

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 413
Thursday, May 17, 1984, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Clugston Victor	Purser Smith	Augustine Gardner Jones Wiles	Hubbard, Protective Inspections Jackere, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, May 15, 1984, at 11:05 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Mr. Chappelle called the meeting to order at 1:07 p.m.

MINUTES:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve the Minutes of April 19, 1984 (No. 411) and May 3, 1984 (No. 412).

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 feet to 50 feet 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:

Gary Van Fossen, 3311 South Yale, informed they would like to move the sign from 60 feet to 50 feet from the centerline of Yale Avenue. When they asked for this use of the property they did not realize they would have a problem with the sign. He submitted 4 pictures of signs that are sitting at 50 feet in that area (Exhibit "A-1") and an aerial photograph of the surrounding area (Exhibit "A-2"). Their sign will be less than 32 square feet which is within the requirements of the Code. Instead of a 6-foot by 5-foot sign, they would like to have a sign that is 10 feet high and 3.2 feet wide. After they got the building built, they realized that placing the sign where they had planned to place it would obstruct the view of cars driving out. Mr. Van Fossen informed that when they applied to use the building for an office building, they put in one of their own conditions that the sign be no more than 6 feet high--

Case No. 13046 (continued)

that was their request. Since that 6-foot limitation was part of the minutes, they need this request to change the proportions.

Protestants: None.

Comments:

Mr. Gardner informed the applicant would probably need a removal contract although it will probably never be needed.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "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 1211) to permit a 3.2 foot wide x 10-foot high sign for an existing office building in an RM-1 District under the provisions of Section 1680, and a Variance (Section 1221.3 (g) - Business Signs and Outdoor Advertising - under the provisions of Use Unit 1211) of the required setback from the centerline of Yale from 60 feet to 50 feet to permit placement of a sign in an RM-1 District under the provisions of Section 1670, subject to a removal contract, on the following described property:

Lots 15, 16, and 17, Block 3, Resub. of Yorkshire Estates,
an Addition to the City of Tulsa, Tulsa County, State of
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:

The applicant, Aloah B. Kincaid, was represented by Larry Pinkerton, attorney. Mr. Pinkerton submitted a copy of Section 1670 of the City Ordinances which he believes is the law under which this variance should be granted or denied. He described how Section 1670 relates to this case. He submitted a folder of exhibits and explained them (Exhibit "B-1"). Mr. Pinkerton informed that the property sits on a precipice that immediately slopes down into the Inner Dispersal Loop. This is the condition which he feels is extraordinary and exceptional and which warrants the granting of this variance. The State has, through eminent domain, taken the property within 3 feet of the corner of the house on the subject tract. This has created an unusual shape which warrants the granting of a variance for this property. One of the exhibits which Mr. Pinkerton submitted contained the opinions of experts who concur with the opinion that this is not suitable for single-family use. Mr. Pinkerton informed that, while other properties in the area are subject to the highway, they do not suffer the exceptional condition of the subject tract in the sense that this State property line is 3 feet from the structure. The

other properties in the area do suffer from the highway, but not to the extent that the subject tract suffers. Mr. Pinkerton submitted a handout which shows how the homeowners in the area feel about this application (Exhibit "B-2"). There is a total of 33 lots in the immediate area. The owners of ten lots have signed a petition in favor of the variance, and the owners of fifteen lots have indicated that they do not oppose the variance. The owners of four lots in the area are in opposition to this application. The property is well-maintained and it is being used as a four-plex currently. The maintenance of the property is to the public good. Immediately across the street from the subject tract is a parking lot for a business. They do not think that the public would be well-served by forcing this into a single-family use where the property would not be well-maintained. He stated that this would be in accordance with the spirit and intent of the Code and would be beneficial to the public good because the structure has been used for multifamily for many years. The utilization of this lot as a four-plex would not be in violation of the permissible uses authorized through the Comprehensive Plan. They believe that under all three of the necessary elements that the Statutes set forth for the finding of a variance, this property more than qualifies. He does not think that, without a showing of eminent domain and a showing that there is case law to support it, the argument of eminent domain should be given any weight by the Board. He feels that this property should continue essentially in the use that has been made of it for many years. The property is entitled to a variance because of the highway and the effect it has had on the property.

Comments and Questions:

Mr. Victor informed that when he viewed the site, he noticed that the parking behind the house on the west side was not paved with an all-weather surface. He asked if it is Mrs. Kincaid's intention to comply with the Code and pave the required parking areas with an all-weather surface. Mr. Pinkerton informed they will if they need to. This Board has the authority to make conditions, and if that were a condition, they would do it.

There was discussion about whether or not this property would meet the Bulk and Area Requirements if it were zoned multifamily. It was determined that it would meet RM-1 requirements and would be in conformity with the Comprehensive Plan for that intensity.

Mr. Jackere asked the applicant if he measured the distance of the building or the property line to the travel portion of the expressway. It appears to be farther from the actual expressway than some of the other residences that come pretty close to the expressway that are even separated by a street. Mr. Pinkerton informed they have not measured that, but the thrust of this presentation is that the subject property, unlike other property in the area, has been sliced to within three feet of the structure--that is the point that makes it so different from the other two structures in the area that are extremely close to the Inner Dispersal Loop. Mr. Jackere agreed that the slice that was taken off of the side yard does create a narrow tract and does put it up against some topographical feature that is not shared by other properties. He asked how the narrowness of the tract justifies a four-plex and not a duplex or a tri-plex. The

experts just say that it should not be a single-family residence--they do not say that it should be a four-plex rather than a duplex or a tri-plex. Mr. Pinkerton informed they are seeking to fulfill the public good and the public welfare. This use is one that is not contrary to the Comprehensive Plan or to the public good. He thinks the four-plex qualifies for the variance. What they are seeking is permitted by the law, and they have seen the successful utilization of the property in that capacity.

Mr. Jackere informed that the Board, if it should find that a hardship exists, is required to grant the minimum relief necessary to balance the interests of the applicant because of his hardship and the interests of the public because of the nature of the zoning. He has not heard anything which would justify a four-plex other than a tailor-made situation--that is what they have in the structure and that is what they are coming forward with.

Mr. Pinkerton informed he does not agree with Mr. Jackere's interpretation of the Code. They have brought to the Board exhibits showing that the utilization of this property as a four-plex has been to the public good.

Mr. Clugston asked what would be any differentiation between a duplex and a four-plex in terms of additional requirements, etc. Mr. Gardner informed that the notice is broad enough for the Board to consider the four-plex or anything less. A duplex can be granted by special exception in an RS-3 District and requires no hardship finding. Mr. Gardner informed he feels that this is the issue. He does not think anything less than a duplex is appropriate. To grant anything more than a duplex requires a hardship finding. The applicant's burden is to convince the Board that he does have a legitimate hardship. If he does, the Board can consider up to a four-plex under the notice. Mr. Jackere informed that a four-plex will generate more traffic and will be a greater increase in density.

Mr. Gardner informed that in order to accommodate a four-plex, they must have 6 off-street parking spaces. Mr. Pinkerton informed they do have these required spaces.

Mr. Pinkerton informed they think that for the best use of the property a duplex is insufficient. They have before the Board, that as a four-plex, the property is viable and is contributing to the neighborhood.

Mr. Clugston asked if it has been determined when the four-plex was started, and Mr. Jackere informed that is part of a separate hearing that is on appeal at the present time. He explained the previous case of the applicant which was an appeal of the Building Inspector's decision that this was not a legal use. The issue before the Board today is whether or not a variance should be granted regardless of how long it may have been there.

Mr. Victor informed the Board needs to consider how they would look at this case if the four-plex were not already in existence.

There was discussion about the business that has a parking lot across the street from the subject tract and about other uses in the area.

Protestants:

Grant Hall, 1202 East 18th Street, had a question as to whether or not the structure would meet the livability requirements if the parking and open space were taken into consideration. Mr. Hall informed he is a concerned citizen of the area and is a member of the Maple Ridge Association. Just because he does not live in the immediate area does not mean he does not have legitimate concerns of the area. Their concern with this is that four-plex property is inconsistent with the neighborhood. The home directly across the street from the subject tract is a single-family home. It is a subjective judgement as to whether or not it is deteriorating. They do not have any complaints against the way the subject tract has been maintained. Neighbors in the area will state that his has been used as a single-family home. He does not feel the Board should be swayed by Mr. Pinkerton trying to portray the intent or the non-intent of the 10 residents who did not sign the petition. People in the area are concerned about a precedent which approval of this will set for further deterioration in the area. The people in the area are attempting to stabilize the neighborhood. One of the residents in the area, who signed a petition stating that he would not oppose the application but that he was not supporting the application, felt like in signing this petition and allowing what he was told was an existing use would keep the area the same. He wants to live in a single-family home the way it is now and the way it has always been. He felt that by not opposing this application, there would be no change in the neighborhood. They do not feel that there is anything about this piece of property that is more unique than the other homes that border on the expressway. He described other homes in the area that abut on highway right-of-way. They do not feel that an unusual hardship has been shown. They are concerned that the residents of a four-plex will not have the same concern for the neighborhood and the same relationship to the neighborhood as a single-family homeowner would. They do not feel that the prior use of the property is a hardship because it is self-imposed. It has been used as a single-family home in the past where there might have been some rooms rented out. There is no clear evidence that this structure has had a prior use as a four-plex.

