

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 569
Thursday, August 16, 1990, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bolzle Bradley Chappelle Fuller	White	Gardner Moore Richards	Jackere, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Wednesday, August 15, 1990, at 8:20 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Vice-Chairman Bradley called the meeting to order at 1:00 p.m.

MINUTES:

On **MOTION** of **BOLZLE**, the Board voted 3-1-0 (Bolzle, Chappelle, Fuller, "aye"; Bradley, "nay"; no "abstentions"; White, "absent") to **APPROVE** the Minutes of August 2, 1990.

UNFINISHED BUSINESS

Case No. 15486

Action Requested:

Variance of the lot width, lot area, land area per dwelling unit, livability space per dwelling unit, front yard, rear yard and side yard requirements - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 30th Place between Trenton and Troost.

Presentation:

The applicant, **Roy Johnsen**, requested that Case No. 15486 be continued for four weeks, as the architect for the project has been out of the City. He informed that the request has been changed from two dwelling units to only one dwelling and, due to the irregular shape of the property, the placement of the house on the lot is being studied in determining the necessary relief.

Protestants: None.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **CONTINUE** Case No. 15486 to September 20, 1990, as requested by the applicant.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15502

Action Requested:

Minor Variance of the required setback from the centerline of South Yale Avenue from 50' to 35' to permit a temporary development sign - **Section 1221.C GENERAL USE CONDITIONS FOR BUSINESS SIGNS** - Use Unit 21.

Comments and Questions:

Mr. Richards informed that **Daniel M. Sewell**, 20 East 5th Street, Tulsa, Oklahoma, has requested by letter (Exhibit A-1) that Case No. 15502 be withdrawn.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **WITHDRAW** Case No. 15502, as requested by the applicant.

Case No. 15504

Action Requested:

Minor Variance of the required front yard setback from 30' to 29.6' from the property line to clear the title - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 4156 East 45th Street South.

Presentation:

The applicant, **Juanita Satterfield**, 4137 East 44th Street, Tulsa, Oklahoma, stated that she is representing the owner of the house in question. She pointed out that one corner of the existing dwelling was constructed 6" over the building setback line. Ms. Satterfield requested approval of the minor variance to clear the title and allow the property to be sold.

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Minor Variance** of the required front yard setback from 30' to 29.6' from the property line to clear the title - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per survey submitted; finding a hardship demonstrated by the placement of the house on the lot and the curvature of the street; on the following described property:

Lot 7, Block 6, Patrick Henry Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15497

Action Requested:

Variance of the required building setback abutting an R zoned district from 75' to 50' to permit construction of a new building - **Section 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 23, located 6900 Block of East Reading Place.

Presentation:

The applicant, **Jack E. Thomas**, 1304-A West Detroit, Broken Arrow, Oklahoma, submitted a plot plan (Exhibit C-3) and stated that the building in question was designed 10 years ago and a building permit was issued; however, the structure was not built at that time. He informed that the proposed building will align with an adjacent building which has been constructed 50' from the Residential District. Photographs (Exhibit C-1) and a Stormwater Case Review (Exhibit C-2) were submitted.

Interested Parties:

Reuben Turman, 6649 East Reading, Tulsa, Oklahoma, stated that he is concerned that the sewer line will be covered with paving, which will make repairs difficult. He informed that the sewer line is approximately 20' from his fence line.

Comments and Questions:

Mr. Gardner explained that the sewer easement is for the benefit of the City, and if paving is installed over the line, the owner will be responsible for repairs to the concrete if digging is necessary for sewer maintenance. He pointed out that it is not uncommon to have paving over sewer easements.

Mr. Turman stated that he is not concerned with paving over the main sewer line, but is uncertain how he will maintain the 20' of line from his property line to the main line.

Mr. Jackere stated that he is not certain who would be responsible for the sewer repair, but the issue before the Board at this time is the variance request.

Mr. Thomas explained that the sewer line was not properly located, as it was to be installed along the rear property lines of the 10 houses it serves. He informed that the City is proposing to inspect the sewer line to determine its condition, and if it is not in good repair, the line may be relocated to the rear of the residential lots.

Mr. Bolzie asked Mr. Turman if he is opposed to the variance request, and he replied that he has no problem with the location of the building.

