

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 619
Tuesday, October 27, 1992, 1:00 p.m.
City Council Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Doverspike S. White T. White	Bolzle	Gardner Jones Wiles	Jackere, Legal Department Hubbard, Protective Inspections Parnell, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, October 26, 1992, at 11:01 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

There were no minutes to be approved.

UNFINISHED BUSINESS

Case No. 16124

Action Requested:

Special Exception to permit a sand operation in an AG district - SECTION 201. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT - Use Unit 24, located 131st St. S. & Arkansas River.

Comments and Questions:

Mr. Jones submitted a letter from Philip S. Haney (Exhibit A-1) asking for withdrawal of this case.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to WITHDRAW Case No. 16124, as requested.

Case No. 16143

Action Requested:

Appeal from the decision of the Code Enforcement Official in requiring off-street parking to be an all-weather surface and a screening fence other than chain link - **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 17.

Variance of the all-weather surface parking requirement - **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 17.

Variance of the solid screening fence requirement - **SECTION 212.A.1. SCREENING WALL OR FENCE - Specifications** - Use Unit 17, located E of NE/c E. 11th St. and S. 73rd E. Ave.

Presentation:

The applicant, Tom Baker, 1605 South Denver, informed he is an attorney representing Dean and Emma Baker. Mr. Baker described the zoning history of this property and the surrounding area. The applicants purchased the property in March 1992. He informed the previous owner had dug a pond in the parking lot. The applicants purchased the property to use for a storage lot for their automobile repossession business. They have improved the property and are now using the lot for storage and for an auto sales lot. He informed that essentially their entire lot is enclosed and they park nothing outside. They feel this is grounds to be granted relief of the Code Enforcement decision (Exhibit B-1) concerning paved unenclosed parking. They do not believe they should have to pave the lot, nor do they believe they should have to put up a screening fence because the property has been there in continuous use for so long, and many other properties in this area are not fenced, screened, or paved. He submitted photographs of their property and the surrounding area (Exhibit B-2). He also submitted a zoning map of the area (Exhibit B-3). He informed that the side of the property which would require screening abuts McClure Park, and there are several trees in the area which provide natural screening. They feel that a screening fence would hinder security of their property. They do not feel that their use of the property is injurious to the neighborhood or detrimental to the public welfare. Mr. Baker informed when they bought this property from the FDIC, they incurred some rather substantial debt in the form of a five-year note. Someday they would like to fence and pave the property, but the owners are not financially able to do so within the next five years. Additionally, part of the parking lot was filled with fill material in April 1992, and they are concerned that paving it at this time without allowing for total settlement would be counterproductive

in that the pavement would probably move and hump and would look worse than it looks now.

Interested Parties:

Mike Patrick, City Counselor for this district, requested that the Board look at the difficulty in this area of bringing in new businesses and filling in the older areas that have deteriorated. He feels some latitude should be given to people who are interested in investing in this area. He feels this business does fit this area and has been an improvement for the area. He informed that no other businesses along the park are screened at this time. He would like to see screening in the form of landscaping rather than fencing.

Comments and Questions:

Candy Parnell, Code Enforcement, informed she issued a notice of violation in reference to a complaint she had received from a citizen. She is bound by the City through her position as a zoning inspector to enforce the ordinances in the Tulsa Zoning Code. It does require all-weather surfacing and screening on the north property line abutting the park. In checking the records she found that at the time the building was built the Code was not enforced concerning the screening and the all-weather surfacing. She does not have a problem with the Board granting a variance of the all-weather surfacing. She thinks the screening should be required because of the park. She suggested that the Board think about imposing a time limit until they could surface the parking, because the applicant has indicated to her that they do eventually wish to asphalt this entire lot.

Mr. Jackere asked the applicant about the nature of the business on the lot and if there was a designated area for customer parking. Mr. Baker informed that customers park wherever they want on the front part of the property. Mr. Jackere informed that the purpose for his question is that obviously the parking of vehicles for sale is parking, but also storage, and storage denotes a more permanency and less traffic. He suggested surfacing of the area used for customer parking.

Ms. White asked where the part of the parking lot is located which had been filled, and Mr. Baker showed on the exhibits where the holes were located.

There was discussion as to where customers park on the lot.

Mr. Doverspike asked the applicant if a certain part of the property could be fenced and leave an area for customer parking which could be hard surfaced before the remainder of the lot.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **AFFIRM** the decision of the Code Enforcement Official in requiring off-street parking to be an all-weather surface and a screening fence other than chain link - **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 17; to **APPROVE** a Variance of the all-weather surface parking requirement - **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 17, subject to all-weather surface being provided in the portion of the tract that abuts 11th Street and extends north to the southeast corner of the existing building, from that line west to the west property line being paved with an all-weather surface within one year of this date and with the balance of the property to be all-weather surfaced five years from this date; and to **APPROVE** a Variance of the solid screening fence requirement - **SECTION 212.A.1. SCREENING WALL OR FENCE - Specifications** - Use Unit 17, to allow landscape screening rather than a solid privacy fence, subject to the applicant returning with landscape plans demonstrating how the property will be screened; finding the landscape screen to be more appropriate in this instance and the delay in paving will not be injurious to the neighborhood on the following described property:

West 100' of the South 304.78' of the East 1873' of the SE/4, less the South 95', Section 2-19-13.

Case No. 16146

Action Requested:

Special exception to permit church use in an IL zoned district - **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS** - Use Unit 5, located 7727 East 41st Street South.

Presentation:

Bill Scheer, 9062 East 95th, Tulsa, submitted site plans (Exhibit C-1) and a weekly itinerary (Exhibit C-2) for their ministry. He informed they are putting together a church that accommodates people and their schedules with services for adults, youth, and children. They are primarily targeting young people. They are also planning a benevolent ministry.