Gary Dile, 1428 South Owasso Avenue, informed that he is a resident in the area. He informed that when the petition was brought around one of the residents was told that he would lose the ability to rent out his garage apartment if this was not approved. Many of the older residents in the area were told the same thing. These older people just want the area to stay as it is--as a single-family area. Mr. Dile informed he has a concern because this is a nice residential area. The main rental property in the area is just garage apartments.

Glen Coleman, 1435 South Owasso Avenue, informed that the residence in question was used for a single-family residence. There may have been single renters. He thinks the records would show that the property the Oklahoma Highway Department bought, at the time of the purchase, was single-family.

Dr. Pearl Hamilton, 1438 South Newport Avenue, informed she lives next door to the subject tract. She does not feel that the applicant is taking the property owners into consideration. She informed that the houses in the area are in good condition. She is concerned because the police have had to be called out to the subject property for various

problems. The people do not have enough parking in front of the subject property, so they have to park in front of Dr. Hamilton's house. The only driveway into the back of the subject tract is right along her fence, and the drivers run into her fence all the time. She described the disturbances that the occupants cause in the neighborhood. She submitted a plat of the area (Exhibit "B-3") and described it and the homes in the area. There are 22 homes in the area, and out of the 22 homes, there are 14 of them who would not be interested in zoning. There are only 8 in the area who would want the area rezoned. This four-plex is ruining her home and her life.

Applicant's Rebuttal:

Mr. Pinkerton informed he lives within two blocks of this location. He would be potentially affected by this variance. He thinks this four-plex would be good for the neighborhood. He informed that the most the protestants have said is simply that this is a self-imposed hardship. It is not a self-imposed hardship. Mrs. Kincaid did not cause the Inner Dispersal Loop to come through the subject property. That is something that occurred, and under the Ordinances she is entitled now to come before the Board and ask for a variance because of the effects of the highway and the taking of the property. The fact that there is noise is something that is common to any area. If the protestants are to be considered, they must address the issues. Noise is something that can be controlled. Mrs. Kincaid intends to address the problems of noise and the disturbances. Mr. Pinkerton informed that the fence that Dr. Hamilton says is hers, Mrs. Kincaid regards as her own. That is a survey problem that can be addressed between the two adjacent property owners. That is not relevant to the issues before the Board at this meeting as to whether or not the applicant has unusual circumstances that warrant a variance. The existence of the act by the State cannot be denied--that is the hardship that he is seeking to direct the Board's attention to. Mr. Pinkerton denied that the surrounding property owners were told that they would not be able to rent out their garage apartments if this were denied. A substantial number of the property owners in the area favor this application. Mr. Pinkerton informed he thinks that, despite the fact that the protestants have some arguments, those arguments can be disposed as property owners all across this City dispose of them. They do not relate to the granting of a variance. The unusual circumstances cannot be denied. This is not a viable single-family residence.

Comments and Questions:

Mr. Victor asked Mr. Pinkerton about the Maintenance Lease Agreement that Mrs. Kincaid has with the Highway Department on the piece of property to the west of the subject tract. He asked if that property was going to be used for additional parking. Mr. Pinkerton informed that piece of property is not necessary for parking because they have an adequate number of parking spaces on the lot. He does not know if the parking could be diverted onto that piece of property. He does not believe there is access to that piece of property. Mr. Pinkerton informed he does not think that piece of property is particularly relevant to this issue.

Mr. Victor asked Mr. Gardner to comment on the non-specific category of the Comprehensive Plan. Mr. Gardner informed that the Plan does

not specify the zoning permitted (low intensity) and therefore RM-1 zoning could be approved without amending the Plan Map. Any change of zoning in the area would have to be judged on its merits. He described what the Comprehensive Plan would allow in the area and what is already in the area. Mr. Gardner suggested that the physical facts are such that no less than a duplex should be considered by this Board. The Board has to determine whether or not a four-plex can be granted based upon what has been presented and whether or not what has been presented is sufficient to allow three or four units. He suggested that whatever the Board does, that they at least grant the duplex special exception. They can go higher based on the way it is advertised if they have a hardship finding. He suggested that they not totally deny the case.

Mr. Victor made a motion to approve this application based upon the following reasons: (1) Due to the narrowness of the lot and the lot being contiguous to the freeway property, and (2) that there has been no essential change in appearance between the building and the other single-family residences in the area. He informed that he would like to make this motion contingent upon two conditions: (1) That the required parking area for six cars be paved in an all-weather surface, and (2) that a screening fence be erected and maintained (by this applicant) on the south side of the property from the rear corner to the front of the house.

There was discussion about the necessity of the screening fence. Mr. Victor informed this will cause a change in the density of the property, and a screening fence might help to provide some privacy of the single-family dwelling to the south. Mrs. Hamilton informed her property could not be saved by putting up any kind of a fence. Mr. Clugston informed one of the primary purposes of the fence is to block her view of the structure.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1208) to allow an existing 4-plex in an RS-3 District under the provisions of Section 1670, subject to the following conditions: (1) That the required parking area for six cars be paved in an all-weather surface, and (2) that a screening fence be erected and maintained (by this applicant) on the south side of the property from the rear corner to the front of the house, on the following described property:

Lot 1 and the North 15 feet of Lot 2, Block 14, BROADMOOR ADDITION to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded Plat thereof, LESS a strip or parcel of land lying in part of Lot 1, Block 14 of Broadmoor Addition being described as follows: Beginning at the Northwest Corner of Lot 1; thence East along the North line of Said Lot 1, a distance of 125' to the Northeast corner of Said Lot 1; thence South 69°-53'-37" West a distance of 131.95' to a point on the West line of Said Lot 1; thence North along the West line of Said Lot 1, a distance of 42.64' to the Point of Beginning.

Case No. 13115

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 setback from the centerline of South 148th East Place to permit an addition to an existing residence in an RS-3 District under the provisions of Section 1670, located at the NW corner of South 148th East Avenue and 148th East Place.

Presentation:

The applicant, Michael Chandler, 3449 South 148th East Avenue, informed this is a corner lot and he wants to add a room onto the existing house. The way the house sits on the property does not allow him to add to the back of the house--he needs to add to the end of it. He submitted a plot plan (Exhibit "C-1").

Protestants: None.

Comments and Questions:

Mr. Augustine informed that according to the application form, the variance is from 50 feet to 46 feet. He is asking for a four foot variance.

Mr. Gardner informed this is advertised to 46 feet--the Board cannot consider anything less. He suggested that it be approved per the advertisement within 46 feet. The applicant will have to make his building fit within that space. The four-foot variance is minor.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "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 1206) of the required setback from the centerline of South 148th East Place to permit an addition to an existing residence in an RS-3 District under the provisions of Section 1670, per the application from 50 feet to 46 feet, on the following described property:

Lot 14, Block 7, Sunwood Hills, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13116

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception for a retail tire center sales and front end alignments in a CS District under the provisions of Section 1680, located south of the SW corner of East 36th Street and Sheridan Road.

Presentation:

The applicant, Harold Burlingame, was represented by Kenneth Miles, 201 West 5th Street. Mr. Miles informed this was continued for the Board members to have time to visit the site. He resubmitted a plot plan and informed that the office building (brick building) that faces South Sheridan to the east is 50 feet wide. This is the building that they are proposing to have an extension to the rear of adjoining the southernmost portion of the rear and extending to the west. The extension will

Case No. 13116 (continued)

be an 80-foot long addition and is approximately 45 feet wide. This will be a five-bay structure and will be of masonry construction. The addition will be 19 feet high. He described some of the concerns the Board members had at the last meeting.

Comments and Questions:

There was discussion about how high the existing office building is and about the topography in the area.

Mr. Clugston asked the applicant why the building needs to be as high as he is proposing it to be. Mr. Miles informed there will be storage in the upper part of the building.

There was discussion about other uses in the area and about the height of other structures in the area.

Mr. Clugston informed he has a problem aesthetically in this area with this high of a structure in relation to surrounding properties.

Mr. Miles submitted an alternative drawing that does provide for a lower roofline (Exhibit "D-1"). He described the new plans.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "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) for a retail tire center sales and front end alignments in a CS District under the provisions of Section 1680, per the revised drawing submitted today with no outside storage or work, on the following described property:

Lot 1, Block 1, LESS the North 150' and the South 225', Wilmot Addition, to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13117

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1214 - Request for a variance of the setback from centerline of East 2nd Street from 50 feet to 34 feet in a CS District under the provisions of Section 1670, located at the NW corner of 2nd Street and South Lewis Avenue.