Case No. 15497 (continued)

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Variance** of the required building setback abutting an R zoned district from 75' to 50' to permit construction of a new building - **Section 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 23; per plot plan submitted; finding that the building adjacent to the proposed structure is 50' from the residential area; and the granting of the variance request will not impair the spirit, purposes or intent of the Code, on the following described property:

Commencing at the southwest corner of Section 26, T-20-N, R-13-E, Tulsa County, State of Oklahoma; thence north 0°08'44" West along the west line of Section 26 a distance of 1178.12'; thence north 89°59'00" east a distance of 649.30' to the POB; thence north 0°14'07" west a distance of 301.87' to a point on the southerly right-of-way line of the St. Louis & San Francisco Railway right-of-way; thence north 84°32'06" east along said southerly right of way line a distance of 672.27'; thence south 0°17'26" east a distance of 365.65'; thence south 89°59'00" west a distance of 669.83; to the POB, containing 5.131 acres, more or less, and being located in an IM zoned district, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15498

Action Requested:

Special Exception to permit a mobile home used as a dwelling to remain - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9.

Variance of the time limitation for mobile homes from one year to permanent - **Section 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9, located 2928 East 46th Street North.

Presentation:

The applicant, **Mary Stevens**, 2928 East 46th Street North, Tulsa, Oklahoma, submitted a photograph (Exhibit D-1) and requested permission to permanently locate a mobile home on her property at the above stated location.

Comments and Questions:

Mr. Bolzie inquired as to the length of time the mobile home has been at this location, and Ms. Stevens replied that it was placed on her property approximately five years ago. She added that the mobile is located on a dead end street near her parents home, and is skirted and permanently installed. A letter of support (Exhibit D-2) was submitted.

Case No. 15498 (continued)

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Special Exception** to permit a mobile home used as a dwelling to remain - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; finding that the mobile home has been at this location for five years and has proved to be compatible with the neighborhood; on the following described property:

Lot 1, Block 1, Lake View Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15499

Action Requested:

An appeal from the decision of the Tulsa Code Enforcement officer in not permitting a model home sales office - **Section 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 11, or alternatively,

Variance to permit model home sales office in a developing Residential District - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 11, located 9107 South 85th East Avenue.

Presentation:

The applicant, **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma, stated that he is appearing on behalf of Roland and Associates, and that Mr. Roland is a homebuilder in Tulsa, Broken Arrow and other surrounding communities. Mr. Johnsen noted that it has been customary for the last 40 years to have model homes with salesmen to market lots in developing subdivisions. He further noted that he is familiar with only two complaints concerning this procedure of marketing homes. Mr. Johnsen pointed out that after the area is developed the builder makes the necessary alterations to the model home and it is sold as a single-family dwelling. He stated that the garage door has been removed and a glassed front, with a regular door for the office space, has been installed in the standard garage opening. He stated that the front will be removed and the house restored to its previous condition after the garage is no longer needed for a sales office. Mr. Johnsen pointed out that one of the previous complaints of a model home sales office was concerning a model home that was used for a base office for the builder, with all activities being conducted at that location. He asked the Board to permit the use of a residential structure as a model home and sales office during the period of time that the builder has lots for sale in the vicinity. Mr. Johnsen stated that the Oak Leaf subdivision was platted more than 10 years ago; however, numerous lots did not sell, and the property was a part of a bankruptcy action. The applicant stated that activity in the subdivision had essentially stopped, and 40 to 50 lots were sold at wholesale prices approximately one year ago. He pointed out that Mr. Roland acquired

Case No. 15499 (continued)

several lots at that time and constructed the model home. It was noted by Mr. Johnsen that his client has purchased approximately 40 lots in nearby subdivisions and has sold 20 of these lots. He asked that, since there is ongoing activity in adjoining subdivisions, the Board find the use of the model home and sales office to be a customary accessory use to the development. He pointed out that the Code does not specifically address this type of use, and asked the Board to either find that an error has been made in the decision of the Code Enforcement officer in not permitting the model home sales office, delay action to allow a study to amend the Zoning Code, or permit the use, with conditions, for a period of one year. A letter of appeal (Exhibit E-2), photographs and a map (Exhibit E-4) were submitted by the applicant.

Comments and Questions:

Due to the fact that Mr. Roland has lots elsewhere, Mr. Bolzie asked if there is a reason this particular lot is a preferred location for a sales office, and Mr. Johnsen replied that the visibility of the lot caused it to be a desired location for the sales office.

