

CITY BOARD OF ADJUSTMENT
Minutes of Meeting No. 424
Thursday, October 18, 1984, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS
Chappelle Purser Smith Victor	Clugston	Gardner Jones Phillips	Garriot, Protective Inspections Jackere, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Thursday, October 16, 1984, at 9:40 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Smith called the meeting to order at 1:00 p.m. and declared a recess. The meeting reconvened at 1:05 in the City Commission Room.

MINUTES:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE the Minutes of September 20, 1984.

UNFINISHED BUSINESS:

Case No. 13251

Action Requested:

Special Exception--Section 910--Principal Uses Permitted in the Industrial Districts--Use Unit 1202--Request an exception to allow a pre-release center in an IL zoned district under the provisions of Section 1680, located at 20th East Archer.

Presentation:

The applicant, Freedom Ranch, represented by David King, requested by letter (Exhibit A-1) that the case be withdrawn.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to WITHDRAW Case No. 13251.

Case No. 13257

Action Requested:

Variance--Section 930--Bulk and Area Requirements in the Industrial Districts--Request a variance of the frontage requirements on a dedicated street from 50' and 150' to 0', with the access by a private street in an IL zoned district under the provisions of Section 1670, located on the SW/c of 57th Street and Garnett.

Presentation:

The applicant, John Sublett, One Williams Center, Suite 1776, was not present.

Protestants: None

Comments:

Mr. Jones informed the Board that Mr. Sublett has requested by phone that the application be withdrawn; however, no letter has been received to date.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **STRIKE** Case No. 13257 from the Agenda.

Case No. 13322

Action Requested:

Variance--Section 930--Bulk and Area Requirements in the Industrial Districts--Request a variance of the required 50' of frontage to 0' in an IM zoned district under the provisions of Section 1670, located E. of the SE/c of Utica and 7th Street.

Presentation:

The applicant, James Williamson, 1736 South Carson, Tulsa, informed that he has been working on an agreement with the protestants and requested another two week continuance to allow further negotiations.

Comments and Questions:

Mr. Smith asked the protestants if they opposed a two-week continuance. They did not.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **CONTINUE** Case No. 13322 until November 1, 1984.

Case No. 13324

Action Requested:

Special Exception--Section 910--Principal Uses Permitted in the Industrial Districts--Use Unit 1212--Request an exception to allow

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Case No. 13324 (continued)

eating places, Use Unit 13 (convenience goods and services) and Use Unit 14 (shopping goods and services) in an IL zoned district under the provisions of Section 1680, located E. of SE/c of 122nd East Avenue and 51st Street.

Presentation:

The applicant, Stanley Hall, 12210 East 52nd Street, Tulsa, 74146, requested a continuance until November 1, 1984.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to CONTINUE Case No. 13324 until November 1, 1984.

Case No. 13329

Action Requested:

Special Exception--Section 710--Principal Uses Permitted in the Commercial Districts--Use Unit 1215--Request an exception to allow a wholesale bakery in a CS zoned district under the provisions of Section 1680, located E. of NE/c of Harvard and 51st Street.

Presentation:

The applicant, Brooklyn Bagel Company, represented by Roy Johnsen, 324 Main Mall, Suite 900, Tulsa, 74103, requested a continuance until November 1, 1984.

Protestants: None

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to CONTINUE Case No. 13329 until November 1, 1984.

Case No. 13330

Action Requested:

Special Exception--Section 910--Principal Uses Permitted in the Industrial Districts--Use Unit 1219--Request an exception to allow a military crew quarters (motel) in an IL zoned district, located at the Tulsa International Airport.

Presentation:

The applicant, D. J. Hartz, was not present.

Protestants: None

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no

Case No. 13330 (continued)

"abstentions"; Clugston, "absent") to CONTINUE Case No. 13330 until November 1, 1984.

Case No. 13331

Action Requested:

Request an appeal of the Building Inspector's office denial to permit an outdoor advertising structure within 750' of another sign.

Presentation:

The applicant, Donrey Outdoor Signs, was represented by Bert C. McElroy, who explained that recent developments in regard to other sign permit applications could make this appeal mute (depending on the outcome of the appeal). He requested a continuance until November 1, 1984.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to CONTINUE Case No. 13331 until November 1, 1984.

Case No. 13334

Action Requested:

Variance--Section 730--Bulk and Area Requirements in the Commercial Districts--Use Unit 1216--Variance of the 110' setback from the centerline of Yale to 93' and of the 100' setback from the centerline of E. 31st Street to 90', all to permit construction of a gasoline station in a CS zoned district; and a

Variance--Section 280--Structure setback from abutting streets--Request a variance of the 60' structure setback from the centerline of Yale to 53' to allow an underground fuel storage tank.

Presentation:

The applicant, Phillips Petroleum Company, was represented by Richard McMann, 101 Robinson, Oklahoma City, who submitted a plot plan indicating the proposed building setbacks (Exhibit B-1), and an information packet including site and elevation plans, as well as pictures of the surrounding area (Exhibit B-2). He described the plot plan, informing that there are several buildings encroaching the right-of-way according to the present City Ordinance. He listed and explained the variances which would be necessary on the surrounding properties, including a 27' variance, a 53' variance and a 61' variance. This application is requesting a 10' variance. He explained that the request is due to the size of the lot, and the fact that the subject property is a corner lot. He informed that economics required renovation for the highest use of the property. He stated that the zoning requirements are the basis for a hardship,

Case No. 13334 (continued)

since the setback requirements removed approximately 60 percent of the land area. Mr. McMann informed that they plan to add a carwash dryer, which will prevent ice build-up in the winter.

Protestants: None

Comments and Questions:

Mr. Gardner informed that the applicant has changed part of the application, and no longer needs the variance for underground fuel storage tanks. He does, however, need that variance for the placement of a sign. He informed that a removal contract should be required by the Board.