Presentation:

The applicant, Robert L. Curtis, 5931 East Admiral Place, submitted a plot plan (Exhibit "E-1") and informed he would like a setback granted from 50 feet to 30 feet. They have previously been approved for a setback from South Lewis Avenue which is the street that the proposed building fronts. At the time he filed his original application, he was told that he would not need this variance because CS zoned property has a 0 setback on side yards. His building permit was turned down because he did not meet the setback requirement. They bought the property contingent upon receiving the variances of the setbacks.

Protestants: None.

Case No. 13117 (continued)

Comments and Questions:

Mr. Gardner asked the applicant if there is any change in the plot plan that the Board approved previously and what he is asking for now. Mr. Curtis informed that there is a change. The building will not be as deep as they originally planned it to be because of parking requirements. Mr. Gardner asked if it will be any closer to 2nd Street than the building that the Board approved. Mr. Curtis informed that it will be built to the property line.

There was discussion about whether or not the advertisement would be appropriate to allow a building to be built to the property line.

Mr. Gardner informed the Board could not grant relief to the south property line the way notice was given. Mr. Curtis informed he can live with a four-foot setback. Mr. Gardner informed he would have to make his plot plan fit the condition of four feet.

There was discussion about whether or not the applicant would have enough parking spaces.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - under the provisions of Use Unit 1214) of the setback from the centerline of East 2nd Street from 50 feet to 34 feet in a CS District, per a revised plot plan to fit the variance granted, under the provisions of Section 1670, on the following described property:

Lots 11 and 12, Block 1, Wakefield Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13120

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request for an exception to permit office use in an RM-2 District under the provisions of Section 1680.

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Use Unit 1211 - Request for a variance of the required setback from an abutting "R" District on the north, south and west from 10' to 8.1', 2.2', and 3', respectively, located south of the SW corner of 15th Street and Carson Avenue.

Special Exception - Section 250.3 (b) - Modification of Screening Wall or Fence Requirements - Request to screen only the parking lot at the rear of the office.

Presentation:

Lonnie D. Eck, 6139 South Victor, informed that on May 3, 1984, the Board granted a special exception to permit office use and a variance of the setback requirements. He submitted a plot plan (Exhibit "F-1") which shows a proposed screening fence. This item was continued from the last meeting so that a variance of the screening could be advertised.

Case No. 13120 (continued)

The property owners agree with Mr. Eck's proposal. He described the surrounding property. He does not want his fence to extend all the way out to the east property line. The hardship in this case is that there is a retaining wall on the south side of the property that is made of stone and concrete. This retaining wall would make it virtually impossible to install a screening fence. The aesthetics and the wishes of the abutting property owners would indicate that what he is proposing is reasonable and should be approved.

Interested Party:

Audra Rupe, 1632 South Denver, looked at the applicant's plans and informed she has no objection to the application.

Comments:

Mr. Gardner informed that the Special Exception and Variance for the office use were previously approved and the application was continued to request a screening fence variance.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 250.3 (b)- Modification of Screening Wall or Fence Requirements) to permit screening the parking lot only, per plot plan, on the following described property:

Lot 2, LESS North 4 feet, Block 3, Stonebraker Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13121

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Request for an exception to permit Use Unit 19 in an IL District under the provisions of Section 1680, located at the NE corner of 51st Street and 103rd East Avenue.

Presentation:

David Cannon, 52123 South Lakewood Avenue, submitted a survey of the property (Exhibit "G-1") and pointed out that 50th Place to the south is technically a non-existent street. He described the parking and access in the area and where the dance hall would be located in the building. The part of the building that will be used for the dance hall will be 60 feet wide and 100 feet deep. There will be four other tenants in the same building as this proposed use. The use that Mr. Cannon is proposing to put on the property is a youth activity center (dance hall). Mr. Cannon submitted a typewritten statement which gives the requirements that they have as the landlord to the tenant (Exhibit "G-2"). He feels that the people who want to run this business have good intentions of maintaining the property. The lease provides for security and they have agreed to put security on the exterior of the building. There will be no alcoholic beverages served.

Comments and Questions:

Mr. Jackere asked how many parking spaces are on the property. Mr. Cannon informed there are 80 spaces on the premises. The capacity of the facility is approximately 300 people.

Mr. Clugston asked what the parking requirements would be for this size of a building. Ms. Hubbard informed he would be required to have one parking space per every 225 square feet of floor area. He would be required about 75 parking spaces. There was discussion about how many spaces were on the subject tract and exactly how many he would need.

Interested Parties:

Gene Newhart, 3248 East 28th Street, is one of the people who wants to lease the subject property. They want to provide a clean, safe place where young people can go and have a good time without having to worry about alcohol or drugs. They want to keep a good relationship with their neighbors--they have talked to the neighbors and none of them have come in protest. Their third goal is to make a profit. They have taken all the safeguards they can and have gone above what some similar businesses in the City have done.

Comments and Questions:

Mr. Victor asked Mr. Newhart how many security guards they are planning on having, and Mr. Newhart informed they are planning on having two security guards on the inside--a male and a female. They are going to try to have an off-duty policeman to patrol the parking lot.

Mr. Clugston asked how the operating instructions can be incorporated within a motion. Mr. Jackere informed that enforcement of the instructions will be a problem.

Mr. Gardner informed that the operating instructions are in a lease agreement between the owner and the tenant. The owner of the property is in a position to say that he will enforce the lease. Mr. Jackere informed that the owner is also in a position to ignore some of the requirements in the lease.

Mr. Jackere informed this can be limited to a youth dance hall where no alcoholic beverages or beer will be served.

Mr. Victor informed he looked at the property at night and noticed that the area is pretty dark. His concern, from a land use concern and enforcement of some of the self-imposed rules, is that it will be difficult to enforce. He cannot see what will prevent the young people from leaving and going some place in the area. He is not sure that one outside security guard will be able to patrol this area.

Mr. Chappelle informed that when he viewed the site he noticed that the entire area is primarily industrial. His concern is that it appears that this operation would be the only operation open after normal business hours.

Mr. Cannon informed that this would be the only operation open after regular business hours; however, the building is well lit as is the parking lot. He described the areas in which similar activities are located. He feels that their responsibility is to control the patrons while they are on the site.

Mr. Jackere informed that this is an open invitation to anybody to come into this area which is normally not being utilized by any business at night.

Case No. 13121 (continued)

Mr. Clugston informed he is not as concerned as some of the other Board members are about security in the area because of his experiences with similar operations.

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 1-2-0 (Clugston, "aye"; Chappelle, Victor, "nay"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts) to permit Use Unit 19 in an IL District under the provisions of Section 1680, with the conditions that it be utilized as a youth activity center with no alcoholic beverages or beer being allowed on the premises, and to enter into the record the other operating conditions that the leasee has submitted, subject to meeting any applicable building and parking requirements.

This application is not approved due to the lack of 3 affirmative votes needed to approve an application.

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to continue Case No. 13121 to the May 31, 1984, meeting to allow the applicant to come back to present his arguments to a fuller Board.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 13127

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request for a variance of the setback from the centerline of West 51st Street from 55' to 53' in an RS-3 District under the provisions of Section 1670, located at the NW corner of 27th West Avenue and West 51st Street.

Presentation:

The applicant, Jack Stacy, 9640 East 25th Street, was not present.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to continue Case No. 13127 to the May 31, 1984, meeting.

NEW APPLICATIONS:

Case No. 13126

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1206 - Request for a variance of the required street frontage from 30' to 0' to permit a lot split in an RS-1 District under the provisions of Section 1670, located north of the NE corner of Birmingham Avenue and 69th Street.

Presentation:

The applicant, E. A. Schermerhorn, 2227 East Skelly Drive, was present.

Protestants:

A letter was sent by William C. Lake, a resident in the area, which requested that this item be continued (Exhibit "H-1").

Dwight Kouri, 2200 Fourth National Bank Building, represented an interested party who also would like this item to be continued.

Comments and Questions:

Mr. Chappelle informed it has been the practice of this Board to grant each party--the applicant or the protestants--at least one continuance. He read the letter requesting the continuance into the record.

Applicant's Comments:

Mr. Schermerhorn informed he objects to a continuance because he was not contacted and he made special arrangements to come back into town for this meeting. He will be out of town in two weeks.

Additional Protestant:

Mrs. Ekren, 2611 East 69th Street, informed her property is adjacent to the subject tract. She informed that Mrs. Lake personally delivered a copy of the letter asking for a continuance to Mr. Schermerhorn's office. She informed she has signatures from all the property owners adjacent to the subject tract stating that they have objection to this application. She described the adjacent property owners.

