CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 411
Thursday, April 19, 1984, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle	Purser	Compton	Hubbard, Protective Inspections
Victor	Smith	Jones	Jackere, Legal Department
Wait		Wiles	

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, April 17, 1984, at 11:32 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Mr. Victor called the meeting to order at 1:05 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 March 22, 1984 (No. 409).

UNFINISHED BUSINESS:

Case No. 13046

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request for an exception to permit a 4-foot wide x 10-foot high sign for an existing office building in an RM-1 District under the provisions of Section 1680.

Variance - Section 1221.3 (g) - Business Signs and Outdoor Advertising - Use Unit 1211 - Request for a variance of the required setback from the centerline of Yale from 60' to 50' to permit placement of a sign in an RM-1 District under the provisions of Section 1670, located South of the SE corner of 33rd Street and Yale Avenue.

Presentation:

The applicant, Gary Van Fossen, P. O. Box 2875, was not present.

Protestants: None.

Comments:

Mr. Jones suggested that this item be continued to the May 3, 1984, meeting.

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. 13046 to the May 3, 1984, meeting.

Case No. 13068

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1206 - Request for a variance of the required 55' setback from the centerline of East 35th Street to 51.5' for an existing carport in an RS-2 District under the provisions of Section 1670, located east of the NE corner of East 35th Street and Zunis Place.

Presentation:

The applicant, Thomas E. Wier, 2217 East 35th Street, was not present.

Protestants: None.

Comments:

The Staff informed the applicant has not been at the last couple of meetings. They have tried to reach him but have not been able to. This is for an existing carport.

Mr. Victor informed he went by to view this site, and the carport architecturally does not conform to the development in the 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 Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1206) of the required 55' setback from the centerline of East 35th Street to 51.5' for an existing carport in an RS-2 District under the provisions of Section 1670, for failure to present, on the following described property:

Lot 7, LESS the West 10', Block 8, Oaknoll Extension, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13074

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1208 - Request for a variance to allow an existing 4-plex in an RS-3 District under the provisions of Section 1670, located north of the NW corner of Newport Avenue and East 15th Street South.

Presentation:

Aloah B. Kincaid, 1346 East 26th Street, was represented by Larry Pinkerton, 2400 First National Tower. Mr. Pinkerton was concerned about the fact that there were only three Board members present and this is a controversial matter. Mr. Pinkerton informed that Mrs. Kincaid is the owner of the subject tract. He submitted a folder of handouts to help explain this application (Exhibit "A-1"). He described the location of the subject tract. The Inner Dispersal Loop constitutes the entire northern boundary of the subject property. He described other zoning and exceptions that have been granted in the area. To the west of the subject tract an exception was granted for a duplex. Mrs. Kincaid would like to continue what constitutes a pre-existing use as a four-plex. Mr. Pinkerton informed that from the

corner of the structure, there is a three foot space between the structure and the existing State property. He feels this is the single important face that qualifies this tract for this variance--the tremendous impact that has been experienced by this particular lot as a result of the construction of the Inner Dispersal Loop. They have eminent domain occurring here, which essentially has eviscerated this piece of property as a single-family dwelling. This piece of property no longer meets the RS-3 zoning because it does not have a substantial yard. This piece of property is currently being maintained in an excellent condition in its present existing use as a four-plex. This is perhaps the best kept property in this neighborhood. They feel the property is experiencing its appropriate use, that is, as a four-plex. This structure has been used for this purpose for a long time. He described the exhibits which prove the long use of the property for this purpose. Going back at least 20 years, there have been as many as four residents listed in cross-reference directories for this piece of property. This particular piece of property has been used for more than a single-family since at least 1952. They have talked to experts who conclude that this property does not qualify for single-family use. The granting of this four-plex will clearly be to the benefit of the surrounding neighborhood.

Comments and Questions:

Mr. Victor asked if the fire escape structure on the south side of the building was in existence when Ms. Kincaid bought the building, and he was informed that it was in existence at that time. Mr. Victor asked if Mrs. Kincaid has made any alterations to the structure since she purchased it, and Mrs. Kincaid informed they have replaced only things that did not work. The structure is substantially the same as it was when she purchased it in the summer of 1983. When they purchased the property, there were five rental units in the building. They thought that was too many--one was very small.

Mr. Victor asked the applicant if there is adequate off-street parking, and Mrs. Kincaid informed she has the required number of parking spaces for each unit.

Mr. Victor asked if the rental units are efficiency units, and Mrs. Kincaid informed they are one bedroom. He asked if they limit their renters to adults only or if they accept children. Mrs. Kincaid informed there are adults living there, but she objects to saying children cannot live someplace. They have had a child living in one of the apartments. They try to be very careful about the quality of the tenants because they have a level at which they expect it to be maintained. She doesn't want anybody there who is not going to take care of the property. She does not have anyone living in the apartments that she would not want for a neighbor.

Mr. Victor asked Mrs. Kincaid if she lives in the apartments. She informed that she does not, but they do have a resident manager. She informed the noise in the area comes from the Inner Dispersal Loop.

Mr. Jackere asked Mr. Pinkerton if he knows when the right-of-way for the Inner Dispersal Loop was taken from the property. It was taken in 1970. Mr. Jack Martin, 1399 East 26th Street, an appraiser, described the part of the subject tract that was taken for the right-of-way. He informed the owners of the property at the time the right-of-way was taken were

paid for the property that was taken.

Mr. Jackere pointed out that the property owner at the time the property was taken, and therefore, all successors in title, were paid for leaving a 3-foot side yardline.

Mr. Pinkerton informed that the point that Mr. Jackere made does not disqualify the applicant from seeking a variance of this. Mr. Jackere informed that anyone is qualified to come before the Board. He made his statements because of Mr. Pinkerton's statement that the significance of this property is its 3-foot distance from the right-of-way of the Inner Dispersal Loop. He is suggesting that the property owner of the subject tract at the time the right-of-way was taken was paid just compensation for leaving the three feet. He is suggesting that perhaps the hardship that the applicant is suggesting was paid for in terms of money. He feels the applicant needs to show what the character of the neighborhood is--are there other multifamily dwellings in the neighborhood?

Ms. Kincaid informed they were advised by the Staff to talk about the subject property and not the whole area.

Mr. Pinkerton submitted a chart which shows some of the problems that that neighborhood is experiencing and probably will continue to experience (Exhibit "A-2").

Mr. Victor asked if this use started 30 years ago or if that was just as far as they could research it. Mrs. Kincaid informed they tried to go back to the beginning of the use. She described the various methods of research they used and told of people they talked to.

Mr. Pinkerton informed that because of the Inner Dispersal Loop, the property is now more suited for four-plex use than it was 30 years ago.

Protestants:

Grant Hall, 1202 East 18th Street, informed he is with the Maple Ridge Association and they are involved with the residents in opposing this application. This area is zoned single-family and is in accordance with the Comprehensive Plan. The entire neighborhood is denoted as sensitive to development. The granting of this variance would represent spot-zoning and would set a precedent that would be detrimental to the entire neighborhood for increase in density in the zoning. He informed that in the past there may have been more residences on the property, but the property has always been owner-occupied. There is a great deal of difference in the appearance of the neighborhood and the involvement of the neighborhood when you have an owner-occupied residence that rents rooms. When a neighbor complained to the Building Inspector, the Building Inspector went out and was told that this was a single-family residence. They feel that if Mrs. Kincaid bought the property under misrepresentation from the previous owner, then her recourse is against that previous owner. If the property was acquired under bad advice from someone, then she should go for restitution from those who advised her. If the property was acquired in bad judgement, then it is not this Board's position to rectify a bad real estate deal. This property still has the potential of being a single-family home. He told of someone in the area who had converted their home from a four-plex to a single-family home. They do not feel

that there is a hardship involved in this application, and they feel that it is inappropriate for this Board to grant a spot zoning variance in this neighborhood. The Maple Ridge Association opposes this application. They feel that this will be a terribly unstablizing force on the neighborhood. A denial of the variance would lend heavily to the neighborhood's stability.