Comments and Questions:

Mr. Jones informed that at the last meeting the board had some concern about what types of uses are going to be conducted in the church. Although the applicant is asking for church use, some of the activities that were planned were not customary and accessory uses for a church. Mr. Jones had suggested to the applicant that he prepare a very detailed specific plan listing all the proposed uses they want to do.

Steve Perrop, 9160 South Darlington, showed where the different types of activities would take place on the property. He informed he had met with Ken Bode from Code Enforcement, and described the improvements they would have to make to meet Code requirements.

Mr. Doverspike asked if the applicant would object to outdoor concerts ending by 9:00 p.m. Mr. Scheer informed they would object because that defeats the purpose of providing a healthy hang-out for the kids who cruise Memorial. They would like to be able to have their concerts until 12:00 a.m.

Mr. Doverspike asked where the closest residential area is to this property, and Mr. Gardner informed that the nearest residential area is north of the Broken Arrow Expressway.

Mr. Gardner informed that the clubs in this area are open until 2 a.m. This proposal would provide an alternative.

There was discussion about the recreational aspects of the ministry.

John Moody, 550 Oneok Plaza, represents the landlord of this facility and is also appearing on his own behalf in support of this application. He informed that the outdoor activity concerts occur mainly in the summer months. They are necessary to operate until midnight, because the kids don't even start cruising until after 9 p.m. The area is predominantly industrial and intensive commercial type area, so he does not believe the noise would be of any impact. Mr. Moody described how he became acquainted with this ministry. He informed that the applicant does have recreational intensive type facilities. The facility was originally a ballroom. It is ideally situated for the type of activity and services which this ministry provides. Mr. Moody informed that the two parties who objected to this at the last meeting no longer object to the operation of the church.

Mr. Chappelle asked what type of concerts will be conducted. Mr. Moody informed from 9 p.m. to 12 a.m. they will have various youth bands and rock-and-roll

Christian bands. The musical equipment is on a flatbed truck. He will not be a traffic generator, because his appeal is to the kids who are already cruising on Memorial.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a special exception to permit church use in an IL zoned district - SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS - Use Unit 5, subject to the plan submitted (Exhibit C-1) and subject to the hours of operation (music concerts to conclude at midnight) and events (Exhibit C-2) as submitted by the applicant in this meeting, finding the use to be in harmony with the area on the following described property:

E/2 of SW/4, SE/4, Section 23-19-13 of the IBM.

Case No. 16148

Action Requested:

Variance to permit two dwelling units per one lot of record - SECTION 207. ONE SINGLE-FAMILY RESIDENCE PER LOT OF RECORD - Use Unit 6.

Variance of the required 5 feet side yard to 2 feet, a variance of the required rear yard, a variance of the required 4000 square feet livability space per dwelling unit and a variance of the required 8400 square feet land area per dwelling unit.- SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL ZONED DISTRICTS - Use Unit 6, located 1714 South Madison.

Comments and Questions:

Mr. Jones informed that this case was continued from the last meeting because proper notice had not been given. Staff was not able to get proper notice out in time for the case to be heard at this meeting as well. Staff is recommending that this item be continued to the November 10 meeting. The applicant and interested parties have been notified of this situation.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **CONTINUE** Case No. 16148 to the November 10, 1992, meeting.

Case No. 16152

Action Requested:

Special exception to permit church use in an R district -
SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 5.

Variances of the maximum floor area ratio of .5, minimum lot size of 12,000 SF, minimum frontage of 100' and a minimum building setback of 25' from abutting properties within an R District - **SECTION 404.F.1-4 SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS - Use Unit 5, located N. of the NW/c of Xyler and Quaker.**

Comments and Questions:

Mr. Jones informed this case was continued from the last meeting because one abutting property owner had not received notice. The notice also did not go out in time to meet this meeting. Proper notice will be sent out today assuming that this case is continued so that this case can be heard at the November 10 meeting. Mr. Jones submitted an affidavit signed by the property owner who did not receive notice stating that she knows about the case and she has no problems with the case (Exhibit D-1). The applicant is willing to assume the risk and the responsibility of improper notice if the Board will go ahead and hear the case since all the other property owners did receive notice.

Mr. Jackere informed there is no question in his mind that someone entitled to notice who has not received notice can waive their right to that notice. He feels the affidavit indicates the property owner has no problem with the case and would constitute a waiver of her right to be at the meeting and receive notice. The Board concurred with Mr. Jackere's opinion on this matter.

Presentation:

Jim Wall, 2953 South Detroit, represented the North Peoria Church of Christ located at 2247 North Peoria. The church would like to construct a multi-purpose building on this land. The building will house the preacher's office, a library, youth counselor office, a kitchen, and a general assembly area. They would like to create a better facility to adequately serve the community and the church. He described some of the programs offered by the church. They feel that this will be a positive influence on the community.

Comments and Questions:

Mr. Doverspike asked if this building is already constructed, and was informed it is not.

Mr. Wall submitted a site plan (Exhibit D-2) showing how the building will lie. The building faces Peoria. Also submitted was an aerial photograph (Exhibit D-3).

Mr. Gardner asked about the property the church owns in the area, and Mr. Wall showed the lots which are owned by the church. The church owns all of this city block with the exception of lot 3 and the lot which Prince of Peace Lutheran Church is on.

Mr. Doverspike asked if the applicant would have any objection to screening the eastern property line to buffer the residential area across the street. Mr. Wall informed that end of the building would not be objectionable to look at. Ms. White informed her concern would be that the building might be more conducive to vandalism if it were screened. Mr. Wall informed the only doors on the east end of the building would be for emergency exit.

Mr. Gardner asked about the use of the property on the east side of the proposed building. He informed that this will just be a landscaped area.

Mr. Jones informed staff would like to see all of the parcels which the church owns be tied together as one.

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Special exception** to permit church use in an R district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; and to **APPROVE** Variances of the maximum floor area ratio of .5, minimum lot size of 12,000 SF, minimum frontage of 100' and a minimum building setback of 25' from abutting properties within an R District - **SECTION 404.F.1-4 SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 5, per the plans submitted and subject to a tie contract being filed to tie all of the present-owned church properties together, finding that most of the variances would not be required if the property were platted as one lot and finding church use in harmony with the neighborhood on the following described property:

Lots 1 & 2, Blk 1, DePriest Addition, Tulsa County, Oklahoma.