Comments:

Mr. Victor asked if any of the protestants attended the TMAPC meeting. Mrs. Ekren informed they were not aware of any hearing.

Mr. Gardner informed that none of the property owners were notified of the lot split before the Planning Commission. They were notified only about this hearing. Since this item was advertised, the Planning Commission has adopted a policy where this lot split would have been advertised prior to going to them. The policy came about as a result of lawsuits near 68th Street and Evanston Avenue. They will give abutting property owners notice when there are handle or flag lots involved in the future.

Mr. Clugston suggested that the Board give the applicant the option of when he would like this continued to.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to continue Case No. 13126 to the May 31, 1984, meeting.

Action Requested:

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

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209 - Request for a variance to allow two dwelling units (1 single-family and 1 mobile home) in an RS-3 District under the provisions of Section 1670, located at the SE corner of Kingston Avenue and Queen Street.

Presentation:

The applicant, John Hough, Route 2, Box 278, Catoosa, informed he would like to move a mobile home on the lot prior to building a little later on. He is purchasing the lot for the purpose of building a home. There is another mobile home about half a block from the subject tract. At the present time, the lot is vacant. He submitted 7 pictures (Exhibit "I-1") and informed he is wanting to leave the mobile home on the lot until he has time to construct a home on the premises.

Protestants: None.

Comments and Questions:

Mr. Victor asked the applicant if he will have enough room on the lot for a mobile home and a new structure. Mr. Hough informed he would have room to start the house, move the mobile home off the property, and then finish the house.

There was discussion about whether the other mobile home in the area is there legally.

Mr. Clugston asked if both of the requests are just temporary to allow him to build his home.

Mr. Chappelle asked if the applicant needs the variance. Mr. Jackere informed he has no problem with the Board granting the relief, but he is not sure that the applicant needs it. Approval should be conditioned upon the mobile home being removed when the home is constructed.

Mr. Victor asked the applicant how long it will take him to build the residence. Mr. Hough informed it will be about two years.

Mr. Jackere informed that the mobile home can only be approved for one year. The variance, if the Board grants it, is only good for three years unless the applicant has started the construction and the construction is diligently moving towards completion. If it has not been started, the variance is void.

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "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 a mobile home in an RS-3 District under the provisions of Section 1680, and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - under the provisions of Use Unit

Case No. 13128 (continued)

1209) to allow two dwelling units (one single-family and one mobile home) in an RS-3 District under the provisions of Section 1670, subject to a one year removal bond, subject to the property being hooked up to the sewer, and subject to other applicable Building Code restrictions, on the following described property:

Lot 11, Block 1, Hefflefinger Addition to the City of Tulsa,
Tulsa County, Oklahoma.

Case No. 13129

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request for a variance of the required 50' setback from the centerline of South Winston to 36' to permit an existing carport in an RS-3 District under the provisions of Section 1670, located south of the SE corner of 46th Street and South Winston Avenue.

Presentation:

Charles T. DeShong, 4617 South Winston, informed they bought the house on the subject tract 18 months ago. The garage had been converted prior to their purchase. They have lived without any protection for their automobiles, in which they have significant investment. They installed the carport about 5 weeks ago. They then received a citation from the City Engineer's office 5 days after the carport was installed. He submitted 7 pictures of the carport and informed it is a top-of-the-line model and costs \$2,000 (Exhibit "J-1"). He feels that it enhances the value and the attractiveness of the property. The poles are set 22 feet from the curb and 36 feet from the center of the street. There are no other carports in the immediate vicinity. There are some carports on 45th Street which is a block north of the subject tract. He submitted a plat (Exhibit "J-2"). He talked with most of the property owners in the area, and only 2 people have said that they have any great objection to this. Two or three other people have indicated that they would rather not have it in the area. He is not a mechanic, and he does not intend to turn this into a junkyard. He feels that this variance is a reasonable one to ask for. He did not construct this himself. He submitted a brochure put out by the firm that built the carport which shows some of the carports that the builder will build (Exhibit "J-3"). Mr. DeShong informed he has not applied for a building permit since he received notice because he did not know that that was necessary. He informed that he in no way intended to act in an arbitrary or willful manner. It never occurred to him that a building permit was required for something of this nature. Sixteen of the people in the area indicated that they have no objection to this, and three others told him they would prefer that it wasn't there, but they would not object or give him any trouble about it.

Comments and Questions:

Mr. Chappelle informed that in order for the Board to grant a variance, they must find a hardship--something that is peculiar to this piece of property. Mr. DeShong informed he is not sure that there is anything unique about the lot, per se. The garage had already been converted before they bought the house. He informed this is not a hazard to traffic and it is not unattractive. He does not want the neighborhood to deteriorate in any way.

Case No. 13129 (continued)

Protestants:

The following people sent letters of protest to this application: June and Forrest Towry, 4723 East 46th Street (Exhibit "J-4"); Mary J. & L. M. Gasperino, 4616 South Winston Avenue (Exhibit "J-5"); Deldee Anderson, 4620 South Winston Avenue (Exhibit "J-6"); and Eloise D. Sterger, 4633 South Winston Avenue (Exhibit "J-7").

Maxine Summers, 4616 East 46th Street, informed they own the property at 4607 South Winston Avenue. She informed that the Zoning Ordinance calls for a 50-foot setback from the centerline of South Winston Ave. In the first part of April, the applicant did have a carport installed that does exceed this setback. He did not have a permit. This is a nice neighborhood, and they do not want to see any of their property devalued. She feels that this could devalue the property because of the precedent. There are high standards in the area, and they do not feel that this carport is a good addition to the house or the surrounding property. There are no carports in the area that extend past the house lines. She told where other carports are located behind the building setback line.

Applicant's Rebuttal:

Mr. DeShong informed he has a greater investment in his home than most of the others in the neighborhood. He cannot see that he had done any damage to his property or to the neighborhood. He thinks it is irrelevant to consider what might happen. He feels that this case needs to be judged on its merits, rather than speculating on what could happen in the future. There is only one other house in the immediate vicinity that has a converted garage.

Comments and Questions:

There was discussion about what a hardship would be in this case.

Mr. Victor asked where the other two protestants who are present live. One lives at 4620 South Winston Avenue and the other lives at 4616 South Winston Avenue. They live across the street from the subject tract. Mr. Victor informed that the applicant submitted a plat showing the people in the area who support this, and the people on either side of him have signed it in support of the application.

Mr. Victor informed he does not believe that the applicant has demonstrated a hardship. He made a motion to deny this case. His motion died for the lack of a second.

Mr. Clugston informed he would like to continue this item to allow the Board members time to go and view the site.

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 2-1-0 (Clugston, Victor, "aye"; Chappelle "nay"; no "abstentions"; Purser, Smith, "absent") to continue Case No. 13129 to the May 31, 1984, meeting to allow the Board members time to view the site.

Comments:

Mr. Jackere informed that a motion for continuance only requires a majority vote of those present.

Action Requested:

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

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record- Use Unit 1209 - Request for a variance to allow two dwelling units (1 existing mobile home and 1 new mobile home) in an RS-3 District under the provisions of Section 1670, located east of the SE corner of 49th Street North and Lewis Avenue.

Presentation:

John R. Gilbreath, 2626 East 48th Street North, informed he has lived in the area for about 20 years. The subject tract is the only piece of property that he owns that is residential. He owns approximately 56 acres behind the tract that are zoned agriculture. He has an existing mobile home on the property that has been there for about 20 years--his mother-in-law lives in it. He submitted pictures of the existing mobile home and 4 pictures of the neighborhood (Exhibit "K-1"). He has talked to all the people around the subject tract, and they all signed a petition in favor of it (Exhibit "K-2"). The new mobile home will be for his son to live in. It will be a mobile home that is built as a house so it can be added onto at a later date. There are several other mobile homes in the area, but many of them are not authorized. He showed where the other mobile homes are located. He does not want to devalue the property in any way. He has a \$250,000 home built in the area. The property is well-kept.

Protestants: None.

Comments and Questions:

Mr. Clugston asked if the applicant would need this relief if he got a lot split. Mr. Gardner informed a lot split could be granted, and then there wouldn't be two dwellings on a lot. The Staff is not suggesting that the Board require a lot split. They just wanted to point out that the lot is large enough for two dwelling units. Mr. Gardner informed that since this is a residential area, he is required to have a one-year time limit and a removal bond. They do plan to make this permanent at a later date. Mr. Gardner informed that at the end of a year when the applicant comes to reapply, he should also request a variance and try to demonstrate to the Board that it is a modular home rather than a mobile home and that it is to be permanent. If that is the case, the Board can take the time limitation off of it.

Mr. Clugston informed that when a variance is requested, the applicant must show the Board a hardship of the land. He informed he does not object to what the applicant wants to do, but a hardship needs to be shown.