Comments and Questions:

Mr. Chappelle asked if there are any other homes in this area that are this large, and Mr. Hall informed that there are.

Mr. Victor asked Mr. Hall how the granting of this variance could be unstablizing to the neighborhood when the evidence shows that the property has had this use for so long and the whole area has not turned into multi-family. Mr. Hall informed the property has been owner-occupied. The neighbors will testify that the appearance of an owner-occupied home is completely different than one of an absentee landlord with transient tenants. There is more care about the neighborhood and it gives a different appearance. They feel that formalizing this illegal use because it is in a sensitive area would set a precedent that would allow a number of other things. Approval of this could set a precedent that could rezone the whole neighborhood.

Mr. Victor asked how this structure is different than other structures in the area. Mr. Hall informed the back yard of the property is graveled over for parking. There are a number of times when people park on the street at the subject property. This property is also different because there is an exterior fire escape and carport.

Mr. Compton informed the Comprehensive Plan designates the triangular area north of 15th Street and west of Peoria Avenue as Low Intensity -- No Specific Land Use, not Low-Intensity--Residential. South of 15th Street the Plan designates the area Low-Intensity--Residential. The plan is fairly clear that the triangular shaped area north and west of 15th and Peoria was intended to be something somewhat different than south of 15th Street. The subject property is within that area. This use would not necessarily be in conflict with the Comprehensive Plan. The Comprehensive Plan allows RM-1 and OL to exist as "may be found" in accordance with the Comprehensive Plan in a low-intensity--no specific land use designated area. The "may be found" has to be substantiated by the existing area--what is occuring in that area surrounding the tract.

Mr. Jackere asked what the density of four dwelling units on this lot would be--would it be RM-1? Mr. Compton informed that RM-1 would allow between 20 and 26 dwellings per acre of land. Mr. Jackere asked Mr. Compton if he could determine whether this is in conflict with the Comprehensive Plan based on the density.

Ms. Hubbard informed they have had complaints on the property dating back to 1980. On every occassion, the Building Inspector went out and was informed by the owner that this was a single-family dwelling only.

Additional Protestants:

Wallace E. Bewley, 1431 South Newport, informed he lives directly across the street east of the subject tract. He submitted 4 pictures of his house (Exhibit "A-3"). They have a large house and they would like to

keep the integrity of the neighborhood as it is now. He described the history of the previous owners of the house on the subject property. He informed the parking on the subject property all belongs to the Highway Department. There have been as many as eight cars parked at the subject property at night. The tenants of the subject property are young people with old loud cars. He wanted to know about the improvements made on the inside of the building. They could not find any building permit posted on the outside of the building. He informed that Mrs. Kincaid has had three kitchens put into the building on the subject tract. He informed that they have not been allowed to go into the building. He informed he was in the house when the previous owner owned it and there were not four kitchens in it.

Comments:

Mr. Jackere advised the Board that under the Zoning Code for the last 10 years, in a single-family neighborhood an owner is permitted to have roomers and boarders up to two. A four-plex is different than this. When the applicant talks about the four-plex going way back, they could be talking about roomers and boarders way back and not four dwelling units.

Additional Protestants:

Gary Dile, 1428 South Owasso Avenue, lives one block from the subject property. He informed that on the 1400 block of South Norfolk the Board would not allow a building to be used for a law firm. The house has been up for sale for about a year. The Board turned this down and at the time talked about the integrity and the characteristics of the neighborhood. There are families in the area of the subject property. Most of the houses are owner-occupied. Except for one piece of property, the only rental property he knows of are garage apartments.

Dr. Pearl Hamilton, 1438 South Newport Avenue, owns the property next door to the subject property and is the person who is most influenced by what happens today. Her home is a single-family dwelling. She described what went on on the subject property before Mrs. Kincaid bought the property. There is a driveway on the subject property that runs right along her fence and people run into her fence a lot and create a lot of noise. Her fence was damaged and has not been fixed. She cannot sleep at night because of the noise. She submitted some pictures (Exhibit "A-4") and explained them.

A protest petition was submitted (Exhibit "A-5").

Comments and Questions:

Mr. Jackere asked Dr. Hamilton if there have been four families living on the subject property to disturb her ever since she bought her property 11 years ago. Dr. Hamilton informed there have not been four families living on the subject property and she described the people who had lived there. There was no indication that there were tenants living on the subject property.

Mr. Jackere asked Dr. Hamilton when the additional kitchens were put in the house. She told the Board that one was put in in 1981.

Mr. Victor asked Dr. Hamilton if she has observed the construction of any more kitchens since 1981. She informed that she left for a couple

of months after Mrs. Kincaid bought the property, and when she returned there were five tenants in the house. She informed that the tenants are not desirable.

Applicant's Rebuttal:

Mr. Pinkerton informed that Mrs. Kincaid did not install any additional kitchens in the subject building. There are four kitchens in the building. Mrs. Kincaid does not know when the kitchens were installed. All they have done is change out cracked appliances. The Code allows the Board to take into consideration existing conditions. The operation of the Inner Dispersal Loop has created a special circumstance that the Code attempts to address--the fact that this is not a viable, single-family entity any longer. It should be allowed to continue in its multifamily use which is only for four familes. The protestants have protested against the tenants in the building, and this Board has the authority to grapple with that problem. Conditions can be made by the Board. If there is some disturbance, the police can be called to handle the situation. There are people in the neighborhood who do support this application. He submitted a petition of approval (Exhibit "A-6"). The neighborhood is not unanimously against this application. Mr. Pinkerton informed that Mrs. Kincaid has leased the State property that is beyond the three foot boundary of her yard. She can made that land available to the tenants to accommodate their needs. If this were a single-family residence, the property would not be available. This is a unique situation.

Comments and Questions:

There was discussion between the Board members and the applicant concerning the lease the applicant has on the State property next to the subject property.

Mr. Jackere informed this Board's obligation is, where a hardship is shown, to grant the minimum amount of relief necessary due to the hardship. Mr. Pinkerton informed this use would be allowed in this area. This is not in violation of the Comprehensive Plan.

Mr. Compton informed that in this building there are three one-bedroom or efficiency apartments and one two-bedroom apartment. Each one-bedroom apartment requires 1,700 sq. ft. of land area. The two-bedroom apartment requires 2,200 sq. ft. of land area. This is 7,300 sq. ft. of land area needed to support those four units. The Code defines the land area as being the lot and out to 30 feet of the right-of-way. The land area on this lot would be approximately 7,884 sq. ft. There is slightly more land area than is required for RM-1 zoning.

Mr. Pinkerton informed that this application does not ask for something that is in violation of the Comprehensive Plan. He informed that this neighborhood is not experiencing a resurgence. The single-family homes are deteriorating and are becoming more and more shabby. The approval of this application would not be detrimental to this neighborhood--it is merely continuing something that has gone on. This is a neighborhood in transition.