Case No. 16155

Action Requested:

Special exception to permit private club as an accessory use in an OM district or alternatively to vary the accessory use provisions of an OM district to permit the use of a historic structure for community service, educational and cultural activities including but not limited to weddings, receptions, fund raisers, and business and non-business seminars - **SECTION 602. ACCESSORY USES PERMITTED IN THE OFFICE DISTRICTS** - Use Units 5 and 11.

Variance of the off-street parking requirements - **SECTION 1205.D. and SECTION 1211.D. Off-Street Parking and Loading Requirements** - Use Units 5 and 11, located 1645 S. Cheyenne.

Presentation:

Roy Johnsen, attorney, 201 West 5th, Suite 440, informed he is appearing on behalf of Ed Luke and Charles Gunkel who own the property known as the Wrightsman which is an older three-story structure which was originally built as a single-family building. The property is zoned OM and is used as their insurance company offices as well as, in off-business hours, they lease it for receptions, weddings, and similar activities. He informed this came before the board last year, at which time the issue was whether the use described was within Use Unit 5 or Use Unit 19. The board was concerned that if the use was a Use Unit 5, it would be a by-right use in an OM district, and there would be no limits or restrictions. At that time, the board turned this interpretation down.

Mr. Johnsen would like the board to find that this is an accessory use and vary the requirement that it be customary and incidental. Most offices in this city do not rent out for wedding receptions. He feels this can be a basis for variance relief, which will then allow the board to impose appropriate conditions for this use to be compatible with the neighborhood. He discussed whether the use they are intending is actually a private club--they do not want a private club which is in the nature of a liquor facility.

Mr. Johnsen submitted and discussed a summary of last years activities (Exhibit E-1). From September 1, 1991, to August 31, 1992, the facility was used 220 hours which is only 10.58% of the time the building was in use. He feels this is a very incidental use of this property. He informed that the hours the events occurred last year were almost always off-peak. During these off-peak hours, there are any number of available parking lots nearby. Mr. Johnsen informed they have a letter

agreement with the operators of a parking lot to the immediate south of the property which allows them to use the 85 spaces for their off-peak activities. They will have available parking which exceeds ordinance requirements when they really need it.

Mr. Johnsen submitted development and use standards (Exhibit E-1) which he prepared for the operation of this facility. These standards identified the use of the property, limit the use to reserved private functions not open to the general public, limit the use to a two year time period to allow the board to monitor the facility to see if the conditions have been lived with and if it has been a problem for the neighborhood, prescribed the hours of operation for the facility, described the parking available as 12 on-site space and 40 off-site spaces, allow alcoholic beverages to be served but not sold, allow food to be catered and served but not prepared on the property, provide that the historical character of the exterior of the principal building shall be maintained. These standards are an effort to define and limit this use to what really occurs and to put it in a way where the board has a monitoring standard to go by and one that would enhance its compatibility with nearby properties.

Mr. Johnsen stated he does not feel the variance of the parking requirements would necessarily set a precedent for anywhere else in the city. He described the zoning in the area. He submitted a letter (Exhibit E-1) from the parking authority saying they could use the lot for off-peak parking, and if the property sells their use would terminate. If they do lose the parking and cannot find more parking within 300 feet, they are out of business.

Mr. Johnsen submitted a letter (Exhibit E-1) from the neighbor to the north of the property which states he feels the use is an appropriate one and does not detract from the neighborhood.

Comments and Questions:

Mr. Doverspike asked Mr. Johnsen if his client would object to limiting the time period to one year instead of two, and Mr. Johnsen informed they will adhere to whatever conditions the board imposes to allow them to operate.

Ms. White asked if the 12 on-site parking spaces would be used exclusively for parking, and Mr. Johnsen informed the owners would accept the limitation of using these spaces only for parking purposes.

Protestants:

Norma Turnbo, co-chairman of District 7 planning team, 1822 South Cheyenne, informed she worked very hard on the update of the comprehensive plan of district 7 and this area is medium intensity office and residential. She has never heard of an accessory use of an office building as a private club. There are residences on this street--it is a neighborhood. She protests that there is not sufficient parking on the property, because she feels people will park on the street first. She is concerned about emergency vehicles not having sufficient access to the houses in the neighborhood because of cars being parked on both sides of the street. She is also concerned about who will enforce whatever restrictions the board imposes if they approve this request.

Thomas Warlick, 205 West 17th, Unit E, lives directly across the street from the property in question. He submitted a letter (Exhibit E-2) to the board detailing his experience with these property owners for the last year. Even though they were denied their request last year, they have continued to use the property in the way they applied for in violation of the current zoning. He questions whether the owners will abide by any limitations which the board may impose. He feels that the community activities definition does not fit the property of the proposed use because community activity relates to serving the community or neighborhood which it is in, not the whole city. He informed he has observed that the office on the property is an out-building and the entire main building is used for the parties exclusively. He is concerned about having these activities during off-peak hours because those are the hours which he is trying to enjoy his property. There have been times in the past year when he has not been able to sleep because of the noise on the property.

Ms. White asked if the frequency of use of the building had changed from last year and the year before that. Mr. Warlick felt there had been a significant increase in the frequency of use.

Vincent Minchillo, 205 West 17th, Unit D, lives directly across the street from the property in question. He informed they get loud and boisterous and have had their driveway obstructed with cars. He is concerned about what would happen if this property was to be sold.

Terry Brennan, attorney, represented Norman Dunitz, a property owner at 1716 South Cheyenne. They feel the board should deny this application. They feel the property will continue to be used as a recreational facility. There is alcohol served on the property. There have been problems with noise, parking, and safety

in the area. He does not feel it would fall in Use Unit 5 because the residents are not being served by the proposed uses of this facility. This is a good residential area for families, and he is concerned about the safety of the children in the area.