Mr. Jackere informed that if underground fuel storage tanks were advertised and a sign was not, the Board could not act on the variance for placement of a sign. He informed that the sign needed to be advertised and suggested a continuance on that portion of the application.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-0-1 (Chappelle, Purser, Victor, "aye"; no "nays"; Smith, "abstaining"; Clugston, "absent") to APPROVE a Variance (Section 730--Bulk and Area Requirements in the Commercial Districts--Under the Provisions of Use Unit 1216) of the 110' setback from the centerline of Yale to 93' and of the 100' setback from the centerline of East 31st Street to 90', all to permit construction of a gasoline station in a CS zoned district; per plot plan submitted; with the finding of a hardship being based on the shape and size of the corner lot, and the presentation of the other locations which encroach; and to CONTINUE the balance of the application to allow the applicant to readvertise for a sign; on the following described property:

A part of the NE/4 of the NE/4 of the NE/4 of Section 21, T-19-N, R-13-E of the Indian Base and Meridian in Tulsa County, State of Oklahoma, being described by metes and bounds as follows: Commencing at the Northeast corner of Section 21, said point being the centerline intersection of East 31st Street South and South Yale Avenue, thence Due South along the East line of Section 21 and the centerline of South Yale Avenue a distance of 60.00 feet, thence N 89°49'29" W parallel with the North line of Section 21 a distance of 50.00 feet to the Point of Beginning; thence Due South parallel with and 50.00 feet perpendicularly distant from the East line of Section 21 a distance of 140.00 feet, thence N 89°49'29" W a distance of 155.00 feet, thence due north a distance of 150.00 feet to a point on the South right-of-way line of East 31st Street South, thence S 89°49'29" E parallel with and 50.00 feet perpendicularly distant from the North line of Section 21 a distance of 132.00 feet, thence S 66°21'16" E a distance of 25.11 feet to the point of beginning and containing 23,134.89 square feet or 0.5311 acres more or less.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 13346

Action Requested:

Variance--Section 430.1--Bulk and Area Requirements in the RS, RD and RM Districts--Use Unit 1206--Request a variance of the 50' setback from the centerline of Columbia Avenue to 35' to permit an addition to an existing dwelling in an RS-3 zoned district, located at 2617 East 17th Place.

Presentation:

The applicant, Howard Kelsey, 8905 East 60th Street, represented the Kelsey Company in their request for a variance to allow the construction of an addition to the existing dwelling on the subject property. The right-of-way will be encroached by one corner of the addition due to the fact that the lot is wedge-shaped. A plot plan was submitted (Exhibit C-1).

Protestants: None

Comments and Questions:

Mr. Smith asked the applicant how close the house across the street, and to the south, sets to the centerline of Columbia. Mr. Kelsey explained that due to the way the street angles, that house would be closer to the east in the same pattern as the proposed addition. He informed that if a diagonal line was drawn, parallel to the street, the proposed addition would fall in line with the structure across the street.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "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 50' setback from the centerline of Columbia Avenue to 37' to permit an addition to an existing dwelling in an RS-3 zoned district; per plot plan submitted; on the basis that the lot is an irregular shape and the encroachment only involves one corner of the addition; on the following described property:

Lot 4, Block 2, Vala Oulda Drive, Resub. of Tract 8 of Glen Acres Addition to the City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 13340

Action Requested:

Use Variance--Section 310--Principal Uses Permitted in the Agricultural Districts--Use Unit 1227--Request a use variance to permit a salvage yard in an AG zoned district, located at 4212 North Lewis.

Case No. 13340 (continued)

Presentation:

The applicant, Ann Bledsaw, 4406 North Lewis, explained that her home was flooded on Memorial Day, and shortly after (as a result of flood damage) an electrical short started a fire which burned the house down. The property is not involved in the City Buy-Out Plan, and she was informed that she could not rebuild on that property. She stated that there is a salvage yard across the creek on an abutting property, and one across the road.

Comments and Questions:

Mr. Jackere informed the Board that if the property is in a floodway, then there is some question about whether the property is suitable for a salvage yard. There is the hazard of cars being carried away in flood waters, which could be damaging to other properties. He suggested that the Hydrology Department might need to check the property.

Ms. Bledsaw reiterated the fact that there are salvage yards all around her property. Mr. Jackere explained that the ordinance permits the existing uses to remain in some instances, and those salvage yards may pre-date the ordinance.

Ms. Bledsaw asked the Board for a suggestion as to what use is appropriate for the property. She informed that the City owns a piece of property between the subject property and the creek which is not properly maintained. She felt that if the City would clean the creek, it would not flood as bad on her property. She stated that she and her husband have tried to clean up the property, but can not get the City to cooperate by picking up the debris they have stacked.

Ms. Purser asked Ms. Bledsaw how much water came in her house during the flood. Ms. Bledsaw reported that during the Memorial Day flood the water was waist-deep in her house.

Ms. Bledsaw explained that she hired a lawyer to fill out government assistance papers and that she was told she did not make enough money to qualify for the loan. Mr. Smith asked her if she was sure they did not tell her she made too much money. She reiterated that she was told she did not make enough money.

Mr. Gardner informed that if the subject property is in a flood-plain instead of a floodway, and is in a position to be elevated, it could be taken out of the floodplain and land use could be considered on the elevated portion.

Mr. Jackere informed that under other ordinances of the City, salvage yards must be screened with a screening fence, and screening fences are not allowed in floodplains. He suggested that another

Case No. 13340 (continued)

use might be more appropriate for this property. He suggested also that she talk to Mr. Rueben Hays in the City Engineering Department to find out what she could do in order to remove a portion of her property from the floodplain.

Mr. Gardner asked about her childcare center. He informed that she might be able to re-establish that use.

Protestants:

Kimberly Allen, 2207 East 43rd Street North, informed the Board that she opposes a salvage yard because it will disrupt the scenery from her front yard. She expressed frustration for Ms. Bledsaw's situation and questioned the City's habit of avoiding the maintenance of their property. She informed that she lives across the road from Ms. Bledsaw in a subdivision.

Linda Thomas Baer, 4300 North Lewis, informed that she owns the property adjacent to the subject property to the north. Her land is surrounded by Flatrock Creek, which became a "river" during the recent flooding. She explained that the creek is in "serious" condition and needs immediate attention from the City. She stated that the creek is dammed-up in more than one place. She is concerned about the situation, but still opposes a salvage yard next door to her. If the Board is inclined to approve the application, she would request that a privacy fence be required between her property and the subject property.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to DENY a Use Variance (Section 310--Principal Uses Permitted in the Agricultural Districts--Under the Provisions of Use Unit 1227) to permit a salvage yard in an AG zoned district, and to CONTINUE the application until November 15, 1984 for the purpose of considering some other use; on the following described property:

The North 175 feet of the East 460 feet of the South 878 feet of the Southeast Quarter of the Northeast Quarter and the North 24 feet of the East 460 feet of the South 703 feet of the Southeast Quarter of the Northeast Quarter, Section 18, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

Case No. 13341

Action Requested:

Variance--Section 1212.4--Off-Street Parking and Loading Requirements--Use Unit 1212--Request a variance of the 15 required off-street parking spaces to 8 spaces to permit a drinking

Case No. 13341 (continued)

establishment in a CH zoned district, located on the SW/c of Xanthus Place and 11th Street.