Mr. Victor asked if the applicants had any piece of evidence to show that there was more than just the owner living at the subject property

Case No. 13074 (continued)

before Mrs. Kincaid bought the property. Mrs. Kincaid informed they met the people that did live at the subject property before they bought the property. She described the tenants. Mrs. Kincaid informed they did not bring the cross-reference all the way up to date because they felt they needed to go back. Mr. Pinkerton informed that the multiple listings tend to reflect that there was an apartment usage of the property.

Mr. Jackere asked the applicants questions about the multiple lists information. He does not think that the lists are proof one way or the other that this use existed.

Mr. Pinkerton informed that what is important today is whether or not this highway and its operation on top of having this lot sliced has created a special circumstance that makes this property no longer qualify as a single-family dwelling.

Mr. Victor asked about the case where the previous owner of the subject property was denied a variance to allow a carport that was already constructed. Ms. Hubbard informed the case was denied, and the Building Inspector went out and determined that it was a permitted yard obstruction under the terms of the Code and would be permitted to encroach 4 1/2 feet into a required side yard.

Mr. Jackere informed a person needs a building permit to construct a staircase on a carport or on the side of a structure. Ms. Hubbard informed a permit was issued for the carport and the stairs were a part of that carport. She did not find any other permits that the previous owner obtained.

Mr. Wait informed he has mixed feelings about this and he would like to view the site.

Board Action:

On MOTION of WAIT and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to continue Case No. 13074 to the May 3, 1984, meeting to allow the Board members time to view the site.

Comments:

Mr. Compton suggested that when the Board members view the site they should note where the parking is. There should be at least 7 parking spaces provided on the lot. There should also be at least 4,000 sq. ft. of livability space on the lot--open land, not including driveways or parking.

Case No. 13096

Action Requested:

Variance - Section 430.2 - Bulk and Area Requirements in the RMH District - Use Unit 1206 - Request for a variance to permit a 720 sq. ft. detached accessory building (garage) in the front yard in an RS-3 District under the provisions of Section 1670, located east of the SE corner of East 33rd Place and Riverside Drive.

Case No. 13096 (continued)

Pesentation:

Bradford Maxey, 120 East 33rd Place, submitted 8 pictures of what the building will look like and the subject property and described them (Exhibit "B-1"). The driveway is dirt and always has been--it is nonconforming to the Code. The driveway runs right beside the neighbors fence. Right now they park their vehicles just a few feet away from the neighbor's fence. The garage doors will face to the east towards the protestant's house. The side of the building will face the street, and will have a window in it which will give it the appearance of being another house. There is approximately 64 feet from the end of the building to the street. They wanted to put the garage on the side of the house, but there is a big tree there that they would like to save. They are more than willing to put up a privacy fence. There is already a fence on the back side of the property and on the west side. There are hedges on the front of the property. They are willing to pave their driveway as well as put up a privacy fence. He submitted a plat of survey (Exhibit "B-2").

Comments:

Mr. Jackere informed if this was a carport, it would be permitted by right as long as it did not violate the required front yard which is quite a bit closer to the street.

Protestants:

Leon Hardwick, 124 East 33rd Place, informed if this is permitted, he wants to build one in the middle of his back yard so he will have a garage. He does not like what the applicant wants to do because the garage will be facing his property. When he walks out his door he will be facing a garage. This is the only garage that he knows of in Brookside that is going to be built in the middle of a lot. He does not mind the privacy fence and he does not mind the applicant building a garage, but he does not like the proposed location of it. They could build it beside the house or in line with the other property. He would like the applicant to adjoin the garage to the west side of the house. This will put the garage facing the street. If joining the garage to the house is not feasible, he would like the applicant to build the garage next to the street in line with the other houses. He is concerned that this will be a sore thumb in the area, and they have enough of them already.

Comments:

Mr. Victor informed Mr. Hardwick that he can build a garage in his back yard as a matter of right. He also informed that the applicant can, but right, build a 750' garage. The only issue in this case is the location.

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 430.2 - Bulk and Area Requirements in the RMH District - under the provisions of Use Unit 1206) to permit a 720 sq. ft. detached accessory building (garage) in the front yard in an RS-3 District under the provisions of Section 1670, per plot plan, on the following described property:

The East 66' of Lot 11, Burgess Acres, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13096 (continued)

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 amend the motion to require a 6-foot privacy fence sufficient in length to screen the garage opening from the neighbor to the east, and to require that the garage doors face the east, on the above described property.

Case No. 13097

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1206 - Request for a variance of the lot area from 6,900 sq. ft. to 6,250 sq. ft. and a variance of the land area from 8,400 sq. ft. to 7,812 sq. ft. all to permit a lot split in an RS-3 District under the provisions of Section 1670, located at the SE corner of West Easton Court and South 27th West Avenue.

Presentation:

The applicant, Susanna Rongey, 2546 West Easton Court, was not present.

Protestants: None.

Comments:

Mr. Jones informed the applicant was not at the last meeting, and they have not been able to get in touch with her.

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. 13097 to the May 3, 1984, meeting.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 13108

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1206 - Request for a variance of the required front yard setback from 25' to 20' to permit an existing dwelling in an RS-3 District under the provisions of Section 1670, located north of East 98th Street and South 72nd East Avenue.

Presentation:

Joe W. Duga, 9703 South 72nd East Avenue, informed the lot in question is at the end of a cul-de-sac. He submitted a site plan (Exhibit "C-1"). This is an existing structure and this relief is to clear up a title. Mr. Duga is the owner and the builder. The error was made by the footing contractor when the house was staked out for construction. He described the footing contractor's error.

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 430.1 - Bulk and Area

Case No. 13108 (continued)

Requirements in the RS, RD and RM Districts - under the provisions of Use Unit 1206) of the required front yard setback from 25' to 20' to permit an existing dwelling in an RS-3 District under the provisions of Section 1670, per plot plan, on the following described property:

Lot 17, Block 3, Spring Valley Addition to the City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 13078

Action Requested:

Special Exception - Section 420 - Accessory Uses Permitted in Residential Districts - Use Unit 1206 - Request for an exception to permit a home occupation (barber stylist) in an RS-3 District under the provisions of Section 1680, located west of the NW corner of East 33rd Place and South 125th East Avenue.

Presentation:

Richard W. Alberty, 12403 East 33rd Place, informed they would like this home occupation so his wife can stay home with their children. There will be no exterior changes to the property at all. This is a single-family dwelling. The shop will be in the back on the patio. They want to close off the patio with glass and install a barber chair in there. There is a 6-foot pricacy fence around the back of the property. They have complied with all the rules, and this has been approved by the State Health Board and County Health Board. This will not change the neighborhood at all. His wife is a licensed barber stylist and she is wanting to work three days a week--Tuesday, Thursday, and Friday. This would be by appointment only, and the hours would be from 8 a.m. to 5 p.m. There would be only one automobile at their home at a time. She would allow 45 minutes for each appointment (unless it is something that takes longer) and would have 15 minutes between appointments. This would allow for about 8 customers a day on a full day. Mr. Alberty informed that he is retired, and his wife just wanted to supplement the family income and still be at home. They made every effort to contact everyone within the 300-foot radius of their home. They will comply with all the home occupation rules and will not be listed in the Yellow Pages. The people she serves will be clientele she already has and already knows. Most of the people in the neighborhoood seemed delighted that they would have a barber shop in the neighborhood.