Robert Holland, 1315 South Carson, District 7 Planning Chairman, sent out a flyer to area residents advising them that this application was before the board (Exhibit E-3). He received 17 responses, 15 of which were from people who live on Cheyenne between 17th and 18th street and who were opposed to the use of this property as what they perceive to be a bar. Mr. Holland feels that having free drinks is not more favorable than cash bars because people may be more likely to get drunk if the drinks are free. Parking and drunkenness are two of the concerns of the people in the area. There are people who live on this street who do not have off-street parking of their own so they are deprived of parking spaces at night and on the weekends.

Ms. White informed the Board has received several letters of protest asking for denial from residents in the abutting area (Exhibit E 4-6), and they do have one letter of support from the Mid-Continent Casualty Group and the Oklahoma Surety Company (Exhibit E-7).

Applicant's Rebuttal:

Mr. Johnsen informed that the second floor of the main building is used for offices for Mr. Luke and Mr. Gunkel. The annex building to the east of the main building is also used for office purposes. He informed that the property is mainly used for office purposes. He described the parking restrictions and situation on Cheyenne. He informed the objection revolves around the serving of alcohol, but people do drink at functions. He stated that whenever there is a function in which there is going to be alcohol served, they do require a security guard to be provided. They would accept having this security guard as a condition of approval. He feels that with the conditions they have suggested to the board they have presented a use which legitimately falls much closer to Use Unit 5 than it does to Use Unit 19.

Comments and Questions:

Ms. White informed that she has three concerns: 1) It is her feeling that this is a residential area primarily that has been the victim of spot zoning in years past; therefore, there have been a lot of encroachments. It is an at-risk area. 2) The fact that there is no parking on one side of the street during business hours. If parking on both sides of the street is allowed after hours, that definitely creates a problem because that is when people are home and when the residents use the

street for parking. 3) The fact that this is used for the accessory use mostly on Friday, Saturday, and Sunday, as this is the peak residential use.

Mr. Doverspike recognized that this is a mixed-use area, but the residential area is impacted by this facility and that can not be ignored. He feels that the level of the conditions and the number of them reflect how difficult it is to assimilate an operation of this nature into a residential environment. He does not see how it can be done without being injurious to the neighborhood, which is one of the elements the board must consider in a special exception.

Photos of the property were submitted (Exhibit E-7).

Board Action:

On MOTION of DOVERSPIKE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **DENY** a **Special exception** to permit a private club as an accessory use in an OM district or alternatively to vary the accessory use provisions of an OM district to permit the use of a historic structure for community service, educational and cultural activities including but not limited to weddings, receptions, fund raisers, and business and non-business seminars - **SECTION 602. ACCESSORY USES PERMITTED IN THE OFFICE DISTRICTS** - Use Units 5 and 11; and to **DENY** a **Variance** of the off-street parking requirements - **SECTION 1205.D. and SECTION 1211.D. Off-Street Parking and Loading Requirements** - Use Units 5 and 11, finding the use to be injurious to the area and not within the spirit and intent of the code on the following described property:

Lots 11 & 12, Block 9, Stonebreaker Heights Addition.

Case No. 16167

Action Requested:

Consider approval of amended site plan, located SW/c of 31st & South 129th East Avenue, and refund of fees in the amount of \$100.

Comments and Questions:

Mr. Jones informed this is an other business item--a non-public hearing item.

Presentation:

Joe Westervelt represented QuikTrip Corporation, 901 North Mingo Road. He informed that several meetings ago

they were granted the relief they needed to build a store on their property per plot plan. They have had to change the location of the building on the property at the direction of the Traffic Engineer since the last meeting, so they would like the Board to approve the amended site plan (Exhibit F-1).

Additional Comments:

Mr. Jones informed the application was originally taken as a minor amendment, but subsequently realized the matter could be handled as "other business".

Protestants: None.

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** the amended site plan; and to **APPROVE** a refund of fees in the amount of \$100.

A tract of land situated in the northeast quarter of the northeast quarter of the northeast quarter (NE/4, NE/4, NE/4) of Section 20, Township 19 North, Range 14 East, Tulsa County Oklahoma being more particularly described as follows, to wit: Beginning at the northeast corner of said Section 20, thence S 0 04' 47" E and along the East line of said Section 20 a distance of 250.00 feet, thence N89 41' 45" W a distance of 201.34 feet, thence N 0 18' 15" E a distance 0.00 feet, thence along a curve to the left with a radius of 50.00 feet and a central angle of 90 a distance of 78.54 feet, thence N 0 18' 15" E a distance of 200.00 feet to a point on the North line of Section 20, thence S89 41' 45" E and, along the North line of said Section 20 a distance of 249.67 feet to the point of beginning. Less and except the north 50.00 feet thereof Dedicated to the City by Instrument filed in Book 4001 at Page 832 and the East 50.00 feet thereof Dedicated to the City by Instrument filed in Book 4001 at Page 832, containing 38,170.5 SF or 0.87 acres.

NEW APPLICATIONS

Case No. 16156

Action Requested:

Variance of the setback from the centerline of W. 41st St. from 100' to 69' and from the centerline of S. Jackson from 50' to 41' to allow an enlargement to an existing building - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25, and a variance of the requirement of an all-weather surfaced unloading area, **SECTION 1304.C. DESIGN STANDARDS FOR OFF-STREET LOADING AREAS** located NW/c W. 41st and S. Jackson.

Presentation:

The applicant, John Merrill, informed he is an engineer at Boyle Services, 701 West 41st. He explained why they need the relief they are asking for.

Comments and Questions:

There was discussion as to whether or not the variance for a gravel unloading area was advertised, and Mr. Jones informed that portion was advertised, even though it is not included in the agenda.

Mr. Doverspike asked where the gravel lot is, and the applicant showed him on the submitted plot plan (Exhibit G-1). He informed that the gravel area is not for parking, but for loading and unloading.