Presentation:

The applicant, Alphonse Cahue, was represented by Marie Therese Cahue, 309 South 117th East Avenue, who informed the Board that she felt she might have a solution to the parking variance request. She presented the Board with a letter from the property owner informing that there is sufficient parking to the rear of the property (Exhibit D-1).

Comments and Questions:

Mr. Jackere explained that Ms. Hubbard informed him that the plot plan submitted only showed eight parking spaces available. Her business is located in a building which shares parking spaces with the offices surrounding them.

Mr. Victor asked where the sixteen off-street parking spaces were, in relation to the subject property. Ms. Cahue informed that her business is located at 2008 East 11th, and the parking is directly behind the building.

Mr. Jackere asked how many businesses share these spaces and what is the nature of them. Ms. Cahue informed that there are four office spaces that share the parking lot and one of those is vacant. She stated that one sells antennae, and the one next door to her is vacant. She did not know what the other business is. Mr. Jackere asked if there is a total of sixteen spaces for all four businesses and Ms. Cahue said she thinks that is correct.

Ms. Cahue informed that she applied for a private club license, and the other tenants close their businesses at 5:00 p.m.

Mr. Smith asked Ms. Cahue what the hours of operation for her club will be. She informed that she will open at 2:00 p.m. until 2:00 a.m.

Mr. Smith asked if there will be drinking only, or if there will be entertainment. She stated that there will be a jukebox, but no live music or entertainment.

There was discussion about the "mixed use" in relation to the parking. It was mentioned that since there is one office space vacant at this time, it could be occupied at any time by another bar, or a retail business that stays open past 5:00 p.m.

Ms. Cahue informed that when she first applied for her license in June she was told there would be no problem. However, when she applied for a Building Permit, she was told that the law has changed and she needed a variance. Mr. Victor informed that the parking requirements have changed.

Case No. 13341 (continued)

Mr. Victor asked if the club is open now. Ms. Cahue informed that it is not open, yet. He also asked how many people the club could accommodate. She replied that about forty or fifty people could be served.

Mr. Jackere asked about "happy hour." Ms. Cahue informed that she did not know what her plans will be about "happy hour."

Protestants:

Ms. Nancy Woods, 2022 East 11th Street, informed that she owns a business located in the same "strip." It is a fairly new business and being located on the corner, will be most affected by the parking problems created by this new business. She was told that this particular "strip" of offices could accommodate seven offices, and a cleaners is presently located at the end of the "strip." At the present two of those are vacant, including the subject property. She submitted a picture taken during a lunch hour, which shows the type of traffic and parking problems incurred at this location (Exhibit D-2). Ms. Woods stated that when she leased the business she was told that the rent was low because of the parking problem. Often people park on the sidewalk. She owns a business which sells a line of sorority gifts and paraphernalia. Her business is open until 5:00 p.m. She informed that the parking lot in reference is not visible from the street, and many customers are not aware that there is parking available back there.

Paul Bewel, 2002 East 11th Street, is the owner of Bewel's Cleaners, which has been at this location since 1926. He informed that he formerly owned the subject property, but has sold the property. He informed that the lot behind the office complex would hold a maximum of nine cars, and that fifteen or sixteen would be an exaggeration. There are seven stores located in the subject building: an empty store (which will be the bar); another small empty store; Tower Power (T.V. antennae and repair); a retail knife store; a silver and gold manufacturing business (which will soon be holding night classes in jewelry-making); and Ms. Woods' business.

The following protestants were present, but not heard:

Paul Tourigny, 1111 South Xanthus Avenue, Tulsa, 74104

Edward C. Williams, 1112 South Xanthus, Avenue, Tulsa, 74104

Additional Comments:

Mr. Jackere advised that since this application is for a variance, that the parking may be modified with finding that certain conditions have been met, and in such a case there is no hardship necessary. He read the requirements so that the Board could be familiar with the new ordinance involving use unit changes with new parking requirements in CH.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no

Case No. 13341 (continued)

"abstentions"; Clugston, "absent") to **DENY** a **Variance** (Section 1212.4--Off-Street Parking and Loading Requirements--Under the Provisions of Use Unit 1212) of the 15 required off-street parking spaces to 8 spaces to permit a drinking establishment in a CH zoned district; on the following described property:

Lots 3, 4 and 5, Block 3, Ridgedale Terrace 2nd Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13342

Action Requested:

Special Exception--Section 410--Principal Uses Permitted in the Residential Districts--Use Unit 1209--Request an exception to allow a mobile home in an RS-3 zoned district; and a

Variance--Section 440.6--Special Exception Uses in Residential Districts--Requirements--Request a variance of the one-year time limitation to permanently--mobile home is to be placed on a foundation; and a

Variance--Section 430.1--Bulk and Area Requirements in the RS, RD and RM Districts--Request a variance of the side yard setback from 5' to 1' to permit a carport over an existing driveway and of the 50' setback from the centerline of 5th Street to 35' to permit a mobile home with a wooden deck, located on the NW/c of 5th Street and 40th West Avenue.

Presentation:

The applicant, Shirley Sandridge, 446 South 40th West Avenue, informed the Board that the older home she lived in at this location was severely damaged by the Memorial Day Flood. She wants to clear the lot, but cannot afford to rebuild. She requested that she be allowed to place a mobile home on the property permanently. She informed that she lost everything in the flood and a mobile home is the only way she can afford a place to live. She submitted pictures (Exhibit E-1) and three plot plans (Exhibits E-2, E-3, and E-4). Also a floor plan was submitted (Exhibit E-5). A petition was submitted stating that the signatures would grant approval of a mobile home on the subject property (Exhibit E-6).

Protestants: None

Comments and Questions:

Ms. Purser asked Ms. Sandridge if there are other mobile homes in the area. Ms. Sandridge informed that there are two on 39th West Avenue, approximately one block over from her property.