Protestants:

There were no protestants present, but a letter of protest was sent from Robert Crawford who owns the property at 12407 East 33rd Court (Exhibit "D-1"). He was to be out of town and could not attend the meeting.

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 420 - Accessory Uses Permitted in Residential Districts - under the provisions of Use Unit 1206) to permit a home occupation (Barber stylist)

Case No. 13078 (continued)

in an RS-3 District under the provisions of Section 1680, subject to the following conditions: (1) That the days of operation be three days, specifically, Tuesday, Thursday, and Friday; (2) that the hours of operation be from 8:00 a.m. to 5:00 p.m.; (3) that there be a maximum of eight customers a day; and (4) that approval run for this owner only, on the following described property:

Lot 27, Block 4, Briarglen East Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13098

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1206 - Request for a variance to permit two dwelling units per lot of record in an RS District under the provisions of Section 1670.

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1206 - Request for a variance of the 50' setback from the centerline of North Rockford Avenue to 40' and a variance of the livability space from 8,000 sq. ft. to 5,553 sq. ft. in an RS-3 District under the provisions of Section 1670, located at the SW corner of East 54th Street North and Rockford Avenue.

Presentation:

Dennis Penkert, 1394 East 54th Street North, informed the second dwelling is for his mother-in-law to live in. His house is set back 40 feet from the center of the street. He would like to set the garage dwelling back parallel with his house. The existing house does have an attached garage. He wants to convert the existing garage into a bedroom. There are no other garage apartments in the neighborhood. Of the 46 owners within the 300-foot radius of his house, he has talked to all but 6, and has gotten signatures from the 40 saying that they do not object to this (Exhibit "E-1"). He also submitted a packet of plans (Exhibit "E-2").

Protestants: None.

Comments and Questions:

Mr. Jackere informed this is a very uniform array of single-family houses. He asked the applicant what is unusual about his lot. Mr. Penkert informed his lot is a corner lot and has access off of two streets. Mr. Jackere informed there are about 16 corner lots in the next four streets south.

Mr. Victor informed that this application is a variance. That variance requires that the applicant demonstrate a hardship that is not a financial hardship. He described what would constitute a hardship. He does not believe that the applicant has stated a hardship and he is not sure that he can due to the uniformity of the subdivision.

Mr. Penkert informed their house is very crowded for them. Mr. Victor informed the applicant he could probably add on to the existing house.

Case No. 13098 (continued)

Mr. Jackere informed the applicant that our Code does not allow the applicant to do what he wants to do unless he can show something unique about his property that is not shared by other lots in the area.

There was discussion about what the applicant could do on the lot.

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 208 - One Single-Family Dwelling Per Lot of Record - under the provisions of Use Unit 1206) to permit two dwelling units per lot of record in an RS-3 District under the provisions of Section 1670, and a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1206) of the 50' setback from the centerline of North Rockford Avenue to 40' and a variance of the livability space from 8,000 sq. ft. to 5,553 sq. ft. in an RS-3 District under the provisions of Section 1670, on the following described property:

Lot 1, Block 2, Northridge Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13099

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request for an exception to permit an existing mobile home in an RS-3 District under the provisions of Section 1680.

Variance - Section 440 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1209 - Request for a variance to permit an existing mobile home to be located permanently in an RS-3 District under the provisions of Section 1670, located south of the SE corner of Atlanta Avenue and Xyler Street.

Presentation:

Lilliam Parson, 2221 North Atlanta Avenue, informed this is her second time before the Board. She is getting along with her neighbors and the mobile home is skirted.

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 Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1209) to permit an existing mobile home in an RS-3 District under the provisions of Section 1680, and a Variance (Section 440-Special Exception Uses in Residential Districts, Requirements - under the provisions of Use Unit 1209) to permit an existing mobile home to be located for five years in an RS-3 District under the provisions of Section 1670, on the following described property:

Lot 120, Block 11, Tulsa Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13101

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1207 - Request for a variance of the required rear yard setback from 20' to 16' to permit construction of a dwelling in an RD District under the provisions of Section 1670, located north of the NW corner of West 57th Place and South Vancouver Avenue.

Presentation:

Larry E. Bassett, 4989 South Union Avenue, was represented by Dennis Hall, 4989 South Union Avenue, the owner and builder of the subject tract. He submitted a plot plan (Exhibit "F-1") and informed that this lot has some built-in problems that they consider to be hardships. On the southerly portion of the lot they have a very wide pipeline easement. The configuration of the lot constitutes a hardship--it is a pie-shaped cul-de-sac lot. Because of the existence of the easement on the southerly portion, they have had to move this duplex considerably to the north. The front portion of the garage on the north is considerably back from the front setback line. They have about 1,150 sq. ft. on each side of the duplex. This is a pretty large lot, and this is about as small a duplex as they could get on the lot. The property is zoned for duplexes.

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 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1207) of the required rear yard setback from 20' to 16' to permit construction of a dwelling in an RD District under the provisions of Section 1670, per plot plan submitted, on the following described property:

Lot 15, Block 4, Woodview Heights Amended Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13102

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - and Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request for an exception to permit a mobile home in AG and RS-3 Districts under the provisions of Section 1680.

Variance - Section 440 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1209 - Request for a variance of the one year time limitation for a mobile home to permanently in RS-3 and AG Districts under the provisions of Section 1670.

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record-Use Unit 1209 - Request for a variance to permit two dwellings per lot of record in an RS-3 and AG District under the provisions of Section 1670, located east of the SE corner of 46th Street North and Trenton Avenue.

Case No. 13102 (continued)

Presentation:

Leonard Stuckey, 5422 East Young Street, would like to move his mobile home on the subject tract to look after the property. He does not own the subject tract. He submitted a drawing of the lot showing where the mobile home will be located. It will be about 30 or 40 feet off of the street. The house is located in the RS-3 District, and they are wanting to put the mobile home wherever they can. The tract is approximately 2 1/2 acres in size. This will be an asset to the property. The existing building needs to be torn down from the looks of it. His mobile home is 14' by 65' and has two bedrooms. There is another mobile home over on Lewis Avenue. He does not know if there are any other lots in the area that have two dwelling units on them. The property has a sewer system there.

Protestants:

E. E. White, 1874 East 46th Street North, is concerned about what the changing of this would amount to. They got into some problem a few years ago on that property. It was rezoned so the previous applicant could work on some cars in his yard. As a result, they have put in a dog kennel. He wants to know if this will be an individual mobile home or if it will be a mobile home park. There are no double dwellings in the area. There are some expensive homes in the area. He is not against this applicant, and what he is proposing would probably help the area. He wants to know what this will lead to in the future.

Comments and Questions:

Mr. Victor informed that the Board's case report does not indicate that the Board has ever allowed any other use on this property. Mr. White informed that the property was rezoned. There is a commercial dog kennel on the property now that causes a great deal of disturbance. The reason he did not protest at the hearing for the zoning was because the applicant represented that he wanted to fix a place where he could do some work.

Mr. Victor informed he has a problem with the granting of an exception where there may be a zoning violation occurring.

Mr. Jackere informed he does not see how the two relate unless the zoning violation involves too many houses on the lot. There are remedies to enforce zoning violations. The applicant wants a mobile home on the lot, and the Board needs to judge his request on that basis alone. If there is a business on the property, it will be stopped.