Mr. Fuller asked if all lots in the area will be developed during the next year, and the applicant stated that the 20 lots Mr. Roland owns in this area will probably be developed within a year.

In response to Mr. Bolzie, Mr. Johnsen stated that all lots have been sold in Oak Leaf, except the lot where the model home is located.

Interested Parties:

Jerry Eisner, Executive Vice-President for the Tulsa Builders Association, submitted a copy of a letter (Exhibit E-6) sent to the Tulsa Metropolitan Area Planning Commission, which requested a possible revision of the current Zoning Code in regard to model homes in developing subdivisions.

Additional Comments:

Mr. Jackere stated that ordinarily a model home is built for the customer viewing, which is not a violation; however, this application is for a sales office with two salesmen.

Mr. Eisner stated that the home sales are beginning to escalate, and two people are needed during the busy times.

Mr. Bolzie asked if Mr. Roland owned lots in Oak Leaf when the model home was constructed, and Mr. Johnsen replied that he owned three lots in the subdivision at that time. Mr. Bolzie stated that he is opposed to model home sales offices being set up on corner lots in one subdivision merely because they are connected by a street to another subdivision.

Mr. Jackere inquired as to the furnishings in the model home, and Mr. Johnsen stated that a conference table and two desks are the only furnishings in the home.

Case No. 15499 (continued)

Mr. Chappelle remarked that he is familiar with the type of sales office that is located in the garage, with the remainder of the home being occupied as a single-family dwelling.

Protestants:

Gordon Harman, 8522 East 91st Place, Tulsa, Oklahoma, requested that a representative from Chimney Hills Estates be heard first, as he has another appointment.

Larry Henry, 1000 Oneok Plaza, Tulsa, Oklahoma, stated that Chimney Hills addition is experiencing a similar problem, as the model home is still being used for a sales office for property at other locations. He pointed out that there are numerous cars and trucks parked near the office, which causes a traffic hazard, and unsightly oil spots are left on the street by the construction vehicles.

Michael Merrick, 8736 South 68th East Avenue, Tulsa, Oklahoma, president of the Chimney Hills Estates Homeowners Association, stated that he is supporting the homeowners that are in opposition to the model home sales office. He stated that he is interested in the outcome of this application, as the association has been unsuccessful in their two-year attempt to get Mr. Alexander to vacate the sales office in their addition.

In response to Mr. Bolzie, Mr. Merrick stated that in lieu of complete abandonment of the model home, maybe the house could be brought into conformance with other homes in the area, with no banners or large signs.

In response to Ms. Bradley, Mr. Jackere stated that his conception of a model home would be one that a builder might build as a typical model of his construction techniques, which is also offered for sale.

Gordon Harman, 8522 East 91st Place, Tulsa, Oklahoma, stated that he lives two houses from the model home, and is representing the Oak Leaf Homeowners Association. A petition (Exhibit E-1) and photographs (Exhibit E-5) were submitted. He informed that the sales office is open from approximately 9:00 a.m. to 10:00 p.m., and sometimes later. Mr. Harman stated that the home containing the sales office is not for sale, nor is a vacant lot owned by Mr. Fritz, on which he plans to erect a model home if this variance is approved. He stated that a model home in their addition is not acceptable to the property owners, and asked that a precedent not be set by approving this application.

Mr. Fuller stated that he would not be opposed to a model home that was for sale and open for the public to view.

Ms. Bradley urged the protestants to avoid repetitious comments in order to allow everyone sufficient time to speak.

Case No. 15499 (continued)

Jim Hatch, 9116 South 85th East Avenue, Tulsa, Oklahoma, stated that he lives across the street from the property in question. He asked that the model home be placed in the addition that has lots for sale and asked the Board to restore this residential area. He stated that a neon sign is in one window and flood lights have been installed to light the outside of the house. Mr. Hatch requested that the application be denied.

Lavern Smittle, 9203 South 85th East Avenue, Tulsa, Oklahoma, pointed out that she is sometimes unable to leave the neighborhood without asking the builder to move his trucks. She further noted that there is an accumulation of trash around the model home.

David Clupper, 9211 South 85th East Avenue, Tulsa, Oklahoma, stated that cars are parked on both sides of the street at this location, and the school bus is forced to back out onto 91st Street when loading and unloading children.