Mr. Jackere asked how high the wooden deck will be. Ms. Sandridge informed that approximately two or three cinder blocks high (a stoop which she could walk onto from her front door).

Case No. 13342 (continued)

Mr. Gardner asked if the subject property is where her home was flooded. She informed that it is the place where her home was flooded, but that she has lived there for twenty-four years and has never had a problem with flooding before.

Mr. Smith asked Ms. Sandridge if the Building Inspector's office has given her a permit to allow the mobile home on the subject property. She informed that she has not talked to the Building Inspector. Mr. Smith informed her that the City does not allow rebuilding in a floodway and if the Board is inclined to approve this application, this will not be the last step she will go through to get the mobile home approved.

Ms. Purser asked Ms. Sandridge how close the neighbor's home is to the property line. She replied that the adjacent neighbor's home is 12' to 15' from the property line and she informed that the new carport will be no closer to the property line than the existing building.

Mr. Victor asked if setback relief would be needed for a porch. Mr. Gardner informed that there is no stipulation about how long or wide a deck must be, therefore, any motion could limit the deck to the existing building lines.

Mr. Victor asked Ms. Sandridge how wide the driveway will be. She informed that it will be approximately 11 feet.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a **Special Exception** (Section 410--Principal Uses Permitted in the Residential Districts--Under the Provisions of Use Unit 1209) to allow a mobile home in an RS-3 zoned district; and a **Variance** (Section 440.6--Special Exception Uses in Residential Districts-Requirements) of the one-year time limitation to permanently, subject to the mobile home being placed on a foundation; and a **Variance** (Section 430.1--Bulk and Area Requirements in the RS, RD, and RM Districts) of the side yard setback from 5' to 1' to permit a carport over an existing driveway, and of the 50' setback from the centerline of 5th Street to 35' to permit a mobile home with a wooden deck, subject to the mobile home and wooden deck being no closer than 9 1/2 feet from the curb on 5th Street; and subject to a hydrology report; subject to a Building Permit; subject to Health Department approval; per plot plan to be submitted; on the following described property:

Lot 12, Block 4, Parkview Place Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13343

Action Requested:

Special Exception--Section 410--Principal Uses Permitted In the Residential Districts--Use Units 1210/11--Request an exception to permit an office expansion and off-street parking in an RM-2 zoned district, located N. of NE/c of 14th Place and Denver.

Presentation:

The applicant, Larry Harrel, represented the Tulsa Postal Federal Credit Union. The present location is 14th Place and Denver. The credit union has recently acquired an adjacent lot which they hope to use for off-street parking and they would like to add a "drive-through" window to the side of the existing building. He informed that the application was based on these two uses, but they may only use the parking lot in the immediate future.

Comments and Questions:

Mr. Victor asked Mr. Harrel what is on the subject property at the present. Mr. Harrel informed that the subject property is a vacant lot at the present.

Mr. Victor asked about the "expansion," and was informed that there are no specific plans at this time, but they foresee the need for a "drive-through" window. The existing building sits at the edge of the north property line and the reason the subject property was acquired is for future expansion. This adds an additional 50' to their property, fronting on South Denver. Mr. Victor asked if there will be a contract which will tie the two pieces of property.

Mr. Jackere informed that at the point in time that an attached expansion is added to the existing building, the two lots will be tied together. However, until that time, a tie contract could be required.

Mr. Harrel informed the Board that the lot was bought for off-street parking and they have no intention of selling it.

Mr. Gardner informed that if the lot to the north of the existing building is going to be used as required off-street parking, the two lots must be "tied."

Mr. Gardner informed, in answer to a question by Mr. Jackere, that in order to build an extension (drive-through) across the lot line, Mr. Harrel must come before the Board for a use variance on the RM-2 zoned district. Also a plot plan must be presented so that the Board can see the entrances and exits, so they can determine how traffic will be affected in the area.

Protestants:

Ms. Norma Turnbo, 1822 South Cheyenne, (District 8 Representative to the Greater Tulsa Council), informed that she is not in opposition to the additional parking. She requested that expansion plans not be approved, because the parking will be affected. She informed

Case No. 13347 (continued)

Informed that the cars could be kept 120' back from the front property line.

Protestants:

June Cole, 16821 East 11th Street, informed that she is sorry to oppose Mr. Britt's application. She stated that in the summer of 1983 Mr. Britt ran a business of this type on this property. At that time the cars that were parked on his property were nearer to her home than they were to his. She informed that the entrance to his property immediately joins her front yard and there were several occasions when potential buyers mistook her for the car salesman. She asked why, if he intends to sell the cars at auctions, he needs to advertise them in the paper. That, in her mind, will establish a car lot. She stated that the surrounding residents enjoy their quiet neighborhood and wish to keep it that way. She stated that she is distressed that this will depreciate the aesthetic value, as well as the monetary value of their home.

Richard Johnson, 17006 East 11th Street, informed that his property is across the street from the subject property. He opposes having a used-car lot across the street. He informed that he would like to preserve the solitude of their neighborhood. Mr. Johnson stated that Mr. Britt was denied commercial zoning on this property two weeks prior to this hearing and has an appeal pending for November 13, 1984. He questions Mr. Britt's motives in stating that he merely wants to park the cars there when he has asked for commercial zoning. Mr. Victor asked Mr. Johnson how he would feel if the Board granted Mr. Britt permission to park the cars behind the house on the rear of the subject property. His response was that his opposition was to car sales, not to storage. He has no problem with the cars being parked there between auctions.

H. A. Harness, 16910 East 11th Street, stated he owns two 2 1/2 acre tracts directly across the street from the subject property, which has a combined frontage of 350'. One of these lots is a pasture. The other lot is where his home is. He informed that there are car lots from Lynn Lane to Downtown Tulsa on 11th Street and he opposes anymore.

Applicant's Rebuttal:

Mr. Markind informed that he fully understands and appreciates the protestants' concerns. He explained that the used-car sales that took place in the summer of 1983 were conducted by a former tenant of Mr. Britt's and he no longer lives on the premises. He reiterated the fact that the situation they are seeking is to be allowed to park no more than six cars discreetly on the subject property in order to allow Mr. Britt to retain his dealer's license. A car may be picked up from time-to-time, but he emphasized that the cars will not be displayed.