Mr. Jackere informed the Ordinance requires that the Board find that a hardship exists. The hardship can be something related to the land. In this instance, the thing peculiar about the land is that it is a large tract for one single-family home. What is even more peculiar is that he could get the lot split and still meet the lot sizes in the area. He thinks the Board could find, legitimately, that a hardship existed because of the size of the tract. It is quite a bit larger than other single-family lots in the area, and two homes could be constructed on it through the lot split procedure.

Case No. 13130 (continued)

Mr. Gilbreath informed that when he bought the property it was divided into 2 1/2 acre sections. Everybody has split their lots up and built homes on them.

Mr. Clugston asked if the Board should recommend granting the special exception with the recommendation of a lot split.

Mr. Gardner informed that what the Staff and Legal Department are suggesting to the Board is that the hardship is that the tract is large enough that the applicant could split it into several lots. The question is whether or not the Board is really violating the spirit and intent of the Code when the applicant could have several houses on the property and they are only going to allow him to have two.

Mr. Gilbreath informed that the sewer and the water is already on the lot. There will not be a septic tank hookup.

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "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 locate a mobile home in an RS-3 District under the provisions of Section 1680, and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - under the provisions of Use Unit 1209) to allow two dwelling units (1 existing mobile home and 1 new mobile home) in an RS-3 District under the provisions of Section 1670, per Health Department approval for a period of one year, on the following described property:

The SW/4 of the SW/4 of the NE/4 of the SW/4 of Section 8, Township 20 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13131

Action Requested:

Variance - Section 207 - Street Frontage Required - Request for a variance of the required 30' of frontage to 0' in an AG District under the provisions of Section 1670, located south and west of the SW corner of Elwood Avenue and 81st Street.

Presentation:

The applicant, Dennis Vanscoy, 8164 South Elwood Avenue, was not present.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to continue Case No. 13131 to the May 31, 1984, meeting.

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture District - Use Unit 1206 - Request for a variance of the lot width from 200' to 113.5' and 127.5', lot area from 2 acres to .5 acre and .7 acre, the land area from 2.2 acres to .65 acre and .72 acre all to allow a lot split in an AG District under the provisions of Section 1670.

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request for a variance of the required 30' frontage to allow a lot split, located west of the SW corner of 101st Street and Sheridan Road.

Presentation:

The applicant, L. Dale Rothhammer, 6875 East 15th Place, #245, submitted a drawing (Exhibit "L-1") and informed he would like to split 1.35 acre into two lots. There is a house on the front lot already which is occupied by Mr. Rothhammer's mother. There is a 14-foot easement on the side for utilities and the driveway. He described his drawings and previous actions in the area.

Protestants: None.

Comments and Questions:

Mr. Gardner informed the Planning Commission approved this lot split.

Mr. Gardner informed that lot splits are listed as part of the minor variances and special exceptions. They still require a hardship, but the Board has included them as part of the Minor Variance/Special Exception, as opposed to a major hardship finding. The reason this has to come before the Board is that they have a private street or a private roadway easement. The subdivision just to the west of the subject tract is all on a private street. These lots do not have access to the private street in the subdivision, but they have their own private street.

Mr. Jackere asked the applicant if he has any animals on the lot. Mr. Rothhammer informed that he has some bees and chickens. Mr. Jackere informed that his concern is that the City Ordinances regulating what types of animals a person can have on property regulates it in terms of what the zoning is. In an AG District a person can have a cow on a small piece of property, whereas it requires a full acre to have a cow or a horse on a residential piece of property. He does not want two small lots to be created where a person may be able to have those animals under the other City Ordinances on such small tracts. This might really be offensive to neighbors. He suggested, if the Board is inclined to approve this, that they place some limitations on the types of animals that would be allowed. As long as the applicant has AG zoning, there is no lot size limitation as far as the animals are concerned.

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - under the provisions of Use Unit 1206) of the lot width from 200' to 113.5' and 127.5', the lot area from 2 acres to .5 acre and .7 acre, and the land area from 2.2 acres to .65 acre and .72 acre all to allow a lot split in an AG District under the provisions of Section 1670, and a Variance (Section 207 - Street

Case No. 13132 (continued)

Frontage Required - under the provisions of Use Unit 1206) of the required 30' frontage to allow a lot split, contingent upon no large farm animals such as a horse or a cow being permitted in the AG District, on the following described property:

The North 462' of the East 127.5' of West 140' of East 280' of the E/2 of the E/2 of the NW/4 of the NE/4 of Section 27, Township 18 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

Comments:

Mr. Clugston suggested that the Staff advise the applicants to provide 5 copies of any materials to be introduced to the Board.

Case No. 13133

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1215 - Request for a variance to permit selling, repairing, and storing amusement machines, (video games, etc.) in an RS-2 District under the provisions of Section 1670, located at the SE corner of 14th Street and South 135th East Avenue.

Presentation:

The applicant, John M. Long, 1419 South 135th East Avenue, requested that this item be continued to the June 28, 1984, meeting due to illness (Exhibit "M-1").

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to continue Case No. 13133 to the June 28, 1984, meeting.

Case No. 13134

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request for a variance of the setback from the centerline of Columbia Avenue from 50' to 35' and 31', the lot width from 60' to 50', the side yard setback (Tract B) from 5' to 4', the lot area from 6,000 square feet to 5,625 square feet and 5,000 square feet, the land area from 8,400 square feet to 6,250 square feet (Tract B) all to permit existing dwellings in an RS-3 District under the provisions of Section 1670.

Variance - Section 420 - Accessory Uses Permitted in Residential Districts - Use Unit 1206 - Request for a variance for accessory building setback from 3' to 2' on the west lot line, located at the NW corner of 1st Street and Columbia Avenue.

Presentation:

Bertha Colbert, 2647 East 1st Street, was represented by Philip Smith of Hammond Engineering, 5157 East 51st Street. Mr. Smith informed this

Case No. 13134 (continued)

property has existing dwellings on it. Mrs. Colbert wants to dispose of the property. This necessitates the lot split. It is hard to sell rental property today because of the depressed rental rates. It is better to sell to people who are actually going to occupy the dwellings. It will probably be better for the neighborhood to have these dwellings owner occupied. The structures have been in existence in excess of 15 years. He submitted a lot split plan (Exhibit "N-1").

Protestants: None.

Comments and Questions:

There was discussion about whether or not this lot has been split. There was a lot split that split the rear portion off one lot and attached it to the other.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - under the provisions of Use Unit 1206) of the setback from the centerline of Columbia from 50' to 35' and 31', the lot width from 60' to 50', the side yard setback (Tract B) from 5' to 4', the lot area from 6,000 sq. ft. to 5,625 sq. ft. and 5,000 sq. ft., and the land area from 8,400 sq. ft. to 6,250 sq. ft. (Tract B) all to permit existing dwellings in an RS-3 District under the provisions of Section 1670, and a Variance (Section 420 - Accessory Uses Permitted in Residential Districts - under the provisions of Use Unit 1206) for accessory building setback from 3' to 2' on the west lot line, per plot plan, on the following described property:

Lot 24, and the North 50' of Lot 23, Block 7, East Highland Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13135

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request for a variance of the setback from the centerline of 14th Street from 50' to 36' to permit a carport in an RS-3 District under the provisions of Section 1670, located at the SW corner of 14th Street and Delaware Avenue.

Presentation:

Mr. Chappelle informed he has a conflict of interest with this case and thus will not be able to vote on it. There must be three voting members present for the Board to take action on a case.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to continue Case No. 13135 to the May 31, 1984, meeting.

Action Requested:

Variance - Section 1221 - Use Unit 1221 - Request for a variance to locate a billboard 600' from an existing billboard in lieu of the required 1,200' spacing and a variance to allow 700 sq. ft. of display area under the provisions of Section 1670, located east of the SE corner of East 1st Street and Peoria Avenue.

Presentation:

The applicant, Bernie Voss, 5119 South Joplin Avenue, informed he entered into a contract in October, 1983, to purchase the subject tract with the understanding that zoning would have to be obtained. He intended to place a billboard sign on the property for the purpose of helping to finance it and to provide retirement income in the future. Early in November he applied for a zoning change to change the zoning to IL. In the middle of November a moratorium was placed on all signs. That moratorium made this application nonconforming. He would like this variance so he can follow through with his contract. He submitted a letter and a plat (Exhibit "0-1").

Comments and Questions:

There was discussion about why the IL zoning was not shown on the map. Mr. Gardner informed the Ordinance for the IL zoning has been published, so the only thing before the Board is the spacing of the sign--600 feet as opposed to 1,200 feet. He described the two variances that the applicant is asking for. The applicant is requesting to place the billboard half the distance that is now required for billboard separation, and he is also asking to increase the signage over three times the amount that would be allowed. If the property were zoned CS, the maximum size sign he could have would be 320 sq. ft. Mr. Gardner informed that the applicant needs to show a hardship.