Interested Parties:

A representative of Arkansas Freightways, who owns the adjoining property just to the north of the subject property, informed they are interested in knowing how this application will affect their property. After viewing the plot plan, he informed the Board they have not objection to this application.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Variance** of the setback from the centerline of W. 41st St. from 100' to 69' and from the centerline of S. Jackson from 50' to 41' to allow an enlargement to an existing building - **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** - Use Unit 25; all-weather surfaced unloading area, **SECTION 104.C DESIGN STANDARDS FOR OFF-STREET LOADING AREAS** per plot plan submitted finding the addition is only 4' 6" closer to Jackson Avenue than the present building and will not be injurious to the surrounding area; on the following described property;

Case No. 16156 (Continued)

That part of the S/2, SW/4, SE/4 of Section 23, Township 19 North, Range 12 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U.S. Survey thereof, described as follows, to wit: Beginning at a point on the South line of Section 23, said point being 520.99' West of the SE corner of the SW/4, SE/4, thence West along said South line a distance of 251.10'; thence North 400.00'; thence East parallel to the South line of said Section, a distance of 251.10'; thence South 400.00' to the point of beginning, containing 2.3 acres, more or less and being located in an IM Zoned District.

Case No. 16157

Action Requested:

Variance to permit a mobile home in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9; and a variance of the one year time limitation to five years - **SECTION 404.E.5. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9, located SE/c of N. Darlington and Young Pl.

Presentation:

The applicant, Richard Laxton, was represented by Jim Doherty, 616 South Boston. Mr. Laxton would like to place a mobile home in a residential single-family RS-3 zoned area. This property is adjacent to a mobile home park. He informed there are at least a dozen other mobile homes in this immediate neighborhood. They would like approval for a period of five years, to allow the applicant time to build a house on the property.

Board Action:

On **MOTION** of **DOVERSPIKE**, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to APPROVE a **Variance** to permit a mobile home in an RS-3 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9; and to APPROVE a **Variance** of the one year time limitation to five years - **SECTION 404.E.5. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9; subject to Health Department approval, skirting and appropriate tie-downs for the mobile home; finding that the use will not be injurious to the neighborhood on the following described property:

S140' of SW/4, SW/4, NE/4, NW/4 of Section 27, T-20-N, R-13-E of the IBM County of Tulsa, State of Oklahoma.

Case No. 16158

Action Requested:

Variance of the setback from the centerline of S. Harvard from 85' to 50' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6 and a variance of the maximum square footage permitted for an accessory building from 750 SF to 2,436 SF to permit an existing building - **SECTION 402.B.1.d. ACCESSORY USE CONDITIONS** - Use Unit 6, located 6751 S. Gary.

Presentation:

Steve Nodine, 6600 South Yale, an employee of Prudential Properties, represented Citicorp Mortgage. He submitted plans of the property (Exhibit H-1), and informed this action is requested so they can get title insurance and sell the property for a reasonable price. He submitted pictures of the subject property (Exhibit H-1), and informed the property has been this way for approximately 13 years.

Comments and Questions:

Mr. Gardner asked about the buildings and fencing on the property. He asked if there was ever a building permit issued for the structures.

Ms. Hubbard informed there were permits issued, but she does not know how they were issued.

Protestants:

Don Harrington, 3310 East 68th, lives across the street from the subject property. He is concerned that if this street is widened at some future date, they will want to take all the property off of their side of the street, because the wall on the subject property is right on the street. He is on the board of directors of their homeowners association, and informed the homeowners association is against approval of this application.

Corbett Stovall, 3313 East 68th Place, informed the subject property is a monstrosity and the wall on the property is about 8 feet high. The fence has iron spikes on the top. He informed there is a 4' x 14' incinerator on the property. He feels the property is a wreck and the fence should be torn down.

Bill Schmidt, 3314 East 68th Street, informed the house was built in violation of the ordinance of the City of Tulsa. He feels the property is an eyesore and should not be allowed. He feels the policies of the City of Tulsa should be enforced. He does not feel there is a hardship for the application.

Norma Craft, 3301 East 68th Place, is concerned about what will happen when Harvard is widened. She strongly objects to this application.

Applicant's Rebuttal:

Mr. Nodine informed the cost to remedy this situation would be astronomical. He does not feel approval would hurt the widening of Harvard.

Comments and Questions:

Ms. White informed the Board cannot consider economic hardship as a factor.

There was discussion about the accessory building on the property.

Mr. Gardner informed if a person has a garage attached to their house, what is usually considered customary and accessory building in the rear yard is a small accessory building above ground. This building is large, 2,400 SF, most of which is underground.

There was discussion about what was affected by this variance request, and it was stated that the house on the property is not affected.

Ms. White informed she is having trouble finding a hardship, and Mr. Gardner informed the hardship is obviously self-imposed.

Mr. Gardner informed he has talked to the City, and the fifty feet is adequate to enlarge Harvard to four lanes. The question that has been raised is whether the City would be out additional funds to have to purchase or pay for this improvement if damaged by the cut that has to be made in the hill during the four-laning of Harvard Avenue.

Mr. Jackere informed he feels there is sufficient information to deal with this case without the consideration of whether it may cost the City in the future.

Mr. Chappelle informed he does not feel the Board would approve this if it had come up before the buildings were built, but approval of it now will not change the way the property has appeared for the last 13 years.

Mr. Jackere does not feel that Mr. Chappelle's concern is within the standards to grant a variance.

Mr. Gardner stated that if they Board were inclined to grant relief on the basis that the individual did have a permit, there might be conditions the Board could impose

that would improve the situation. He suggested the Board members might want to go and look at the property before making a decision.

Board Action:

On MOTION of CHAPPELLE, the Board voted 3-0-1 (Chappelle, S. White, T. White, "aye"; no "nays"; Doverspike, "abstaining"; Bolzle, "absent") to CONTINUE Case No. 16158 to November 10, 1992, to allow the Board members to view the property.