Mr. Wait asked if the dwelling on the subject property is used as a commercial kennel. Mr. White informed that there is a dwelling that someone lives in. There used to be 5 acres, but it was split into two tracts. On this 2 1/2 acres there is just a dwelling. The dogs are on the AG property.

Mr. Jackere informed he has not heard any zoning violation, but that is beside the point.

Mr. White informed that he just wanted to be sure that this was not going to be a mobile home park. Mr. Jackere informed the applicant is asking for only one mobile home, and Mr. White informed he has no objection to that.

Case No. 13102 (continued)

Applicant's Rebuttal:

Mr. Stuckey informed the dogs are going to be removed. They are cleaning up the entire property.

Comments and Questions:

Mr. Wait asked if the old dwelling was going to be torn down, and Mr. Stuckey informed they are going to try to rebuild it if possible.

Mr. Jackere asked the applicant if the dog kennel is his operation or on his property. Mr. Stuckey informed it is not, but the owner is present today and they know what they plan to do with the property. Mr. Jackere described the legal recourse that can be taken against property that is not taken care of. The owner of the property is responsible for what occurs on the lot.

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 310 - Principal Uses Permitted in the Agriculture District - and Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1209) to permit a mobile home in AG and RS-3 Districts under the provisions of Section 1680, to DENY a Variance (Section 440 - Special Exception Uses in Residential Districts, Requirements - under the provisions of Use Unit 1209) of the one year time limitation for a mobile home to permanently in RS-3 and AG Districts under the provisions of Section 1670, and to APPROVE a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - under the provisions of Use Unit 1209) to permit two dwellings per lot of record in an RS-3 and AG District under the provisions of Section 1670, for a period of one year with removal bond required, per Health Department approval, on the following described property:

The W/2 of the W/2 of the W/2 of the NE/4 of the NW/4 of the NE/4 of Section 18, Township 20 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13104

Action Requested:

Variance - Section 1340 (d) - Design Standards for Off-Street Parking Areas - Use Unit 1217 - Request for a variance of the required all-weather material to permit gravel driveways and parking pads for an RV Park in a CS District under the provisions of Section 1670, located at the SE corner of Union Avenue and Skelly Bypass.

Presentation:

Charles C. Cline, Jr., 4739 South Sante Fe, informed they would like this variance because the land is soft. In order to put blacktop down, he has to have a good base. If he puts the blacktop on it now, he will have to put it on every year for two or three years because they are pulling in recreational vehicles - travel trailers, pickup trucks, and mobile homes. The blacktop people said it would be tough on the blacktop unless he established a good base to blacktop. He would like it all to be gravelled to begin with. This will accommodate 50 recreational vehicles. He would like this variance granted for a few years until he

Case No. 13104 (continued)

can get the ground settled in--he will then go ahead and blacktop it.

Protestants: None.

Comments and Questions:

Mr. Victor asked if this mobile home park is in existence now, and Mr. Cline informed him that this is not a mobile home park. This was approved by the Board to be an RV Park. This is for cross-country vacationers with motor homes and travel trailers.

Ms. Hubbard informed that Mr. Cline came in and applied for a zoning clearance permit after the Board approved the use, and she turned his permit down on the gravel and the screening. Apparently he is going to go ahead and screen the property. He is required to screen along a portion of the south boundary.

Mr. Victor informed it is not clear to him why the applicant says that he has a soft soil condition. Mr. Cline informed this is a low-lying area, and they need to lay a good base for blacktop.

Mr. Victor asked the applicant if he has had any report by a qualified soils engineer that states that it is an impossibility to hard surface the area. Mr. Cline informed that he has not gone that far. The blacktop man he talked to said he would be better off if he would let it sit for a while before they blacktop it; otherwise, they will be tearing up the blacktop when they bring the RVs in.

Mr. Victor informed that this is a problem that anybody faces in building a parking lot. There is nothing unusual about that. Mr. Cline informed he realized that, but he would like to have a little time to get this done.

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 1340 (d) - Design Standards for Off-Street Parking Areas - under the provisions of Use Unit 1217) of the required all-weather material to permit gravel driveways and parking pads for a Recreational Vehicle Park in a CS District under the provisions of Section 1670, on the following described property:

Lots 7, 8, and 9, lying South of Skelly Bypass, except the South 25' of the West 215' of Lot 8, Cameron Clines Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13105

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1208 - Request for a variance of the front yard setback from 25' to 23' and a variance of the rear yard setback from 20' to 10' to permit construction of a dwelling in an OL District under the provisions of Section 1670, located north of the NE corner of East 49th Street and Yorktown Court.

Case No. 13105 (continued)

Presentation:
The Kelsey Company was represented by Howard Kelsey, 8905 East 60th Street. Mr. Kelsey informed this is a 0' lot line subdivision. Based on the configuration of the street that adjoins this lot, they are requesting a variance on the driveway or the garage setback. The existence of the building to the north of them limits them from being able to use the north lot line. If they could flip their plan as proposed, they would be in compliance with the street setback. They are requesting the variance for the rear yard setback because these are very tight lots, and for the most part, the existing structures there have used all of the lot. Many of them have encroached into the easement space with patios, etc. Based on the configuration shown on the plot plan (Exhibit "G-1"), their patio will be contained within the diagram as shown. They will be able to preserve the 10-foot easement area. The configuration they have drawn will keep them in line with the front street approach with the existing units.

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 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1208) of the front yard setback from 25' to 23' and a variance of the rear yard setback from 20' to 10' to permit construction of a dwelling in an OL District under the provisions of Section 1670, per plot plan submitted, on the following described property:

Lot 3, Block 3, Bolewood Place an Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13106

Action Requested:
Variance - Section 1330 - Setbacks - Use Units 1210 - Request for a variance of the required 50' setback from the centerline of East 35th Street to 25' to allow off-street parking in a P District under the provisions of Section 1670.

Variance - Section 1340 - Design Standards for Off-Street Parking Areas - Use Unit 1210 - Request for a variance to allow modification and waiver of the screening requirement when abutting an "R" District in a P District under the provisions of Section 1670, located east of the NE corner of 35th Street and Peoria Avenue.

Presentation:
George E. Daniel, 3621 South Yorktown Avenue, informed the motive for asking for these variances is both economic and aesthetic. They have already erected fencing which they believe meets the spirit of the requirement. All truly residential property is fully screened from the parking area. The 6-foot fencing runs north from the southeast corner of the property 100 feet, then west 75 feet. It then runs northwesterly to the garage. The northern boundary of the property has a 4-foot concrete wall running its entire length. The remaining easterly boundary not covered by the 6-foot fencing has 4-foot wire

fencing. There is no screening on the westerly boundary. While the property adjacent on the west is zoned "R", it has received a variance to allow the operation of a business. The Code requirements rightly protect the residential from the nonresidential. The owner of the property to the west is present at this meeting and is in support of this application. The owner of the adjacent property does not want a fence of any kind along that property line. A screening wall would detract from the adjacent property. It would cost a great deal for them to bring the screening to the letter of the law. Even with the additional screening, the parking lot would be in no less view from the real residential properties around it. Without a waiver of the setback, they are deprived of 9 parking spaces. That amounts to operating at 72% of capacity. Without a waiver, they are barred from meeting the existing parking conditions of the surrounding area. Merchants and businesses throughout the area have established parking at the 25' setback line. Without a waiver, they cannot make their fullest contribution towards the solution of a real problem in the area--inadequate parking. This is in the Brookside area. He submitted a packet of exhibits (Exhibit "H-1") and 13 photographs (Exhibit "H-2").

