

The Staff advised if the subject property contains 2 1/2 acres or less a lot split would be required from the Planning Commission (TMAPC).

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0
6.30.83:390(16)

Case No. 12669 (continued)

(Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 207 - Street Frontage Required) of the minimum of 30' of frontage on a public street or dedicated right-of-way (private access easement) to allow construction of a single-family dwelling - Under the Provisions of Section 1670, per drawing submitted, on the following described property:

The NE/4 of the SW/4 of the NE/4 of the NW/4 of Section 26,
Township 18 North, Range 13 East, Tulsa County, Oklahoma.

Case No. 12670

Action Requested:

Variance - Section 420 (d) 2 - Accessory Use Conditions - Request for a variance of the permitted surface area from 32 square feet to 100 square feet and also a request for a variance height maximum from 15 feet to 25 feet - Under the Provisions of Section 1670 located at 205 South Sheridan Road.

Presentation:

Gerald Hulsizer, 205 South Sheridan, was present and submitted a drawing of the proposed sign (Exhibit "P-1") and a photograph with the proposed sign drawn to scale (Exhibit "P-2").

Larry Waid, 7414 South 69th East Avenue, was present on behalf of Waid Associates Signs and Graphics and advised the proposed sign will be located at the center front portion of the building. A variance of the height and square-footage is being requested to permit the 25' tall sign which contains approximately 100 square feet. The existing sign will be removed which is located on the north corner of the building.

Protestants: None.

Comments and Questions:

Mr. Wait asked if lighting would be used and Mr. Waid advised interior lighting would be provided for the sign.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 420 (d) 2 - Accessory Use Conditions) of the permitted surface area from 32 square feet to 100 square feet and a variance of the height maximum from 15' to 25' - Under the Provisions of Section 1670, per plot plan and limiting the approval to the one sign only, no other street frontages, on the following described property:

Lots 19-24 and Lots 1-6, Block F, Crestview Estates Addition,
to the City of Tulsa, Oklahoma.

Case No. 12672

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request to locate a recreational vehicle sales establishment in a CS District - Under the Provisions of Section 1680 located at 1411 South Memorial Drive.

Presentation:

George Kritikos, 1411 South Memorial Drive, was present and submitted two (2) photographs of the subject property (Exhibit "Q-1"). Mr. Kritikos requested permission to locate a recreational vehicle sales establishment on the subject property. The vehicles will consist mostly of travel trailers and possibly some vans.

Protestants: None.

Board Comments and Questions:

Acting Chairman Victor asked Mr. Kritikos if he was aware that an all-weather parking surface would be required and the applicant answered in the affirmative. The applicant was also advised that screening is a requirement of property in a CS zoned district and Mr. Kritikos advised the screening would be provided.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - Under the Provisions of Use Unit 1217) to locate a recreational vehicle sales establishment in a CS District - Under the Provisions of Section 1680, subject to a dust-free all-weather surface be provided, on the following described property:

The North 65' of Lot 2, Block 10, Forest Acres Addition, to the City of Tulsa, Oklahoma.

Case No. 12673

Action Requested:

Variance - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1211 - Request to permit office use in an RS-3 District - Under the Provisions of Section 1670; and a Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Request for a variance of the setback from R Districts from 10' to 0' - Under the Provisions of Section 1670; and a Variance - Section 1450 (a) - Structural Nonconformities - Request to expand a nonconforming structure - Under the Provisions of Section 1670 located at the SE corner of 41st Street and Owasso Avenue.

Presentation:

Kathy Lucas, 4101 South Owasso Avenue, was present and submitted photographs of the subject property (Exhibit "R-1"); plans consisting of the plot plan, floor plan and elevation plan (Exhibit "R-2"), and a copy of the plat of survey (Exhibit "R-3"). Mrs. Lucas requested permission to expand an existing office use approximately 10' at the back of the structure. The subject property is zoned CS and RS-3 which was done so before the applicant purchased the property. The property contains

Case No. 12673 (continued)

an office and the applicant's residence.

Protestants:

Wanda Burkett, 4111 South Owasso Avenue, was present and requested that the zoning not be changed. Mr. Victor advised this Board does not have the authority to change the zoning on the property, but the applicant is merely requesting permission to place office use on a portion of the residentially zoned property. Mrs. Burkett who represented many of the property owners in the area expressed their concern that the area remain residential in character.