Ben and Jeanie Powell, 8509 East 91st Place, Tulsa, Oklahoma, stated that they recently built a house to the east of the model home, and have had problems with prospective customers trespassing on their property. Ms. Powell voiced a concern that the numerous customers entering the neighborhood could result in a security problem.

John Seidel, 9232 South 86th East Avenue, Tulsa, Oklahoma, requested that the application be denied because the additional traffic creates a hazardous situation for the children of the neighborhood. He stated that the neighborhood is noisy on the weekend when most working people are attempting to relax.

Rendell Maxwell, 9234 South 88th East Avenue, Tulsa, Oklahoma, suggested that a model home should be used to sell homes in the neighborhood. He pointed out that the homes and lots in the adjoining neighborhood are smaller, and the home used as a sales office is in no way a model of what they are selling in the adjoining neighborhood.

A packet (Exhibit E-3) containing brochures and a real estate article were submitted.

Applicant's Rebuttal:

Mr. Johnsen stated that the basic point is the fact that the area is developing and there is a need for a model home and sales office.

Ms. Bradley asked if the model home is for sale at this time, and Mr. Johnsen stated that it will be for sale later, but not at this time.

Case No. 15499 (continued)

The applicant stated that the builder buys a lot that is favorably situated and constructs a house that will impress his customer. He stations a salesman in the house to sell property in the area, and when all property is sold, the model home will be sold also. Mr. Johnsen stated that this process has been going on for many years, and all subdivisions are somewhat unsightly during the construction period. He pointed out that the model home referred to in the Chimney Hills area was used for the general construction office, however, this is not the case at this location. He further noted that 91st is a busy street and traffic will always be heavy during peak periods. He pointed out that the model home and sales office is temporary and will be sold for a single-family dwelling after construction is completed in the area.

Additional Comments:

After discussion, it was the consensus of the Board that the area is approximately 80% developed.

Mr. Fuller asked Mr. Johnsen if his client has property across town that he might sell from the model home sales office, and he answered in the affirmative.

In response to Ms. Bradley, Mr. Johnsen stated that he is not sure if the houses in the adjoining addition are in the same price range as the houses in Oak Leaf. He pointed out that the houses in Oak Leaf may have been more expensive at the time they were constructed, but they have depreciated and he is not sure if the prices are similar now.

Mr. Bolzie stated that Mr. Roland might decide to buy additional lots for development, and the issue of this model home location being temporary seems to be an open question.

Mr. Johnsen explained that once the lots are sold the builder has no reason to be there, so the use is temporary. He pointed out that this development was underway for 10 years, but it could not be determined at the beginning that it would not be completed for 10 years. In summation, Mr. Johnsen pointed out that during the past 40 years people have been constructing model homes, and his client had no idea that he was in violation of the Code when he constructed the unit under discussion here today.

Ms. Bradley asked if the Rules and Regulations Committee had discussion on model homes, and Mr. Johnsen stated that the chairman of that committee has indicated that a meeting on this issue is upcoming. He informed that the entire process could be completed in approximately 120 days.

In response to Mr. Bolzie, Mr. Elsner stated that some developments have several phases and using the existing model home is more convenient than constructing one at another location.

Case No. 15499 (continued)

Ms. Bradley inquired as to the hardship for this case, and Mr. Johnsen replied that the Code creates the hardship, as model homes are not classified in the context of the Code. He further noted that the location of the house across the street from the new Walmart store is not as desirable as some other locations in the subdivision. Also, Mr. Johnsen pointed out that the addition did not develop immediately, and there is a mixture of old and new houses.

Mr. Bolzle stated that he sees this situation as a distinctly different set of circumstances than the request that the homebuilders have made to the Rules and Regulations Committee. He further noted that, if this situation was repeated, it would create problems in neighborhoods. He stated that he does not agree with the hardship presented by the applicant and is not supportive of the application.