Comments and Questions:

Mr. Jackere asked the applicant if there is a house directly to the east of the subject property, and Mr. Daniel informed that there is. Mr. Jackere asked where the house sits in relation to the nine spaces that they are wanting. Mr. Daniel described the location of the house. Mr. Jackere informed he is concerned about the people living to the east coming out their front door and seeing a 6-foot tall screening fence or parked cars. Mr. Daniel informed they are presently looking at a 6-foot screening fence.

Mr. Victor asked why the 50' setback is required in the parking zone. He wondered if it is a zoning restriction or if it is some restriction that the Board put on there. Ms. Hubbard informed it is a zoning restriction.

Mr. Compton informed it appears that the Zoning Code is requiring that within a parking district that parking spaces actually be set back from the street as a house would have a setback from the street. He would imagine that they did not want to have parking right up on the sidewalks and right up to the edge of the street in a parking district. He described the requirements of a parking district. He informed the structure to the east of the subject tract is set back the typical 25' setback. Directly across the street is a parking lot that is paved right up to the sidewalk. He does not believe that from the planning view that the Staff would have any real problem with what is being requested.

Mr. Jackere informed the problem is that in an "R" District you cannot have a 6' screening fence come out past the front building line. It has to line up with the house. One of the reasons for this provision is that of security in the neighborhood. The setback requirement would be so the parking would line up with existing residences if it is abutting residential property.

Mr. Victor asked if the 6' fence coming all the way to the sidewalk is built as a requirement. Mr. Jackere informed the requirement in a

parking area is that the unenclosed off-street parking be screened from abutting residential property. If there were no cars in front of the 50' line, they could end the screening fence at that point. That is as far as the abutting neighbor can come with a fence.

Interested Party:

Hank Grimmer, 2140 East 31st Place, is one of the owners of the subject tract. At the time they got approval, he talked to the property owner who lives just to the east of the subject property. Her request at the time was that they limit the screening fence to a 6' fence and that they have the nice side of the fence on her side of the property.

Comments and Questions:

Mr. Jackere wondered how the owner to the east of the property would respond if they suggested to her that she does not have to have a fence in front of her house along the side of the house, nor does she have to open her front door up and look at parked cars in front of her house to the side.

Mr. Grimmer informed that the owner of the property to the east is renting the property to a young couple at this time. When they no longer want to live there, the owner has offered to sell them the property.

Mr. Daniel informed that if they do have to sit back 50', the property owner to the east will still be looking at parking down the street.

Mr. Daniel described why the parking is set up like it is and what the screening will be like.

Mr. Compton informed that from a planning standpoint, in his opinion, the Code is looking at trying to keep every single-family lot as you're going down the street from having a 6 or 8' fence going all the way out to their sidewalk for safety purposes, visual aspects, and openness to the residential area. This case is a case of two different uses--residential and nonresidential. The parking area is specifically there for a buffer (transition) from the higher commercial to the parking to the residential. The Board would not have to allow them to put the fence or the parking up closer to the street, but at the same time, the Board is looking at a land use relationship between residential and nonresidential and the screening of those two areas.

Mr. Victor informed his problem is that he does not think that the hardship for the first variance has been shown. Mr. Grimmer stated that they are not claiming that there is any particular hardship. They are responding to a problem.

Mr. Compton informed it is possible to consider that directly to the south there are generally the same land use relationships. The tract has a parking lot on it that extends to the right-of-way line of the street. This lot may be due the same consideration as the lot to the south.

Mr. Jackere informed that sometimes the Board has to exercise good judgment and recognize who is in attendance in favor or against a case.

Case No. 13106 (continued)

The applicant informed that this will be a public parking lot.

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 1330 - Setbacks - under the provisions of Use Unit 1210) of the required 50' setback from the centerline of east 35th Street to 25' to allow off-street parking in a P District under the provisions of Section 1670, and a Variance (Section 1340 - Design Standards for Off-Street Parking Areas - under the provisions of Use Unit 1210) to allow modification and waiver of the screening requirement when abutting an "R" District in a P District under the provisions of Section 1670, per drawing submitted, on the following described property:

Lot 11, Block 2, Oliver's Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13107

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1206 - Request for a variance of the setback from the centerline of South Lakewood Avenue from 55' to 45' to permit construction in an RS-2 District under the provisions of Section 1670, located at East 107th Street and South Lakewood Avenue.

Presentation:

E. O. Sumner, 8173 East 31st Place, informed this request is made on Forest Park South, a new subdivision which is now under development. It has to do with side yards that are adjacent to South Lakewood Avenue as shown on the plat submitted (Exhibit "I-1") and one lot against the side yard of Oxford Avenue. This is the reduction of an existing 30' building line required by the TMAPC because of the zoning to be reduced to 20'. This will give the builders a little flexibility in the width of their homes and they will be able to save a few trees.

Protestants: None.

Comments and Questions:

There was concern that the lot on Oxford may not have been advertised correctly, but it was determined that the advertising was correct.

Mr. Sumner informed they want the house to face the restrictive building line, which is a 30' building line. He informed he would like to have access onto South Lakewood and Oxford in case the builders want to build a garage.

The Staff and Board were concerned about the garage opening being on the side where the relief was to be granted, and thus the garage would be closer to the street than normally required.

As a side yard, the Staff would not really have a problem with this.

Case No. 13107 (continued)

The applicant requested that this be continued so that he can work out any problems with the Planning Commission Staff.

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. 13107 to the May 3, 1984, meeting.

Case No. 13110

Action Requested:

Appeal - Section 1650 - Appeal of the Building Inspectors Denial to permit a ground sign in a CS District.

Variance - Section 1221.5 (e) - CS District Use Conditions - Use Unit 1221 - Request for a variance to permit an outdoor ground sign in a CS District containing more than one business under the provisions of Section 1670, located at the NW corner of East 11th Street and 95th East Avenue.

Presentation:

Bob McGarvey, 2016-D East 51st Street, informed he got a determination from Protective Inspections on a sign permit in a CS zone that the sign would not be permitted because it was a multi-tenant property--there is more than one business on that piece of property. The Inspector informed the applicant that he has always been told to interpret this in that if there is more than one building on the property, any ground signs outside of on-premise signs advertising people there, would not be permitted. He submitted a copy of Title 42, Section 1221.5, Appendix 3 (Exhibit "J-1"). He also presented a picture of the subject property where he wants to put the sign. The sign does not exist at the present time. Mr. McGarvey does not see why a person should not be able to have more than one ground sign when there is more than one business on the property.

Protestants: None.

Comments:

Mr. Victor asked for a definition of a ground sign. Mr. McGarvey informed a ground sign is anything which is on a pole not attached to a building in any way. It is on its own separate structure.

Mr. Jackere informed there is an exercise you have to go through to reach the conclusion of the Sign Inspector in denying the application. He described this exercise using Section 1221.5 (d). An outdoor advertising sign is not permitted where there is a multi-tenant situation. He guessed that the purpose for that is that there would typically be more individual signs identifying more activities on a multi-tenant CS lot than would be on a lot used for one business.

Mr. McGarvey described the difference between on-premise and off-premise signs. He told what his interpretation of the Code is.

Mr. Jackere told what his interpretation of the Zoning Code is in respect to this application.