Mr. Gardner told what the size of the sign could be if this property was zoned IL.

Mr. Jackere informed that if the sign is placed behind the building setback line, there is no display surface area limitation, and the applicant does not need the second variance.

There was discussion about the moratorium on outdoor advertising and how it affects this case.

Mr. Gardner informed that before the moratorium, the spacing requirement for signs along highways was 500 feet. This 500 feet was not a part of the Zoning Ordinance; it was part of the State requirements. Mr. Gardner pointed out that whatever the Board does with this, they do not want to set a precedent. They need to have something unique or unusual (hardship) to base their decision on.

There was discussion about the applicant's contract to purchase the piece of property and whether or not he would have to purchase it if this is denied. The most he will lose will be his earnest money.

Protestants:

Mr. Jack Holt, 1308 East First Street, informed he lives in the same block as the subject tract. He informed that last December he made

Case No. 13136 (continued)

arrangements to put up a sign on his property. He was told by the State of Oklahoma Department of Transportation that he could not have a sign on his property because the sign would be less than 500 feet from another sign. He described the signs in the area. There is a billboard 100 feet from the applicant's property already.

Comments and Questions:

There was discussion about why the applicant asked for 600 feet of relief when there is a sign 100 feet away from the subject tract.

Applicant's Rebuttal:

Mr. Voss informed that Mr. Holt was turned down by the State Department of Transportation, and my request has not been heard by the State. He informed that there has, in recent weeks, been a change in the interpretation of some of the laws written by and for the purpose of the State in the Department of Transportation. There has also been some recent activating circumstances around laws that have been previously ignored.

The sign in question can be interpreted to be outside the realm of the State Department due to the fact that it faces Peoria and is not readily seen by the highway.

Comments:

Mr. Gardner informed that the definition of a highway sign corridor is an area 400 feet in width on each side of and adjacent to the right-of-way. That would go 400 feet down Peoria.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to DENY a Variance (Section 1221 - under the provisions of Use Unit 1221) to locate a billboard 600' from an existing billboard in lieu of the required 1,200' spacing and a variance to allow 700 sq. ft. of display area under the provisions of Section 1670, on the following described property:

Lot 7, Block 13, Lynch and Forsythe Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13137

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Request for a variance of the required setback from the centerline of Peoria from 50' to 30' to allow an addition to an existing building in a CH District under the provisions of Section 1670, located at the SE corner of 3rd Street and Peoria Avenue.

Presentation:

Charles Stockholm, 1302 East 3rd Street, submitted 3 pictures of his existing building and the lot he intends to build on (Exhibit "P-1"). The existing building is 30 feet from the centerline of Peoria, and that is where he wants the addition to be as well. He wants to line the addition up with what is already there. His existing building has been on the site for many years.

Protestants: None.

Comments and Questions:

Mr. Gardner informed that prior to 1970, the applicant could build to his property line in a CH District. After 1970, he was required to set back half the distance designated on the Major Street Plan, even though the City does not own it. That is the basis for the hardship--the Ordinance has changed. Existing buildings already encroach, and it is up to this Board to determine whether the requested variance is reasonable based on the physical facts.

The existing building is at the corner of 3rd Street and Peoria Avenue, and Mr. Stockholm wants to build to the south to the alleyway.

Mr. Chappelle informed he would like to see a plan so they can make sure the addition will line up with the existing building. Mr. Gardner informed they can make that a condition and require that the applicant provide a plot plan to that effect for the file.

Mr. Clugston asked what is located on the strip of land between the subject property and the railroad tracks. Mr. Stockholm informed there is a cabinet shop on that piece of property. The structure for the cabinet shop is setting about 40 feet from the centerline.

Mr. Clugston was concerned that a building this close to the street might create a hazard right before the railroad tracks by blocking the view. Mr. Stockholm described everything that is located between the subject tract and the railroad tracks.

Mr. Victor informed he feels the Board should tie approval of this to a site plan.

Mr. Gardner suggested that the Board require that the approval be subject to the addition lining up with the existing building. He cannot build his building on City property. He suggested also that the Board require that the applicant furnish the Staff with a site plan for the record.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts) of the required setback from the centerline of Peoria from 50' to 30' to allow an addition to an existing building in a CH District under the provisions of Section 1670, subject to the applicant lining up his addition with his existing structure on the Peoria side, and subject to the applicant filing a plot plan with the Board of Adjustment Staff for the record, on the following described property:

Lot 10, Block 17, Lynch--Forsythe Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1210 - Request for an exception to permit off-street parking in an RM-2 District under the provisions of Section 1680, located north of the NE corner of 41st Street and Yale Avenue.

Presentation:

The applicant, Stephen M. King, 3227 East 31st Street, #200, was represented by Charles Norman, 909 Kennedy Building. Mr. Norman represented Pepco, Inc., which is the owner of the Southroads Shopping Center. Pepco has entered a contract to buy a vacant 8-acre tract immediately north of the shopping center. This application is to use that property as off-street parking in connection with the shopping center. The shopping center presently has parking sufficient to meet the requirements of the Code and to meet the ordinary requirements of the commercial at the center except in holiday periods. The center is undergoing a major renovation in connection with the move to Southroads of a major department store. The property owners anticipate that there will be increased shopping activity with the addition of this new store. The property has been zoned RM-2 for many years. He submitted 11 photographs which indicate the nature of the topography and the relationship of the tract to the residential areas to the north (Exhibit "Q-1"). He submitted a set of drawings of what they are proposing (Exhibit "Q-2"). The property is characterized by a very sharp ridge line along the entire northern boundary. He described the elevation on the property. The homes on the north boundary are much lower than the ridge line. The property slopes to the south and to the west which is an important factor in considering the drainage proposal for the property. They are proposing to leave (at a minimum) the north 60 feet of the piece of property as an open landscape buffer. They are proposing to construct along the north boundary a four-foot fence. They plan to plant a landscaping area 20 feet in width on the south side of the fence according to the detail landscape plan. The homes that back up to the east boundary are considerably higher than the vacant ground. Along that boundary they are proposing a screening fence that will be 6 feet high and a planting strip 25 feet in width. The screening fence would continue along the entire perimeter of the property. The purpose of the four-foot fence on the north boundary is to screen the automobiles and lights from the residential area. It will be effective looking up from the north boundary to completely screen any activity along the boundary. They have proposed a lighting standard for lighting within the parking area--there will be no lighting within the buffer area and transition areas to the north and east, and any light within 150 feet shall not exceed 20 feet in height. Any visible light at the boundary of the property shall not exceed 1/2 of 1-foot candle, and that the lights used within the parking area not exceed 2 watts per square-foot of surface area. They believe this would be an acceptable lighting standard for maintaining a low level of light and staying consistent with safety within the parking area. The lighting will be directed downward and away from the boundaries of the property to the north and to the east. They are proposing that there be no access from the parking area to the residential area to the north. They are proposing that all surface water be subject to a drainage plan to be approved by the City, and that the drainage be directed south and west and away from the swale behind the property. The landscape plan which he submitted specifies by type and number the plant material to be placed in the transition area on

the south side of the four-foot fence to the north and the six-foot fence on the east. He described the kinds of plants they plan to use. The existing trees are on the downslope of the property. Some of the existing trees will be retained, and some will be removed. Mr. Norman informed that in the RM-2 zoning district, buildings can be located within 10 feet of the boundary line of an adjacent district. The Code would permit a three-story building on this property. They feel that their proposal recognizes the legitimate interests of the neighbors to the north. He submitted an aerial photograph (Exhibit "Q-3").

Protestants:

Frank Turner, attorney, 5132 East 38th Place, is a resident in Max Campbell VI Addition. He submitted a plat of the area (Exhibit "Q-4") and informed that Max Campbell VI and VII were platted and filed of record. The Max Campbell VI owners bought in relation to Max Campbell VII which was to the north where the shopping area is. The developers of the Southroads shopping area desired to set aside the platting of the Max Campbell VII area in order to develop their shopping center. Some of the people in the area drew up a restrictive covenant that covered this tract of land. They had proposed a garden park type of development on the tract. This restrictive covenant was to run with the land, and the owners of the land bought it subject to the provisions. The people that have bought in the area have relied on the covenant that prohibits the development of this property for parking or for any commercial use. The applicant wants to disregard all the rights of the people in Max Campbell VI in relation to the restrictive provision. He is not sure that they could not agree to a plan of some sort for the development of the property that would be compatible with their plan.

Comments and Questions:

Mr. Jackere informed the Board of Adjustment is here to look at the Zoning Code and has no authority to base its decisions on matters outside of the Code, specifically with respect to restrictive covenants, which are private contracts or agreements. He asked Mr. Turner what it is about parking that he objects to. Mr. Turner informed the problem of the parking is that it violates what the owners of the land agreed to--that the property would be used for and would be developed as a buffer zone between the shopping center and the addition to the north. Mr. Jackere informed he does not see how that argument relates to the Zoning Code.