Mr. Fuller stated that he is in agreement with Mr. Bolzle, and further noted that he is not opposed to a model home that is built for sale, but is not supportive of the use as presented.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **UPHOLD** the **decision** of the Code Enforcement officer in not permitting a model home sales office - **Section 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 11; and to **DENY** a **Variance** to permit a model home sales office in a developing Residential District - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 11; finding that the model home and sales office is in a fully developed subdivision and is not compatible with the neighborhood; and finding that a hardship was not demonstrated that would warrant the granting of the variance request; on the following described property:

Lot 25, Block 2, Oak Leaf Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15500

Action Requested:

Special Exception to approve a revised site plan in order to permit construction of a new canopy - **Section 210. YARDS** - Use Unit 15, located at 6911 East 71st Street South. Revised site plan for BOA Case No. 15066.

Presentation:

The applicant, **Mark Green**, 3800 South Dogwood, Tulsa, Oklahoma, represented Yale Cleaners, and requested permission to revise a previously approved site plan to include a canopy. He informed that the canopy will protect customers driving through the drop-off area, as well as those parking in front of the business.

Case No. 15500 (continued)

Comments and Questions:

Mr. Gardner informed that the previously approved plan has been altered, which requires another review by the Board.

Mr. Bolzle asked Ms. Hubbard if the proposed construction meets all Code requirements, and she answered in the affirmative.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Special Exception** to approve a revised site plan in order to permit construction of a new canopy - **Section 210. YARDS** - Use Unit 15; per revised plot plan submitted; on the following described property:

Lot 2, Block 2, Plaza Village Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15503

Action Requested:

Special Exception to permit the sale of mobile homes in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located southeast corner of 101st East Avenue and Admiral Place.

Presentation:

The applicant, **John Jennings**, was represented by **R. C. Cunningham**, 1440 Glenbrook Drive, Broken Arrow, Oklahoma, owner of the property in question. He explained that the application has been previously approved, but was not utilized due to the depressed economy in this area. Mr. Cunningham stated that the previous approval has expired, and the same application has been refiled.

Comments and Questions:

Mr. Gardner pointed out that there were numerous conditions of approval required for the previous application, and asked Mr. Cunningham if he can comply with those same conditions.

Mr. Cunningham asked if the Board would consider allowing a gravel driveway in front of the business.

It was the consensus of the Board that a gravel driveway would not meet Code requirements and would not be appropriate for the business.

Protestants: None.

Case No. 15503 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Special Exception** to permit the sale of mobile homes in a CS zoned district - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; per previously approved site plan; subject to the number of mobile homes not exceeding 20 standard units and 2 double wide units (22 total); subject to the mobile homes being placed on gravel or grassy areas, with driveway and parking being hard surfaced and providing parking for a minimum of 8 cars, subject to the homes being placed in the configuration as shown on the site plan, with the hitch area of the mobiles being skirted and disguised, subject to no flags or banners being permitted over the entrance, subject to the building setback lines and open grassy areas being as shown on the site plan, subject to a 6' high screening fence being erected on the east (south 75') and west boundary lines (south 95') and the existing southern fence maintained by the owner, and subject to no signs being erected or permitted on the property until a detailed sign plan has been submitted to and approved by the Board of Adjustment; on the following described property:

A part of Lot 2, Block 1, of Lots 1, 2 and 3, Block 1, the Amended Plat of Rosewood Center Addition to the City of Tulsa, County of Tulsa, Oklahoma, according to the recorded Plat thereof, more particularly described as follows: Beginning at the northwest corner of Lot 2, Block 1; thence south 150' to the southwest corner of Lot 2, Block 1; thence east along south line of said Lot 2, Block 1, a distance of 493.08' to a point; thence north 19°35'0" east a distance of 7.56' to a point; thence north 0°35'0" west a distance of 73'; thence north 4°0'0" west a distance of 70' to a point on the north line of said Lot 2, Block 1, thence west along the north line of Lot 2, Block 1, a distance of 489.84' to POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15505

Action Requested:

Variance of the required 5' side yard setback to 3' and the required 20' rear yard to 13' to allow construction of an addition to an existing residence - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 3304 North Lansing.

Presentation:

The applicant, **Larry Evans**, 209 East 52nd Place North, Tulsa, Oklahoma, submitted a plot plan (Exhibit H-1), and requested permission to construct an additional bedroom to the rear portion of an existing dwelling. He stated that the house is located on a corner lot.

Case No. 15505 (continued)

Comments and Questions:

Mr. Gardner pointed out that, due to the placement of the house on the irregular shaped lot, any construction to the rear would cause the house to move closer to the north property line.