Lot 5 and the S 33.5' of Lot 4, Block 1, Braniff Hills Annex, an Addition to the City of Tulsa.

Case No. 16159

Action Requested:

Variance of the 25' setback from an abutting R district to 0' on the north and 5' on the west - **SECTION 404.G.4. SPECIAL EXCEPTION USES IN THE RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 5, and a special exception to permit parking on a lot other than the lot containing the principal use - **SECTION 1301.D. GENERAL REQUIREMENTS** - Use Unit 10, located 7301 East 15th Street.

Presentation:

Charity Baptist Church was represented by William Hatfield, 5315 East 26th Place. He described the history of the land and the buildings and parking which exist on the property. They would like to build a modest fellowship hall to be used by the people who are already coming to the church. The parking lots have been in existence for 26 years.

Comments and Questions:

Mr. Gardner informed if this were treated as one piece of property, most of the variance would be eliminated.

Ms. White informed a letter had been received from Mr. and Mrs. Sebert, 1510 S. 75th E. Ave., which voices concerns over drainage (Exhibit I-1).

Mr. Gardner informed the City has a brand new storm sewer system that comes behind the old Paul Jones Elementary School and goes across the front of the subject property which drains into a big detention area. Mr. Hatfield informed their property does drain into this area. They have not had any flooding problems since the new system was put in.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a Variance of the 25' setback from an abutting R district to 0' on the north and 5' on the west - **SECTION 404.G.4. SPECIAL EXCEPTION USES IN THE RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 5, and to **APPROVE** a **Special Exception** to permit parking on a lot other than the lot containing the principal use - **SECTION 1301.D. GENERAL REQUIREMENTS** - Use Unit 10; per the plot plan submitted, subject to the execution of appropriate tie contracts tying the lots together, and subject to storm water management review of drainage finding the use to be in harmony with the Comprehensive Plan and area; on the following described property:

All of Block 13, less Lot 17, Eastmoor Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 16161

Action Requested:

Variance of the required side yard from 5' to 9" to permit an existing carport - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 1906 W. Easton Court.

Presentation:

The applicants, Bill and Jeanette Ward, Route 8, Box 499, Tulsa, informed they would like to sell their house. Approximately seven years ago, the old garage on the property was torn down and a carport was erected in its place. Mr. Ward submitted a photo of the subject property (Exhibit J-1) which shows there is no other place to put a garage or a carport on the property. Jeanette Ward informed she has lived on the subject property for 14 years. The people she paid to build the carport did not receive a building permit or build the structure to Code.

Comments and Questions:

Mr. Doverspike asked if there is a gutter that runs on the east side of the carport, and Mrs Ward answered in the affirmative.

Mr. Doverspike asked if there are other carports in the immediate vicinity, and Mrs. Ward informed there are others existing on her block. She informed the carport is consistent with others in the area.

Protestants:

Cheryl Snow, 1904 West Easton Court, submitted a letter (Exhibit J-2) and some photographs (J-3) from the gentleman who lives just south of the subject property. Ms. Snow informed she lives on the east side of the subject property. She read her concerns which included a concern that the guttering is over their air space and a concern that drainage and/or overflow from the guttering could cause damage to their property or their existing garage. She informed they were not consulted when this was built so close to the property line. She informed she does not believe there is nine inches between the structure and the property line. She is concerned about selling her property in the future because of the proximity of the carport.

Don Snow, 1904 West Easton Court, informed the contractor who built the structure was the applicant's brother and father. They were not consulted about the construction of the carport.

Applicant's Rebuttal:

Mr. and Mrs. Ward discussed an easement for a shared driveway which they had released at the request of the Snow's.

Comments and Questions:

Mr. White site-checked this property and informed there are other carports on this street, and this is consistent with others in the area.

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Variance** of the required side yard from 5' to 9" to permit an existing carport - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; subject to proper drainage and finding that the carport is not injurious to the neighborhood on the following described property:

N100' of Lot 2, Block 6, Irving Place Addition to the City of Tulsa.

Case No. 16162

Action Requested:

Variance to permit 2 ground signs per 100' of lot frontage - **SECTION 1221.C.9. GENERAL USE CONDITIONS FOR BUSINESS SIGNS** - Use Unit 12, located 3245 S. Harvard.

Presentation:

Steve Wilson informed he is representing Tulsa Automatic Music and The Place Lounge. Automatic Music has leased this property since 1967, and they bought the property in 1981. They have always had a portable sign until recently. The owners bought a new portable sign and the inspector told them they need a permit. He does not feel they need a permit because of the "grandfather clause." He showed a small drawing of the sign and described the surrounding area. Their bar is at the back of the lot and cannot be seen from Harvard. That is why they need the portable sign. There is a pole sign for the business, but it is visible from the street only if a person is right up on it.

Comments and Questions:

Mr. Doverspike asked if the property owners could lower the pole sign so that people from the street would be able to see it. Mr. Wilson informed that it would still be blocked by the buildings in the area.

Mr. Doverspike asked if the sign could be elevated, and Mr. Wilson informed it is as high as it can legally go.

Protestants:

Andrew Ryans, 3315 South Gary Place, lives directly west across Harvard from the subject property. He and some of his neighbors were not notified of this meeting, and he feels that others would have shown up to protest the case if they had received notice. Mr. Ryans informed he has a 9' privacy fence, but the pole sign, which is not well-kept, shines in his backyard. He feels the requested sign is ugly, and does not feel they need it in the neighborhood. He feels this would be detrimental to the area. He does not remember a portable sign being on this property until they changed the name of the bar.

Larry Ferguson, attorney, 4815 South Harvard, represents the Tulsa School of Ballet, which is located directly behind the club. They are concerned about the nature of the business on the subject property.

Applicant's Rebuttal:

Mr. Wilson does not feel the portable sign they are requesting would bother the neighbors.