Additional Comments:

Mr. Gardner informed that the subject property is not appropriate for commercial use based on the Comprehensive Plan, since commercial

Case No. 13347 (continued)

use has been denied. This Board has to determine, based upon the applicant's specific proposal, whether the use would be appropriate.

Mr. Markind informed that the zoning application was filed before all the facts were assembled and the appeal is merely to protect their investment in that particular proceeding. With the relief sought in this application, the appeal would become moot. He also informed that the cars will be parked behind the house and mobile home.

Ms. Purser addressed the fact that the City Ordinance requires that cars be parked on a dust-free, all-weather, hard surface. Mr. Jackere informed that if relief is not advertised for this, they could not park the cars there. Mr. Markind informed that the driveway is gravel and the parking area is grass.

Mr. Victor informed that this application does not comply with the guidelines of home occupation. The size of the lot would allow the cars to be parked unobtrusively, but he does have a problem with any sales or advertising.

There was discussion about the generation of traffic.
Mr. Markind stressed that this location is not a sales environment.

Mr. Jackere informed the Board that they should be concerned about the traffic generated by transporting these vehicles to and from auctions. He advised the Board to determine if these uses are customary home occupation uses.

Mr. Markind compared this request to the use of home occupation for a welder or an artist, both of whom may not advertise their businesses, but which would generate some type of traffic.

Mr. Victor expressed his sympathy with the applicant, based on his physical hardship, and his desire to keep his license intact. However, he feels that if the applicant intends merely to store a maximum of six cars, a lot with the required parking should not be too difficult to find.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **DENY** a **Special Exception** (Section 420--Accessory Uses in Residential Districts--Under the Provisions of Use Unit 1206/17) for a home occupation to permit used car sales (maximum of six cars) in an RS-3 zoned district; and a **Variance** (Section 440.2(c)--Special Exception Uses in Residential

Case No. 13347 (continued)

Districts, Requirements) to permit the home occupation to be conducted outside the principal or customary accessory building; on the following described property:

The W/2, W/2, SW/4, SE/4, of Section 2, T-19-N, R-14-E, Tulsa County, Oklahoma.

Date Approved

11/1/84


Chairman

Case No. 13348

Action Requested:

Special Exception--Section 410--Principal Uses Permitted in the Residential Districts--Use Unit 1205--Request an exception to allow a home occupation to permit a real estate office in an RS-2 zoned district; and a

Variance--Section 440.6--Special Exception Uses in Residential Districts--Requirements--Request a variance to allow a non-resident to be employed; located at 2457 East 22nd Place.

Presentation:

The applicant, Kathleen Lucas Hausam, 2457 East 22nd Place, informed that a temporary, personal hardship has prompted this request. She has been a local real estate broker for ten years and is the owner of Lucas Properties, Inc., Realtors. Her business has been located on 41st Street, west of Peoria for the past 3 1/2 years. Ms. Hausam informed that one year ago, when she was pregnant, she and her husband bought the house which is on the subject property, with the intention of combining their businesses. He has since left her with the baby and no location for her business. She is making this request to allow her to work from her home this winter while her baby is small and informed that she has every intention of acquiring commercial space in the spring.

Protestants: None

Comments and Questions:

Mr. Victor asked Ms. Hausam why she requested a non-resident employee. Ms. Hausam explained that at her former location she had eight employees and she now has only one independent contractor. She stated that she was informed that she could not keep one employee under home occupation without a variance.

Mr. Jackere asked Ms. Hausam if she will be conducting closing at her residence. She informed that most of the closings are conducted at the lender's office, and if not there, at the other broker's office. He asked what will be taking place at her residence in the line of business. She explained that she will be answering the phone, taking care of paperwork, and lining up showings. He asked if it was necessary to have the additional employee. She explained that her employee answered the phones and took care of some of the paperwork and that her services are necessary. Mr. Jackere informed that there are different rules for the Board to observe if she needs an employee. He explained the difference between a real estate office and a home occupation.

Mr. Victor explained to Ms. Hausam that in order for the Board to grant a hardship, she must show a hardship.

Case No. 13348 (continued)

Mr. Smith asked if there was a certain time Ms. Hausam would like to be restricted to . She stated that one year would be sufficient, and that if the economy is good, she might need even less time to get set up in a commercial location.

Mr. Jackere informed that by adding the employee variance to her request, Ms. Hausam is, in effect, asking for a principal use variance, while she just happens to live on the property.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-1 (Chappelle, Smith, Victor, "aye"; no "nays"; Purser, "abstaining"; Clugston, "absent") to **APPROVE** a **Special Exception** (Section 410--Principal Uses Permitted in the Residential Districts--Under the Provisions of Use Unit 1205) to allow a home occupation to permit a real estate office in an RS-2 zoned district; and to **DENY** a **Variance** (Section 440.6--Special Exception Uses in Residential Districts-Requirements) to allow a non-resident to be employed; subject to a one-year time limitation; on the following described property:

Lot 22, Block 1, Wells-Heath Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13349

Action Requested:

Special Exception--Section 610--Principal Uses Permitted in the Office Districts--Use Unit 1219--Request an exception to permit a hotel/motel in an OMH (pending) zoned district; and a

Variance--Section 930--Bulk and Area requirements in the Industrial Districts--Request a variance of the required frontage in an IL zoned district; and a

Variance--Section 1219.4--Off-Street Parking and Loading Requirements--Request a variance of the off-street parking requirements for a hotel/motel, located S. of SE/c of 79th East Avenue and 31st Court.

Presentation:

Attorney Roy Johnsen represented the Landmark Land Company in their application to permit a hotel/motel in an OMH zoned district. His clients own approximately 50 acres of land west of Memorial Drive between I-44 and the Broken Arrow Expressway, which is presently under development. Most of the land is zoned CS, while some of it is zoned IL. In the Comprehensive Plan it is designated for high intensity use, potential Corridor. Approximately one year ago, a portion of the 50 acres was zoned OMH by the TMAPC and the City Commission, and was brought before this Board, which granted a special exception for hotel/motel use. This use is presently under construction. Hotel/motel-type uses often exceed the floor area

Case No. 13349 (continued)

ratio of .5 percent, which is what CS zoning permits. OMH zoning permits a higher floor area ratio, but requires Board of Adjustment approval. OMH zoning has been recommended to the City Commission by the TMAPC for the subject tract (a portion of the 50 acres) and is pending, thus this request before the Board of Adjustment. The subject property will be composed of two zoning classifications. Mr. Johnsen presented an area map and described those classifications to the Board. The present CS zoning is adjacent to the IL zoning to the south. Some of the parking for the hotel will be on the IL zoned tract, and the variance request for off-street parking on the IL property is to allow his clients to include the OMH zoned tract and the IL zoned tract as one property in order to meet the parking requirements designated in the Ordinance. The other variance request for the frontage is to allow the lot-split request before the Planning Commission so that the IL zoned property can be tied to the OMH property. This will prevent the IL zoned property from being conveyed separately from the OMH property. Mr. Johnsen informed that the area to the east of the hotel is an access (pedestrianway) to the pancake house. A site plan was submitted (Exhibit G-1).