Discussion:

The Staff advised they shared the same concern as the protestants that the residential district should not be turned into an office district. The applicant is not requesting that the zoning be changed. It was discovered that the legal description which was submitted included the entire property owned by Mrs. Lucas, but the portion under application needs to be amended to include only the proposed office expansion.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 410 - Principal Uses Permitted in the Residential District - Under the Provisions of Use Unit 1211) to permit office use in an RS-3 District - Under the Provisions of Section 1670; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts) of the setback from R Districts from 10' to 0' - Under the Provisions of Section 1670; and a Variance (Section 1450 (a) - Structural Nonconformities) to expand a nonconforming structure - Under the Provisions of Section 1670, subject to no office or business use being operated out of the residence, that the approval be applicable to the amended legal description, on the following described property:

Lot 1, Block 4, Alta Dena Place, LESS the West 80' and the South 15' thereof, in the City of Tulsa, Oklahoma.

Case No. 12674

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request to allow a Use Unit 17, (Automotive and Allied Activities) permitted in a CS District for the sale of new and used autos - Under the Provisions of Section 1680 located at 10130 East 31st Street.

Presentation:

Jerry Witt, 1640 South Boston Avenue, attorney representing Vernon Stout, was present and requested permission to allow a Use Unit 17 - sale of new and used automobiles on the subject property. The subject lot is 150' x 225' and faces East 31st Street. Located north of the property is a new and used car dealership and apartments, to the south are apartments, to the east is an existing restaurant and to the west of the subject property is a vacant lot.

Case No. 12674 (continued)

The subject property was previously used as a self-service gas station and a 60' x 20' trailer was used as an office. The applicant plans to use the trailer as the office for the new and used car dealership. The only change to the property will be additional paving for the automobiles and the existing sign will not be increased in size. There will be a patio added to the front of the trailer for cosmetic improvement. Mr. Witt felt the use would be consistent with the uses in the surrounding area.

Protestants: None.

Comment and Questions:

Discussion ensued as to the allied activities of the business. Mr. Witt advised there would be no dismantling of automobiles, no body work, painting, or repair work done at the subject property. Mr. Gardner advised the applicant has not requested that repair work be performed at the subject location and it has not been advertised. If the applicant intends to repair automobiles on-site another hearing would be required to allow for proper notice and advertisement.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - Under the Provisions of Use Unit 1217) to allow for the sale of new and used autos only - Under the Provisions of Section 1680, on the following described property:

Lot 1, Block 1, Bradford Addition, Tulsa County, Oklahoma.

Case No. 12675

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback from the centerline of Peoria Avenue from 85' to 47' and a variance of the maximum height from 35' to 36' - Under the Provisions of Section 1670; and a Variance - Section 280 - Structure Setback From Abutting Streets - Request for a variance of the Major Street Plan setback from 50' to 47' - Under the Provisions of Section 1670 located at 1306 East 26th Street.

Presentation:

Roy Adcock, Suite 607, Park Towers, architect representing Frances Norman, submitted a photograph of a residence located in the immediate area (Exhibit "S-1"); a color rendering of the proposed structure (Exhibit "S-2") and a site plan (Exhibit "S-3"). A single-family dwelling is proposed for the corner of 26th Street and Peoria Avenue. A variance of the setback and height requirements are requested to permit construction of the residence. The dwelling will front on Peoria which also requires a variance of the Major Street Plan setback. If the residence did not front on Peoria the request would not be needed.

Protestants:

A protest letter was submitted from Gerald Weathers, 1305 East 26th Street, which stated his opposition to the variance as it would

Case No. 12675 (continued)

detract from neighboring properties (Exhibit "S-4").

Comments and Questions:

The Staff advised the drawing indicates the structure to the north sets closer to the street than the proposed dwelling.

The Board did not feel the proposed residence would detract in any way from the neighborhood.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback from the centerline of Peoria Avenue from 85' to 47' and a variance of the maximum height from 35' to 36' - Under the Provision of Section 1670; and a Variance (Section 280 - Structure Setback from Abutting Streets) of the Major Street Plan setback from 50' to 47' - Under the Provisions of Section 1670, per site plan, on the following described property:

Lot 16, Block 2, Travis Heights Addition to the City of Tulsa, Oklahoma.

Case No. 12677

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1215 - Request to allow an electrical contractor in a CS District - Under the Provisions of Section 1680; and a Special Exception - Section 1680.1 (g) - Special Exception - Use Unit 1209 - Request to allow off-street parking in an RS District - Under the Provisions of Section 1680; and a Special Exception - Section 250.3 - Modification of the Screening Wall or Fence Requirements - Use Unit 1215 - Request to vary the screening requirement - Under the Provisions of Section 1680, located at approximately 1137 South 120th East Avenue.

Presentation:

John Hogan, 9622 North 147th East Avenue, Owasso, Oklahoma, was present and submitted a plot plan (Exhibit "T-1"). The subject lot is 175' x 240', and 180' of that property is zoned CS with the remaining 60' being zoned RS. The 180' x 175' portion of the property will be used to construct a building for an electrical contractor, Mars Electric. A future building of similar occupancy is proposed on the same lot. The 60' portion of the property zoned RS will be used for off-street parking purposes. The applicant also requested permission to move the screening to the south line to include both the CS and RS properties. The proposed structure would encompass an office and storage which would allow the owner to store everything inside the building.