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to DENY a Variance to permit 2 ground signs per 100' of lot frontage - SECTION 1221.C.9. GENERAL USE CONDITIONS FOR BUSINESS SIGNS - Use Unit 12, due to a lack of hardship; on the following described property:

S50' N90' Lot 1, S50' N90' of Lot 2, Shafer Addition, Sub 13-14 Albert Pike Second Subdivision.

Case No. 16163

Action Requested:

Variance of the required 10' setback from a freeway right-of-way to permit a sign - **SECTION 1221.C.1 - GENERAL USE CONDITIONS FOR BUSINESS SIGNS** - Use Unit 17, located 2251 E. 51st.

Presentation:

Max Armentrout, 2215 East 51st Street, is the construction manager of Hibdon Tire Center. He submitted pictures of the property and the surrounding area (Exhibit K-1). He explained to the board why they need the sign where they have proposed it.

Comments and Questions:

Ms. White asked if they have a wall sign, and Mr. Armentrout informed they do, but they will probably take it down due to poor visibility.

There was discussion about where the pole for the sign is located on the property.

Ms. White asked why the sign cannot be placed on the east property line, and Mr. Armentrout informed there is another sign there already.

Mr. Doverspike asked how long the sign has been on the property, and the applicant informed it had been there approximately 1 1/2 months.

Mr. Doverspike informed he does not see a hardship other than a self-imposed one. Ms. White concurred.

There was discussion about options for placement of the sign on the property.

Mr. Doverspike informed that because of the configuration of the buildings and the lay of the property, he can understand the concern about visibility.

Mr. Gardner asked if there was a topographic reason for putting their drive on the east side of the building rather than on the west side, and Mr. Armentrout informed there is fill on the west side of the building.

Mr. Gardner informed the irregular shape tract where the expressway curves could be considered a hardship and Ms. White informed the fill is part of the hardship as well.

Interested Parties: There were interested parties present.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a Variance of the required 10' setback from a freeway right-of-way to permit a sign - **SECTION 1221.C.1 - GENERAL USE CONDITIONS FOR BUSINESS SIGNS** - Use Unit 17; per the plan submitted; finding the shape of the lot and topography as the hardship on the following described property:

A tract of land in the South Half of the Southeast Quarter of the Southeast Quarter (S/2, SE/4, SE/4) of Section 30, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma according to the U.S. Government survey thereof, being more particularly described as follows, to-wit: Beginning at a point on the South line of said Section 30, said point being 660' Westerly of the Southeast corner thereof; thence Northerly and parallel to the East line of said Section 30, a distance of 240' to a point on the Southerly right-of-way line of the 51st Street By-Pass; thence Westerly along the Southerly right-of-way line of the 51st Street By-Pass; a distance of 130.33' to a point; thence Southwesterly along the Southeasterly right-of-way line of the 51st Street By-Pass a distance of 56.41' to a point; thence Southerly and parallel to the East line of said Section 30, a distance of 227.22' to a point on the south line thereof; thence Easterly along the South line of said Section 30, a distance of 185' to the Point of Beginning, less and except the South 35' for street purposes.

Case No. 16164

Action Requested:

Variance to exceed the permitted 44 SF of display surface area for a sign to 105' SF to permit a sign - **SECTION 602.B.4.a. Signs** - Use Unit 11, located 4325 E. 51st St.

Presentation:

The applicant, Eva Thaper, 6810 East 50th Place, submitted some pictures (Exhibit L-1) and informed she is taking an existing sign and pulling it all the way down to the ground and making it 2 feet narrower. They will be using the existing pole. The new sign will list all the tenants in her building.

Comments and Questions:

Mr. Doverspike asked what the hardship is, and Ms. Thaper informed she is concerned about losing her tenants if they do not have their name appearing on the sign.

Mr. Doverspike suggested that the applicant just put the name of the building on the sign, and put the names of all the tenants on an inside directory. Ms. Thaper informed she already has an inside directory.

Ms. Wilson asked if the old sign was up when the majority of the tenants moved in, and Ms. Thaper informed it has only been up about five or six years, and some of the tenants have been in there longer than that. Some of the tenants were promised their names on a sign when they moved into the building.

Mr. Doverspike informed he agrees with the Staff comments in that he does not believe that the intent of the Zoning Code is to identify individual tenants in an office complex, but to identify the office complex itself. He does not see anything that is unique to the property which would warrant the establishment of a hardship associated with the property which would warrant this kind of relief.

Ms. White agreed with Mr. Doverspike, and informed she feels it would definitely violate the intent of the Code where office complexes are concerned.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **DENY** a **Variance** to exceed the permitted 44 SF of display surface area to 105' SF to permit a sign - **SECTION 602.B.4.a. Signs** - Use Unit 11; finding no hardship on the following described property:

The West 220' of Lot 3, Moreland Second Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

Case No. 16165

Action Requested:

Appeal from the decision of the code enforcement officer that a business is being conducted from a single-family dwelling - **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 6, located 8004 East 87th St.

Presentation:

The applicant, Roy Johnsen, requested that this case be withdrawn.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **WITHDRAW** Case No. 16165, as requested.

Case No. 16166

Action Requested:

Variance of the required front yard setback from 35' to 25' - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Unit 6, located 4011 E. 62nd St.

Presentation:

John Brooks Walton, 2101 South Madison, informed he is the applicant's architect. They would like this variance because there is a large oak tree on the property from which they would like to build within a safe distance. He described the area and the setback requirements in the area.

Protestants:

Genra Sorem, 6143 South New Haven, informed she is a neighbor and is also representing the Braeswood Homeowners' Association. She does not believe there have been any other variances granted in this area, even on a corner lot. She does not think this tree is more significant than other trees which have had to be pulled out in order to build homes. She is concerned that they will no longer have the uniformity of setbacks which they currently have. She is concerned that this could set a precedent for other undeveloped lots in the area. She informed that most of the lots are set back about 45 feet, rather than 35 feet. She suggested that the house be moved to the east in order to save the tree.