Mr. Bolzle asked if the addition could be constructed closer to 33rd Street, and the applicant replied that the corner of the addition would then encroach into the required setback to the west.

Interested Parties:

Tommy Chiles, 3308 North Lansing, Tulsa, Oklahoma, stated that he lives to the north and asked if the applicant is proposing to encroach on his property, or just move closer to the boundary line.

Ms. Bradley explained to Mr. Chiles that the proposed addition will be within 3' of his property on one corner, and he stated that he is not opposed to the application.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-0-1 (Bolzle, Bradley, Chappelle, "aye"; no "nays"; Fuller, "abstaining"; White, "absent") to **APPROVE** a **Variance** of the required 5' side yard setback to 3' and the required 20' rear yard to 13' to allow construction of an addition to an existing residence - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plot plan submitted; finding a hardship imposed on the applicant by the irregular shape of the corner lot and the placement of the house on the lot; on the following described property:

Lot 28, Block 9, Chandler-Frates Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 15502

Action Requested:

The applicant, **Daniel M. Newell**, requests a refund of filing fees.

Comments and Questions:

Mr. Richards informed that the application was withdrawn after the case was fully processed, and suggested a refund of the public hearing portion of the fee, or \$25.00.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bolzle, Bradley, Chappelle, Fuller, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a refund of filing fees in the amount of \$25.00.

Case No. 15449

Action Requested:

The applicant, **Stan Draayer**, requests reconsideration of Case No. 15449.

Comments and Questions:

Mr. Gardner advised that this case had two continuances, and the applicant failed to appear at the third scheduled meeting. He stated that the minutes reflect that the Board felt that they had sufficient information to determine if the carport in question is compatible with the area.

Presentation:

Stan Draayer, 6781 East 26th Place, Tulsa, Oklahoma, stated that he did not receive notification of the last scheduled Board meeting.

Comments and Questions:

Mr. Jackere asked if Mr. Draayer was advised of the date for the continued hearing, and Mr. Gardner informed that the application was initially scheduled to be heard on June 7, 1990, and was continued to July 5th at the request of the applicant. Mr. Draayer then advised by letter that he had an appointment at the hospital on July 5th and was not represented at that meeting. The Board then voted to continue the case to August 2nd (one month), due to the applicant's health problem. Mr. Gardner informed that a copy of the minutes for each individual case is mailed to the applicant after approval, which is approximately two weeks following the meeting.

Mr. Draayer stated that he did not receive anything in the mail that informed him of the August 2nd hearing date. He informed that **Terry Wilson**, District 5 Planning Team Chairman, told him that he put a copy of the August 2nd agenda on his windshield, but that he did not see it.

Board Action:

Mr. Bolzle's motion to rehear the case died for lack of a second.

Additional Comments:

There was discussion as to whether or not the applicant was properly notified of the August 2nd hearing, as he stated that he did not receive the minutes of that meeting.

Mr. Fuller stated that he has a problem with continuing an application indefinitely.

Mr. Jackere advised that if an applicant continues to be absent at the scheduled hearings, the case can be dismissed by the Board.

Case No. 15449 (continued)

Board Action:

On MOTION of FULLER, the Board voted 3-1-0 (Bradley, Chappelle, Fuller, "aye"; Bolzle, "nay"; no "abstentions"; White, "absent") to DENY the request to reconsider Case No. 15449.

Mr. Draayer inquired as to what recourse he might have in this situation, and Mr. Gardner asked the Board if they would consider the application to be a different one if the carport was modified to align with the existing house on the side yard, and would only encroach on the front yard. He pointed out that the protestant to the west was opposed to the fact that the carport was very near his boundary line and rain on the metal roof was disturbing to those in the bedroom area. Mr. Gardner stated that he viewed the property and the carport actually extends over a third driveway.

Mr. Bolzle stated that he would consider the application to be a new one if the carport was modified to cover only the two-car driveway.

Mr. Jackere advised that, in his opinion, a modification of the carport would result in a new case.

Mr. Gardner stated that the applicant should be informed that, although the modified carport would be heard as a new application, there would be no guarantee that the carport would be approved. He stated that the applicant has the option to remove the carport, appeal the decision to District Court, or modify the carport and file a new application.

There being no further business, the meeting was adjourned at 3:43 p.m.

Date Approved Sept. 6, 1990

Sherry White
Chairman