Case No. 13110 (continued)

Mr. Victor informed he does not think he will be able to vote on this matter without some interpretation on it. He suggested that this be continued.

Mr. Jackere informed if the applicant has a hardship, the Board may want to go ahead and grant the variance.

Mr. McGarvey submitted a copy of the definition of a CS District (Exhibit "J-2") and read from it. He informed that the definition sounds like a shopping center. The subject property does not have a shopping center on it--it has a bar and a liquor store. It will not hurt the integrity of this lot in any event. They want to put in one ground sign that will stand about 37 feet high and will have an outdoor advertising display on it. It will advertise an off-premise use. Mr. McGarvey does not feel that this piece of property fits the intent of the CS zoning.

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. 13110 to the May 3, 1984, meeting.

Case No. 13111

Action Requested:

Variance - Section 610 - Principal Uses Permitted In Office Districts - Use Unit 1214 - Request for a variance to permit retail sales (satellite dishes) in an OL District under the provisions of Section 1670.

Variance - Section 620.2 (d) - Request for a variance of sign display surface area from one sign having 32 sq. ft. to two signs having 50 sq. ft. of display surface area.

Variance - Section 1214 - Request for a variance to permit open air storage and display within 300' of an abutting "R" District and a variance of the required 6' solid screening fence from the abutting "R" District.

Variance - Section 1340 - Design Standards for Off-Street Parking Areas - Request for a variance to permit parking on areas not concrete or asphalt, located south of the SE corner of 41st Street and Harvard Avenue.

Presentation:

David A. Leggett, 4131 South Harvard Avenue, requested by letter that this case be continued (Exhibit "K-1").

Protestants:

There was a representative for the property owner present. He requested that this case be dismissed rather than denied. He informed the applicant is using this property for a purpose other than what it was leased to them for.

Comments and Questions:

Ms. Hubbard informed it is her understanding that the establishment is attempting to relocate. She advised the applicant to ask for a contin-

Case No. 13111 (continued)

uance. Pending the continuance and their relocation, they are not in violation, per se. This would just be to allow them some time to relocate.

Mr. Jackere informed the policy of the Board is that they will grant, for a good cause, a continuance to the next meeting for either party.

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. 13111 to the May 3, 1984, meeting.

Case No. 13112

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception to permit an oil/lubrication and muffler inspection service in a CS District under the provisions of Section 1680, located east of the SE corner of 31st Street and Mingo Road.

Presentation:

The applicant, Roy D. Johnsen, 324 Main Mall, requested by letter that this case be continued (Exhibit "L-1").

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. 13112 to the May 3, 1984, meeting.

Case No. 13113

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1202 - Request an exception to allow a convict pre-release center in an IM district under the provisions of Section 1680, located at the SE corner of Brady and Elwood.

Presentation:

Richard Cleverdon, Attorney, 202 West 8th, represented the Salvation Army. This application is being made prior to use. It relates to a new structure belonging to the Salvation Army which was designed for multi-purposes. The only occupants of the building at this time are the office workers who are setting up the offices. There are no resident-type parties in the facility. The application before this Board today addresses one of the important community needs. The Salvation Army is undertaking to help serve that need. The application, if granted, would allow the operation of a pre-release center for Federal prisoners under a contract with the Federal Bureau of Prisoners. The contract provides for a maximum of 13 prisoners in this facility. The facility is so constructed that it will accommodate 13 prisoners--10 men and 3 women. It is constructed according to the Bureau's standards of 75 feet per person. There is no more space available, and there would be no way to enlarge the use from what is being represented barring additional construction which would require further applications to the governing agencies of the City of Tulsa. This operation would intermesh with other social services maintained by the Salvation Army. This is not a new program in the City of Tulsa. The Tulsa Command has operated a pre-release center from 1979 to the present. The Bureau of Prisons undertakes to make a thorough screening of the prisoners who are placed into this program. This is, in effect, an honors program. The final screening is that the Command is not required to accept any particular prisoner, no matter what the Bureau has indicated as a choice. The final decision is that the Command reviews the files and makes sure that there is no prisoner coming in that might not be acceptable to the community. There is a great problem determining how to deal with a person who has been convicted of a crime. One of the great community needs is to find a means to re-enter the community on a productive and law-abiding basis. This program is designed to help and assist these people re-enter the community. If they do not go through such a facility, they will be back in the community anyway in a short time. The disciplines are very distinct and uniformly administered. These people must observe hours and they must be engaged in gainful employment that is aimed at continuing after they have completed their prison sentences. They are also required to maintain certain standards of conduct. The earnings they have in these jobs is divided between the needs of the families (70%), savings (20%), and personal use (10%). He submitted a written consent of one of the neighbors within the 300 foot area of the subject property (Exhibit "M-1"). This application is asking for a use that is authorized under the Ordinance for an IM zoning classification which this is. He submitted a memorandum from another resident in the area who also consents to this use of the property (Exhibit "M-2"). He submitted other documents that include the letter that was written by the Salvation Army to the people in the 300' area offering to acquaint the personnel in the area with the program (Exhibit "M-3"). He submitted a brochure which explains how the program is to be operated (Exhibit "M-4"),

and he submitted a letter of endorsement for this program written by Marvin Lee Cook, the Executive Director of the Tulsa Metropolitan Ministry (Exhibit "M-5"). He also submitted a letter from the Chief U.S. Probation Officer for the United States Court of the Northern District of Oklahoma which points out the great need for this program (Exhibit "M-6"). There are three concerns in this application. The first concern is the total need of the community to deal with people who have committed crimes, return them to the community under such conditions that they will not have a reason to commit further crimes but instead will have motivation to live lawful lives. The second consideration is the impact on the neighborhood and the community around the subject property, and the third consideration is the security that relates to the operation of the center. Mr. Cleverdon informed that he belongs to the Boston Avenue Methodist Church which is near the Horace Mann pre-release center maintained by the State. He is on the official board of this church and his wife is active in the women's groups. Based on the entire time that that pre-release center has been located at Horace Mann, he does not know of any single instance in which a person declined to come to church services because of its location. He does not know of anyone who has moved a membership out of the church because of the proximity, and he does not know of anyone who has denied his child activities in the youth program because of that. They have been able to live very well with no real impact on a very important and very sensitive program.

John Adams, 312 West Brady, is the program director for the Salvation Army and for the Bureau of Prisons. When these people come to the facility, they are community-custody, which means even in the institution which they are now kept, which are minimum security institutions, they can go into the community. Therefore, they present no security risk. When the people come to the facility, they are screened thoroughly by the Staff. They then have a concensus of the Staff and they either accept or reject the individuals. If they are accepted, they come to the facility and they must follow every procedure which has been sent to them two weeks prior to their arrival at the facility. They are then informed as to what they must do as far as sign-in, sign-out procedures. They must adhere to these, because they back up every sign-in and sign-out procedure. They make telephone calls to find out where they are and when they are supposed to be someplace. When they come into the building at night, if they walk out, that is their problem. They call the local marshall and they come and pick them up. The curfew at the facility is 11:30 p.m. every night. The prisoners can be sent back to prison if they do not comply with the curfew. Most of the prisoners work during the day and visit their families in the evening. The facility deals mainly with Tulsa area residents. These are people that have been sentenced out of the Northern District of Oklahoma and who will return to the Northern District of Oklahoma. There are many recreational facilities at the center.

Comments and questions:

Mr. Victor asked what Use Unit a pre-release center would come under, and he was informed that it would be under Use Unit 2--Area Wide Uses by Exception.