Comments and Questions:

Mr. Jones informed that there have been several variances granted in the Braeswood addition.

Applicant's Rebuttal:

Mr. Walton informed there is a 15 foot easement on the property line which would prevent the house from being moved to the east. He informed that their drawings have been approved by the architectural board of the homeowners' association. The applicants have sent a letter to the neighbors within 300 feet and have received no complaint from any of them.

Interested Parties:

Mrs. Marianne Clark, 8017 South Sandusky, informed the oak tree is about 150 years old. She has been advised that there are a number of homes in Braeswood that have been granted variances and have been built forward of the building line.

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a Variance of the required front yard setback from 35' to 25' - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Unit 6; per plan submitted; finding that the RS-2 zoning adjacent to the subject tract on the east is less restrictive and the proposed setback will be in harmony with the setbacks along 62nd Street; on the following described property:

Lot 5, Block 1, Braeswood Addition.

Case No. 16170

Action Requested:

Special exception to permit a mobile home in an RS-3 District - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 9, variance of the one year time limitation - **SECTION 404.E.5. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9 and a variance to permit gravel parking - **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING** - Use Unit 6, located 1521 W. Oklahoma.

Presentation:

The applicant, Annette Norris, 738 East 35th Street North, informed this property has been in her family for three generations. She was told by Osage County that there was no zoning which would prohibit her from moving a mobile home on the lot. She has developed the property and now has a mobile home on the lot. She submitted pictures of the mobile home (Exhibit M-1) and the surrounding homes. She also submitted a site plan (Exhibit M-2). She informed there is an existing concrete driveway on the property which is the only one in the whole block area. She feels the mobile home is an improvement to the existing structures in the neighborhood.

Comments and Questions:

Ms. White asked if the applicant plans to skirt the mobile home, and she informed that she does plan to do so.

Ms. White asked about the variance to permit gravel parking, and Ms. Norris informed she did not request such a variance.

Protestants: None.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a Special exception to permit a mobile home in an RS-3 District - SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 9, to **DENY** a Variance of the one year time limitation - SECTION 404.E.5. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS - Use Unit 9; and to **DENY** a Variance to permit gravel parking - SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING - Use Unit 6; subject to appropriate skirting and tie-downs, subject to the plans submitted, subject to Health Department approval, for a period of one year finding the use to be in harmony with the area; on the following described property:

All of the 50' of the West 100' of the South Half of the West Half of Lot 2, Block 3, Lombard Subdivision of the SW/4, SE/4, Section 27, T-20-N, R-12-E, of the Indian Base and Meridian in Osage County, State of Oklahoma.

Case No. 16171

Action Requested:

Special exception to permit mobile home sales in a CS zoned district - SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS - Use Unit 17, located NE/c E. Admiral and N. Garnett Rd.

Comments and Questions:

Mr. Jones submitted a letter (Exhibit N-1) from the applicant stating that they are to be out of town when this item is to be heard. They are requesting that this item be continued to the November 24, 1992, meeting.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to CONTINUE Case No. 16171 to the November 10, 1992, meeting, as requested.

Case No. 16172

Action Requested:

Special exception to permit mobile home sales in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17, located SE/c E. Admiral Pl and S. Mingo Rd.

Presentation:

The applicant, Douglas Gorman, 9516 East Admiral Place, informed the area of the subject property is basically known as the mobile home strip. Their request is consistent with other businesses in the area. The subject property has been in use as a mobile home retail sales center since at least 1969. He was not aware of a zoning problem when he purchased the property a little over three years ago. The sales center is completely fenced in and has gravel surface under all the homes and striped asphalt parking for 16 to 18 customers. He further described the business and improvements they have made on the subject property. He submitted an aerial photograph (Exhibit O-1) and a survey of the area (Exhibit O-2).

Interested Parties:

Mike Patrick, City Counselor for this district, informed this is a flood plain area, and the applicant has been a help to the City by donating land which the City needed to help its Mingo Creek channel improvements. He requested that the Board approve this application.

Comments and Questions:

Ms. White informed a letter had been received from Mr. Howard Heller, Kin Properties, in White Plains, New York (Exhibit P-1). He objects to the application as he feels approval would devalue the property.

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to APPROVE a **Special exception** to permit mobile home sales in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 17; per survey submitted and per aerial photo exhibiting the layout dated March 1991 finding the use to be consistent with similar uses in the area; on the following described property:

PRT RES A BEG NEC TH W47.66 S277.24 TO NWC LT. 1, BLK 1, MEADOWS ADD TH NE132.86 TH NWLY 212.41 POB LESS N30 THEREOF FOR ST, AND PRT RESERVE A & B & PRT LT 1, BLK 1 BEG NEC RESERVE A TH SE259.29 E163.52 N251.18 W226.34 POB LESS N30 THEREOF FOR STREET, AND PRT RESERVE B & PRT LTS 1, 2, & 3, BLK 1 BEG 1026.77N & 80W SECR NE SEC 1, T-19-N, R-13-E, TH W533.09 NE215.31 NELY 208.15 NW40 NWLY 31.08 NW269.96 E410.68 S612.93 POB.

Case No. 16177

Action Requested:

Minor variance of the required front yard setback from 25' to 23' to permit an existing residence - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 6516 E. 86th St.

Presentation:

The applicant, Margaret Beshear, 6550 East 71st Street, informed she is appearing on behalf of Rosella Geiger, 6516 East 86th Street. She informed that this variance would accommodate one corner of a porch. This action is needed to clear title.

Board Action:

On **MOTION** of **T. WHITE**, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a Minor variance of the required front yard setback from 25' to 23' to permit an existing residence - **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per survey submitted in order to clear title of the property and finds the encroachment minimal; on the following described property:

Lot 3, Block 3, Huntington Place Addition

There being no further business, the meeting was adjourned at 4:38 p.m.

Date approved: _____

[Signature]
November 24, 1992
Chairman