Additional Protestants:

George Howard, 4928 East 38th Place, submitted a copy of the agreement (Exhibit "Q-5"). They feel that the ruling on this piece of property should not be changed at this point in time. They are very much concerned over the effect of drainage. It is a problem now without adding a well-paved surface on the subject tract. They are also concerned about the noise/light problem. The parking area, as proposed, is to handle 900 cars. That is a lot of traffic to be brought into an area. The noise and the lights of the automobiles tend to reflect into the second story windows of the houses in the area, as do the lights on the existing parking lot of the shopping center. Most of the houses are of two-story construction, which puts them well above the top of the high-grade area. He does not think this should be approved, and he does not think that the volume of parking that is proposed is in order.

Joe McCormick, attorney, 1776 One Williams Center, represented Carol VanSchoyck, 5108 East 38th Place, whose residence backs up to the proposed parking lot. He informed he agrees with what has been said by the protestants. He informed that the Zoning Code does not allow large commercial shopping centers next door to nice residential areas. By extending this parking lot over, what they will create is a large commercial shopping center right next door to some nice residential homes. He informed he has problems with the proposed 4-foot fence because, although it would keep the neighbors from looking up and seeing over the fence as low as they are, it would not keep anyone from walking up to the fence and looking over into the neighbors second story windows. Under the restrictive agreement that they have provided, the applicant has provided that they will not build within 40 feet of the adjacent property. The restrictive covenant also states that there must be one-story apartments on the north and graduate to no more than two-story on the south. This was designed to be a buffer area between the residential and the commercial shopping center. Mr. McCormick informed there is a surface storm sewer that goes along the north edge of the property. Under the agreement, this was supposed to be kept as a nice greenbelt all along. In fact, it has not been. If the greenbelt is put behind a four-foot wall, the shopping center people don't have to worry about it because they cannot see it and their customers cannot see it. It becomes a "jungle" which nobody cares for. They strongly urge that because of the topography, the restrictive covenants that have been entered into, and the adverse detriment this will be to the neighborhood, that the Board turn down this application.

Applicant's Rebuttal:

Mr. Norman informed that the four-foot fence was the suggestion of their landscape architect. If the Board or the neighbors prefer a six-foot fence on the north boundary, that would not be a problem. They did not feel that a six-foot fence would be as attractive as a four-foot fence with landscaping growing above it. Mr. Norman informed that in this area there are already homes that back directly up to the driveway of the shopping center with minimal screening and no landscaping at all. The same is true on the south side of 41st Street at the Southland Shopping Center. The intent of the developer and user of the property is to create a larger separation between the parking area and residential development than is normally found. He informed that there could be over 250 dwelling units constructed on this property under the Zoning Code without approval from this Board or the City of Tulsa. The topography and the existing drainage swale do create a unique opportunity for separation and screening. In his opinion, the covenant that has been referred to is unenforceable and invalid. We consider this to be an appropriate land use. He suggested that drainage be a specific condition of approval and that all surface water be taken to the south and to the west and away from the existing swale. He suggested that this be subject to approval of a drainage plan by the City Engineer under the Ordinances.

Comments and Questions:

Mr. Victor asked if this property is used currently for overflow parking at the shopping center, and Mr. Norman informed that overflow parking has used this without any agreement between the property owner and the shopping center and without any approval.

Case No. 13138 (continued)

There was discussion about how permitting this parking would relate to future expansion of the shopping center.

Mr. Turner informed an attempt has been made by the property owners in Max Campbell VI to restrain parking on the subject property. At times the shopping center has had a security man that has run people off of the property, and at times private security people have been hired to keep the parking off of this ground.

Mr. Clugston wondered why the area residents would rather have an apartment complex on the property rather than a parking lot.

Mr. Turner informed the apartment complex that was proposed to the homeowners did not have 250 apartments in it. He thinks the people in the area should be given time to discuss this and determine if there was some way they could work together on a plan. He informed that he has no objection to a parking lot on the property if it has adequate protection and restrictive provisions.

Ann Howard, 4928 East 38th Place, is a property owner in the area. She objects to the traffic that this will bring to an already congested area.

Mr. Clugston informed he thinks the question in this case is what the property owner can do with the property. Do the people want housing units that will cause traffic congestion on their own, or do they want a parking lot?

Mr. Norman informed that the restrictions he mentioned in his presentation are all printed on the documents that he filed.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "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 1210) to permit off-street parking in an RM-2 District under the provisions of Section 1680, per the drawings submitted (no access to north), per lighting standards as indicated on drawing No. 2, subject to all drainage being directed away from the residential area to the north, subject to the drainage plan being approved by the City Hydrologist, subject to the landscaping and the fence being maintained by the applicant, and subject to the owner being required to maintain all of the property on both sides of the fence that is shown as belonging to the owner, on the following described property:

Beginning at a point that is 50 feet Easterly of the Westerly line of Said Section 22; Said Point of Beginning being the Southwesterly corner of Lot 1, in Block 3, of Max Campbell Sixth Addition; thence Easterly along the Southerly line of Said Block 3 for One Hundred fifty five and Ninety-nine hundredths (155.99) feet; thence Northeasterly continuing along the Southerly line of Said Block 3 for Eight Hundred fourteen and Twenty-five hundredths (814.25) feet; thence Easterly continuing along the Southerly line of Said Block 3 for One Hundred eighty-nine and One hundredths (189.01) feet to the Southeasterly corner of Lot Sixteen (16) in

Said Block 3; thence Southerly for Fifty (50) feet; thence Easterly for One Hundred seventy (170) feet to the Easterly line of Said West-half of the Southwest Quarter (W/2, SW/4) of Section 22; thence Southerly along said Easterly line of the W/2 of the SW/4 for Three Hundred sixty-six and Sixty-three hundredths (366.63) feet to a point that is Fifty-nine (59) feet Northerly of the Northeasterly Corner of Lot 2, in Block 1, of Southroads Mall Subdivision; thence Westerly and parallel to the Northerly line of Said Lot 2 for Twelve Hundred sixty-six and Ninety-one hundredths (1266.91) feet to a point that is Fifty (50) feet Easterly of the Westerly line of Said Section 22, said point being Fifty-nine (59) feet Northerly of the Northwest corner of Said Lot 2, of Southroads Mall Subdivision; thence Northerly for One Hundred four and Twenty-four hundredths (104.24) feet to the Point of Beginning of Said 8.107 acre tract of land in the City of Tulsa, Tulsa County, Okla.

Action Requested:

Special Exception - Section 620 - Accessory Uses Permitted in Office Districts - Use Unit 1202 - Request for an exception to permit a Satellite Dish in an OH District under the provisions of Section 1680.

Variance - Section 240.2 (c) - Permitted Yard Obstructions - Use Unit 1202 - Request for a variance of the maximum fence height of 8 feet to 12 feet to enclose a satellite dish in an OH District under the provisions of Section 1670, located at the SE corner of Denver Avenue and 16th Place.

Presentation:

KRAV was represented by Jim Jessup, attorney, 320 South Boston Avenue. Mr. Jessup informed this matter first came before the Board on December 29, 1983. The request at that time was the same as this; however, it was only with reference to Lot 16, Block 7 of Stonebraker Heights Addition. The Board granted the request as presented. When they stepped off the property in the process of getting ready for installation, they discovered that the actual installation site lapped over into the north 50 feet of Lot 10 of Stonebraker Heights Addition. They came back to the Board as an add-on to the agenda. Based upon the fact that no new owners appeared within the 300-foot requirement for notification as opposed to the original application, and based upon the fact that the actual site proposed and as represented to this Board had never changed, this Board, without requirement of further publication, heard the case and granted the expansion of the variance and the special exception to include the north 50 feet of Lot 10 of Stonebraker Heights Addition. They commenced construction, and they have now completed the facility. At about the time that they had the concrete base up and the pedestal for the satellite dish up, Mr. and Mrs. Carson, attorneys, contacted them. The Carsons live across the street, and they informed the applicant that they object to the installation. Mr. Jessup informed they had not heard from the Carsons previously. The Carsons stated that if they did not agree with the proposed installation, they wanted the applicants to take it out. If they did not take it out, they informed they would appeal the decision by this Board. That appeal has been launched. Mr. Jessup informed the Carsons that they would come back before the Board in order to give the Carsons an opportunity to be heard. Mr. Jessup submitted some photographs which reflect the actual site as it is now constructed for the satellite dish and the screening fence. He informed that Mr. Keith Osterman, the engineer for the station, is present and willing to speak to the basis for the hardship in this case.

Comments and Questions:

There was discussion about what actually took place at the first two meetings where this application was heard.