Protestants:

Juana Ortiz, 220 North Elwood, submitted a petition protesting this application (Exhibit "M-7"). She lives about three hundred feet from the

subject property. They believe that granting this application will set a precedent in the area that will leave the way open for any other organization to get into the area easier. She told of the area in which the signers of the petition live.

Margaret Coulter, 715 North Denver, is the vice-president of the Neighborhood Housing Services. She told of other community services that are already located in the area. They have enough negative image in their area. They are in the process of trying to rebuild their neighborhood. The area does not need a pre-release center even though the crimes committed by the people are white-color crimes.

Delores Bedingfield, 202-206 North Denver, owns the commercial building directly across the street from the Salvation Army. Nobody denies that this is an important community need, but this area has done its duty for Tulsa. She described some of the uses in the area. The impact of these things is much greater than just 300 feet. As the owner of a commercial building which she is renovating, she would really hesitate to pour more money into a building where a precedent is being set by allowing a program such as this to come into a very fragile neighborhood. Eighteen months ago another group attempted to put a state program into this area--they were turned down in District Court. This matter is now on appeal. She does not want a pre-release center in the area. The Code does allow the use, but it is allowed with special exception. The Board does not have to grant this. This is a very minute part of the Salvation Army's program. Denial of this will have little impact on the Salvation Army.

Verlie Booth, 522 West Brady, informed on her tract of land is a three-story apartment building which she purchased four years ago. She has worked very hard to renovate this building completely. It is a beautiful place to live. She has found it very difficult to rent out apartments in this area. It costs her over $300 a month plus four to seven weeks of staying by the phone to answer before she can get desirable people that she wants to rent to because of the Brady Street image and the history of the area. This area does have a very bad history. She described the history of the area. They have had good respectable renters in her building for the past three years. They have a respectable neighborhood now and her block is cleaned up. The name "Brady Street" turns people off because of its image. This area is already not safe for children to walk through, and they do not need convicts added to the problems they already have. Brady Street has had more than enough bad publicity.

Dempsey Williams, 520 West Cameron, informed they were not notified of this application. They have a transient problem in the area. People from the Salvation Army go through their trash cans at night. They have had four fires in their block in the last six months because of the transients. He wants to know why they have to keep fighting this battle. They tried to put a pre-release center only three blocks away from this one and were not allwed to. He would like the pre-release center located in a different location. The people in their area do not even have jobs. The people from the pre-release center will take away the neighborhood residents' jobs. All he has ever heard from prisoners is "I'll never get caught again."

Jack Music, 505 North Denver, informed that there is no comparison between this area and the area of 18th and Boston where the Horace Mann pre-release center is located.

Sandra Tinsley, 1144 North Denver, informed their neighborhood, Brady Heights, is the first neighborhood in Tulsa to be placed on the national register of Historic Places. Their neighborhood probably has the highest concentration of support groups of any neighborhood in the City. They are working for revitalization of their historic area. Part of that process depends on attracting individual families to purchase and occupy houses as they come up for sale. She is a realtor. Things that have come into the area have hurt the property values. She is against the high concentration of support groups in this area. They feel the pre-release center would set a precedent and have a tremendous negative impact on the resurgence of Brady Heights and the Crosstown Sector.

Applicant's Rebuttal:

Major Rolan Chambless, 2116 East 34th, is the Salvation Army City Commander. One of the greatest concerns in the neighborhood was the fact that this would set a precedent. The Salvation Army would be just as much against that as any of the neighbors. They do realize that it is this Board that makes the decision with regards to the use by exception. They never intend to have more than 13 people at the pre-release center. They would have no objections to the Board making that maximum number a condition of approval. Granting this for the Salvation Army could be favorable to the neighborhood in the event that another organization would come in and want to put in a large pre-release center. The neighborhood could then say they have done their share. They would hope that just granting this use would not set a precedent for the neighborhood. He presented a floor plan for the housing for the Salvation Army Central Services. Several activities go on at the building, and their programs have not been hurt by people not coming to the center because of the opening of a pre-release center. The floor space of the pre-release center part of the facility is according to federal specifications. This is just one of the programs of the Salvation Army, but it is a very needed program. It is just as much an assistance program to the community of Tulsa as anything else that they do. It involves more than just 13 people. It involves a number of families who are anxious to have their loved ones back in the community being an asset rather than a liability. They feel that this is a people-help service.

Comments and questions:

Mr. Victor asked where the other support groups in the area are located.

Mr. Wait asked if this is intended for a trial period or if it is intended for a permanent project. The applicant informed that they feel that this is a needed program. They are the only agency in the entire area that provides service to federal prisoners. This would be an ongoing program. The people in the program committed non-violent crimes. The people are brought to the facility 60 to 90 days prior to their release.

Mr. Wait asked Mr. Jackere if he would have a problem with the Board imposing a time limit upon approval of this application. Mr. Jackere informed he would have a problem with a time limit unless the applicant is willing to submit to those conditions.

Case No. 13113 (continued)

Mr. Chambless informed this program was started in 1979. It was not a hidden program. He described how the program came about. They are providing this service now at 206 South Cheyenne.

Mr. Wait asked the applicant if they would have a problem with a time limitation, and the applicant informed they would not.

Mr. Victor asked how many years the Salvation Army has sponsored a program like this. The applicant informed the Salvation Army has been in correctional services since the late 1800s. They do have other correctional services in the City. They have had a pre-release program since 1979 in Tulsa without incident. He informed that their contract with the Bureau of prisoners is renewable each year.

Board Action:

On MOTION of WAIT and SECOND by CHAPPELLE, the Board voted 2-1-0 (Victor, Wait, "aye"; Chappelle, "nay"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - under the provisions of Use Unit 1202) to allow a convict pre-release center in an IM district under the provisions of Section 1680, for a period of one year, on the following described property:

Lots 1, 2, 3, 4, 5, and 6, Block 37, Original Town of Tulsa, Tulsa County, State of Oklahoma.

Due to the lack of three affirmative votes, this application is not approved.

Date Approved MAY 3, 1984

Gary M. Victor
Chairman

OTHER BUSINESS:

Case No. 13109

Action Requested:
Request to withdraw application.

Presentation:
The applicant, Clayton Morris, 1323 South Baltimore Avenue, requested by letter that this item be withdrawn (Exhibit "N-1").

Comments:
Mr. Jackere informed he thinks the applicant has the right to withdraw at any time before the public meeting. He requested this prior to the public meeting.

Board Action:
The Chair, without objection, withdrew Application No. 13109 from the agenda.

Case No. 13059

Action Requested:
Consider approval of plot plan for Case No. 13059.

Presentation:
The applicant was not present.

Board Action:
On MOTION of WAIT and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to continue this item to the May 3, 1984, meeting.

Case No. 13075

Action Requested:
Consider approval of the minutes of Case Number 13075 heard on April 5, 1984 and Case Number 13073 and Number 13083 heard on April 5, 1984.

Presentation:
These cases have all been appealed from the April 5, 1984, meeting, and there needs to be an early transmittal of the minutes.

Board Action:
On MOTION of WAIT and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve the minutes for Case No. 13075, Case No. 13073, and Case No. 13083 heard at the April 5, 1984, meeting (No. 410).

There being no further business, the Chair adjourned the meeting at 5:22 p.m.

Date Approved 5-17-84

Carlton J. Chappelle
Chairman

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