Protestants: None

Comments and Questions:

Mr. Smith asked Mr. Johnsen if Landmark owns all of the IL tract which was formerly a mobile home park. Mr. Johnsen answered that Landmark does own all of that property, except the Memorial Drive frontage.

Mr. Smith asked Mr. Gardner if the OMH zoning has been approved by the Planning Commission. Mr. Gardner informed that it has been approved by the Planning Commission, but has not been before the City Commission. Any motion would need to be subject to the approval of the zoning, and subject to the lot split and the property tie. There is no hardship necessary for hotel use in OMH.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** a **Special Exception** (Section 610--Principal Uses Permitted in the Office Districts--Under the Provisions of Use Unit 1219) to permit a hotel/motel in an OMH (pending) zoned district; and a **Variance** (Section 930--Bulk and Area Requirements in the Industrial Districts) of the required frontage in an IL zoned district; and a **Variance** (Section 1219.4--Off-Street Parking and Loading Requirements) of the off-street parking requirements for a hotel/motel; subject to zoning and lot split approval, and subject to a property tie, per site plan submitted; on the following described property:

All that part of Lot 3, Interchange Center, an addition to the City of Tulsa, Tulsa County, Oklahoma as recorded by Plat No. 2336, filed October 28, 1960 with the County Clerk of Tulsa

Case No. 13349 (continued)

County, Oklahoma: More particularly described as follows, to-wit: Beginning at a point in the South boundary of said Lot 3 (the North boundary of N/2, SE/4, NE/4, Section 23, T-19-N, R-13-E) 710.00 feet from the Southeast corner thereof (760.00 feet from the Northeast corner of the N/2, SE/4, NE/4, Section 23, T-19-N, R-13-E); thence N0°01'30" East a distance of 340.39 feet to a point in the South right-of-way of S. 79th East Avenue; thence S89°56'27" E along the south right-of-way a distance of 19.76 feet; thence along the right-of-way on a curve to the left having a radius of 190.00 feet a distance of 136.18 feet; thence N48°59'32" E. a distance of 0.00 feet; thence S60°00'00" East a distance of 80.92 feet; thence S0°01'30" East a distance of 346.63 feet to a point in the south boundary of said lot 3 (the North boundary of the N/2, SE/4, NE/4 of Section 23, T-19-N, R-13-E) 495.00 feet from the southeast corner thereof; thence N89°58'30" West along the common boundary of said lot 3, and the N/2, SE/4, NE/4 of Section 23, T-19-N, R-13-E, a distance of 215.00 feet to the point of beginning, containing 76,820 square feet or 1.763538 acres, more or less.

and

All that part of the N/2, SE/4, NE/4 of Section 23, T-19-N, R-13-E, of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the official United States Government Survey thereof, more particularly described as follows, to-wit:

Beginning at a point in the north boundary of said N/2, SE/4, NE/4 of Section 23, T-19-N, R-13-E, (south boundary of lot 3, Interchange Center, an addition to the City of Tulsa, Tulsa County, Oklahoma) 760.00 feet from the northeast corner thereof; thence N89°58'30" East (N89°58'08" East Deed) along the common boundary of said N/2, SE/4, NE/4 and lot 3, Interchange Center, a distance of 460.00 feet to a point 300.00 feet from the northeast corner of said N/2, SE/4, NE/4; thence S0°01'52" East (S0°01'30" East Deed) a distance of 10.00 feet; thence N89°58'30" West (N89°58'08" West Deed) parallel to and 10.00 feet from the north boundary of said N/2, SE/4, NE/4 a distance of 180.01 feet; thence S0°01'30" West (S0°01'52" West Deed) a distance of 50.00 feet; thence N89°58'30" West (North 89°53'08" West Deed) parallel to and 60.00 feet from the north boundary of said N/2, SE/4, NE/4 a distance of 280.00 feet; thence N0°01'30" E (N0°01'52" East Deed) a distance of 60.00 feet to the point of beginning; containing 18,600 square feet or 0.426998 acres, more or less.

Case No. 13350

Action Requested:

Special Exception--Section 710--Principal Uses Permitted in the Commercial Districts--Use Unit 1215--Request an exception to permit

Case No. 13350 (continued)

a guttering and roofing establishment in a CS zoned district, located E. of NE/c of 107 East Avenue and 11th Street.

Presentation:

Attorney Roy Johnsen, representing Dixon Roofing, informed that the subject property is presently zoned CS, which is a form of retail shopping, but was used in the conversion in 1970 to zone properties formerly zoned Commercial. Under the Code, in the CS district, other trades and services can be permitted by this Board as a special exception. There is some question in the interpretation of the Code, as to the uses, and Mr. Johnsen informed that is why he filed a variance request. A plot plan (Exhibit H-1) and pictures (Exhibit H-2) were submitted and discussed. Mr. Johnsen informed that the subject property once accommodated a service station, and was converted to retail swimming pool sales. To the immediate east of the subject property there is a vacant tract of land also in CS zoning. The next lot has a house on it. Beyond that property is Ditch Witch, which is a fairly large and significant industrial use. Immediately to the west of the subject property, there is a quasi-industrial use, which accommodates Watts Glass and C and C Aluminum. The next tract to the west contains a one-story building built by Mr. Johnsen's client, who is presently located there. One lot to the west of that lot, is a muffler shop, which has demanded considerable attention from this Board. To the south of the subject property, there is an aluminum siding business. Immediately to the south and across 11th Street from the subject property is a camper sales. All of these uses would have required some type of special exception by the Board. Mr. Johnsen explained that his client has run out of space at his present location and there is space available to him approximately 165' to the east (the subject property).