Protestants:

Beverly Carson, 239 West 16th Place, informed that her home and office is directly facing the location where the satellite dish is. They have lived there about 15 years. She informed they had a survey made of the area and they found that this satellite dish is entirely on Lot 10 and is not on Lot 16 at all. The first notice they received mentioned only Lot 16. She submitted 16 pictures of Lot 16 and the lot that the satellite dish was actually placed on (Exhibit "R-1"). Placing the

dish on Lot 16 would have created an entirely different situation, and they would not object to that. Lot 16 is much lower. She submitted a letter from a surveyor which states that this is not constructed on Lot 16 at all (Exhibit "R-2").

Comments and Questions:

Mr. Jackere asked the applicant what her objection is to this since there is a high-rise office building across the street from her. Mrs. Carson informed that the office building is not right across the street from her house.

Mr. Jackere informed that the zoning on the property is OH and the applicants have the right to construct a high-rise office building right in front of her property. Mrs. Carson informed that a high-rise office building would not look like a trash dump or a high billboard.

Mrs. Carson informed that her protest is that this construction is a monstrosity and an eyesore. It is a blight on a beautiful neighborhood and will destroy the value of the neighboring real estate. It is an inappropriate use of land and is contrary to the spirit of the existing Ordinance and to the public interest. The people in the district have a right to rely on the protection of existing Zoning Ordinances to protect the character of the district and the value of the property in the area. She submitted 14 affidavits from people in the neighborhood who object to this application (Exhibit "R-3").

Asked what her protest is, Mrs. Carson informed there is a lot of difference between a 10-foot fence from the ground level and a 20-foot fence. Mr. Jackere reminded Mrs. Carson that they could build a high-rise office building across the street.

Mrs. Carson informed she thought the fence would be about the same height as the retaining wall, not built on top of the retaining wall. She informed that at the time of the first hearing, they had a family crisis and she was not able to be present. They were trying to live with the proposal, and it did not appear to be that much of a detriment to their situation.

Mrs. Carson asked what the hardship would be for this. They have room to put this in any other spot.

There was discussion about where the satellite dish is actually located.

Mr. Clugston asked if the applicant would need the variance if they cut the fence down to 8 feet. It was determined that they would not need the variance in that instance. Mrs. Carson asked if they have the right to put a satellite dish in that area. Mr. Clugston informed that that use could be granted with a special exception, and they would not need to prove a hardship.

Mr. Jackere informed that as long as the satellite dish is on either all of Lot 16, all of the north 50 feet of Lot 10, or any portion of those two, then the legal description that was advertised gives them the right to build it anywhere in there unless the Board restricts it to some spot on that description.

Mrs. Carson informed they are objecting to having the satellite dish where it is located. They have tried to work with the applicant and have asked them if they can provide a site survey and engineering reports for them to look at. They wanted to have an expert look at the documents and see if this could be relocated. They refused to let the Carsons examine anything they had in the way of engineering or survey reports. She made the comment that, although this is an office area, the homes have more or less retained their character. Most of the people that signed the affidavits have homes in the area.

Additional Protestants:

Kainor Carson, 239 West 16th Place, informed the original notification says this will all be on Lot 16. He did not think that would bother them. This has caused them a great deal of concern. He submitted a statement of Kenneth Root, a half-owner of VIDEON TV SERVICE, which says that this could be installed on the roof at the Mansion House without interference, or at least without any more interference, than in the spot where it now is located (Exhibit "R-4"). He informed that he does not feel that the arguments about a high-rise building possibly being built across the street are valid. He feels that this installation ruins the whole general character of the neighborhood. He informed that if this was down the street, it would not interfere with his view.

Comments and Questions:

Mr. Jackere informed Mr. Carson that this Board has to consider what the property is zoned and what is possible and potential to be developed on the property. A high-rise could be built there.

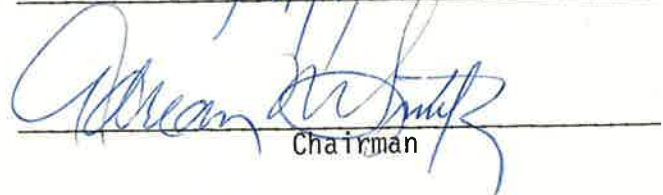
Mr. Jessup submitted the technical data for this installation (Exhibit "R-5").

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 620 - Accessory Uses Permitted in Office Districts - under the provisions of Use Unit 1202) to permit a satellite dish in an OH District under the provisions of Section 1680, and a Variance (Section 240.2 (c) - Permitted Yard Obstructions - under the provisions of Use Unit 1202) of the maximum fence height of 8 feet to 12 feet to enclose a satellite dish in an OH District under the provisions of Section 1670, on the following described property:

Lot 16, and North 50' of Lot 10, Block 7 of Stonebraker Heights
Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Date Approved _____


Chairman

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1206 - Request for a variance of the setback from the centerline of Quincy from 50' to 28' in an RS-3 District under the provisions of Section 1670, located at the NE corner of Quincy Avenue and 37th Place.

Presentation:

The applicant, L. A. Wheeler, 5800 East Skelly Drive, Suite 800, informed he would like to add a two-car garage onto the existing residence on the subject tract. This is an older neighborhood where most of the houses were built with a 25-foot setback line. The garage will be in line with the existing building. He submitted a layout of the garage (Exhibit "S-1"), an elevation plan (Exhibit "S-2"), and 9 pictures of the neighborhood (Exhibit "S-3"). The garage doors will front on Quincy Avenue. There will not be enough room to park a car in front of the garage.

Protestants: None.

Comments and Questions:

The Board had a concern about the garage door being so close to the street. There was discussion about other possible locations for the proposed garage.

Mr. Jackere asked the applicant if there are any "no parking" signs on this street, and Mr. Wheeler informed that there are not.

Mr. Wheeler informed this is not a through street--it dead-ends on 36th Street.

Mr. Jackere informed that visitors parking in the driveway between the garage and the curb will interfere some with the public that travels on foot. He informed that the applicant might be in violation of the Ordinance which prohibits him from parking a vehicle in the parking area which is the untravelled portion of the right-of-way. He asked if the applicant would have a problem with this Board saying that he could not park a car in his driveway. Mr. Wheeler informed he would have no problem with that. He informed that most visitors park their cars on another street.

Mr. Victor informed that, generally, when there is an existing structure, the Board accepts that fact as a hardship if they want to line up with it.

Mr. Wheeler informed there never was a garage on this house. About 50% of the houses in the area do have garages. Mr. Jackere informed the applicant has an unusual building condition aside from having a corner lot and the fact that this is really the only location on the lot for it.

Mr. Wheeler informed the subject lot is a little wider than the other lots in the area. It is his understanding that if it was 6 1/2 inches wider, it would fall under a grandfather clause, and he would not even need this relief.

Case No. 13140 (continued)

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1206) of the setback from the centerline of Quincy Avenue from 50' to 28' in an RS-3 District under the provisions of Section 1670, per plot plan, on the following described property:

The West 60.5' of Lot 10, Block 3, Leoki Place Addition, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13141

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Use Unit 1208 - Request for a variance of the required rear yard from 20' to 10' to permit construction of a building in an OL District under the provisions of Section 1670, located at the NW corner of 21st Street and 89th East Avenue.

Presentation:

The applicant, Verlean Smith, 1918 South 89th East Avenue, was represented by Mike Martin, architect, 202 West 8th Street. Mr. Martin informed that since they applied for the variance, they discovered they only need a 4-foot variance--not a 10-foot variance. They have been able to alter the plans so that the setback will be 16 feet from the back line. He pointed out that the adjoining property contains the house of the owner of the subject tract. The 16 feet backs up to the owner's property. The applicant has just given the City a 25-foot storm sewer easement adjacent to the 16 feet. He described why they need this relief and informed that the 25-foot easement would provide a buffer. They will not be intruding on any adjoining property owners. The 25-foot easement is dedicated off of the tract that the applicant lives on. He submitted a plot plan (Exhibit "T-1").

Protestants: None.

Interested Party:

Leta Cosby, 8705 East 21st Street, informed that this setback will line up with their house. They want this to look architecturally correct.

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 630 - Bulk and Area Requirements in the Office Districts - under the provisions of Use Unit 1208) of the required rear yard from 20' to 16' to permit construction of a building in an OL District under the provisions of Section 1670, per revised plot plan as amended from 20 feet to 16 feet, on the following described property:

The South 350' of the East 158.5' of Block 10, O'Connor Park, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13145

Action Requested:

Request that Case No. 13145 be withdrawn.

Presentation:

The applicant, T.U.R.A., requested by letter that this item be withdrawn (Exhibit "U-1").

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to withdraw Case No. 13145.

There being no further business, the Chair adjourned the meeting at 6:44 p.m.

Date Approved

6 - 14 - 84


Chairman