Protestants: None.

Comments and Questions:

Mr. Wait inquired as to the screening requirement and Mr. Hogan stated he intends to place the screening fence 60' south of the CS zoned property. Mr. Gardner advised the Staff would be concerned that there be no outside storage or work performed at the subject property. It

Case No. 12677 (continued)

was advised the applicant would be required to screen along the entire eastern and southern boundaries. The applicant has requested that screening not be required between the CS and the 60' area for parking.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - Under the Provisions of Use Unit 1215) to allow an electrical contractor in a CS District - Under the Provisions of Section 1680; and a Special Exception 1680.1 (g) - Special Exception - Under the Provisions of Use Unit 1209) to allow off-street parking in an RS District - Under the Provisions of Section 1680; and a Special Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirements - Under the Provision of Use Unit 1215) to vary the screening requirement - Under the Provisions of Section 1680 to require the screening fence on the entire southern and eastern boundaries, subject to no outside storage or work to be performed at the site, on the following described property:

Beginning 420' South and 25' East of the NW corner of the E/2 of the NE/4 of the NE/4 of the NW/4; thence East 175'; thence South 240'; thence West 175'; thence North 240' to the Point of Beginning in Section 8, Township 19 North, Range 14 East in Tulsa County, Oklahoma.

Case No. 12681

Action Requested:

Variance - Section 410 - Principal Uses Permitted in the Residential District - Use Unit 1211 - Request to allow a studio for teaching physical fitness in an RS-3 District - Under the Provisions of Section 1670; and a Variance - Section 1211.3 - Use Conditions - Request for a variance of the screening requirements - Under the Provisions of Section 1670, located west of the SW corner of 35th Street and Qunicy Avenue.

Presentation:

C. S. Lewis, III, Suite 1500, Bank of Oklahoma Tower, was present on behalf of Skilly Forsman, and requested that the application be continued for a six-week period. The purpose of the continuance is to allow the Planning Commission and INCOG Staff to conduct a special district study on the subject area. The subject property is located within a residential area and the property owners in the area previously requested the special study.

Protestants:

George Ellison, 1441 East 35th Street, was present and submitted a protest petition bearing approximately 50 signatures of owners in the immediate area (Exhibit "U-1"). Mr. Ellison stated he was not opposed to the continuance, but expressed the neighborhood's disapproval of the request.

Caroline Robertson, 1404 East 35th Street, was present and requested that the application be denied because the neighborhood has had many encroachments and are fearful of more encroachments which might be permitted. Many of the residents and businesses of the Brookside

Case No. 12681 (continued)

area recently met concerning the problem in the neighborhood. A letter was written requesting the study as a result of that meeting and was submitted for the Board's review (Exhibit "U-2").

A gentleman from the subject area advised approximately 12 residents were present for the hearing today. He expressed his concern with the ever increasing problems with parking and traffic in the area and requested the Board consider this application very carefully.

Applicant's Comments:

Mr. Lewis encouraged the Board members to view the site before the case is heard.

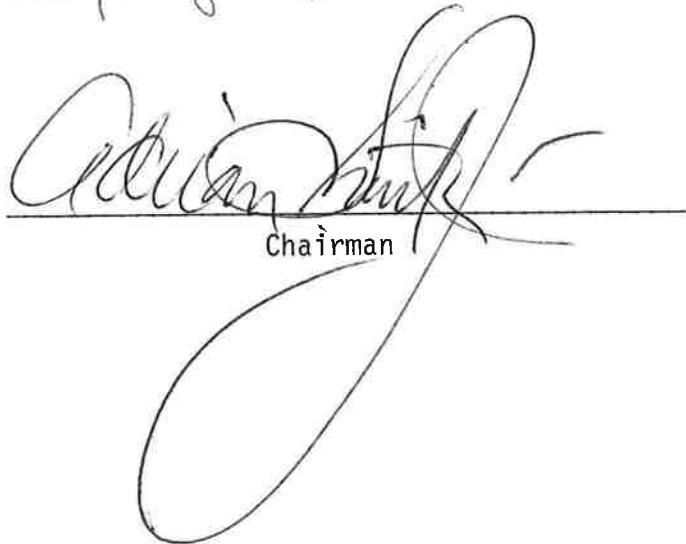
Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to continue Case No. 12681 to the August 11, 1983 meeting.

There being no further business, the Chair adjourned the meeting at 4:32 p.m.

Date of Approval

July 28, 1983


Chairman