Comments and Questions:

Mr. Jackere advised that the application presented to the Board does not include a variance request. Mr. Johnsen informed that he must have made an error.

Mr. Gardner informed that the applicant applied for Use Unit 1225 (automotive) and 1217 and the staff must have caught the error and changed the application to Use Unit 1215. If that is what the request is for, then the applicant is legal before the Board.

Mr. Johnsen explained that the Code uses the term "roofing" in Use Unit 1225, and in Use Unit 1215 (other trades and services), it lists "contract construction services," which he read to the Board. He expressed his feeling that what Dixon Roofing and Guttering proposes is like the uses of the same general classification in Use Unit 1215. However, in Use Unit 1225 (IL) there are several uses listed that confuse the matter, one of which is roofing. Mr. Johnsen pointed out that all of the work is done in other areas, and this location will mainly accommodate their offices and storage. He further informed the Board that Dixon Roofing and Guttering is one

Case No. 13350 (continued)

of the nicest uses in the area. The nature of the other uses on 11th Street has already set a precedent for industrial uses in the area. Mr. Dixon's main service is repairing of old roofs, not new construction. Most of that service is done on existing residential homes.

Mr. Jackere feels that a special exception is necessary only when the use is not included in the Code; however, since roofing is mentioned in Use Unit 1225, there may not be a reason for the listing.

Mr. Victor asked Mr. Johnsen if the storage would be inside. Mr. Johnsen replied that storage will be inside with the exception of the wood shingles (which are highly flammable, but aren't affected by exposure), aggregate rock and asphalt (which comes in drums). This storage will be behind the building and there will be screening on the north boundary, although there is some question as to the positive affects of screening.

Protestants:

Mildred Whiten informed that she owns the property adjacent to the north of the subject property. She stated that she has tried to reach the owner of Dixon Roofing and has been unable to. Her presence at this meeting is to insure that she will be informed about the plans for the subject property. She expressed her concern that as the landowners around her keep filling their properties to raise them out of the floodway, hers will continue to receive the runoff. She stated that she would like to know how large the building will be, is his property in a floodway, and where he intends to get the soil to fill in his property. She informed that only approximately 100' on the front of her property is not in the floodway and she had to have this Board's permission to build a home on piers in order to rebuild on her property after the flood. She is concerned about the construction of a building directly south of her property which will be in the floodway, and how that will reroute water. In answer to a question from Mr. Jackere, Ms. Whiten explained that in order to elevate the land, Dixon Roofing would have to bring the soil from the back of the property to the front of the property, which would increase the floodway through her area.

Additional Comments:

Mr. Smith informed Ms. Whiten that in order for Mr. Johnsen's client to acquire a Building Permit, he would have to subject the land to a hydrology report, and he cannot alter his property in such a way that would increase the flooding affects on another piece of property.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to CONTINUE Case No. 13350 until November 1, 1984.

Case No. 13351

Action Requested:

Variance--Section 1212.4--Off-Street Parking and Loading Requirements--Use Unit 1212--Request a variance of the parking requirements for a restaurant, 4 on-site, 19 off-site, in a CH zoned district, located on the NW/c of 17th Street and Main.

Presentation:

Casper Jones, 1302 South Fulton, representing the applicants, Olsen-Coffey Architects, submitted a site plan (Exhibit 1-1) and explained to the Board that the applicant owns six lots. The restaurant in question will be on the NE/c of 17th and Boulder. He explained that one of the buildings on a lot across the street, will be removed to allow parking. The applicant also owns lot 4 and 5, which will provide thirteen additional parking spaces. He informed that they are negotiating for additional parking that is available in the area. In answer to a question from the Board, Mr. Jones informed that there is property between the subject tract and lots 4 and 5 which is not owned by his client. The restaurant will be 5,018 sq. ft. divided as such: 1,000 sq. ft. will be eating area; 400 sq. ft. will be bar area; the storage, restrooms, kitchen and offices will occupy 3,618 sq. ft.

Comments and Questions:

Mr. Jackere clarified for the Board that the applicant is asking for a variance of off-street parking from 67 spaces to 23 spaces and all but 5 of the 23 spaces will be off the lot of use.

There was discussion about where the required off-street parking will be located.

Ms. Purser asked Mr. Gardner if the required off-street parking for a restaurant was computed by square footage or seating capacity. Mr. Gardner informed that it was based on gross square footage, but was related to capacity.

Interested Parties:

Randy Krele of Olsen-Coffey Architects, 324 East 3rd Street, described an architectural rendering depicting the locations in the area which provide parking, either paid or free.

Ron Gates of the Regal Company, 420 South Main, Suite 423, informed that they are developing this property for S. Carl Mark. In January the Regal Company was employed to project a highest and best use study for the subject property. They determined that there are an inadequate supply of restaurants to service the offices in the immediate area. The market analysis showed an adequate amount of potential "foot trade" due to the property's close proximity to downtown. There are approximately 4,000 employees who park in the immediate area and could walk to a restaurant at that location.

Case No. 13351 (continued)

Ed Roberts of the Regal Company presented a parking study (Exhibit 1-2) and explained that they have been negotiating with adjacent property owners for the use of parking. He informed that he has contacted Nobel Forbes and FRACORP. Mr. Forbes has agreed to not only to support the project, but has also offered to let the Market use his parking on the east side of Main Street at 17th Street. He presented a letter to that effect. FRACORP has agreed to support the project and, although he did not have a letter, Mr. Roberts informed that Stan Patton has given consent to allow them to use their parking.

Additional Comments and Questions:

Mr. Jackere expressed his concern over the parking. He informed that the office building to the north was "grandfathered" in and does not meet the required parking for its square footage. This project would reduce the number of parking provided for that building in order to serve the restaurant. The Code does not permit that.

Mr. Victor asked what the hours of operation will be. He was informed that the restaurant will be open from 11:00 a.m. until 12:00 a.m.

Protestants:

P. D. (Bud) Inhoff, President of the MidContinent Casualty Company and Oklahoma Surety Company, each of which owns property within 300' of the subject property. He stated that he agrees wholeheartedly that a good restaurant would be an asset to the area. However, the parking situation is already a severe problem, and an addition of this type could only worsen it. He pointed out that the Ordinance requiring off-street parking for CH zoned property was passed in June of 1984; that the parking referred to on Boulder is restricted to certain hours of the day; and that Mr. Marks owns the property adjacent to the subject property on the north; and that the tenants of that apartment building have no parking available to them at all. The tenants of the office building are constantly using the parking spaces assigned to Mr. Inhoff's employees, which is a considerable inconvenience to someone who is trying to get to work by a certain time. He stated that he does not disagree that the use would be appropriate, but protests the variance on the parking. He described several parking problems he feels the restaurant would create. He has bought 92 parking spaces for his employees and leases 10 others, some of which is on the other side of Boston. In answer to a question from the Board, he informed that he did not care to have the restaurant using his lot after hours, due to the increase in maintenance costs.

Norma Turnbo, 1822 South Cheyenne, is the District 8 Representative to GTC. She informed that District 8 has revamped their Comprehensive Plan, working very hard to keep CBD zoning out of the District. The parking is already terrible, and a restaurant at this

Case No. 13351 (continued)

location would create another "Brookside." The Park Bench has a tremendous parking problem, some of which has been relieved due to the construction on the corner of 21st and Boulder. She pointed out that if the applicants had to explain to the Board where the leased parking was, that people who come to eat at The Market would have to play a "find-the-parking-lot" game. She emphasized that she is very concerned. Many of the "paid parking" lots are empty, because people would rather walk than pay for parking. She added that there is no parking along Cheyenne available to the residents of the neighborhood, because employees from surrounding businesses park along the street by 7:30 a.m.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **DENY** a **Variance** (Section 1212.4--Off-Street Parking and Loading Requirements--Under the Provisions of Use Unit 1212) of the parking requirements for a restaurant in a CH zoned district, on the following described property:

Lots 4, 6, and 7, Block 2, Harbour Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13352

Action Requested:

Variance--Section 430.1--Bulk and Area Requirements in the RS, RD and RM districts--Use Unit 1206--Request a variance of the setback from the centerline of Richmond Avenue from 60' to 45' to permit an addition to an existing dwelling in an RS-1 zoned district, located on the NW/c of E. 103rd St. and Richmond Avenue.

Presentation:

The applicant, Richard Pembroke, 4219 East 103rd Street, informed that he has lived at the present address for nine years, and proposes an addition to his existing dwelling. The addition is Forest Oaks, and named so for the large trees in the area. These trees create the necessity for an abundance of maintenance equipment (i.e. lawnmower, weed-eater, leaf-blower, etc.) for which Mr. Pembroke has no storage. He informed that he has been keeping the lawn equipment in the garage, leaving his cars out in the weather. It is his intention to build an attached accessory building to store the tools and equipment in. A site plan was submitted (Exhibit J-1). He informed that he does not wish to put a storage "shed" behind his house because the neighborhood residents are proud of their open spaces and do not use privacy fences. He has talked to surrounding homeowners and has had no protests to his proposal. He informed that having his cars outside has presented a problem in their upkeep, due to the droppings of sap from the trees.

Protestants: None

Case No. 13352 (continued)

Comments and Questions:

In answer to a question by the Board, Mr. Pembroke informed that Richmond is a cul-de-sac.

Mr. Smith noted that Mr. Pembroke's proposed addition would block his northern neighbor's view. Mr. Pembroke informed that the neighbor's house sits to the back of a pie-shaped lot.

Mr. Smith asked if the addition would conform to the style of the existing house. Mr. Pembroke informed that he is in touch with the contractor who built his existing home, and he is able to purchase the same type of stone that was used for it.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "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 setback from the centerline of Richmond Avenue from 60' to 45' to permit an addition to an existing dwelling in an RS-1 zoned district, subject to conformity of materials used in the existing structure, per site plan submitted; on the following described property:

Lot 11, Block 4, Forest Oak Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13353

Action Requested:

Special Exception--Section 1420--Non-Conforming Use of Buildings and Land in Combination--Use Unit 1206--Request an exception to permit a carport to be attached to an existing dwelling in an IM district, located at 1104 West 41st Street.

Presentation:

The applicant, Eugene Campbell, 1104 West 41st Street, was represented by Charles Burris, 2925 East 57th Street. Mr. Burris informed the Board that Mr. Campbell's home is surrounded by five or six large metal buildings, and submitted pictures (Exhibit K-1) and a plot plan (Exhibit K-2). The carport will be placed between the applicant's home and one of the large metal buildings, which is approximately 60' x 80'. He informed that the contractor started the work without a Building Permit and he now needs a variance to complete the work. The carport will be tied to both the residence and the metal building.

Protestants: None

Comments and Questions:

Mr. Victor asked Mr. Burris if there are other residences in the area. Mr. Burris replied that there is a home immediately to the

east of the subject property, and the rest of the area is Industrial.

Mr. Gardner explained that the use is nonconforming because he is zoned IM and the Ordinance allows a special exception, so there is no hardship necessary.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 1420--Nonconforming Use of Buildings and Land in Combination--Under the Provisions of Use Unit 1206) to permit a carport to be attached to an existing dwelling in an IM district; per plot plan submitted; on the following described property:

The east 102' of the West 670' of the North 448.4' of the E/2 of the NW/4 of Section 26, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

Subject: Amendment to State Law

Presentation:

Alan Jackere submitted a letter from the Legal Department which advised of an amendment to State Law:

"Effective November 1, 1984, State Law requires that the Minutes of the Board of Adjustment meeting

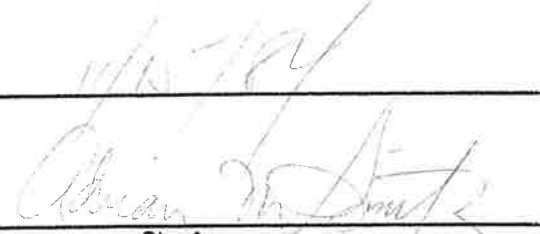
'at which the variance or special exception was granted shall show that each element of a variance or special exception was established at the public hearing on the question, otherwise said variance or special exception shall be voidable on appeal to the district court.'

Construed in context with other provisions of State Law and our Zoning Code (11 O.S. 44-107; 42 Tulsa Revised Ordinances §§1670.3, 1680.3), we interpret the above language to require that the Board's findings as required by Sections 1670.3 and 1680.3 of the Code be specifically made a part of the minutes of each case. Your staff should be instructed accordingly."

There was no discussion and no action was necessary.

There being no further business, the meeting was adjourned at 4:45 p.m.

Date Approved _____


Chairman

10.18.84:424(31)

